



# 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 August 18, 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: July 21, 2016, July 20, 2016 (attached).
4. Public Comment: Please state your name and address for the record.

#### II. OLD BUSINESS

5. Rezoning

#### III. NEW BUSINESS

6. Planning and Specifications Text Amendment
7. House size ordinance

#### IV. REPORTS/UPDATES

8. Board Member Reports
9. Staff Reports – Tree Protection Ordinance, variances
10. Updates from Council Meeting – (speed limit, DOT bike planning grant)

#### V. OTHER

Future Meetings: September 15, 2016

Adjournment

MINUTES  
PLANNING BOARD  
July 20, 2016--10:30 A.M.  
TOWN HALL -- COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Cathy Bowes, Bob Carpenter, Bob Germaine, Helen Cashwell and Clay Jenkins, Planning and Zoning Coordinator Jake Vares, Town Clerk Lisa P. Stites, CMC, Development Services Director Steve Edwards and Dale Holland and Cindy Anderson with Holland Consulting.

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

Regarding the agenda, Chairman Manos noted that Old Business 5, Discussion of UDO Citizen Participation Plan would be removed. With no objections, consensus was to approve the agenda as amended.

Old Business: Ms. Cashwell said she wanted to talk about the wastewater system, specifically capacity for the vacuum stations. Ms. Cashwell said that she has been reviewing reports provided by the Town; there are some pumping stations that have tripled in usage and that there will be problems if that continues. She asked where the issue of sewer capacity being available for buildout would be addressed. She asked if the Town would be expected to add on to a pumping station and what would that cost. Chairman Manos said that he thought it was a Planning Board issue, though not a UDO issue. He added that we have been told there was enough capacity. There was a limit of bedrooms per house, and then that was changed upon advice that the regulation wasn't allowable. Chairman Manos said that the Planning Board may need to look at this issue at a future meeting. Ms. Bowes asked if the UDO should address where pump stations were allowed to be located; Mr. Holland said that lift stations have to be put where gravity dictates where they need to be. Chairman Manos said that he wasn't sure the UDO should go into that much detail. Ms. Cashwell said that the only reason she was bringing it up because of the article in the newspaper that said the UDO stated there would be enough sewer for buildout; Chairman Manos said if it said that in the newspaper, that was incorrect and that wording was likely actually in the Comprehensive Land Use Plan. Mr. Holland confirmed that was not included in the UDO. He also reminded the Board members that they can't expect every single possible situation to be covered in the UDO and that there would be provisions for addressing those as they arise.

Mr. Holland said the Board should pick up with Section 6.10. Chairman Manos had a question

6.2: Chairman Manos asked if "unless approved as part of a PUD" should be added there. Mr. Holland said he's distributed a handout describing special zoning districts; he asked the Board members to take it with them and review it. A PUD would be a special zoning district; the applicant would be asking for a zoning district for that PUD with all the uses intended in the development and all the conditions associated with the uses. Mr. Holland said he would clarify the language in this section.

On page 6-11, Chairman Manos asked why insurance offices, etc. would be a special use in CMU as opposed to being permitted. Mr. Holland said that almost all the uses in a mixed use are special because the Town will want to make sure that the uses are integrated with pedestrian access, etc. He also said there was a chance he would recommend mixed use be a special use district. Listing medical offices, etc. as permitted is a typo in the table and will be corrected. Ms. Bowes asked about bingo, since churches were allowed everywhere. M. Holland said that was an accessory use for a church. Vice-chairman Pacula

