



# 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 December 15, 2016 • 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: (11-10-16 UDO, 8-25-16 UDO)
4. Public Comment: Please state your name and address for the record.

### II. OLD BUSINESS

1. Tree Protection Ordinance

### III. NEW BUSINESS

1. Bed & Breakfast Text Amendment

### IV. REPORTS/UPDATES

2. Board Member Reports
3. Staff Reports – (LUP, upcoming text amendment)
4. Updates from Council Meeting – (Plans & Specs Text Amendment)

### V. OTHER

**Future Meetings:** January 26, 2017 (UDO), January 19, 2017 (Planning Board)

**Adjournment**

TOWN OF OAK ISLAND  
PLANNING BOARD – UDO REVIEW  
August 25, 2016—10:00 A.M.  
SECOND FLOOR TRAINING ROOM  
OAK ISLAND POLICE DEPARTMENT

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Bob Germaine, Cathy Bowes, Helen Cashwell, Bob Carpenter, and Clay Jenkins, Dale Holland and Cindy Anderson with Holland Consulting, Interim co-Manager Lisa P. Stites, Town Planner Jake Vares, Development Services Director Steve Edwards and Administrative Support Specialist Debbie Lasek.

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

**APPROVAL OF THE AGENDA:** Chairman Manos moved #1 from New Business to Old Business as it was previously discussed. Old Business #2 will only include #8. There were no objections and the amended Agenda was approved.

Ms. Cashwell reported that tomorrow is a Board of Adjustment meeting; she has reviewed the packet and does not understand why this is on the agenda. She said the request concerns a full-blown marina. It is not permitted except as a conditional use. It discusses the private-owned pier and the marina. She said she does not understand why it was not presented to the Planning Board. Mr. Edwards encouraged her to attend the Board of Adjustment meeting, and explained that they will have to explore the definition of “marina.” Mr. Vares said the applicant is applying for a variance, which does not come under the jurisdiction of the Planning Board. Ms. Cashwell and Ms. Pacula disagreed and said the problem is that this never came to the Planning Board; Mr. Vares said the ordinances do not support that. Mr. Edwards explained the definition of a marina; it includes other conditions, and is not just the mooring of boats at a private docking area. After further discussion, Mr. Edwards referred them to 18.32 for the definition. Chairman Manos again questioned his comments being cut off in a meeting; he is asking that, if the Planning Board feels or believes it is in their jurisdiction, they should not be cut off and told that it is not in their jurisdiction. Further, he said he believes that if the Planning Board members feel that they have questions and want to do so, then they should have the ability to have a discussion. Chairman Manos said that at the Board of Adjustment there is no opportunity to question anything other than the application itself. He said he assumed that, specifically and initially, if there was a question about a dock or marina, that this should have at least been considered and brought before the Planning Board instead of just taking it to the Board of Adjustment. After further discussion, Chairman Manos said they need to, as a Planning Board, address definitions in the ordinances to preclude people from making this “end around” in the future. Mr. Edwards suggested completing the UDO/Holland proceedings, and again explained the definition of “marina.” He had encouraged Mr. Purser to obtain a CUP, but Mr. Purser said it is a private pier and that it does not meet the definition of a marina. Ms. Cashwell said he is not building a private pier, but is in fact building a private marina. After further discussion, Mr. Vares explained that with quasi-judicial hearings members of the public can come and voice opinions, but the applicant has a right to an unbiased and objective decision and testimony must be competent in nature. He said the Town attorney would be present to advise the Board. The Board had continued discussion of the zoning and ordinances that address this situation. Mr. Vares said this was a perfect case to go before the Board of Adjustment; that is how variances are addressed. Ms. Cashwell said this proposal was not for a private dock. She said Mr. Purser refers to it in his own exhibits as a “Marina/Pier Plan.” Chairman Manos ended the discussion by advising the Board members to attend the Board of Adjustment meeting, and to back it up with evidence from Town ordinances that it should have been brought before the Planning Board.

Mr. Holland confirmed that all Planning Board members had Articles 1-9 and Appendix A. He said the Comprehensive Plan was submitted to Mike Christenbury at the Division of Coastal Management who has sent it on for State review. He does not expect any significant comments or changes, and results should be in by September 9<sup>th</sup>. They can then hopefully proceed to public hearing in November; after the Council adopts the plan, it is then submitted for certification (usually a “rubber stamp” process).

NEW BUSINESS: Chairman Manos mentioned the submitted recommendation to Town Council regarding a text amendment that set a 4,000 sq. ft. limitation of houses on the island, with a CUP required for larger homes. If someone wants to build larger than 4,000 square feet (the 5,000 sq. ft. limitation is still intact on the island side), the conditions that the Town could impose would apply only to safety issues as he understands it. Mr. Holland said there are four tests: public health, safety and welfare; injurious or damaging to adjacent property values; consistency with the Comprehensive Plan and the requirements of the ordinance; and whether it is out of character for the area in which it is located. A CUP or Special Use Permit (SUP) is a “but for” situation; one can have a house larger than 4,000 sq. ft. if permitted by the CUP as long as it does not create a problem for the neighborhood around it. Mr. Carpenter said that if it overtaxes the sewer that could be a problem. Mr. Holland gave several examples of how this would work; they must pass all the test questions and satisfy the requirements of the ordinance. Specific conditions can be attached if needed. Also, once a CUP is granted, it must be recorded with the registrar of deeds as it is attached to the property. This gives a greater degree of control. A key question with a variance is whether the need for the variance is the result of the action of the applicant; he further explained that it cannot be arbitrary. Mr. Vares said he is preparing a revised Large Home text amendment that summarizes what Mr. Holland just said, and that would cover CUPs for larger homes. Chairman Manos asked about floor area ratio. Mr. Holland said this goes beyond establishing a building area with setbacks; it is a ratio of square feet of structure allowed to square feet of land area in the building area. It can be tied to the buildable area of the parcel, the area of the setbacks or other formulas. There are a multiple variation that can be taken into the calculation, and the uniqueness of Oak Island must be taken into consideration with the size of structures. Another option is to tie the maximum size of the structure to the average size of the adjacent structures on the parcels next to the proposed one in order to preserve the integrity of the neighborhood. He said he believes the CUP is a step in the right direction for the Town, but that it does still require some work. Tying the maximum to what is already there is a good step to take. There was further discussion among the Board regarding home setbacks and covenants in the Kings Lynn area. Ms. Bowes asked if this discussion was related to “mini motels”; Mr. Holland said that ultimately the large home issue would go into the UDO, and he sincerely hopes this is resolved before the Public Hearing on the UDO. After further discussion, Mr. Holland also suggested not referring to large homes as “mini motels” due to the concerns of addressing commercial use in a residential section. Chairman Manos asked if there was any way to point to the size of a structure and its expected use and ownership to establish that it is not for residential use but is, in fact, a rental and is for commercial use. Mr. Holland said there are rental houses that are not vacation houses. Chairman Manos said he is talking about short-term rentals, not long-term, and large houses that are being built by LLCs and are conducted as an investment business. Mr. Holland said that, if homes are defined as commercial use, they cannot be in single-family residential areas. He referred to a recent article in a local paper about internet rentals; this is an extremely difficult area to regulate and many communities are dealing with it. He feels that this can be best addressed by regulating the size of the structure. He also addressed licensing rental homes; again, the Legislature prevented municipalities from levying a privilege tax. He said he was not sure how the Town could regulate thousands of rental homes.

OLD BUSINESS: Mr. Holland discussed the Citizen Participation Plan; they are supposed to adopt a plan that states what the public’s options are for this process. This is very similar to that used by the Comprehensive Plan. **Ms. Cashwell made a motion to adopt The Citizen Participation Plan. Mr. Carpenter seconded and the motion passed unanimously.**

Articles 6 and 7: Regarding pages 6-10 and 6-11, Chairman Manos said the Board took action last April or May and included grocery stores and drug stores in a CR zone. Mr. Edwards pointed out that drug stores, on page 6-15, are allowed by permit and grocery stores are permitted on page 6-17. Ms. Pacula noted that some structures could become non-conforming, and Mr. Holland answered that this was correct. She also noted there are single-family homes in the Yaupon area. There was discussion about the possibility of rezoning. Chairman Manos said he would like to see the Town preserve the CR district in order to provide for commercial businesses rather than single-family homes. Mr. Holland clarified whether the Board wanted residential in the CR district; he explained that Table A shows the Board's comments. If there were three or more against, it was either added in Table B or deleted. There were three people that wanted marinas in open space; it was then voted out at the last meeting. Table B reflects the results of this effort, and he needs the Board to tell him if they want something reflected differently. Chairman Manos said they understand the result of the final compilation; he was just concerned about the CR district. Mr. Carpenter said he didn't want anything in open space. Ms. Cashwell expressed concern about making homes non-conforming in the CR district. Mr. Holland explained that the house could stay there in perpetuity, but that the footprint must be maintained with no expansion. They could provide an exception for homes in the CR district for rebuilding, essentially grandfather them in. They can exempt those existing homes in the CR district from those provisions. Mr. Edwards explained that there have been areas that were commercial but now have homes (old Long Beach Pier site). Ms. Pacula questioned whether commercial property would have a higher tax value and would be more desirable, and Mr. Holland added that commercial can add higher tax value, but that mixed use would provide the best rate. She asked how many houses would be non-conforming. Chairman Manos asked if the Board was worried about commercial recreation areas that are being eaten up by residential areas. Mr. Edwards pointed to SE 40<sup>th</sup>, which was rezoned from CR. He would suggest not changing the ability to put up a single family in the CR district. Mr. Jenkins, Mr. Carpenter, Ms. Cashwell, Ms. Bowes were in favor. Mr. Germaine said he didn't want homes in CR, as did Chairman Manos. Mr. Holland said this was a concern when crafting the Comprehensive Plan; when looking at the tax base, the island portion of the Town has a deficit of commercial real estate. Chairman Manos expressed concern that there is no CR on the ocean front; he wondered if there was any way they could put more commercial recreation area on this island. Mr. Jenkins noted that businesses are not coming here due to the other factors, such as parking; a developer has to come in and buy 5 lots to provide parking for his business. There was further discussion regarding development in the CR district. Mr. Holland said the issue is all about planning, what the community wants 10 years from now. If they permit everything, they are just going to perpetuate what the Town already has. Mr. Holland said he has heard "we don't want to be Myrtle Beach," and that the Town can work for 20 years and not be that. Ms. Cashwell said that the Town has come from allowing everything to happen with a variance to now making changes. Chairman Manos said that is what they are trying to do now. Mr. Holland said he would leave the residential in the CR district with exceptions to what is now there and not permit any further. They can look at changing parking standards. He urged them to look at what the use is or is not going to be.

Chairman Manos proposed that residential not be permitted in the CR district but to allow those homes that are already there to be rebuilt to the same specifications. Mr. Holland suggesting putting the exceptions in the ordinances in the non-conforming section and not be list it as a supplemental regulation to the Table of Permitted Uses. There was clarification that they will not be permitted for single family, but there would be a provision that they could be totally rebuilt to the same footprint. Mr. Holland said they will deal with it under the non-conforming section. Chairman Manos confirmed that all members were in favor except for Ms. Pacula and Mr. Jenkins. Mr. Jenkins said he was concerned that commercial didn't come into the beach areas even in the boom times, and he feels they are creating non-usable lots in the future. He agreed with Mr. Holland; if they had a block there that they could say "no homes" he would consider it. Ms. Pacula was concerned about spot zoning. Mr. Edwards said the only spaces are the

potential Publix site and the campground near the Old Long Beach Pier; there really isn't a vast area available for CR. Chairman Manos said he has five votes on this and is ready to move on. Mr. Holland asked if the Board would like them to consider areas on the map that could be changed from CR to a residential district; he will bring this to next month's meeting. Mr. Germaine asked about wind generators in a residential area and Ms. Cashwell said it had been voted down; Mr. Holland didn't realize the Town had taken that action. After clarification on the type of wind generators at a residence, the Board decided to take it out. Ms. Cashwell stated that both wind and solar energy sources were dealt with; Mr. Holland said that wind energy was one thing, but cautioned the Board on taking out solar energy. If there was concern about glare from solar energy devices, it could be dealt with under regulations. The Board reached a consensus on removing wind energy devices. Mr. Germaine asked about "bona fide farms"; Mr. Holland said the Town has an ordinance regulating the type of animals allowed on the island. Mr. Holland said that statutes specify that bona fide farms are exempt from the UDO regulation in any extra territory jurisdiction. Ms. Pacula noted in 6-1 that swimming pools should be allowed in all residential districts; the Board agreed. Ms. Bowes also requested that 6-5 include the same requirements as medical and dental offices. Ms. Pacula wondered what prevented some occupations from inclusion in the CLD on 6.5 and 6.6. Mr. Holland said the CLD was usually more restrictive, but the Board can request additions to the category. Ms. Pacula also noted, on 6.6, the exclusion of billiards and pool halls and whether they are recreational; Mr. Holland noted that most communities are restrictive as to where these businesses could go. Mr. Jenkins questioned the athletic fields on 6.6, as did Ms. Pacula; the Board said to put it in as PS. Mr. Edwards brought up the gun range in Oak Island and Mr. Holland said he did not think it was appropriate. Mr. Vares suggested making open air gun range non-conforming. The Board decided an enclosed gun range would be a conditional use in a C-LD with PS.

Chairman Manos didn't understand why movie theaters would not be permitted in a CLD. Ms. Bowes said she was in favor of tiny houses as long as they met regulations. Mr. Edwards said they can be zoned by minimum size regulations. There was further discussion regarding tiny homes and modular homes and the allowable locations. Mr. Edwards said if they turn in plans and they are not regulated by square footage, then it can be built. The definition, per Ms. Anderson, is a single family square foot home of 200-600 square feet, not including loft space that complies with the NC Building Code. After further discussion, the Board suggested allowing tiny homes in the R-6MH only and that they be held to minimum size regulations. Ms. Pacula then asked about rezoning of an athletic field in a CLD in 6-7; Mr. Holland said she would have to ask for a text amendment for that. Anyone can come at any time and request an amendment to the text subject to a majority vote. Ms. Cashwell asked how one would pursue a change; Mr. Holland said they would file a petition, come before the Planning Board, and after a recommendation the Council would vote on it. On 6-10, Chairman Manos said that drugstore and grocery store would be put back in as permitted, also gift shops and florists and sporting goods. Ms. Stites said she would provide the text amendment to Holland Consulting. Ms. Pacula continued to express concern about many businesses and their zoning district; Mr. Holland indicated that the Central Business District on Oak Island is primarily local businesses. Mr. Jenkins noted that there are no real changes made, and this list is the same as the last time they met. The bright yellow blocks are the only changes per Ms. Anderson. Chairman Manos asked about night clubs and wondered if this was trying to encourage a beach club; he explained that he was thinking of places for people to go, like dance halls at the piers or the Lazy Turtle, which is in CR and is actually a restaurant. Chairman Manos confirmed with Mr. Holland that restaurants are not allowed in the O&I, but could be an accessory use inside a business. Ms. Cashwell also questioned the wording of restaurants in the CR, and Mr. Edwards confirmed that they are allowed in a CR but drive thrus are excluded. Chairman Manos also suggested allowing towing of autos/trucks in the ID. Mr. Edwards explained they are not taking existing businesses out, but they are in effect giving the current businesses a monopoly. There was further discussion regarding local businesses and outside storage. Mr. Holland defined "farm stand" on 6.16 for Chairman Manos as a temporary stand selling produce; the Board concurred it should be in CB. Ms. Bowes asked to have community gardens allowed

in the R-6MH. Wind farms and solar farms are allowed in ID; Mr. Holland explained he had just gone through this with another jurisdiction and that you have to give them somewhere to go.