said it seemed there were a lot of things that were not permitted in C-LD that should be. Chairman Manos said he had the same issue for Open Space; he said athletic fields should be allowed in OS because it is still open space. Vice-chairman Pacula disagreed, saying that nothing should be allowed in open space. Chairman Manos said that he considered a golf course to be open space. Ms. Anderson said that open space would be walking trails, etc. Mr. Holland said that OS allowed horseback and riding stables, marinas and boataminiums, nature walks and study facilities, publically-owned and operated outdoor recreational facilities, etc. Vice-chairman Pacula said that a stable, go-cart track, dry stack storage should not be allowed in OS. Ms. Bowers and Ms. Cashwell concurred and said there should be no structures allowed in OS. Mr. Jenkins said there shouldn't be commercial uses in OS, but picnic shelter or a public restroom would be fine; he would not have a problem with athletic fields. Mr. Holland suggested making any structures in OS to be allowed through special use permit for public service facilities; go-cart tracks, dry stack storage should be removed. Mr. Jenkins said he envisioned something like Hugh McRae Park be allowed in OS, on the Williamson tract, for example. Regarding marinas, Mr. Holland said that if someone has 100 acres and wants to put a marina on the property, it would be considered spot zoning to change the zoning for the area for the marina. After further discussion on whether marinas should be allowed in open space, Mr. Holland said that he recommended leaving marinas in OS but removing boataminiums. There would be standards that would have to be met, the special use application would have to be approved by the Town and therefore the Town has some degree of control. The majority of the Board (Ms. Bowes, Mr. Carpenter, Ms. Cashwell and Vice-chairman Pacula) wanted to remove marinas from OS. Mr. Holland said that marinas and boataminiums would then only be allowed in the CR district or as part of a PUD. Mr. Carpenter asked if this would make any properties non-conforming; Vice-chairman Pacula said she thought her family's property would be affected. Mr. Edwards said that it's the access to get to the marina that needs to be considered; he said that no one is going to allow a marsh to be dug up to put in a marina. He suggested leaving marinas in OS; there are 27 agencies that are involved in the permitting process for a marina. Chairman Manos said that the UDO should not be restricting everything, but rather a tool to control development; Ms. Bowes said that she considered not allowing marinas in OS as controlling development. Vice-chairman Pacula said there were other areas they could be allowed, such as mixed use, C-LD, etc. Chairman Manos agreed with Vice-chairman Pacula that athletic fields should be allowed in OS.

Mr. Holland suggested that the Board members review, on their own, pages 6-12 through 6-22 (the remaining Table of Permitted Uses) and where they see a use that isn't shown in a district, pencil in a P or an S and strike through the ones they want removed. Holland Consulting will then create a revised composite Table of uses. Mr. Holland said that this is the fifth meeting. There were supposed to be 10, and this process is supposed to wrap up this fall. He said he was confident that Council would not be happy to see a proposed contract amendment for an additional 8 or even 10 meetings. He wants to know what the Board members' opinions and concerns are because he wants the UDO to reflect what they think is appropriate for Oak Island and fits Oak Island's objectives; he needs to hear from them to be able to do that, but they have to find a way to expedite the process. Holland Consulting will send clean copies of the entire table of uses to the Board members. They can either send them back to Holland Consulting directly or they can turn them into Mr. Vares and he will deliver them to Holland Consulting; they will be due back August 3.

The Board started a discussion on Industrial zones and potential uses allowed in that zone.

Review of Article 7 will not begin until after this section is complete.

The next UDO review meeting will be August 25 at 10 a.m. UDO review meetings will now be held on the fourth Thursday of the month at 10 a.m.

**Ms. Cashwell made a motion to adjourn. Vice-chairman Pacula seconded, the motion passed unanimously and the meeting was adjourned at 11:15 a.m.**

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Chairman Ted Manos

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

MINUTES  
PLANNING BOARD  
July 21, 2016--10:30 A.M.  
TOWN HALL -- COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Bob Germaine, Cathy Bowes, Helen Cashwell, Robert Carpenter, Town Planner Jake Vares, and Administrative Support Specialist Debbie Lasek. Board member Clay Jenkins was not present.

The meeting was called to order at 10:30 a.m. by Chairman Ted Manos, who gave the Invocation and led the Pledge of Allegiance.

Agenda: There were no corrections or additions. Vice-chairman Pacula asked about the swimming pool issue and Chairman Manos said that the pool had been removed.

Minutes of June 16 and June 22, 2016: There were no corrections or additions, and Chairman Manos said the Minutes stand as presented and were approved.

There were no public comments. (Mr. Germaine arrived at 10:33 a.m.)

New Business: Mr. Vares reminded the Board that motions should include "and the following consistency statement."