**Chairman Manos made a motion to approve Table B as it has just been changed and that Mr. Edwards, Mr. Vares and Mr. Holland will discuss the possibilities for additional provisions for CR districts. Mr. Germaine seconded and the motion passed unanimously.**

Chairman Manos confirmed that the next UDO meeting is September 22<sup>nd</sup> at 10:00 a.m. The regular Planning Board meeting was changed to Tuesday, September 27<sup>th</sup> at 2:00 p.m.

**Chairman Manos made a motion to adjourn at 12:20 p.m. Mr. Germaine seconded and after a unanimous decision the meeting of the Planning Board UDO was adjourned.**

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Chairman Ted Manos

Attested: \_\_\_\_\_  
Lisa P. Stites, CMC, Town Clerk

MINUTES  
PLANNING BOARD – DRAFT UDO REVIEW  
November 10, 2016 – 10 a.m.  
Council Chambers – Oak Island Town Hall

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Bob Carpenter, Bob Germaine, and Clay Jenkins, Interim co-Town Manager/Town Clerk Lisa P. Stites, CMC, Development Services Director Steve Edwards, Planning and Zoning Coordinator Jake Vares and Dale Holland and Cindy Anderson with Holland Consulting. Member Cathy Bowes was not present.

Chairman Manos opened the meeting by leading the Pledge of Allegiance to the flag and giving the invocation.

Mr. Vares noted that there were just two more meetings left on the contract with Holland Consulting and that the hope was the Board's review could be completed in that time frame, with final approval by Council in May or June.

Regarding provisions for large homes, Mr. Holland said that what was presented would be in addition to the current regulations for a CUP for homes 4,000 square feet and larger. Mr. Holland said it was clear that it would take more than one solution to attack this problem. There are restrictions as to what government can do regarding rental property and vacation rentals. Mr. Holland read from the proposed note to be added to the Table of Uses and proposed change to the definitions of Hotel and Temporary rental (the document is attached and is hereby made a part of these Minutes). Mr. Holland said that the proposed regulations would be legal, according to the UNC-School of Government. There is another layer of enforcement added to staff by these requirements. He said this is a difficult situation but that he feels good about the proposed way to handle it, though he cautioned it is not a single, iron-clad solution to address it but rather, part of a series of ways to handle it.

Chairman Manos suggested adding "as advertised," but Mr. Vares said that was removed based on advice from the UNC School of Government. He also suggested changing "after construction" to "after permitted," and Mr. Holland made that notation. Chairman Manos said that he had a problem with the 3,000-sq. ft. limit. Mr. Holland said that a 3,500-sq. ft. home could be built and that the only time the regulations would kick in is if the property were rented to 14 or more people. Ms. Pacula asked what the purpose of this language was; it is to prohibit renting to more than 14 people. Ms. Pacula noted that the regulations would only make the home non-conforming. Mr. Germaine said that the goal was to eliminate the monstrous houses that will eventually be rented to large numbers of people. The Board discussed whether the gross square footage should be considered heated or not. Mr. Holland said that garages could be heated and bunk beds lined up in them. (Planning Board member Helen Cashwell arrived at 10:27 a.m.) Mr. Holland said that it became a matter of trying to regulate the size of the structure, parking and those kinds of things. Ms. Pacula asked if it couldn't be consistent and use the 4,000 sq. ft. limit. Mr. Holland said that the reason 3,000 sq. feet was suggested was that with a 3,000 sq. ft., 4-bedroom house, you're looking at 12-14 people sleeping there. Chairman Manos asked how it would be ascertained that a home was being rented to more than 14 people; Mr. Holland said it would be through advertising. Mr. Edwards suggested leaving out the square footage entirely. Chairman Manos said that what will happen is that the advertisements will leave out the number of people a home will accommodate and merely list the rooms available. The Board also discussed whether Council would be likely to approve the recommendation with the 3,000 sq. ft. limitation. Chairman Manos said he didn't think they should be trying to limit house size for homes that are built for personal use. Ms. Pacula said that she thought there were already things in place to handle the large homes, such as parking. Chairman Manos said he was

concerned about limiting the right to develop property. Mr. Germaine said they were trying to deal with rentals, not residential uses. Chairman Manos asked Mr. Holland if the square footage limit could be removed; Mr. Holland said from a planning perspective, he thought that would be fine. Ms. Pacula noted that this action could actually encourage building large rental homes in the CR zone. **Chairman Manos made a motion to recommend to Town Council that large homes consideration be that any structure permitted after the date of the adoption of the UDO, constructed and located in a residential zoning district, and available to the public for temporary or permanent occupancy for more than 14 individuals will be classified as a hotel/motel use of property, if the property is available for temporary rental to the general public and will be considered a non-conforming use in the residential district. This excludes CR districts; Enforcement actions for compliance will be taken as prescribed by this ordinance. Mr. Jenkins seconded the motion. The motion passed 4-2 with Chairman Manos and members Carpenter, Germaine and Jenkins in favor and Ms. Pacula and Ms. Cashwell opposed.**

Consensus was to remove the 3,000 square foot out of the Hotel/Motel definition and to change it to “permitted” instead of “constructed.”

In Section 8.14.1, Mr. Vares suggested removing that section entirely; Mr. Holland said he had already done so on his draft.

#### Article 9 – Nonconforming Situations

9.2.2: Mr. Jenkins asked what the 20 percent was referring to; Mr. Holland confirmed that referred to the setbacks and he will clarify that.

9.3.7: Mr. Jenkins noted that “Person County” should be changed. Mr. Edwards noted that the current ordinance gives multi-family properties an exemption.

9.3.2: Mr. Vares asked why it specifies the Board of Adjustment. Mr. Holland said because it would be a quasi-judicial decision; he will add clarification.

Under 6.11, campsites will be removed from the CB zone.

9.5.3: Mr. Vares asked that the language be clarified regarding meeting the proper criteria.

9.6.1: Mr. Vares said “this permit” should be “this zoning permit.”

9.9.6: Mr. Vares asked about the tax value; Mr. Holland said that he already added a note.

#### Article 10 – Performance Standards

10.1.4: Chairman Manos suggested changing it to “a substantial” instead of “the maximum.” Mr. Holland said that they tried to make the draft UDO and the draft tree ordinance consistent but there is still some work to be done in that regard; he also thinks the landscaping requirements are a lot clearer than what the Town has now. Mr. Jenkins asked if the arborist writing the tree ordinance had been given the draft UDO to make sure they work together. Mr. Vares said the draft tree ordinance was being revised and that it would be substantially different from what was first presented.

10.5.3.2: Mr. Vares suggested adding “...or the Town’s stormwater administrator.”

Ms. Pacula asked about the buffering requirement; Mr. Holland said that if a person chooses to put a residence next to an existing commercial use, the business would not be required to put in buffering.



On page 10-7, Chairman Manos questioned the numbering of A1, etc. Mr. Holland explained the system; they will clarify the numbering.

On page 10-7, Chairman Manos questioned the word ‘installed.’ Mr. Jenkins suggested not including a maximum but did suggest it be based on “maturity” rather than at installation. Following discussion of berm and plant size, the consensus was to use 2-gallon minimums.

On page 10-8, Mr. Jenkins said he would like to encourage use of existing trees and shrubs but he didn’t understand the tree credits. Mr. Holland explained the credits system.

10.11.7: Mr. Jenkins said that there were a lot of bird feeders, swings, etc. that were placed on trees. Ms. Cashwell said that also, guide wires were used for trees. Ms. Anderson said this section dealt with protection during construction only.

10.14.3: Chairman Manos asked about the 5,000 square-foot limit. He suggested reducing that and changing it to less than 50%. Consensus was to use the lesser of 25% or 2,500 square feet.

10.16.6.2: Chairman Manos asked what a non-character defining façade was; Mr. Holland said that equipment, utilities, etc. should not be the predominant features of the façade. Mr. Holland will clarify the wording; a provision stating that solar panels are allowed will be added.

The next UDO review meeting will be January 26, 2017 at 10 a.m. (There will not be a UDO meeting in December). The regular Planning Board meeting is December 15. The Comprehensive Land Use Plan will be presented to Council at its December Council meeting.

**Ms. Cashwell made a motion to adjourn at 12:17 p.m. and the motion passed unanimously.**

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Chairman Ted Manos

Attested: \_\_\_\_\_  
Lisa P. Stites, CMC  
Town Clerk

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## Chapter 32. Tree Protection Ordinance

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## Chapter 32. Tree Protection Ordinance

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### ARTICLE I. – IN GENERAL

#### ***Purpose of Article***

The purpose of this article is to set forth those provisions that generally apply to the regulated properties, trees, and activities described herein.

#### ***Title***

The regulations contained herein shall be known as the “Town of Oak Island Tree Protection Ordinance”, or “the tree ordinance.”

#### ***Authority***

The provisions of this section operate under authorities granted to municipalities under G.S. 160A, Article 19 and are limited by provisions of G.S. 160A-458.5.

#### ***Effective Date***

This ordinance shall take effect on the date of adoption by the town council.

#### ***Administration***

The director of the development services department or his/her designee shall be the administrator of this chapter, unless otherwise stated herein. All other town departments shall cooperate fully with the development services department in carrying out the responsibilities of this chapter.

#### ***Tree Ordinance Purpose and Goals***

The purpose of this tree ordinance is to promote the conservation and protection of trees and significant natural areas, and to maintain a healthy and sustainable amount of tree canopy cover across the community.

The goals of these regulations are to:

1. Maintain no net loss of tree canopy cover across and throughout the town;
2. Maintain and enhance property values;
3. Increase the economic vitality and quality of life for citizens, visitors and businesses;
4. Encourage the conservation of existing trees, native plant communities and natural systems wherever possible while allowing quality development to take place;
5. Reduce the impacts of development on the town’s stormwater system;
6. Preserve unique and productive coastal habitats;
7. Preserve native wildlife food and habitat;
8. Protect the natural dune systems;

9. Preserve and enhance the quality of estuarine waters;
10. Utilize trees for their many environmental functions, which include moderating air temperatures, reducing energy usage, reducing ozone formation, filtering air pollutants and intercepting stormwater, and creating noise and visual buffers;
11. Reduce energy costs;
12. Preserve and enhance the visual appearance of the town.

### ***Applicability***

This chapter applies to all public and private property within the town limits, unless otherwise exempted herein.

### ***Exemptions***

The following properties and trees are exempt from this article:

1. Developed single-, two-, and three-family residential properties, except in the case of hazardous trees as described in Article II or in the case of further development;
2. Bona fide farm and agricultural activities that do not involve artificial drainage of land or the maintenance, alteration or improvement of an existing structure that does not include a material increase in impervious surface;
3. Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes and is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes;
4. Emergency management activities during and immediately after a wind storm, ice storm, or other disaster, if compliance would impede the rescue of life or property from immediate danger or the repair of utilities; any emergency work shall follow as closely as possible the technical standards required by this chapter;
5. Trees that pose an immediate risk to public health, safety and welfare.

These exemptions shall not be interpreted to be a general waiver of the purpose and goals of this chapter.

While forestry activity is exempt, the town shall regulate activity associated with development and shall deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

1. Three (3) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all trees that were protected by this chapter governing development from the tract of land for which the permit or approval is sought.
2. Five (5) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all trees that were protected under this chapter from the tract of land

for which the permit or approval is sought and the harvest was a willful violation of the town regulations.

***Definitions***

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

*Actual tree canopy.* For existing trees, the actual amount of cover projected directly onto the ground beneath a tree's or group of tree's canopy as measured in square feet.

*ANSI standards.* Industry developed, national consensus standards of practice for tree care operations (A300), safety (Z133), and nursery stock (Z60.1) developed and used by professional arborists to guide tree care and write specifications; the standards are developed by the International Society of Arboriculture and the American Nursery and Landscape Association, and accredited by the American National Standards Institute (ANSI).

*Arborist.* See certified arborist.

*Buildable area.* For the purposes of this chapter, the area remaining after required buffers, landscape areas, and setbacks are established.

*Bush hogging.* The clearing of a lot using a Bush Hog or similar type mower to remove vines and shrubs, while leaving trees too large to be cut.

*Caliper.* A standard of measurement for *nursery stock* and replacement trees; caliper is the diameter of a tree's trunk measured in inches at 6 inches above the ground for trees up to and including 4-inch caliper and 12 inches above the ground for trees larger than 4-inch caliper.

*Certified arborist; arborist.* An arborist certified by the International Society of Arboriculture to have achieved a basic level of experience and knowledge in the care of trees and who engages in continuing education to retain certification. Professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes.

*Clearing.* The permitted removal and proper disposal of any existing structures, rubble, soil, brush, trees as well as roots and other debris which might interfere with construction of a permitted building; this may be done only after the issuance of a clearing permit by the department of development services.

*Conservable tree.* A healthy tree at least three (3) inches DBH that can and will be protected in accordance with the technical standards.

*Conserved tree.* An existing tree that is retained, protected in accordance with the technical standards, and assigned tree canopy cover credit for the purpose of meeting minimum tree canopy cover requirements.

*Critical root zone (CRZ).* For a tree, the soil 24 inches deep and all roots contained within an area around the trunk with a radius equal to the greater of 1 foot for every 1 inch in DBH, or the dripline, or a minimum CRZ of four (4) feet for a planted tree or eight (8) feet for a conserved tree.

*Crown.* The totality of scaffold limbs, branches, twigs and leaves extending from the trunk or main stem of a tree.

*DBH.* A standard measurement of tree size for *existing* trees; measured as the diameter of the tree trunk in inches at breast height which is 4.5 feet above ground level; if a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its narrowest point below the fork; for multiple trunk trees, the dominant trunk may be measured or all trunks that contribute substantially to the tree's canopy may be measured and added together.

*Development permit.* A permit that must be obtained from the department of development services prior to the disturbance, damage, destruction or removal of a protected tree.

*Dripline.* Boundary on the soil surfaced defined by the outer edge of the area beneath a tree's crown.

*Establishment period.* From the time of planting through three (3) years after planting.

*Forestry activity.* Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.

*Grading.* Altering the shape of the ground surface to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

*Growing season.* The period of time during the year that the tree is actively growing and not dormant, generally occurring from late winter through mid-fall; February through October in Oak Island.

*Hazardous tree.* A tree that is at risk for failure because it is dead or structurally defective and in a location where that failure could result in personal injury or property damage.

*Healthy tree.* As determined by town staff, a tree that is vigorous as indicated by leaf color and annual shoot extension, with a relatively symmetrical form typical of the species with 1/3 or



more of its height in live crown (33 percent live crown ratio or more) with roots, trunk, and crown absent from extensive and significant signs of insect or disease infection, wounds or other mechanical damage, decay and structural defects; for a pine tree to be considered healthy the live crown ratio may be less than 33 percent but must otherwise meet the conditions defined herein.