Rezoning request: Mr. Vares said the current zoning of the property involved is R-6B, and the Town hopes to make it into open space. Mr. Vares provided a list to the Board. Spot zoning is not an issue; the property to the south is zoned open space. Mr. Vares then gave a brief history of the property and provided the documentation to the Board. He said he also explored the wetland and flood zone designations, and was surprised to find a wetland in the middle of the proposed Open Space zoning. Chairman Manos noted that the property is adjacent to the Recreation Center. Mr. Germaine asked if this land could be used for recreational purposes; he was concerned about possible expansion plans for the rec center and would not want to lose the land for potential expansion. Vice-chairman Pacula questioned whether re-zoning would result in a different tax rate, and Mr. Vares said he would need to investigate. Chairman Manos said he had spoken with Steve Edwards and said that if the Town has property like this, they should strive to preserve it. Ms. Bowes questioned the location of the property; she noted there is still a great deal of room for potential building at the Rec Center. Mr. Vares indicated he had been instructed by management to consider this rezoning; no council member, committee member or member of the public has discussed this with him. He verified that no one at the Rec Center had discussed with him. The key issue for Board members is potential expansion, and public community centers are currently not allowed in open space areas per zoning regulations. Ms. Bowes suggested getting the head of the Parks and Recreation Department's opinion on this; Mr. Germaine noted he is on the Parks and Recreation Advisory Board and there was no way that they would want this rezoning. There is not that much land, and before they can determine how this will be used, he is totally against this. If there is future building of a rec center, this is where they would want it to be, as it is in the center of the Town.

Vice-chairman Pacula said that unless there is some urgency, she suggested waiting until the UDO table is completed and also in getting Parks & Rec Director Rebecca Squires' input and opinion of this zoning situation.

**Ms. Cashwell made a motion to table the rezoning until the next Planning Board meeting. Ms. Bowes seconded, and the motion passed unanimously.**

Reports/Updates: Mr. Vares said there would be a signage text amendment at the next meeting regarding commercial signage on the island for businesses. Chairman Manos asked about the Publix grocery store; Mr. Vares said they are waiting on FEMA and the Flood Zoning Classifications changes for cost reasons, and are currently on standstill. The Town has provided everything to them. Mr. Germaine noted that it may be fall 2017 before the changes are made.

Mr. Vares told the Board that the first draft of the Tree Ordinance has come in from the arborist and is available on the Town website and is open for comments, which will be collected for the next month or so. The ordinance will then be sent to the Planning Board.

Chairman Manos asked Mr. Vares about a proposed signage text amendment. Mr. Vares said that off-premises signs are not allowed on the island, and cannot be displayed even with property owner's permission; this is the basis of the text amendment. There was some discussion as to where this would actually take place on the island.

Updates from Council Meeting: Mr. Vares then said that the Development Line was approved (with some refinements), and he has sent them to the DCM; the request is headed to the agenda for the CRC. The stormwater/tree situation was tabled due to the recent hiring of a stormwater expert—Gene Kudgus--and recently released State guidelines. Mr. Germaine said he understood there was a recent permit for a 12-bedroom house in Kings Lynn; Chairman Manos said that if it was within the 5000 square foot standard, then they could proceed.

**Mr. Germaine made a motion to adjourn. Ms. Bowes seconded, the motion passed unanimously and the meeting was adjourned at 10:50 a.m.**

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Chairman Ted Manos

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

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

Agenda Item: Old Business No.1

Date: July 21, 2016

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**Issue:** Rezoning Request

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Estimated Time for Discussion:** 20 Minutes

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**Subject Summary:**

This agenda item memo serves as an application to rezone a property located off Davis Canal between SE 29<sup>th</sup> and 31<sup>st</sup> Street. This rezoning request is staff initiated because the property is owned by the Town of Oak Island, is an environmentally sensitive area, undeveloped, and was purchased to be conserved as open space. The property is currently zoned R-6B (residential zoning) and the rezoning request is to place it in the OS (Open Space) zoning district. The parcel ID numbers are: 235NH015, 235NH01501, 235NH017, 235NH016, 235NH038, and 235NH039. All of the parcels to be rezoned are currently undeveloped. Important considerations to take into account are: impact on neighbors & neighborhood, traffic, environmental quality, utilities, schools, economic impact, tax base, spot zoning, road capacity, infrastructure, community opinion, property values, consistency with the LUP, future land use map, jobs, public services, buffering requirements if applicable, and site limitations. The classification of this land on the current adopted future land use map is governmental and residential. The soon to be adopted future land use map on the Comprehensive Plan shows this property as residential. There is a flood zone and wetlands in the rezoning area. The table of use (Sec. 18-116) allows for nature walks, public parks, water access ramps, docks and piers in the Open Space zoning District but RV parks, recreational campgrounds, and public community centers are not permissible in the Open Space zoning district. The Parks & Recreation Director has been sent all this information. The Szostak Report, which was done around 2007 - 2008, analyzed the potential for rec center expansion on the current site. The Land Use Plan states:

- Policy 6.A.2 - that open and green spaces are significant elements in enhancing, contributing to and ensuring quality of life.
- "Action 6.A.2.a: The Town will inventory open space, actively pursue grants and funding opportunities, develop, and implement a plan to acquire and preserve open and green space throughout the Town.
- IX. The Land Use and Development Goals section states - 2. Adopt and apply policies that support land uses which enhance, protect, maintain and preserve natural resources, fragile areas, and small town character."
- Part X. Policies Land Use Compatibility Policies - Policy 2.A.9: Protection of natural resources: The Town shall protect natural resource and public trust areas.
- Action 2.A.9.a: The Town will maintain the zoning of open space areas, such as marshes and other environmental sensitive lands, and expand where possible."

Spot zoning would not be an issue in this case because as you can see from the map, all of the land to the south of the parcels is zoned open space. Once the Planning Board makes a recommendation, the rezoning will go before Town Council for official adoption or denial. The adjacent property owners will receive the proper notifications to come into conformance with the

General Statutes. By rezoning the property to OS the land use regulations and allowable uses for that property changes significantly. The board cannot place conditions on a rezoning because it is a legislative decision. Since this is a legislative decision, if there is a conflict of interest (being a financial interest) the Board member may not vote but is allowed to participate in the discussion.

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**Attachments:** Rezoning map

**Recommendation/Action Needed:** Approval

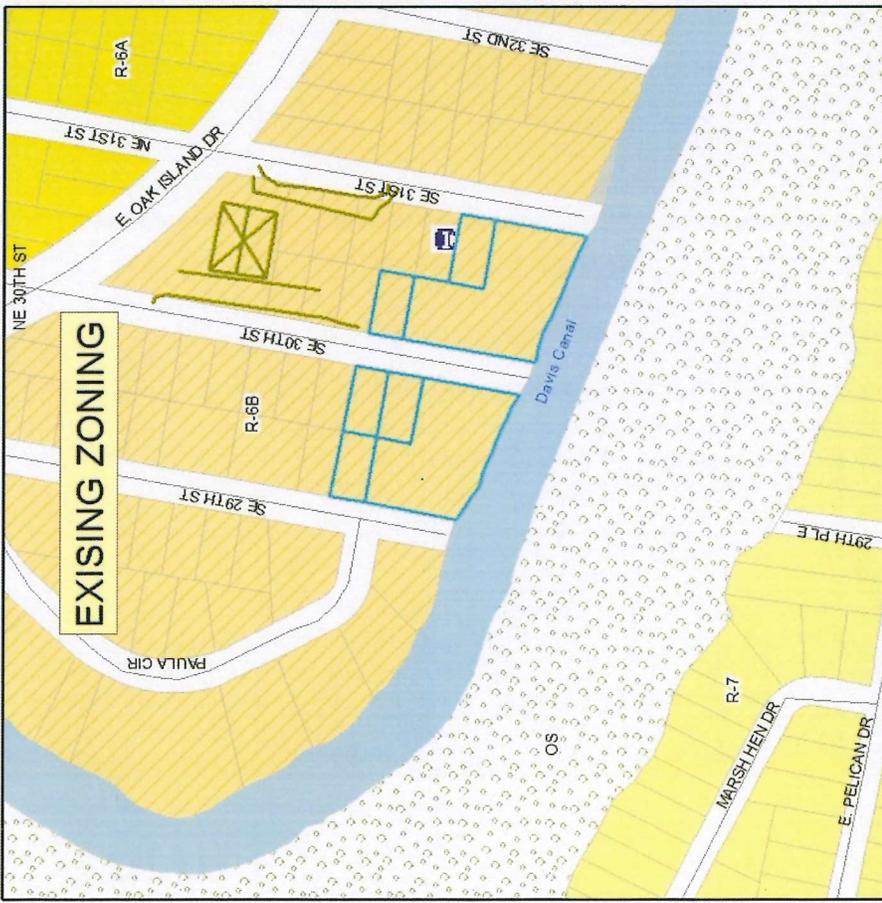
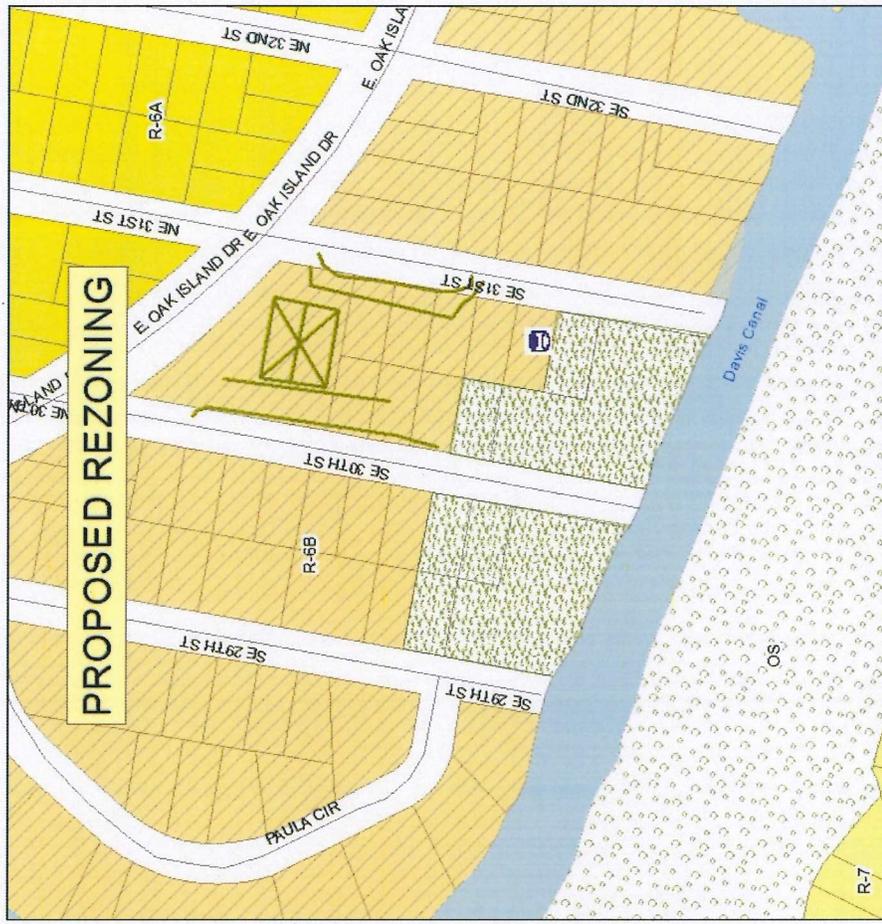
**Suggested Motion:** Motion to approve the rezoning and the associated consistency statement