*Introduced plant.* Any plant that does not exist on a site prior to development but is added during property development.

*ISA.* The International Society of Arboriculture, a professional educational organization serving arborists and allied professionals worldwide.

*Land disturbance activity.* Any activity that disturbs the soil or vegetation on a lot, including bush hogging, clearing, or grading.

*Natural area.* An area of at least 100 square feet comprised of native vegetation.

*No net loss.* A goal of maintaining at least as much tree canopy cover as currently exists across a site, neighborhood, zoning district, or community through managing, conserving, establishing, protecting and maintaining trees.

*Open soil surface area.* The area around and more or less centered on a tree trunk that must remain open and permeable, but should be mulched in accordance with the technical standards.

*Overstory tree.* Trees that at maturity typically exist in the mid- to upper levels of a natural forest ecosystem; trees listed as large in the *Town of Oak Island Approved Tree Species List*.

*Parking facility.* An area used for the parking, storage or display of motor vehicles, boats, recreational vehicles, etc.; a parking lot or parking area.

*Peninsula.* A planting area that extends out into the parking area, and is bounded on three (3) sides by the parking area.

*Permeable paving.* Any paving which due to its inherent nature, or construction, allows fluids and gases to penetrate through it at least in some areas, as described in the North Carolina Stormwater BMP Manual.

*Planted tree.* A new tree that is established on a site to meet tree canopy cover requirements.

*Protected tree.* All public trees; all existing trees three (3) inches DBH and greater on all developed multi-family and non-residential property, and all trees on undeveloped property within the town limits.

*Pruning.* The removal of live or dead branches from a tree's crown in accordance with the technical standards to improve tree structure or health, or to maintain clearance or public safety.

*Public tree.* A tree growing on town-owned or -controlled property, including leased property and public rights-of-way.

*Registered forester.* An individual licensed by the North Carolina Secretary of State to practice in the state.

*Topping.* The severe cutting back of branches to a bud, stub, internode or lateral branch not large enough to assume the terminal role for the purpose of reducing tree size. Topping is not an accepted form of pruning.

*Town tree care coordinator.* The qualified town employee or contractor who is assigned by the town manager the responsibility to carry out the provisions of this chapter applicable to public trees.

*Tree.* A woody perennial plant usually having one (1) dominant trunk, but sometimes multiple trunks, with the ability to achieve at a minimum a mature height of 15 feet and DBH of 3 inches.

*Tree canopy cover credit.* For planted trees, the square feet of tree canopy cover credited to a tree at time of planting, based on the mature size the tree is anticipated to achieve at maturity. For existing trees, the square feet of actual tree canopy cover credited to a tree as measured on the ground.

*Tree canopy cover percent.* The portion of a lot covered with tree canopy, expressed as a percentage; for the purposes of complying with minimum tree canopy cover requirements, the total tree canopy cover percent include both actual tree canopy of conserved trees and tree canopy cover credit given to planted trees.

*Tree canopy management plan.* A written plan developed by the town tree care coordinator with input and recommendations from the Tree City USA Working Group that contains work plans for tree care operations and public information and education.

*Tree conservation.* The planned management of a tree, group of trees, or forested area to prevent damage or destruction of the trees and the loss of environmental functions and human benefits they provide.

*Tree establishment.* The process of selecting, planting, and maintaining a new tree in the landscape.

*Tree establishment period.* The minimum amount of time that it takes for a tree to become well-established in the landscape and have a good chance for survival; for the purposes of this chapter, the tree establishment period is three (3) years from the time of planting.

*Tree fund.* A fund established for the purpose of receiving payments for approved deficits in meeting tree canopy cover requirements and used to mitigate tree canopy loss through tree establishment and maintenance on public property.

*Tree protection.* The active ~~and ongoing~~ protection of a conserved tree from damage to its roots, trunk and crown.

*Tree protection plan.* A site plan or drawing required to be submitted with any development permit application or before any construction or other potentially harmful activities can take place within the tree protection zone of a public tree. The plan must show the location, size and description of trees pre- and post-development, tree protection methodology and location, and construction details such as grading, utilities, structures and other required information, as further described herein.

*Tree protection zone.* The area around a tree that includes the critical root zone and the entirety of the tree's trunk and crown.

*Tree removal permit.* A permit required before any protected tree can be removed.

*Tree replacement.* The establishment of new trees to replace the canopy lost when protected trees are removed from a site.

*Tree value.* For the purposes of this chapter, the appraised value of a tree based on the latest edition of the *Guide for Plant Appraisal* developed by the Council of Tree and Landscape Appraisers and published by ISA.

*Understory tree.* Trees that at maturity typically exist in the lower levels of a natural forest ecosystem, beneath overstory trees; trees listed as medium, small, and very small in the *Town of Oak Island Approved Tree Species List*.

*Unhealthy tree.* As determined by a certified arborist, a tree demonstrating one or more signs of loss of vigor and decline, as indicated by atypical leaf color, recurring short annual shoot extension, or less than one-third live crown ratio, or severe insect or disease infestation, or with damage or structural defects that may include, but are not limited to: severed or damaged roots larger than two (2) inches in diameter within the critical root zone; signs of previous topping or other improper pruning practices resulting in decay or a structural defect; longitudinal cracks in the trunk; wounds that encompass greater than one-third of the circumference of the trunk; trunk cavities equal to or greater than two-thirds of the trunk diameter at the point of the cavity; cracks, wounds, or cavities of one or more of the scaffold limbs resulting in a structural defect that cannot be corrected to ensure a safe or healthy condition; and, any other defect that cannot be corrected through standard arboricultural practices.

*Utility.* Public utilities, businesses or organizations that supply communication services, electrical energy, gas, heat, steam, water or sewage disposal and treatment.

***Protected Trees***

There is hereby established a category of trees that shall be known as protected trees and shall include all public trees regardless of size, all trees three (3) inches DBH and larger on any developed non-residential and multi-family lot or tract, and all trees regardless of size on undeveloped lots or tracts. Once the certificate of occupancy has been issued for a residential property, trees on the property shall no longer be considered protected trees.

***Standards for Tree Care Operations***

Any department, person, agency, contractor, or business, or their agents, that engage in tree conservation, establishment, protection, maintenance, or removal to satisfy the provisions of this tree ordinance shall conduct such tree care operations in accordance with American National Standards Institute (ANSI) A300 *Standards for Tree Care Operations*, ANSI Z133 *Safety Standards*, and Z60.1 *American Standard for Nursery Stock, Best Management Practices* published by International Society of Arboriculture, and the additional standards set forth in Article IV of this ordinance.

***Hazardous Trees***

The 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 the passage or visibility for vehicles or pedestrians or obstruct the visibility of traffic, directional or emergency signs or signals. All property owners within the town shall be required to cause the removal of any dead or diseased trees on their property whenever such trees threaten public health, safety or welfare, or harbor insects or diseases which constitute a potential threat to other trees, as determined by the town tree care manager.

If the owner or owners of any lot or other real property within the town, after the giving of three (3) days' notice in writing by the town manager or his/her designee, shall refuse or neglect to perform the duties in connection with his/her tree as specified above, the town manager or his/her designee is hereby authorized to enter upon the property and have said tree and/or branches cut and removed. The cost of such actions shall be charged against said premises and shall constitute a lien thereon.

In case the owner of any lot or other real property is unknown or his/her whereabouts are not known or is a nonresident of this state, then a copy of the written notice herein above referenced shall be posted upon the premises for a period of 48 hours and, before any action to enforce such lien shall be had, town staff 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/her last known place of residence if same can be found.

***Tree Removal Permit***

No person, group, agency, or business shall damage, destroy or remove a protected tree, or cause a protected tree to be damaged, destroyed, or removed without first having an approved tree removal permit.

The department of development services shall establish requirements for the content and form of the tree removal permit application and shall amend and update those requirements from time to time. The tree removal permit application shall be submitted to the administrator who shall act upon the application within 10 working days of submittal and shall have the authority to review the application and grant, deny, or attach reasonable conditions to it.

An approved tree removal permit shall be applicable only to the property and the trees specifically described in the permit application or otherwise described in writing to the applicant by town staff.

An approved tree protection plan, when required by this chapter, constitutes an approved tree removal permit.

***Tree Fund***

There is hereby established a tree fund to receive payments for tree canopy mitigation when it is determined by the administrator that the minimum tree canopy cover requirements set forth in this chapter cannot be reasonably met by the property owner or permit applicant. For tree canopy cover that cannot be reasonably conserved or planted on the site to meet requirements, the property owner shall pay to the fund the amount listed on the town's fee schedule for each 100 square feet of deficit, or portion thereof

Tree fund assets shall be used for the establishment of trees on public property and for the maintenance of those trees during the establishment period; and, up to 40 percent of the funds received annually may be used to pay for the services of a consulting arborist to assist the town in tree ordinance administration, with approval of the town manager.

***Violations and Penalties***

Any person violating any requirements of this chapter shall be subject to a civil penalty of \$500.00 as permitted by G.S. 1404. Each tree affected or each day a violation occurs constitutes a separate penalty.

In addition to civil penalties, the town shall require reimbursement for the value of any public tree damaged or destroyed as a result of the violation, with the value calculated as described in Article II of this chapter.

The administrator may stay enforcement of the civil penalty if such person remedies the violation in such a manner as to achieve full compliance with this chapter or otherwise meet the intent of this chapter as determined by the administrator.

### ***Appeals***

Appeals of decisions of the department of development services concerning enforcement of this article may be made to the board of adjustments within ten (10) days of the decision. Appeals to the board of adjustments shall be made in accordance with section 18-334 of the town code.

### ***Inspections***

Town staff shall inspect and evaluate all trees for which a tree removal permit application has been submitted prior to approving, denying, or approving with conditions the tree removal permit. Additional inspections may take place during or after the permitted removal.

A certified arborist or registered forester shall be hired as an inspector by the applicant for proposed development and construction projects to ensure that the purpose, intent and provisions of this chapter are met. At a minimum, a preliminary site inspection, two (2) tree protection inspections, and certificate of occupancy or final plat inspection as described below are required for all permitted projects.

For each inspection, the inspector shall prepare, certify and submit a report to the department of development services that includes:

- Site location;
- Date;
- Owner's name and contact information;
- Inspectors name, contact information and credentials;
- Statement certifying that all tree protection ordinance regulations are being met;
- Identification of any existing or developing tree-related problems or damage that require treatment;
- Recommendations for treating tree damage;
- Date treatment was completed;

The administrator shall have the authority to require additional reports should he/she determine that significant construction damage has occurred, the person responsible for tree protection has failed to enforce technical standards, or if other development processes, including but not limited to utility placement and building construction, may impact protected trees.

*Preliminary Site Inspection*

The site shall be inspected by town staff with the applicant or his/her agent, and the applicant's inspector, prior to the submittal of a tree protection plan for the purpose of discussing options for meeting tree conservation and tree protection requirements, technical standards, and enforcement procedures. In no case shall any development permit be approved without a preliminary site inspection and approved tree protection plan.

*Tree Protection Inspection*

The site shall be inspected after implementation of tree protection measures, and prior to any development activities or land disturbance. No land disturbance shall take place until the tree protection inspection report has been submitted. A second tree protection inspection shall take place immediately after clearing, grubbing, and grading are complete and before construction begins. Construction shall not commence until the second tree protection report has been submitted and any existing or developing tree-related problems identified in the report that require treatment have taken place.

*Certificate of Occupancy Inspection*

An inspection of the site shall be required prior to the issuance of a certificate of occupancy or approval of a final plat. No certificate of occupancy or final plat approval shall be issued until an inspection report is received stating that any existing or developing tree-related problems identified in the report that require treatment have taken place, and stating that all applicable requirements of this chapter have been met.

*Periodic Inspections*

Site inspections by town staff may take place periodically and at any time during construction or the permit period to ensure that all technical standards and conditions of the tree protection plan are being met, and to verify the information provided on the inspector's reports.

Inspections by a certified arborist or registered forester hired by the property owner shall be required one (1), three (3), and five (5) years after a certificate of occupancy or final plat approval has been issued to verify that tree canopy cover is being maintained across a site or on a lot as required by this chapter.

***Enforcement***

Failure to comply with any of the requirements of this chapter shall result in one or more of the following actions to enforce compliance.

*Notice of Violation*

A notice of violation shall be issued by town staff upon determination by the administrator that a violation of the tree ordinance by the property owner or his/her agent has occurred. The notice of violation shall state the actions to be taken by the property owner or his/her agent to correct the violation and the time allowed for correction. If the violation is not corrected in the time allowed, the administrator may issue a stop work order.

*Stop Work Order*

Upon notice from the town, work on any project that is being done contrary to the requirements of this chapter shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his/her authorized agent or the person or persons in charge of the activity on the property and shall state the conditions under which work may resume. Where an emergency exists, either a written notice to comply or a written notice to stop work is not required.

*Withholding of Certificate of Occupancy*

If the person engaged in development activity fails to comply with a written notice to comply within the time specified, he/she shall be deemed in violation of this chapter and, in addition to other penalties, the administrator may request that the building inspections department refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the measures necessary to achieve compliance with this chapter have been completed and all violations of this chapter have been brought into compliance.

## **ARTICLE II. –TOWN TREE MANAGEMENT**

***Purpose of Article***

The purpose of this article is to establish the basic framework for the town's management of the community tree resource in general and public trees specifically.

***Applicability***

This article applies to all town-owned or -controlled property including leased property and public rights-of-way with the town limits.

***Town Tree Care Coordinator***

There is hereby established the role of town tree care coordinator which shall be assigned by the town manager to a town employee or contractor.

The town tree care coordinator shall have the following duties and responsibilities:



1. Work with staff from the development services and public works departments, and members of the Tree City USA Working Group, to coordinate all tree care activities within the town.
2. Preserve and enhance the town's community forest and tree canopy through the management of public trees and administration and implementation of the town community forest management plan;
3. Develop and revise, considering recommendations made by the Tree City USA Working Group, the town community forest management plan and approved tree species list and present for adoption to the town council;
4. Define the town's tree establishment needs for new projects, enhancements of the town's tree canopy and replacement of diseased or damaged trees on town property;
5. Design, implement and provide maintenance specifications for all landscaping on town property;
6. Supervise the conservation, establishment, protection, maintenance and removal of trees on public property in coordination with affected town departments;
7. Direct town employees in tree conservation, establishment, protection, maintenance and removal and manage contractors hired to assist in these activities;
8. Provide administrative staff services and technical assistance to the Tree City USA Working Group;
9. Provide technical assistance to town staff and officials;
10. Review all development plans submitted by the town to ensure compliance with this chapter;
11. Enforce the provisions of this chapter in conjunction with development services staff, public works staff, and the code enforcement officer.

***Tree City USA Working Group***

The Town of Oak Island Tree City USA Working Group or its designated successor shall be the advisory body charged with the task of carrying out advisory responsibilities of this chapter. The responsibilities of the working group shall include the following activities:

1. Conduct the town's annual Arbor Day celebration;
2. Apply annually for certification as a Tree City and for the Tree City USA Growth Award;
3. Annually review the town's community forest management plan and make recommendations for revisions to the town tree care coordinator;
4. Annually review the town's approved tree species list and make recommendations for revisions, if any, to the town tree care coordinator;
5. Advise and make recommendations to the town tree care coordinator on all matters related to tree canopy conservation;
6. Promote tree canopy conservation within the community;

7. Provide regular community tree educational opportunities for citizens, visitors and businesses within the town.

***Community Forest Management Plan***

The town shall have in place a written, comprehensive community forest management plan to guide the town's tree management activities. Tree management shall include, at a minimum, tree conservation, establishment, maintenance, protection, removal, education, and assessment. The plan shall include:

1. Tree canopy cover goals for the town overall and for each zoning district;
2. Tree canopy cover measurement program;
3. Public tree inventory program;
4. Community awareness program;
5. Arbor Day celebration;
6. Approved tree species list;
7. Public tree maintenance program;
8. Standards for tree care;

***Community Awareness Program***

The town shall undertake programs, as may be developed by the Tree City USA Working Group or its designated successor, which enhance the community's awareness of the value of trees.

***Arbor Day Celebration***

The town shall hold an annual Arbor Day celebration that focuses attention on the value of trees in the urban environment.

***Approved Tree Species List***

The town shall maintain a list of approved tree species for planting required by this chapter. The species list shall include, at a minimum, the species common name, Latin name, mature tree size, salt tolerance, drought tolerance, and light requirements for each species on the list. The tree species list may be amended from time to time as additional information and experience with tree species is gained. The tree species list shall be included in this ordinance as Appendix A.

***Public Tree Maintenance Program***

The public works department shall be responsible for the maintenance of all trees on town property. All maintenance shall be completed in accordance with the tree care standards outlined in this tree ordinance.

The town shall have the right to prune, maintain and remove any tree on town property which interferes with the safe flow of traffic or any traffic control device or sign.

It shall be unlawful for any person to top, head or severely cut back to stubs the crown of any public tree, except when trees severely damaged by storms or other causes where pruning is impractical or ineffective in reducing tree risk, as determined by the town tree care manager. This includes dead, dying or diseased trees that pose a threat to the public health, safety and welfare as determined by the town tree care manager.

#### ***Standards for Public Tree Care***

Any department, person, agency, contractor, or business, or their agents, that engage in public tree conservation, establishment, protection, maintenance, or removal shall conduct such tree care activities in accordance with American National Standards Institute (ANSI) A300 *Standards for Tree Care Operations*, ANSI Z133 *Safety Standards*, and Z60.1 *American Standard for Nursery Stock, Best Management Practices* published by International Society of Arboriculture, and the additional standards outlined in Article III.

#### ***Protection of Public Trees***

No person or business shall perform any grading, excavation, place any fill, compact the soil or construct any building, structure, street, sidewalk, driveway, pavement or public utility within the CRZ of any public tree without an approved tree protection plan. Any such work approved shall be conducted in accordance with the technical standards contained in this chapter.

It shall be unlawful to intentionally damage, destroy or remove any public tree, except as a part of a town-authorized improvement program. It shall also be a violation of this code to attach or place any rope, wire, sign, poster, handbill or anything such material to any public tree, except for staking newly planted trees when necessary and authorized by the town tree care manager.

A person damaging or destroying any public tree shall be subject to a civil penalty and shall be liable to the town for any loss of tree value. The value shall be calculated by a certified arborist and shall be based on the latest edition of the Guide for Plant Appraisal, developed by the Council of Tree and Landscape Appraisers and published by ISA. In the event damage is significant enough to require the treatment or removal of such tree, the person damaging such tree shall be liable for the cost of treatment or removal, in addition to any loss of tree value.

#### ***Utility Vegetation Management***

Public and semi-public utilities shall exercise reasonable care and comply with ANSI standards and ISA Best Management Practices and other standards contained in this article, to avoid the damage, destruction or death of protected trees as a result of the installation and maintenance of its facilities. Town staff will provide assistance on any utility project to see that the utilities can be installed or maintained with minimal damage to any protected trees.

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## ARTICLE III. TREE PROTECTION DURING LAND DEVELOPMENT

### *Purpose of Article*

The purpose of this article is to protect, to the greatest extent possible, the existing tree resource in the town and to define minimum standards for the conservation and establishment of tree canopy cover as part of the land development process.

### *Administration*

The director of the department of development services or his/her designee shall be the administrator of this article. The administrator shall:

1. Review all development plans and tree protection plans submitted to the town, and by the town, to ensure compliance with this article;
2. Make on-site inspections prior to the approval of any tree protection plan, issuance of any development permit, or approval of any tree removal permit;
3. Approve, deny or approve with conditions tree protection plans and tree removal permits;
4. Monitor and inspect construction and utility work sites to ensure compliance with approved tree protection plans and tree removal permits;
5. Issue notices of violation and stop-work orders and assess penalties for violations of this chapter in conjunction with the building inspections department;
6. Develop and periodically update technical standards and specifications for tree conservation, establishment, maintenance (pruning, mulching, fertilization, supplemental support and lightning protection), removal and assessment; standards and specifications shall be based on the most current ANSI standards and the additional standards contained in this chapter.
7. Conduct site assessments of tree protection ordinance implementation results, including assessments of completed developments to evaluate outcomes and determine recommended changes propose revisions to existing regulations.
8. Provide administrative staff services to the Tree City USA Working Group;

### *Applicability*

This article shall apply to all owners of real property within the town limits.

### *Tree Canopy Cover*

All undeveloped and developed lots within the town shall be required to meet minimum tree canopy cover requirements as described in this chapter. If inadequate tree canopy cover exists at

the time of application or after proposed tree removal, then additional tree canopy shall be established to meet minimum tree canopy cover requirements.

An approved tree canopy management plan stating how tree canopy cover requirements shall be met shall be required prior to the issuance of any permit for land use, building, or demolition, approval of a major or minor subdivision preliminary or final plat, or the issuance of any other development permit.

#### Tree Canopy Cover Requirements

A minimum amount of tree canopy cover, based on the zoning district of the lot, shall be required on a lot as a condition of development as listed in Table 1 and as further described in this article.

The required amount of tree canopy cover shall be maintained on the lot in perpetuity, except that developed single-, two-, and three-family residential lots are exempt from tree canopy cover requirements after the certificate of occupancy has been issued. However, the amounts of tree canopy cover listed in Table 1 can be considered recommendations for these sites.

#### *Oceanfront Properties*

Oceanfront single- and two-family residential properties shall conserve or plant a combination of trees, shrubs and grasses that are highly salt spray tolerant in contiguous natural or landscaped areas of at least 50 square feet for each 700 square feet of heated area or a minimum of 20 percent of the lot area, whichever is greater.

Oceanfront non-residential and multi-family properties shall conserve or plant a combination of trees, shrubs and grasses that are highly salt spray tolerant in contiguous natural or landscaped areas of at least 50 square feet for each 700 square feet of heated area or a minimum of 20 percent of the lot area; trees required in a parking facility on such properties shall not be counted toward the 20 percent minimum.

#### *Subdivisions*

Major and minor subdivisions shall be required to conserve as much of the existing tree canopy cover on the site as possible and shall meet the minimum tree canopy cover requirement across the entire site, and on each individual lot.

Tree canopy cover requirements shall include the planting of one (1) overstory tree per 50 linear feet of frontage in the front yard within 10 feet of the property line of individual lots within a subdivision, or alternatively on the public street right-of-way if the available space meets tree placement standards and planting on the right-of-way is approved by the department of development services and the department of public works.

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*Undeveloped Property*

For individual undeveloped lots and subdivisions, the minimum amount of tree canopy cover required across the site and on each lot shall be as listed in Table 1.

Table 1. Minimum Amount of Tree Canopy Cover Required by Zoning District

<i>Zoning District</i>	<i>Minimum Tree Canopy Cover Required as Percent of Total Lot Area</i>
R-20: Low Density Residential	55%
R-9: Medium Density Residential	30%
R-7.5: Medium Density Residential	30%
R-7: Medium Density Residential	30%
R-6A: Higher Density Residential	30%
R-6B: Higher Density Residential	30%
R-6MH: Higher Density Residential	30%
R-6MF: Higher Density Residential	30%
AD: Airport District	0%
CB: Community Business	10%
C-LD: Commercial Low Density	10% commercial 30% residential
CR: Commercial Recreation	10%
CUCB: Conditional Use Commercial Business	10%
O&I: Office and Institutional	60%
OS: Open Space	60% *
Parking Facilities	50%
Oceanfront Lots (supersedes other zoning district tree canopy cover requirements)	20%

\* = goal, not a requirement

*Developed Non-Residential and Multi-Family Lots*

For developed multi-family residential lots and non-residential lots, the minimum amount of tree canopy cover required shall be the amount existing as of the date of adoption of this ordinance.

An approved tree removal permit shall be required for the removal of any protected tree. If tree removal is approved, then the amount of tree canopy cover lost as a result of the removal must be established elsewhere on the lot as a condition of approval, and including enough additional tree canopy cover to meet the minimum requirements in Table 1. Tree removal shall not be approved unless it meets the tree removal standards described in the technical standards.

Tree Canopy Cover Credit

Existing trees that will be conserved to meet minimum tree canopy cover requirements shall be given credit for their actual tree canopy cover, except that in some cases a tree canopy cover credit bonus shall apply. That portion of a tree's canopy that projects over the property boundary shall be excluded from the measurement of actual tree canopy cover, unless that canopy projects

over the public street right-of-way or other public property. The portion of public street trees that project over and into the lot shall not be included in the measurement of actual tree canopy cover.

Trees planted to meet minimum tree canopy cover requirements shall be given credit at time of planting for the minimum tree canopy cover area expected at maturity under adequate growing conditions. The amount of the credit shall be based on the size categories listed in the tree species list. At time of planting, trees shall be credited with the following amounts of mature tree canopy:

1. Large trees -1,600 square feet;
2. Medium trees – 900 square feet;
3. Small trees – 400 square feet;
4. Very small trees – 150 square feet.

However, these credits shall only apply if the tree will be provided with the amount of open soil surface area listed in the tree placement standards. When the required amount of open soil surface area cannot be fully achieved, then the amount of tree canopy cover credit given each tree shall be reduced to the percent of open soil surface area that can be achieved, to a maximum of 50 percent. If the amount of open soil surface area available to a tree is less than 50 percent of that listed in the tree placement standards, then the tree shall not be eligible for tree canopy cover credit.

*For example, if 75 percent of the required open soil surface area can be achieved, then the amount of tree canopy cover credit given each tree shall be 75 percent of the credit listed above for the mature size of the species as shown on the tree species list.*

On non-residential and multi-family lots, tree canopy cover credit shall be revoked for trees that are not maintained, are unhealthy, or have been topped; additional tree planting shall be required if the revocation results in a tree canopy cover percentage on the site below the minimum required.

#### Measuring Tree Canopy Cover

Measuring actual tree canopy and calculating tree canopy cover shall be done using the methods described below and further described in Appendix B. All actual tree canopy cover amounts shall be expressed to the nearest whole foot and all tree canopy cover percentages shall be expressed to the nearest whole percent.

For existing trees, the actual tree canopy cover shall be measured by the applicant or his/her agent, and tree canopy cover percent calculated for the lot. The actual tree canopy cover can be measured on the site (most accurate) or estimated using a geographic information system (GIS) and digital aerial photography available online. The town shall confirm tree canopy cover

information provided by applicants either on site or by using GIS and digital aerial photography. A description of different methods that can be used for measuring actual tree canopy cover is included in Appendix B.

To determine the percent of tree canopy cover on a site divide the total actual amount of tree canopy by the total square footage of the lot and multiply by 100. The result equals the tree canopy cover percent.

### Tree Conservation

Natural areas and existing trees shall be conserved to the greatest extent possible on all lots within the town to maintain a healthy native forest that is, as much as possible, interconnected, diverse and an asset to both humans and wildlife alike. Existing trees in required buffers and yards shall not be removed and shall be conserved for tree canopy cover credit. Owners of oceanfront properties are encouraged to preserve existing specimen trees, vegetation, and dunes.

The location of the buildable area on each lot or parcel may be moved toward one side lot line and either the rear lot line or the front street line a distance of up to 25 percent of the required setback for the zoning district for the purpose of conserving existing tree canopy.

Trees conserved to meet minimum tree canopy cover requirements shall be protected in accordance with the technical standards included in this chapter to remain eligible for tree canopy cover credit.

### Tree Establishment

When only a portion of the tree canopy cover required can be met by conserved trees, or when no trees exist on the site prior to development, then trees shall be planted on the lot to meet minimum tree canopy cover requirements. All planted trees shall be established in accordance with the technical standards contained in this chapter.

Trees shall be established throughout the site to provide the greatest potential for tree canopy cover as they mature.

### Maintaining Tree Canopy Cover

The required amount of tree canopy cover shall remain on the site in perpetuity after the certificate of occupancy is required. Unhealthy trees and trees that die shall be replaced during the next growing season, if the amount of tree canopy cover on the site is less than the minimum required prior to replacement. The administrator may request, on a no more than bi-annual basis, that a property owner conduct a tree canopy cover measurement for the site and submit the results to the department of development services for verification that tree canopy cover requirements are still being met.



The area dedicated to conserved trees shall remain in tree cover in perpetuity. Should individual conserved trees die or become unhealthy and be approved for removal, or be removed without approval, then the area occupied by the tree shall be replanted with one or more trees of a similar size and character in an amount sufficient to replace the tree canopy lost by the removal.

#### Trees in Buffers

To encourage greater coverage of a lot by tree canopy, trees planted in required buffers may be counted toward minimum tree canopy cover requirements, but in no case shall these trees account for more than one-third (1/3) of the minimum tree canopy cover requirements. In addition, required buffers composed of conserved, existing tree groups or forested areas may be counted toward minimum tree canopy cover requirements, but in no case shall these areas account for more than two-thirds (2/3) of the minimum tree canopy cover requirements.

#### Tree Canopy Cover Bonuses

If all of the tree canopy cover requirement for a lot will be met by conserved trees, then the amount of tree canopy cover required may be reduced by 5 percent. However, should any of the conserved trees be damaged, destroyed, or removed during or after the development process and as a result the lot is no longer in compliance with minimum tree canopy cover requirements, then additional tree canopy cover to meet the minimum shall be established.

For individual healthy, conservable trees 18 inches DBH and larger that are proposed for conservation and will be protected in accordance with the technical standards, a bonus tree canopy cover credit of 5 percent shall be added to the actual tree canopy cover as measured on the site.

*For example, if a tree is 27 inches DBH and has 2,100 square feet of tree canopy cover, then an additional 105 square feet of bonus tree canopy cover shall be added for a total actual tree canopy cover of 2,205 square feet.*

No more than one bonus shall be applied to the same tree or group of trees.