**Funds Needed:** \$0.00

**Follow-up Action Needed:** Staff will update the case file and zoning map.

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Map created by:  
 JANE VANCE  
 2017 OCT 04 09:02  
 2017 OCT 04 09:02  
 7/21/2016

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

**Rezoning Map**  
 Town of Oak Island  
 Brunswick County, NC

**Legend**

	Water Tank		R-7 Medium Density Residential
	Park Facilities & Parking		R-7500 Medium Density Residential
	Streets		R-6A Residential District
	Water Features		R-6B Residential District
	Zoning		R-6MF Higher Density Residential
	Water Tank		R-6MH Higher Density Residential
	Park Facilities & Parking		OK-TBD
	Streets		R-20 Low Density Residential
	Water Features		R-3 Medium Density Residential
	Zoning		R-7500 Medium Density Residential
	Water Tank		R-6A Residential District
	Park Facilities & Parking		R-6B Residential District
	Streets		R-6MF Higher Density Residential
	Water Features		R-6MH Higher Density Residential
	Zoning		OK-TBD

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

Agenda Item: New Business No.1

Date: July 21, 2016

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**Issue:** Plans and Specifications Text Amendment

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Estimated Time for Discussion:** 20 Minutes

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**Subject Summary:**

The appended text amendment is staff initiated and intended to specify to developers, property owners, and other applicants the requirements when submitting permit applications. This new wording makes an official certified surveys mandatory. The first sentence says “*and*” surveys not *or* surveys meaning all three may be required as necessary.