#### ***Removal of Vegetation***

On all undeveloped properties, bush hogging, mowing, under brushing or vegetation removal of any type shall not be permitted without an approved tree removal permit. Vegetation removal without a permit shall only be allowed for herbaceous vegetation and woody vegetation less than three (3) inches in diameter to eradicate invasive species, to provide line of sight clearance for surveying, to develop footpaths, and for responsible property maintenance. Vegetative material cut will be disposed of properly as required in section 24-65 of the town code.

***Parking Area Landscaping***

For new development and redevelopment projects requiring more than ten (10) off-street parking spaces, an approved tree protection plan shall be required prior to the issuance of any development permits for the parking area. The parking area landscaping shall comply with the following requirements:

1. All parking facilities shall be required to have a minimum tree canopy cover of 50 percent.
2. For lots 15,000 square feet or greater, at least 8 percent of the gross area of the parking area shall consist of landscape islands; except that for lots less than 15,000 square feet at least 6 percent of the gross area of the parking area shall consist of landscape islands;
3. At least one (1) overstory tree with a minimum caliper of 2 inches shall be planted in each landscape island; understory trees shall be planted where site restrictions prohibit the planting of overstory trees;
4. Each landscape island shall have a minimum of 160 square feet of open soil surface area and shall be at least 8 feet wide in any direction;
5. All planting islands shall be filled to a depth of at least 24 inches with soil that meets technical standards;
6. Trees shall be well distributed throughout the parking area and immediately adjacent to the parking area;
7. All interior plantings shall be protected by raised concrete curbing or other devices such as wheel stops; except where bio-retention areas, swales, or rain gardens are incorporated into the parking area design, raised concrete curbing shall not be required;
8. Consecutive parking spaces shall incorporate landscape peninsulas no more than 10 spaces apart and at least on the ends of all parking rows;
9. When a parking facility is within 50 feet of the public right-of-way, a perimeter planting strip no less than 8 feet in width shall be installed and incorporated into the street yard; if tree placement standards can be met, overstory trees shall be planted within the perimeter planting strip and shall count toward the tree canopy cover requirements for the parking facility and the lot.

For any parking area that is limited to periodic or intermittent use for vehicular parking, such as parking areas for churches or recreational facilities, where the parking area is completely covered by grass or otherwise presents a landscaped appearance, landscape islands shall not be required; however, at least 50 percent of the parking area shall be covered in tree canopy or shall be planted with trees that will provide at least 50 percent tree canopy cover at maturity.

The administrator may waive the requirements of this section for temporary parking areas when it is determined that a waiver is necessary to relieve hardship and will not violate the purposes of

this section; and, all protected trees on the site shall be actively protected during use as a parking area in accordance with the technical standards. Any such waiver shall not exceed one (1) year.

***Tree Protection Plan***

An approved tree protection plan shall be required before any development permit can be issued and prior to any proposed activities that will take place within the CRZ of a public tree. The tree protection plan shall provide a mechanism for the review of the approach to be used for meeting tree conservation, tree protection, and minimum tree canopy cover requirements.

The tree protection plan shall be submitted to the department of development services under the following conditions:

1. Prior to any land disturbance activity;
2. Prior to the commencement of timber harvesting involving the removal of protected trees, if development permits are desired within three (3) years following the completion of tree removal;
3. Prior to preliminary plat approval for a major subdivision;
4. Prior to final plat approval for a minor subdivision;
5. Prior to any alteration of an existing drainage system;
6. With an application for a land use permit;
7. With an application for a building permit;
8. With an application for a demolition permit;
9. With an application for a swimming pool permit;
10. With an application for a well permit.

The tree protection plan shall be prepared and signed by a certified arborist or registered forester, except that for developed residential lots, the tree protection plan may be prepared by the property owner or his/her agent.

The tree protection plan may be separate or may be part of other required site plans. The following information shall be clearly and accurately delineated, depicted or written on the plan, as applicable and required by this chapter:

1. Owner's name and contact information;
2. Property address;
3. Property boundaries;
4. Lot width and length;
5. Front, rear and side setbacks;
6. Location and footprint of buildings, driveway, walkways, accessory buildings, and parking facilities;
7. Location of the boundaries of the buildable area;

8. Trunk location, species, dripline and critical root zone location of existing individual trees and contiguous tree groups and forested areas less than 5,000 square feet, and the individual tree or combined tree canopy cover in square feet;
9. For existing groups and natural forested areas greater than 5,000 square feet in size, the outer extent of the contiguous tree canopy driplines, the amount of actual tree canopy cover for the area and a table of the number of trees by species and DBH found within the tree group or forested area
10. Depiction of which individual trees, tree groups, and forested areas are proposed for conservation, in conjunction with the identification of these trees, tree groups, and boundaries of forested areas on the ground using a high-visibility flagging tape;
11. Location of trunk and critical root zone, species and DBH of any public tree within 50 feet of the property boundary;
12. Location and type of tree protection to be installed for each tree or tree group proposed for conservation;
13. Name, phone number, e-mail address, mailing address, and title of the person responsible for monitoring tree protection on site.
14. Limits of land disturbance and grading;
15. Location and identification of existing and proposed utilities;
16. Location of new trees to be planted to meet minimum tree canopy cover requirements;
17. Table including actual tree canopy cover by individual tree, tree group or forested area; tree canopy cover credit for planted trees by number of trees, species, credit per tree and total for all trees of the species; and, total tree canopy cover proposed for the site in square feet and percent tree canopy on the site;
18. For non-residential and multi-family residential sites, a three (3) year new tree maintenance schedule to include required tree maintenance activity and frequency;
19. A note indicating that a pre-construction meeting with the department of development services shall be required after tree protection fencing has been installed and prior to land disturbance or commencement of work on a site.

The department of development services shall establish requirements for the content and form of the tree protection plan and shall amend and update those requirements from time to time. The tree protection plan shall be submitted to the department of development services who shall review the plan and grant or deny approval, or attach reasonable conditions to its approval.

No land disturbance activity shall take place and no development permits shall be issued until a tree protection plan has been submitted as required, reviewed, and approved by the town arborist. Proposed changes to an approved tree protection plan during the construction process or permit period must be approved and documented by the department of development services prior to those changes taking place.

### ***Tree Maintenance***

The property owner and/or their agent shall jointly and severally be responsible for the maintenance of protected trees in accordance with the technical standards required herein, except that the technical standards shall not apply to single-, two- or three-family residential properties after a certificate of occupancy has been issued.

Trees that die, are determined to be in poor health by town staff, become hazardous, or have been topped shall be removed and replaced during the next dormant season (December through February) if their removal reduces the site's tree canopy cover below the minimum required.

## **ARTICLE IV. TECHNICAL STANDARDS**

### ***Purpose of Article***

The purpose of this article is to establish technical arboricultural standards for tree conservation, establishment, protection, pruning, maintenance and removal.

### ***Compliance with Technical Standards***

All tree care activities for protected trees shall comply with the standards contained in this article and the most current *American National Standards Institute (ANSI) A300 Standards for Tree Care Operations*, *ANSI Z133 Safety Standards*, and *ANSI Z60.1 Standards for Nursery Stock*.

When standards are not met and the administrator determines that the lack of compliance jeopardizes the health or safety of a protected tree, he/she may refuse tree canopy cover credit or rescind tree canopy cover credit for the tree. In such cases additional planting shall be required to meet minimum tree canopy cover requirements.

### ***Waiver of Standards***

The administrator may waive any technical standard to best meet the purpose and intent of this chapter. When granted, waivers shall be recorded in writing on the tree canopy impact permit or tree canopy conservation plan.

### ***Professional Assistance***

Any person or firm subject to the requirements of this chapter is strongly encouraged to seek professional assistance from a registered forester or certified arborist. A list of consulting foresters and is available from the North Carolina Forest Service at [www.ncforestservice.gov](http://www.ncforestservice.gov) and certified arborists can be located online on the International Society of Arboriculture website at [www.isa-arbor.com](http://www.isa-arbor.com).

Any person or firm subject to the requirements of this chapter is encouraged to hire only qualified, established businesses to perform arboricultural services, require references for similar work before hiring, and require adequate insurance for property damage, personal liability,

vehicles, and worker's compensation. The hiring of arboricultural businesses and tree services that employ certified arborists who can supervise the requested work is highly recommended.

***Tree Conservation Standards***

For stands of trees conserved, the following standards shall apply:

1. At least 50 percent of the conserved area shall be contiguous;
2. Each area shall be a minimum of 10 feet wide in any one direction;
3. Each area shall include the critical root zones of all trees and the trees shall be protected in accordance with standards;
4. Areas of naturally occurring conserved trees shall remain in a natural, undisturbed condition;
5. Turf is not permitted;
6. Mowing is not permitted;
7. Bush hogging and clearing of underbrush is not permitted, except as otherwise described in this chapter;
8. No new tree maintenance shall be required, except for that necessary to maintain a healthy and structurally sound stand of trees;
9. Tree removal without a tree impact permit is not permitted, except for hazard trees.

For individual trees conserved, the following standards shall apply:

1. Each tree must meet the definition of a conservable tree;
2. The critical root zone of each tree shall be protected in accordance with standards;
3. On non-residential sites, conserved trees shall be mulched and mulch maintained at all times in accordance with standards.

***Tree Protection Standards***

Protected trees shall be actively protected during development or construction and passively protected throughout their life in accordance with the standards described in this chapter.

The following activities and conditions, as well as any other activities and conditions harmful to a tree's roots within the critical root zone or the entirety of the tree's trunk and crown, are prohibited:

1. Vehicle or equipment traffic, parking or storage;
2. Installing, depositing, placing, storing or maintaining any stone, brick, sand, concrete or other construction materials which may impede the free unobstructed growth of or passage of water or air to the roots;
3. Placement of temporary or permanent structures;
4. Equipment maintenance or washout;
5. Wounding of trunk;

6. Wounding or breakage of scaffold limbs or branches greater than four (4) inches in diameter;
7. Topping or other improper pruning;
8. Fires or excessive heat from equipment exhaust pipes;
9. Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any protected plant for any reason other than that of a protective nature to the tree.

The following activities and conditions may occur on one side of the tree in the outer ½ of the critical root zone, but in no case closer than four (4) feet to the trunk of a newly planted tree or eight (8) feet to the trunk of a conserved tree:

1. Site or lot clearing or grubbing;
2. Soil excavation;
3. Soil cuts;
4. Soil fill;
5. Grading;
6. Trenching;
7. Tilling;
8. Edging;
9. Soil compaction;
10. Top dressing with soil greater than two (2) inches in depth;
11. Paving.

Where sidewalks, driveways, or other potentially impervious pavement are proposed within 15 feet of the trunk of a conserved tree, root bridging, other permeable and flexible paving, such as rubber pavers, shall be used in lieu of impervious pavement.

Active tree protection shall meet the following minimum criteria:

1. Tree protection fencing shall be installed prior to any land development or land disturbance activity around a tree at the location of the outer edge of the critical root zone;
2. Tree protection fencing shall remain in place until construction activities have been completed or a certificate of occupancy is issued, whichever is later;
3. Tree protection fencing shall be four (4) feet high, made of high-visibility polypropylene fencing, and shall be erected with sturdy posts;
4. No prohibited activities or conditions shall take place within the tree protection fencing;
5. Where roots at the boundary of the critical root zone will be affected by soil removal, the affected roots shall be cut cleanly with pruning equipment at a point at least one (1) foot outside of the tree protection fencing;

6. Low hanging limbs that may be damaged by construction activities shall be pruned in accordance with standards prior to any land development or land disturbance activities take place;
7. When equipment movement is such that damage to tree trunks is possible, then tree trunks shall be wrapped vertically with one layer of two (2) inch by four (4) inch lumber spaced a maximum of 12 inches apart, and covered with corrugated cardboard secured with strapping; the wrapping shall remain throughout the period of potential damage.

Prior to any land development or land disturbance activity and after tree protection fencing is installed, tree protection area signs shall be installed. Signs shall be installed along the perimeter of all tree protection zones at least every 50 feet and shall include, at a minimum, the following text: "Tree Protection Area, Entry Prohibited. No Construction Activity, Materials or Equipment Storage, Equipment Washout, or Vehicle Traffic Allowed".

The sign shall be fabricated out of a sturdy weatherproof material, shall be at least 18 inches wide by 24 inches high, and shall be placed on a sturdy post with the bottom of the sign a minimum of 30 inches above the ground. The signs must remain present at all times during construction.

Passive tree protection shall be required throughout the life of a protected tree and shall require, at a minimum, the avoidance of all prohibited activities within the tree protection area.

### ***Tree Establishment Standards***

Tree establishment involves a series of steps that includes tree placement, species selection, quality tree selection, site preparation, tree planting and new tree maintenance.

### **Tree Placement Standards**

Trees shall be placed such that they have adequate space to grow unobstructed to maturity and they do not create a conflict with other infrastructure as they grow larger; minimum distances, at the time of planting as measured from the tree trunk, to structures and infrastructure shall be required as listed in Table 2.

Table 2. Minimum Distances in Feet Required for Tree Placement

<i>Structure/Infrastructure Description</i>	<i>Tree Canopy Size on Approved Tree Species List</i>			
	<i>Large</i>	<i>Medium</i>	<i>Small</i>	<i>Very Small</i>
Street intersections, measured from the right-of-way boundary	35	35	35	35
Traffic signs	20	20	20	20
Light poles	20	20	15	15
Overhead utility lines	30	20	0	0
Mailboxes	5	5	5	5



Table 2. Minimum Distances in Feet Required for Tree Placement

<i>Structure/Infrastructure Description</i>	<i>Tree Canopy Size on Approved Tree Species List</i>			
	<i>Large</i>	<i>Medium</i>	<i>Small</i>	<i>Very Small</i>
Fire hydrants, electrical transmission boxes, water meters, other similar structures	15	15	15	15
Curb, sidewalk, boundary lines, property corners or pavement edge	2.5	2.5	1.5	1.5
Planting site width in any one direction	8	8	8	8
Driveways	15	15	15	15
Minimum open soil surface area (square feet)	400	225	100	35

### Species Selection Standards

Species to be planted to satisfy the requirements of this chapter shall be selected from the *Town of Oak Island Approved Tree Species List*. Species selected shall also conform to the following:

1. The planting of native trees is preferred;
2. Trees selected for planting shall be the largest canopy size the site will accommodate;
3. Where obstructions to growth exist for large canopy trees, medium canopy trees shall be planted; where obstructions to growth exist for medium canopy trees, small or very small canopy trees shall be planted;
4. For street trees and trees planted in front yards, where no obstructions to growth or potential for future conflicts with infrastructure exist at the planting site, large canopy trees shall be planted;
5. When one (1) tree to four (4) trees will be planted to meet requirements, at least 50 percent of the trees shall be overstory trees; when five (5) or more trees will be planted to meet requirements, at least 75 percent of the trees shall be overstory trees;
6. When more than three (3) trees are planted on a site to meet tree canopy cover requirements no one species shall comprise more than 33 percent of all planted trees.
7. Species selected shall be tolerant of growing conditions found at the planting site, including salt concentration, growing space, sunlight, soil moisture, temperature and soil volume;
8. The salt tolerance of the species shall be a primary consideration when selecting a tree for planting between the intra-coastal waterway and the beach; refer to the North Carolina Cooperative Extension Service Urban Horticulture Leaflet 14, *Salt Tolerant Plants Recommended for Pender County Landscapes*, for the salt tolerance of trees and shrubs;
9. Only high salt tolerant species shall be planted along the dunes and immediately adjacent to the oceanfront;
10. Only moderately salt tolerant species shall be planted in landscapes adjacent to the beach front but which are sheltered by other plants, structures or natural dunes;

11. Slightly salt tolerant species shall only be planted in areas receiving some protection from direct salt spray, either from a building or other vegetation;
12. In areas that are completely sheltered, species with no known salt tolerance may be planted.

#### Tree Size and Quality Standards

Trees planted to satisfy the requirements of this chapter shall meet minimum quality standards as established here and in the *ANSI Z60.1 American Standard for Nursery Stock* published by the American Nursery and Landscape Association and as officially revised and as amended from time to time. Trees shall also conform to the following standards to be eligible for tree canopy cover credit:

1. At the time of planting, trees shall be a minimum of two (2) inches caliper for deciduous trees on residential properties, ~~and~~ three (3) inches caliper for non-residential properties, eight (8) feet in height for evergreen trees, and one (1) inch caliper per trunk for multi-trunked trees;
2. Trees shall be container grown or balled and burlapped;
3. Trees shall be free from forked stems and included bark;
4. Trees shall be free from major wounds and insect or disease infestations;
5. Trees that require staking to stand upright shall be prohibited.

#### Soil Quality Standards

The soil in which trees are planted to satisfy the requirements of this chapter shall meet the following minimum standards:

1. The soil within the open soil surface area shall be well aerated to a depth of eight (8) inches, except that in tree planting islands surrounded by pavement it shall be well aerated to a depth of 24 inches;
2. The soil shall contain at least 5 percent organic matter;
3. Soil pH shall be within a range of 5.8 to 7.0;
4. An approved structural soil mix containing 80 percent rock aggregate, 15 percent mineral soil and a sticking agent may be used within parking lots beneath paved areas to increase the rooting volume available to trees;
5. Within a parking area or other paved area if a structural soil mix is used to expand the rooting zone or a permeable or porous pavement is used to increase water infiltration to the soil and tree roots, then the open soil surface area required may be reduced by a maximum of 20 percent without losing tree canopy cover credit.

#### Tree Planting Standards

The following standards shall apply to container grown or balled and burlapped trees:

1. The roots of trees shall remain moist at all times prior to planting;
2. In undisturbed and non-compacted soils and in prepared soils the planting hole shall be at least two (2) times as wide and no deeper than the root ball of the tree; it shall have sides sloping inward toward the bottom; and, the bottom shall be firm soil;
3. In compacted soils, the planting hole shall be at least three (3) times as wide as and no deeper than the root ball of the tree; it shall have sides sloping inward toward the bottom; and, the bottom shall be firm soil;
4. The tree shall be planted no deeper than it was growing in the container or field and the trunk flare shall be visible above the ground; the first root shall be no more than 1 inch below ground level;
5. All strapping, webbing, twine, strings, and other such material shall be removed from the root ball;
6. The burlap and wire basket, if present, shall be removed to a minimum depth of 12 inches and to a greater extent if possible;
7. In no case shall any burlap be located above the soil surface;
8. Tree staking is not required and in many cases is not recommended as newly planted trees should be able to stand upright on their own; however, if tree staking is installed, it shall be removed no later than one (1) year after planting;
9. Tree staking shall conform to standards and no wires, strings, or strapping shall be installed in such a manner to cause wounding on the tree trunk;
10. Tree staking shall consist of soft, flexible ties located on the trunk 3 to 4 feet above the ground and tied horizontally to at least two (2) sturdy supports, such as metal fence posts, 3 feet from the tree trunk are preferred.

#### New Tree Maintenance Standards

The following standards shall apply to all trees planted to satisfy the requirements of this chapter during the establishment period. Trees established on single-, two-, and three-family residential properties are exempt from new tree maintenance standards after the certificate of occupancy has been issued for the lot, although adherence to new tree maintenance standards is highly recommended to ensure long-term tree survival.

1. Trees shall be mulched immediately after planting in accordance with standards;
2. When natural rainfall is less than one (1) inch per week, trees shall be provided with supplemental watering in the amount of one (1) inch per week within the entire open soil surface area, and throughout the growing season for the first three (3) growing seasons;
3. Trees shall be pruned immediately after planting to remove only dead, diseased, dying crossed, broken, or rubbing branches; otherwise, live branches shall not be removed in the first growing season after planting;

4. Tree pruning shall be done as necessary to removed dead branches, train tree structure, and maintain clearance over walkways and vehicles in accordance with tree pruning standards.

### ***Tree Pruning Standards***

Protected trees shall be pruned in accordance with the most current ANSI A300 standards and the associated best management practices. In addition, the following standards shall apply to the pruning of protected trees:

1. Pruning activities shall not disturb nesting, rare or endangered wildlife to the greatest extent possible;
2. Co-dominant stems less than four (4) inches in diameter at the fork shall be pruned off and one (1) main stem shall remain;
3. Pruning shall be done such that a tree's natural form is maintained to the greatest extent possible;
4. Tree topping, heading, or severe cutting back shall not be permitted; tree canopy cover credit shall be revoked for trees that have been topped or improperly pruned in such a manner;
5. Reasons for which tree pruning is not permitted are:
  - a. Sign installation, clearance or visibility, excluding traffic, directional, warning or information signs owned by any public or semi-public agency;
  - b. Clearance for temporary or permanent equipment traffic or storage, the erection of a temporary structure, or materials storage within the tree protection zone.

### ***Mulching Standards***

Individual planted trees, individual conserved trees and groups of ten (10) or less conserved trees shall be mulched. For conserved groups of more than ten (10) trees and forested areas, the addition of mulch is not required; however, the ground surface and natural leaf litter within these areas shall remain present and undisturbed. Mulching shall be done in accordance with the following:

1. Mulch shall be composed of organic materials only and may include, but is not limited to: pine straw, leaves, wood chips aged at least three (3) months, compost and pine bark;
2. Grass clippings, plastic sheeting, and rocks or gravel shall not be used as mulch and shall not be applied within the critical root zone;
3. All trees shall be mulched out from the trunk at least one-third (1/3) the distance to the outer edge of the critical root zone, except that no mulch ring shall have a radius less than 3.0 feet or shall be required to be greater than ten feet; the mulch ring radius shall be increased annually as the tree grows and the critical root zone increases;

4. Mulch shall be three (3) to four (4) inches in depth, and shall be spread in an even layer from six (6) inches out from the trunk to the required extent of the mulched area;
5. Mulch is not allowed closer than six (6) inches to the tree trunk;
6. Mulch shall be applied at least annually, preferably during the months of February through April.

#### ***Other Tree Maintenance Standards***

In addition to pruning and mulching, other tree maintenance includes fertilization, supplemental support (cabling and bracing), and lightning protection. When required for protected trees as set forth herein, these activities shall be done in accordance with ANSI A300 standards and the standards set forth below.

1. Fertilization is not required for protected trees. However, if protected trees are fertilized, they shall be fertilized in accordance with ANSI A300 standards; newly planted trees shall not be fertilized until after the end of the first growing season;
2. Any tree support system placed in protected trees shall be designed, installed and maintained in accordance with current ANSI A300 standards;
3. Any lightning protection system placed in a protected tree shall be designed, installed and maintained in accordance with current ANSI A300 standards.

#### ***Tree Removal Standards***

The removal of a protected tree shall be done in accordance with the following:

1. Tree removal shall not disturb nesting, rare or endangered wildlife to the greatest extent possible and removal shall be delayed until nesting wildlife has vacated the tree or is safely removed;
2. Removal shall be approved or may be required on non-residential properties if a tree meets one or more of the following conditions:
  - a. Dead;
  - b. Unhealthy condition;
  - c. Dieback of 50 percent or greater of the crown;
  - d. Insect infestation or diseases condition for which treatment is impractical, causing tree decline and with a high probability of spread to other trees;
  - e. Trunk wounds greater than one-third (1/3) of the circumference of the trunk;
  - f. Trunk cavity greater than two-thirds (2/3) of the diameter of the trunk at the point of the cavity;
  - g. Structural defects in scaffold limbs, where defect correction through pruning will result in removal of 50 percent or greater of the tree's crown;
  - h. Litter originating from the tree that creates an unsafe condition or poses a hazard to public health, safety and welfare;

- i. Irresolvable conflict with infrastructure that is creating an unsafe condition or poses a hazard to public health, safety and welfare;
  - j. The tree is located within the building envelope.
  - k. Tree precludes the ability of the owner to use the growing site for other permitted purposes, represents tree canopy that is above the minimum required, and removal will not cause the site tree canopy to be reduced below the minimum required;
3. Reasons and conditions for which tree removal is not permitted include, but are not limited to:
  - a. Sign installation, clearance or visibility, excluding traffic, directional, warning or information signs owned by any public or semipublic agency;
  - b. Unwanted production of leaves, fruit or other organic litter that does not create an unsafe condition or that is not a hazard to public health, safety and welfare;
  - c. Removal will cause the site tree canopy cover to be reduced below the minimum required and replacement of the tree canopy lost with planted trees to achieve the minimum is not possible.

***Proposed Fee Schedule***

The proposed fees for permits, plans review, and tree mitigation required by this chapter are listed in Table 3.

Table 3. Proposed Fees for Required Tree Canopy Conservation

<i>Permit/Approval/Activity Description</i>	<i>Fee</i>	<i>Unit</i>
Tree removal permit – developed non-residential and multi-family residential properties (includes 2 inspections)	\$50	per tree
Tree protection plan review – individual or business working near public trees (includes 2 inspections)	\$50	per tree
Tree protection plan review – undeveloped single and two-family residential single lots (includes 4 required inspections)	\$250	per lot
Tree protection plan review – undeveloped non-residential and multi-family residential properties (includes 4 required inspections)	\$250	per lot plus \$50 per site acre
Tree protection plan review – minor subdivision (includes 4 required site inspections)	\$250	per subdivision
Tree protection plan review – major subdivision (includes 4 required site inspections)	\$350	per subdivision plus \$50 per site acre
Tree canopy mitigation fee	\$2.50	each square foot of tree canopy deficit
Re-inspection fee after non-compliance	\$50	per inspection

**APPENDIX A. APPROVED TREE SPECIES LIST**

*[see separate document]*

## **APPENDIX B. CALCULATING TREE CANOPY COVER**

To accurately determine the percent of tree canopy cover that currently exists on a site divide the actual amount of tree canopy as measured on the site by the total square footage of the lot and multiply by 100. The result equals the tree canopy cover percent.

A site visit shall be made to measure the total square footage of actual tree canopy cover on the lot, including all individual trees, tree groups and forested areas. This may be done through a survey or by breaking the coverage area into smaller geometric areas and using standard formulas to calculate the area. For a square or rectangular areas, multiply width by length. For triangular areas, multiply width by length and divide by 2. For individual tree canopies, the area beneath the crown shall be calculated the same as the area of a circle using the following formula:

$$\text{Area} = \text{radius squared} \times 3.14 \text{ (pi, a constant)}$$

To determine the average radius of a tree's crown, measure the diameter of the crown at its widest point (with the trunk in the center) and then the diameter of the crown in a perpendicular direction. Add the two measurements and divide by 2 to get the average diameter, and then divide the average diameter by 2 again to get the average radius.

*For example, the diameter of a tree's crown measures 56 feet in at its widest point and 44 feet in the perpendicular direction. These two diameters added together equal 100 feet, resulting in an average diameter of 50 feet. The average radius for the tree is 25 feet.*

*The radius is squared (25 feet times 25 feet) and equals 625 square feet, which is multiplied by 3.14 to get a square foot area of 1,962.5, which is rounded to 1963 feet.*

*If the lot size is 6,600 square feet and this tree is the only tree on the lot and all canopy cover falls within the lot boundaries, then the percent of tree canopy cover on the lot is 30 percent (1,963/6,600 times 100). If not all the tree canopy cover falls within the lot boundaries, then subtract the canopy cover outside the boundaries.*

To determine the percent of a site that will be covered by tree canopy after development or other permitted activity takes place, add the total square footage of actual tree canopy cover proposed for conservation to the tree canopy cover credit given to proposed new planted trees, divide by the total square footage of the lot and multiply by 100 to get the total tree canopy cover percent on the lot.

Using a geographic information system application, the GIS measuring tool can be used to draw a polygon around tree canopies to measure their square foot area. When added together and divided by the total square footage of the lot, the result will be the percent tree canopy cover on the lot (multiply by 100 to get percent).



*For example, if the total lot size is 6,600 square feet, and there exists 2,400 square feet of tree canopy cover, then the tree canopy cover percent is 2,400 divided by 6,600 which equals .36 rounded to the nearest hundredth, which is then multiplied by 100 to get a total tree canopy cover of 36 percent for this example.*

Alternatively, tree canopy cover can be estimated using a dot grid superimposed over a current aerial photograph of the lot and the number of dots falling on tree canopy divided by the total number of dots falling within the lot boundaries will result in the percent tree canopy cover on the lot (multiply by 100 to get percent). The dots on the grid shall be no farther than 10 feet from one another for lots 2 acres or less in size, and no farther than 25 feet from one another for lots greater than 2 acres.