A recent amendment to G.S. 160A-417 (attached), regarding building permit exclusions applicable to sing family homes and farm buildings highlights work that does not require a permit such as: (1) the replacement of windows, doors, exterior siding, and the decking, stair treads, railings, pickets for porches; (2) the replacement of plumbing that does not change size or capacity; and (3) the replacement of water heaters provided the energy use rate is not increased and there is no change in fuel, energy source, location, routing or sizing of the venting and pipe.

The text amendment specifies what type of accessory structures count and do not qualify as an accessory structure. Furthermore, sheds over 12x12 feet in dimensions require state building code review/inspection. For example if a structure is 12x13 feet then a state building code inspection would be triggered but if the dimensions were 12x11 in feet then it would not have to undergo state building code inspection. The rule is set up to go by dimensions rather than total square footage. A structural foundation is require for any size after that per the stat building code.

A benefit to this text amendment is to clarify what exactly qualifies as an accessory structure and to remove a potential under burden and hardship to property owners who may have to pay/provide a certified survey for a very small accessory structure.

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**Attachments:** Text Amendment

**Recommendation/Action Needed:** Approval

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

**Funds Needed:** \$0.00

**Follow-up Action Needed:** Staff will update the case file and zoning map.

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## Attachment A

### Sec. 8-79. - Plans and specifications.

Detailed plans, specifications, and certified survey plans shall accompany each application for a **all** permits. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed. In the V **flood** zone, all plans are to be sealed by a licensed architect or structural engineer. Surveys drawn by a licensed land surveyor and the plans and specifications shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of such plans and specifications shall be kept at the work site until all authorized operations have been completed and approved by the inspector. **A detailed plan, specifications, and certified surveys are not required for dog houses, tree houses, grade level walkways, and sheds less than 12 by 12 feet. Building permits are not required for (1) the replacement of windows, doors, exterior siding, and the decking, stair treads, railings, pickets for porches; (2) the replacement of plumbing that does not change size or capacity; and (3) the replacement of water heaters provided the energy use rate is not increased and there is no change in fuel, energy source, location, routing or sizing of the venting and pipe. Floor plans are required for manufacture & modular homes.**

### Sec. 18-32. - Definitions.

Accessory structure means a structure detached from the principal structure on the same **property lot** and customarily incidental and subordinate to the principal structure or use. **An accessory structure includes garages, carports, swimming pools, pool houses, gazebos, pergolas, detached solar panels, and storage sheds are common urban accessory structures and dog houses, tree houses, grade level walkways, flag poles, and sheds less than 400 square feet are exempt from the accessory structure definition.**

## Attachment B

### General Statute 160A-417. Permits.

#### SECTION 13.(c) G.S. 160A-417 reads as rewritten:

#### "§ 160A-417. Permits.

...  
(a2) No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing fifteen thousand dollars (\$15,000) or less in any single family residence or farm building unless the work involves: ~~the~~ involves any of the following:

- (1) ~~The addition, repair or replacement of load bearing structures; the structures.~~ However, no permit is required for replacements of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks.
- (2) ~~The addition (excluding replacement of same size and capacity)-or change in the design of plumbing; the plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.~~
- (3) ~~The addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the equipment, other than like-kind replacement of electrical devices and lighting fixtures.~~
- (4) ~~The use of materials not permitted by the North Carolina Uniform Residential Building Code; or the Residential Code for One- and Two-Family Dwellings.~~
- (5) ~~The addition (excluding replacement of like grade of fire resistance) of roofing.~~

Violation of this section constitutes a Class 1 misdemeanor.

- ...  
(f) Violation of this section constitutes a Class 1 misdemeanor."  
SECTION 13.(d) This section becomes effective October 1, 2016.

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

Agenda Item: New Business

Date: August 11, 2016

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**Issue:** Large Homes Text Amendment

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Estimated Time for Discussion:** 35 Minutes

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**Subject Summary:**

**INTRODUCTION**

Council gave a directive for staff to develop something on Tuesday night (8- 9-16), and the Planning Board agenda packet was released on Thursday (8-11-16). The text amendment is very complicated and is still in the works.

**THE ISSUE**

**ZONING DISTRICT OPTION**

**VACATION RENTAL OPTION**

**FLOOR AREA RATIO**

**UTILITY/VALVE PIT APPROACH**

**CONCLUSION**

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**Attachments:** Text Amendment

**Recommendation/Action Needed:** Approval

**Suggested Motion:** Motion to approve 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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