SPECIES CHARACTERISTICS		Mature Tree Size	Salt Tolerance	Drought Tolerance	Light Requirement	Construction Tolerance	Wildlife Value	Canopy/Shade Tree	Street Tree	Screen	Urban Conditions	Overhead Utility Lines	Parking Lots	Tree Wells	Specimen	Flowers	Fall Color	Excessive Litter	Revision Comments
SPECIES COMMON NAME	LATIN NAME	SZ	ST	DT	LR	CT	WL	CS	SR	SC	UR	UT	PL	TW	SP	FL	FC	EL	
Ash, Carolina	<i>Fraxinus caroliniana</i>	M	U	L	FS	U	X												removed per NC Forest Service, E. Muecke; insect susceptibility
Ash, Green	<i>Fraxinus pennsylvanica</i>	L	M	H	FS	G	X	X	X		X		X	X	X		X		removed per NC Forest Service, E. Muecke; insect susceptibility
Baccharis, Eastern	<i>Baccharis halimifolia</i>	S	H	M	FS	G				X	X	X				X			
Baldcypress	<i>Taxodium distichum</i>	L	L	H	FS	G	X	X	X	X	X		X		X		X		salt tolerance changed from moderate to low
Beech, American	<i>Fagus grandifolia</i>	L	L	M	PS	P	X	X							X		X		
Birch, River	<i>Betula nigra</i>	L	L	M	SS	MG			X	X					X				
Blackgum; Black Tupelo	<i>Nyssa sylvatica</i>	L	M	L	PS	G	X	X	X								X		
Buckeye, Bottlebrush	<i>Aesculus sylvatica</i>	VS	U	L	SS	U	X					X				X			size changed from small to very small
Buckeye, Red	<i>Aesculus pavia</i>	VS	M	L	FS	M	X		X			X			X	X			size changed from small to very small
Buttonbush, Common	<i>Cephalanthus occidentalis</i>	VS	U	L	FS	G				X		X				X			size changed from small to very small
Cedar, Japanese	<i>Cryptomeria japonica</i>	L	U	H	FS	G				X	X		X		X				
Chastetree	<i>Vitex agnus-castus</i>	VS	M	H	FS	U	X		X	X	X	X	X		X	X			size changed from small to very small
Cherry, Black	<i>Prunus serotina</i>	L	M	H	FS	P	X			X						X	X		
Cherry, Higan Cherry 'Autumnalis'	<i>Prunus x subhirtella 'Autumnalis'</i>	M	U	M	FS	U			X							X	X		
Cherry, Okame	<i>Prunus x incamp 'Okame'</i>	S	U	M	PS	U			X			X				X			
Chinkapin, Allegheny	<i>Castanea pumila</i>	S	N	H	FS	U	X					X							
Cottonwood, Eastern	<i>Populus deltoides</i>	L	M	M	FS	U	X	X							X			X	removed per NC Forest Service, E. Muecke
Crapemyrtle, Common	<i>Lagerstroemia indica</i>	S	M	H	FS	U	X		X	X	X	X	X	X	X	X	X		salt tolerance changed from unknown to moderate
Gypress, Leyland	<i>Cupressocyparis leylandii</i>	M	M	M	FS	G				X									removed per NC Forest Service, E. Muecke; disease susceptibility
Cyrilla, Swamp	<i>Cyrilla racemiflora</i>	VS	L	L	SS	M	X			X		X				X			size changed from small to very small
Devilwood	<i>Osmanthus americana</i>	S	H	L	PS	M	X		X			X			X	X			
Dogwood, Flowering	<i>Cornus florida</i>	M	L	L	SS	P	X		X						X	X	X		
Dogwood, Kousa	<i>Cornus kousa</i>	S	M	M	PS	U	X		X	X		X			X	X	X		
Dogwood, Swamp	<i>Cornus stricta</i>	S	U	U	PS	U	X			X		X			X	X			

SPECIES CHARACTERISTICS		Mature Tree Size	Salt Tolerance	Drought Tolerance	Light Requirement	Construction Tolerance	Wildlife Value	Canopy/Shade Tree	Street Tree	Screen	Urban Conditions	Overhead Utility Lines	Parking Lots	Tree Wells	Specimen	Flowers	Fall Color	Excessive Litter	Revision Comments
SPECIES COMMON NAME	LATIN NAME	SZ	ST	DT	LR	CT	WL	CS	SR	SC	UR	UT	PL	TW	SP	FL	FC	EL	
Elm, Chinese; Lacebark Elm	<i>Ulmus parvifolia</i>	M	M	H	PS	G		X	X		X		X	X	X				
Elm, Water; Planertree	<i>Planera aquatica</i>	M	U	U	PS	U													
Elm, Winged	<i>Ulmus alata</i>	L	M	M	PS	G		X	X		X								
Fringetree; Grancy Graybeard	<i>Chionanthus virginicus</i>	S	N	L	PS	M	X					X			X	X			
Ginkgo	<i>Ginkgo biloba</i>	L	M	M	FS	G		X	X		X		X	X	X		X	X	added from UDC Article 10. Performance Standards
Goldenraintree	<i>Koelrueteria paniculata</i>	M	M	H	FS	U			X	X	X	X	X	X		X	X		
Hickory, Mockernut	<i>Carya tomentosa</i>	L	U	H	FS	M	X	X									X		
Hickory, Pignut	<i>Carya glabra</i>	L	M	H	PS	MG	X	X									X		
Holly, American	<i>Ilex opaca</i>	M	M	H	PS	G	X		X	X	X		X	X	X	X			salt tolerance changed from high to moderate
Holly, Dahoon	<i>Ilex cassine</i>	M	M	L	SS	G	X		X	X	X	X			X	X			
Holly, Foster	<i>Ilex x attenuata</i> 'Fosteri'	S	M	M	PS	U	X		X	X	X	X		X	X	X			salt tolerance changed from low to moderate
Holly, Myrtle Dahoon	<i>Ilex myrtifolia</i>	VS	U	L	FS	U			X			X							size changed from small to very small
Holly, Nellie R. Stevens	<i>Ilex x 'Nellie R. Stevens'</i>	S	M	H	FS	G			X	X	X	X	X	X					salt tolerance changed from unknown to moderate
Holly, Possumhaw; Winterberry	<i>Ilex decidua</i>	VS	L	H	PS	U	X		X	X		X							salt tolerance changed from unknown to low; size changed from small to very small
Holly, Yaupon	<i>Ilex vomitoria</i>	VS	H	H	PS	G	X		X	X	X	X	X	X	X	X			size changed from small to very small
Honeylocust, Thornless	<i>Gleditsia triacanthos</i> var. <i>inermis</i>	L	H	H	FS	G			X		X		X	X				X	removed per NC Forest Service, E. Muecke; disease susceptible
Hophornbeam, American	<i>Ostrya virginiana</i>	M	N	H	SS	M	X		X		X			X	X				
Hoptree, Common	<i>Ptelea trifoliata</i>	S	U	H	PS	U	X		X			X							
Hornbeam, American	<i>Carpinus caroliniana</i>	M	N	M	SS	M	X		X					X					
Laurelcherry, Carolina	<i>Prunus caroliniana</i>	M	M	H	PS	M	X		X	X	X			X		X		X	salt tolerance changed from high to moderate
Loblolly-bay	<i>Gordonia lasianthus</i>	M	N	M	PS	G			X						X	X			
Locust, Black	<i>Robinia pseudoacacia</i>	L	M	H	FS	U	X	X								X			removed per NC Forest Service, E. Muecke; disease susceptible

SPECIES CHARACTERISTICS		Mature Tree Size	Salt Tolerance	Drought Tolerance	Light Requirement	Construction Tolerance	Wildlife Value	Canopy/Shade Tree	Street Tree	Screen	Urban Conditions	Overhead Utility Lines	Parking Lots	Tree Wells	Specimen	Flowers	Fall Color	Excessive Litter	Revision Comments
SPECIES COMMON NAME	LATIN NAME	SZ	ST	DT	LR	CT	WL	CS	SR	SC	UR	UT	PL	TW	SP	FL	FC	EL	
Magnolia, Little Gem	<i>Magnolia grandiflora</i> 'Little Gem'	S	M	H	SS	U	X		X	X		X			X	X		X	
Magnolia, Southern	<i>Magnolia grandiflora</i>	L	M	M	PS	M	X	X	X	X					X	X		X	
Magnolia, Sweetbay	<i>Magnolia virginiana</i>	M	L	L	PS	G	X	X	X	X					X	X			
Maple, Chalk	<i>Acer leucoderme</i>	M	U	H	PS	U			X								X		
Maple, Red	<i>Acer rubrum</i>	L	L	L	FS	MG	X	X	X						X		X		removed per NC Forest Service, E. Muecke; not urban tolerant
Maple, Southern Sugar; Florida Sugar Maple	<i>Acer barbatum</i>	M	N	M	PS	M		X	X						X		X		
Maple, Trident	<i>Acer buergeranum</i>	M	M	M	FS	U			X	X	X		X		X		X		
Oak, Black	<i>Quercus velutina</i>	L	U	M	FS	U	X	X	X								X		
Oak, Blackjack	<i>Quercus marilandica</i>	M	U	M	FS	U	X		X										
Oak, Bluejack	<i>Quercus incana</i>	M	U	H	FS	U	X												
Oak, Cherrybark	<i>Quercus pagoda</i>	L	M	H	FS	G	X	X	X						X				
Oak, Darlington	<i>Quercus hemisphaerica</i>	L	L	H	FS	M	X	X	X				X		X				
Oak, Laurel	<i>Quercus laurifolia</i>	L	L	M	PS	M	X	X	X						X			X	
Oak, Live	<i>Quercus virginiana</i>	L	H	H	FS	G	X	X	X		X		X		X			X	
Oak, Nuttall	<i>Quercus nuttallii</i>	L	U	M	FS	U	X	X	X		X		X		X		X	X	
Oak, Overcup	<i>Quercus lyrata</i>	L	N	M	PS	G	X	X	X						X			X	
Oak, Post	<i>Quercus stellata</i>	L	M	H	FS	L	X	X	X						X			X	
Oak, Sand Live	<i>Quercus geminata</i>	M	H	H	FS	U	X			X									
Oak, Shumard	<i>Quercus shumardii</i>	L	M	H	FS	G	X	X	X		X		X		X		X	X	
Oak, Southern Red	<i>Quercus falcata</i>	L	M	H	FS	MG	X	X	X						X		X	X	
Oak, Swamp Chestnut	<i>Quercus michauxii</i>	L	N	M	FS	G	X	X	X						X		X	X	
Oak, Turkey	<i>Quercus laevis</i>	M	U	H	FS	U	X											X	
Oak, Water	<i>Quercus nigra</i>	L	M	H	FS	G	X	X	X		X				X		X	X	salt tolerance changed from low to moderate
Oak, White	<i>Quercus alba</i>	L	H	M	FS	P	X	X	X						X		X	X	
Oak, Willow	<i>Quercus phellos</i>	L	H	H	FS	MG	X	X	X		X				X		X	X	

SPECIES CHARACTERISTICS		Mature Tree Size	Salt Tolerance	Drought Tolerance	Light Requirement	Construction Tolerance	Wildlife Value	Canopy/Shade Tree	Street Tree	Screen	Urban Conditions	Overhead Utility Lines	Parking Lots	Tree Wells	Specimen	Flowers	Fall Color	Excessive Litter	Revision Comments
SPECIES COMMON NAME	LATIN NAME	SZ	ST	DT	LR	CT	WL	CS	SR	SC	UR	UT	PL	TW	SP	FL	FC	EL	
Palmetto, Cabbage; Sabal Palm	<i>Sabal palmetto</i>	M	H	H	PS	U	X	X	X		X		X	X	X			X	
Pawpaw	<i>Asimina triloba</i>	VS	U	M	FS	U	X		X			X			X		X		size changed from small to very small
Persimmon, Common	<i>Diospyros virginiana</i>	L	H	H	FS	U	X				X				X		X	X	
Pinckneya; Fevertree	<i>Pinckneya pubens</i>	S	U	M	FS	U				X						X			
Pine, Japanese Black	<i>Pinus thunbergiana</i>	VS	H	H	FS	U				X	X		X		X				size changed from small to very small
Pine, Loblolly	<i>Pinus taeda</i>	L	M	M	FS	MG	X	X		X	X		X		X				
Pine, Longleaf	<i>Pinus palustris</i>	L	H	H	FS	MG	X	X			X		X		X				
Pine, Slash	<i>Pinus elliotii</i>	L	H	H	FS	G	X	X		X	X		X		X				
Pine, Spruce	<i>Pinus glabra</i>	L	L	M	PS	U	X	X	X	X					X				
Pistache, Chinese	<i>Pistacia chinensis</i>	M	N	H	FS	U		X	X		X		X	X	X		X		
Plum, American	<i>Prunus americana</i>	S	L	L	FS	U	X		X			X				X			
Plum, Chickasaw	<i>Prunus angustifolia</i>	VS	U	H	FS	U	X					X				X			size changed from small to very small
Plum, Purpleleaf	<i>Prunus cerasifera</i> 'Atropurpurea'	S	M	M	FS	U	X			X	X	X			X	X			
Redbud, Eastern	<i>Cercis canadensis</i>	M	N	M	SS	M	X		X						X	X	X		
Redbud, Forest Pansy	<i>Cercis canadensis</i> 'Forest Pansy'	M	N	H	PS	U	X		X		X	X	X	X	X	X	X		
Redbud, Oklahoma	<i>Cercis reniformis</i> 'Oklahoma'	S	N	H	PS	U	X		X		X	X	X	X	X	X	X		
Redbud, Texas White	<i>Cercis canadensis</i> var. <i>texensis</i>	S	N	H	PS	U	X		X		X	X	X	X	X	X	X		
Redcedar, Eastern	<i>Juniperus virginiana</i>	L	H	H	PS	G	X		X	X	X		X		X	X			
Redcedar, Southern	<i>Juniperus silicicola</i>	L	H	H	PS	G	X		X	X	X		X		X	X			
Sassafras	<i>Sassafras albidum</i>	M	N	H	FS	G	X			X	X				X	X	X		
Serviceberry, Downy	<i>Amelanchier arborea</i>	M	L	L	SS	M	X		X			X			X	X			salt tolerance changed from moderate to low
Silverbell, Carolina	<i>Halesia carolina</i>	M	L	M	FS	U			X						X	X	X		
Sourwood	<i>Oxydendron arboreum</i>	M	M	M	FS	P		X								X	X		added from UDC Article 10. Performance Standards
Sweetgum	<i>Liquidambar styraciflua</i>	L	L	M	FS	P	X	X							X		X	X	salt tolerance changed from moderate to low
Sweetleaf	<i>Symplocos tinctoria</i>	VS	U	U	PS	U	X		X			X				X			size changed from small to very small
Sycamore, American	<i>Platanus occidentalis</i>	L	M	H	FS	MG		X			X							X	

SPECIES CHARACTERISTICS		Mature Tree Size	Salt Tolerance	Drought Tolerance	Light Requirement	Construction Tolerance	Wildlife Value	Canopy/Shade Tree	Street Tree	Screen	Urban Conditions	Overhead Utility Lines	Parking Lots	Tree Wells	Specimen	Flowers	Fall Color	Excessive Litter	Revision Comments
SPECIES COMMON NAME	LATIN NAME	SZ	ST	DT	LR	CT	WL	CS	SR	SC	UR	UT	PL	TW	SP	FL	FC	EL	
Tree Sparkleberry	<i>Vaccinium arboreum</i>	VS	U	H	PS	U	X		X			X				X	X		size changed from small to very small
Tupelo, Water	<i>Nyssa aquatica</i>	L	U	L	PS	G	X	X	X								X		
Walnut, Black	<i>Juglans nigra</i>	L	H	H	FS	U	X	X							X			X	
Waxmyrtle, Southern	<i>Myrica cerifera</i>	S	H	M	SS	G	X			X	X	X	X	X	X	X			
White-cedar, Atlantic	<i>Chamaecyparis thyoides</i>	M	N	N	PS	U	X			X									
Willow, Black	<i>Salix nigra</i>	M	M	L	FS	U													
Willow, Coastal Plain	<i>Salix caroliniana</i>	M	M	L	PS	U													
Witchhazel, Common	<i>Hamamelis virginiana</i>	M	N	M	SS	M	X			X		X			X	X	X		
Yellowpoplar, Tuliptree	<i>Liriodendron tulipifera</i>	L	N	M	FS	PM	X	X									X		

# **TOWN OF OAK ISLAND APPROVED TREE SPECIES LIST (DRAFT 2.0) CODE KEY**

<b>CHARACTERISTIC</b>	<b>CODE</b>	<b>DATA ENTRY CODES AND DESCRIPTIONS</b>
Mature Tree Size	SZ	very small (VS) (15 feet), small (S) (15-25 feet), medium (M) (25 - 50 feet), large (L) (>50 feet)
Salt Tolerance	ST	none (N), low (L), moderate (M), high (H), or unknown (U)
Drought Tolerance	DT	low (L), moderate (M), or high (H)
Light Requirement	LR	semi-shade (SS), partial sun (PS), or full sun (FS)
Construction Tolerance	CT	good (G), moderate (M), or poor (P), combinations of these, or unknown (U)
Wildlife Value	WL	yes (X) or no (blank)
Canopy/Shade Tree	CS	yes (X) or no (blank)
Street Tree	SR	yes (X) or no (blank)
Screen	SC	yes (X) or no (blank)
Urban Conditions	UR	yes (X) or no (blank)
Overhead Utility Lines	UT	yes (X) or no (blank)
Parking Lots	PL	yes (X) or no (blank)
Tree Wells	TW	yes (X) or no (blank)
Specimen	SP	yes (X) or no (blank)
Flowers	FL	yes (X) or no (blank)
Fall Color	FC	yes (X) or no (blank)
Excessive Litter	EL	yes (X) or no (blank)

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

Agenda Item: New Business No. 1

Date: December 8, 2016



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**Issue:** Bed and Breakfast Text Amendment

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Estimated Time for Discussion:** 25 Minutes

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**Subject Summary:**

The proposed text amendment is citizen initiated. The applicant wishes to open a Bed & Breakfast in a zoning district that does not currently permit a Bed & Breakfast use. The property in question is located on SW 15<sup>th</sup> Street which is in the R-6B (Residential) zoning district. Currently Bed and Breakfasts are allowed in the CB, CR, R-6MH and CUCB zoning districts and only with a Conditional Use Permit (Sec.18-116). The ordinance has existing additional standards for a Bed & Breakfast that have to be met before a Conditional Use Permit is approved. Those Conditional Use Permit standards are listed in Sec.18-226 of the zoning ordinance. After meeting with the applicant those standards would not be a problem and are replicated verbatim in this proposed text amendment. Staff feels that those standards would be important to leave in as a part of this text amendment request. The standards would have to be applied to Section 18.82 – Specific Regulations – of the zoning ordinance.

The applicant requests that the table of uses text for a Bed and Breakfast be amended to allow them in the R-6B zoning district as permitted with standards (PS). This is highlighted in the below text amendment. The first attachment is the proposed ordinance changes, followed by the application form, the applicant's justification letter and the applicant's CV.

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**Attachments:** Text Amendment, Applicant, Letter, CV

**Recommendation/Action Needed:**

**Suggested Motion:** Motion to approve or deny the text amendment and the associated consistency statement

**Funds Needed:** \$0.00

**Follow-up Action Needed:** Staff will update staff report for the Council Agenda.

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## Attachments

### Sec. 18-116. - Table of uses.

The following table and accompanying footnotes sets forth the permitted and conditional uses allowed in each zoning district:

- (1) Permitted by right (P). The letter "P" in the zoning district column opposite the listed use means the use is permitted by right in the zoning district in which it appears.
- (2) Conditional uses (C). The letter "C" in the zoning district column opposite the listed use means that a conditional use permit, as set forth in division 8 of this article, must be obtained before the use may locate in the district in which it appears.
- (3) Permitted with standards (PS). The letters PS in the zoning district column opposite the listed use means that the use is permitted without a higher level approval process, as long as the proposal meets all of the standards for that use in section 18-82.

Uses	R-20	R-9	R-7.5	R-7	R-6A	R-6B	R-6MF	R-6MH	O & I	CB	CR	C-LD	OS	AD	Club Overlay Dist.	CUCB
Bakeries, retail										P	P	P				C
Bed and breakfast houses						PS		C		C	C					C
Boarding kennels												P		P		

### Sec. 18-82. - Specific regulations.

(s) [*Outdoor sales and displays.*] Outdoor sales and displays conducted as an accessory use must meet specific standards.

- (1) Outdoor storage sales and display areas, both for incidental and principal uses, are not to exceed one acre in size.
- (2) No sales of merchandise shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
- (3) Between the hours of 10:00 p.m. and 7:00 a.m., all items offered for sale shall be removed.
- (4) Outdoor sales and displays shall not be located within parking spaces.
- (5) The permit must be made available to the town upon request.
- (6) All outdoor sales and display structures such as tents and sales stands will need to be reviewed for compliance with all applicable state codes and temporary outdoor sales and display that remain on site exceeding 180 days will be considered as a permanent structure and shall meet all federal, state, and local regulations.

(t) *Bed and breakfast homes.* Bed and breakfast homes may locate in any district subject to the following conditions and other conditions that may be required:

- a. Bed and breakfast homes shall offer accommodations to no more than eight persons.
- b. Bed and breakfast homes shall be registered at the town hall annually before beginning operation thereof, giving the name of the owner or operator, address, accommodations offered and period of operation.
- c. Evidence shall be provided that the facility is in full compliance with the state administrative code administered by the state department of natural resources and community development, division of health services, pertaining to bed and breakfast homes.
- d. A minimum of one off-street parking space shall be provided for each bedroom and other rooms used for sleeping in bed and breakfast homes.

# TEXT AMENDMENT APPLICATION

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



Date: 10 Nov 2016

Fee: PAID - \$1

Project Name (if applicable): The Chef and The Potter Bed + Breakfast

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: Oliver Andreini

Mailing Address:  
4905 Lake Renaissance Circle  
Wilmington, NC 28409

Phone: 910-769-1967

Email: oandreini@earthlink.net

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

Owner Name(s): \_\_\_\_\_

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

Zone area R6 A-B

**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: 11-9-2016

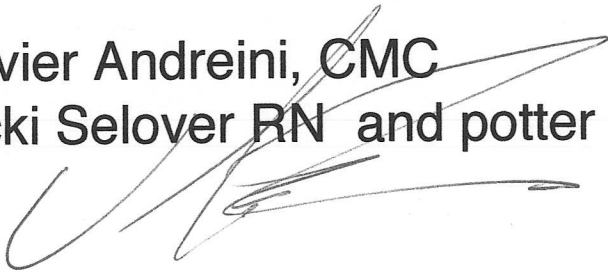
Owner signature



We are community oriented and want to use local businesses first to promote our bed and breakfast. We hope to accomplish this by using local fisherman, farmers market, and florist to make our farm to table cuisine unique with the talents of our Certified Master Chef, Olivier Andreini. We plan to research the local seasonal markets and businesses, and hire local staff if needed to assist us in our bed and breakfast venture. We already have plans to use a local builder from Oak Island and hope our little B&B can give as much back to the community as it receives. We know that the clientele that stays at "The Chef and the Potter" will bring added revenue to the Island and surrounding areas by us also promoting local restaurants, charter boats, gift shops and more.

Thank you for your time, we are very excited about this new endeavor and hope to hear from you soon

Olivier Andreini, CMC  
Vicki Selover RN and potter

A handwritten signature in black ink, appearing to be 'Vicki Selover', written over the printed name.

## **Olivier Andreini, CMC, CHE**

4905 Lake Renaissance Circle  
Wilmington, NC 28409

### **Professional Profile**

- **Executive Chef, The Merion Cricket Club, Haverford, PA 2008 – 2013**  
One of America's premier Private Clubs. Directed \$4 million in F&B, with 70% of sales from a la carte services, and recognized as one of Philadelphia's best club food & service programs. Managed, 2 sous-chef, 1 banquet chef, 1 pastry chef, 16 cooks - 50% of the cooks are certified and 8 dish-washers. Advance process and culinary methods effectively reducing food-cost from 40% to 33.5% during initial year. Establish a food trend at the Club with new menus and contemporary specials evolving regularly. Implemented a "Chef Table," New food & wine program, Farm to table programs, Wine and food pairing Dinner program, to membership great pleasure.
- 30 years plus experience as a culinarian, instructor, and chef/consultant for the culinary arts
- Numerous projects undertaken successfully as consultant to independent restaurants and hotels
- Instructional experience at culinary arts institutions in a variety of settings
- Broad range of kitchen experience from apprentice to executive chef
- Earned the certifications of Certified Master Chef (CMC) 2005, and Certified Hospitality Educator (CHE) 2000

### **Professional Experience**

#### **Educational**

**Professor, The Culinary Institute of America, Hyde Park, NY 1998 – 2008**

- Course instruction includes Garde-Manger, Cuisines of Europe and the Mediterranean, Skills 1 & 2 and Continuing Education classes
- Contributed materials, recipes, techniques and photographs for the publication of "Garde-Manger, The Art and Craft of the Cold Kitchen," Second Edition, "Gourmet Meals in Minutes," "The Professional Chef," Eighth Edition, "Breakfasts & Brunches," "Hors d' Oeuvres" and "Grilling."

**Chef Instructor, Villa Delia Culinary School, Pisa, Italy 4/98 – 7/98**

- Sent to this school to instruct under the auspices of Il Giardino Ristorante

**Program Director and Instructor, DuBrulle French Culinary School, Vancouver, BC 1990/94**

- Designed and implemented 17-week training program and supervised teaching staff including four culinarians and one pastry chef

**Chef Instructor, DuBrulle French Culinary School, Vancouver, BC 7/86 - 9/87**

#### **Consulting**

**Chef de Cuisine / Consultant, Willi Woods Restaurant, Kelowna, BC 7/86 – 9/87**

- Developed different international menus for each day of the week
- Responsible for kitchen design and appointment of staff
- This BC wine valley property was awarded best new restaurant – *Okanagan Life Magazine*

**Chef / Consultant, La Belle Auberge, Ladner, BC 10/86 – 3/97**

**Chef de Cuisine / Consultant, Cia Mein Ristorante, Vancouver, BC 9/95 – 9/96**

- Researched and developed culinary concepts fusing Italian and Pacific Rim cuisines
- Responsible for kitchen design and appointment of staff and selecting flatware for dining service

**Menu / Kitchen Consultant, Barclay Hotel, Vancouver, BC 4/86 – 6/86**

**Sous Chef**, Il Giardino Ristorante, Vancouver, BC 1/98 – 4/98  
**Chef de Cuisine / Co-owner**, Restaurant La Vaudoise, Vancouver, BC 3/88 – 9/90  
**Chef de Cuisine / Co-owner**, Restaurant Le Petit Geneve, Vancouver, BC 8/83 -7/86  
**Sous Chef**, Vancouver Trade & Convention Centre, Vancouver, BC 10/87 – 3/88  
**Chef (on call)**, Restaurant La Belle Auberge, Ladner, BC 7/83 – 12/94  
**Executive Chef / Sous Chef**, Beach House Restaurant, Vancouver, BC 1/81 – 7/83  
**Formative experiences from Apprentice to Executive Chef in Switzerland and Canada**, 4/68 – 1/81

### Awards and Recognitions

- Who's Who Among America's Teachers, 2000 & 2005
- Award of Excellence, Canadian Food Service Executive Associates, 2/94
- Province Newspaper Review, Jeani Read Column, 12/93  
 "Good News is the Result of Effort, Imagination, Endeavor, Commitment and Integrity"
- Our City's Honour Roll, Vancouver Magazine, "People Who Make a Difference," 12/92
- Top 5 Restaurants, The Litt Report, La Vaudoise Restaurant, 1990
- Certificate de bon Degustateur, L'Office Des Vins Vaudois Concourse Jean-Louis, 1976
- Meilleur Apprenti, Montreux, Switzerland, 1970

### Professional Activities

**Editorial Board Member**, American Culinary Federation, Sizzle Magazine, 2011-2012  
**Presenter, Club & Resort Magazine**, Annual "Chef to Chef Conference," 2011  
<http://www.cheftochefconference.com/2011/01/17/olivier-andreini-cmc-executive-chef-merion-cricket-club-haverford-pa/>  
**Presenter**, CMAA & The Greenbrier Resort, Annual "Club Chef Institute," 2006  
<http://starchefs.com/events/greenbrier.html/index.shtml>  
**Television Guest Chef**, Culinary program in English & French, 4 appearances  
**Guest Chef**, IVY Awards Dinner, Chicago, IL 5/05 and 05/06  
**Guest Chef**, Dinner with the Masters, Hyde Park, NY 4/05 and 03/06  
**Contributor**, Taste of the Nation Cookbook, participated annually  
**Certified Culinary Judge**, American Culinary Federation  
**Judge**, perpetual invited judge at Master Chef Certification Exams  
**Judge**, Culinary Cornucopia –Albany, NY 10/05  
**Judge**, Richmond BC, Grand Salon Culinare  
**Judge**, BC Provincial Cook Apprentice Competition

Certified Master Chef Olivier Andreini is currently the Executive Chef at the River Landing Country Club in Wallace North Carolina.

Prior to that, Chef Andreini was the Executive Chef at the Country Club of Landfall in Wilmington, North Carolina for three years.

Chef Andreini comes to North Carolina after five years at the Merion Cricket Club in Haverford, Pennsylvania and prior to that was a Professor in Culinary Art at the Culinary Institute of America for ten years, a Chef Instructor at the Villa Delia Culinary School in Pisa Italy, a restaurant consultant, a restaurant co-owner and was an Editorial Board Member for the American Culinary Federation, Sizzle Magazine.

Chef Andreini is a certified judge for the ACF and has also been published, contributing materials, recipes, techniques and photographs for numerous books for the Culinary Institute of America, such as "Garde-Manger, The Art and Craft of the Cold Kitchen," Second Edition, "Gourmet Meals in Minutes," "The Professional Chef," Eighth Edition and "Breakfast & Brunches," "Hors d' Oeuvres" and "Grilling." Chef Andreini's crowning achievement was becoming a Certified Master Chef (CMC) in 2005.

Currently there are only 68 Certified Master Chefs in the United States since the inception of the program in 1974.



## **Olivier Andreini, C.M.C. C.H.E.**

Born in Switzerland, Chef Olivier Andreini completed his culinary apprenticeship at the Hotel Montreux-Palace in Montreux, Switzerland, where he won the Prix d'excellence awarded by La Société Industrielle et Commerciale de Montreux.

After completing his apprenticeship, Chef Andreini continued to hone his skills in restaurants around Switzerland including L'auberge de L'Onde and L'Auberge du Raisin. After Switzerland, Chef Andreini moved to Vancouver, British Columbia, where his experience came to include owning two restaurants - Le Petit Genève and La Vaudoise - and becoming the Executive Chef Instructor at the Dubrulle French Culinary School. Chef Andreini made his next move to the Hudson Valley (NY) where he maintained the position of Professor in Culinary Arts at the Culinary Institute of America for 10 years before becoming the Executive Chef at the Merion Cricket Club, an exclusive private club in Haverford, Penn. for five years.

Currently, Chef Olivier Andreini is the Executive Chef at the Country Club of Landfall in Wilmington, North Carolina, where he utilizes his expertise to create incomparable dishes and run an immaculate kitchen.

A certified judge for the ACF, Chef Andreini has had recipes, techniques, photos and contributing materials published in numerous books for the Culinary Institute of America. Chef Andreini's crowning achievement came in 2005 when he became one of only 68 Certified Master Chefs in the United States.

Chef Andreini has a worldly view of food and has never turned his back on an opportunity to see food firsthand for what it should be. Since he began cooking professionally, Chef Andreini has visited Sicily, Tuscany, Singapore, Mexico, Japan, the Philippines and Spain. With all of his training and food experiences, these trips have strengthened his understanding of what great food is.