



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 April 18, 2019 • 10:30 AM Town Hall • Council Chambers

I. START-UP

- 1. Call to Order:**
- 2. Additions or corrections to the agenda**
- 3. Approval of the Minutes:** (3-21-2019)
- 4. Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

- 1. Airport District Signage - Text Amendment**
- 2. Review Timeline - Text Amendment**

III. NEW BUSINESS

- 1. Fences - Text Amendment**

3. REPORTS/UPDATES

- 1. Board Member Reports**
- 2. Staff Reports** – (Golf Cart business text amendment)

4. OTHER

**Future Meetings: 5-16-19
Adjournment**



MINUTES
PLANNING BOARD
MARCH 21, 2019 – 10 a.m.
COUNCIL CHAMBERS – TOWN HALL

Present: Chairman Denise Pacula, Vice-chairman Bob Carpenter, members Cathy Bowes, Mike Defeo, Lyn McDowell and Willie Williams, Planning and Zoning Coordinator Jake Vares and Assistant Manager/Town Clerk Lisa P. Stites, MMC. Mr. Jenkins was not able to be present.

Chairman Pacula called the meeting to order at 10:30 a.m. There were no amendments to the agenda.

Mr. Carpenter made a motion to approve the February 21, 2019 Minutes as amended (to correct a typo on page 2). Ms. Bowes seconded the motion and it passed unanimously.

Old Business

1. Airport District Signage: Mr. Vares noted that the applicant, Howie Franklin, was not present. He recommended either holding it open to see if he comes later in the meeting, or tabling it to next month. The Board moved forward with discussion of the proposed amendments; Mr. Vares said that would give him time to address their concerns. Mr. Carpenter said that he would still rather go with the commercial major site plan and mirror that to the Airport District, but said that when he looked at the recommendations, the first option listed was to not regulate them at all, and that didn't make sense. He also said the recommendation changed to 24 square feet per side and temporary signs were increased up to 32 square feet, and freestanding signs were reduced from 25 to 20 but the size was expanded from 250 to 350 square feet. Mr. Vares said he did that based on his conversations with the applicant. He also gave further explanation of what a projection sign is. Mr. Carpenter said he was also confused by the statement that the applicant was in compliance with the ordinance, and asked why anything would need to change. Mr. Vares said it was still under review, but that the original sign permit application had been significantly changed. There will still be a need for future signage so this is being proactive and looking forward. Chairman Pacula said her concern was that this would allow for many signs along Long Beach Road, maybe a potential for 12 freestanding signs. Ms. Bowes agreed, and said there could be one column after another if there is no restriction on the number of column signs. Mr. Vares said the Board should keep in mind that the Airport staff has an inherent interest in maintaining a nice area. Mr. Vares said that he researched more than a dozen other airports, and that no other jurisdictions regulate signage for airports. Chairman Pacula asked if those other airports had other businesses on property; Mr. Vares said they did. Chairman Pacula said that Mr. Franklin may want it to look nice, but that he wouldn't be there forever. Ms. Bowes said that Mr. Franklin also wants the businesses and the Airport to make a profit, and that there would be clashing goals. Mr. Vares said that he thought any airport director would want the property to look nice. Mr. Defeo asked if this was more or less restrictive than other commercial areas in town. Mr. Vares said it mirrors it. Mr. Carpenter said that it mirrored industrial more than regular commercial. Mr. Vares said that there are some regulations which are in commercial and industrial. Mr. Defeo asked if they could change it to mirror commercial; Mr. Vares said that was a conversation for which Mr. Franklin should be present. **Mr. Williams made a motion to table the item until Mr. Franklin could be present. Mr. Carpenter seconded the motion and it passed unanimously.**

New Business

1. Golf Cart Business: Mr. Vares explained that this proposed text amendment was citizen-initiated, prompted by the applicant's desire to open a business in the Councilor Blalock district. Chairman Pacula

asked about Pete’s Golf Carts and asked if that had a Conditional Use Permit. Mr. Vares said that the old ordinance was in effect at the time, so he had to get a Conditional Use Permit. Applicant Steven Kindley said he and his mother knew about a business in Myrtle Beach that was making a lot of deliveries and realized they could open a business doing that where they live. They are currently bringing carts in on a trailer and they’d like to have a business in town. Chairman Pacula asked about doing golf cart repair. Mr. Kindley said they would be working on their own carts and would like to get to the point of offering repair to the public. Their main focus at first would be rentals. Mr. Vares said that the ordinance would need to be amended to allow repairs; he said he didn’t realize the applicant wanted to do that as well. Ms. Bowes said that it would seem to make more sense to allow repairs, and she wondered where the line would be between repairs and service. Ms. McDowell asked what the logic was behind not allowing repairs. Mr. Vares said that he used other ordinances as a guide. Mr. Carpenter said what he remembered from the UDO discussion was that there were concerns about a lot of parts and equipment being stored outside. He also said that he felt like these applicants and the existing shop on the island should be treated the same. The Board discussed whether the existing shop was doing inspections. Chairman Pacula suggested then amending the Table of Uses to allow service and repairs in C-LD and CR as well. Mr. Kindley said that they would use the back part of the property for repairs and service. Chairman Pacula agreed that repairs should be allowed and suggested adding language that it be confined to an enclosed area. Chairman Pacula said if they allow it in CR as well, she had a problem with the language “residentially used” as people have chosen to build residences in the CR zone. Mr. Vares said that he still thought a business should have to put in a buffer when going in next to a house. Ms. Bowes asked what constituted a buffer, and Mr. Vares gave some examples. Chairman Pacula said that the Town had wanted to clean up commercial areas and have more options for commercial. She also said that the burden shouldn’t be on a business to install a buffer next to a “residentially used” property. Mr. Carpenter said he agreed with Chairman Pacula in that if someone builds a house next to a business, the business owner should not have to put in a buffer; he suggested the burden be on the most recent development. Mr. Carpenter started to make a motion; Chairman Pacula said that a single-family house larger than 3,999 square feet is not permitted, but is allowed by special use permit, in CR. A smaller house is allowed in CR. She said those property owners built knowing it was in a commercial district. Mr. Vares said that he had initially opposed allowing residential in a CR as more commercial property was needed, but since it was allowed, he didn’t see that as a reason to not require buffers. He didn’t see why homeowners who built in a CR should be punished by not requiring a buffer if a new business moves in. Ms. Bowes said that to some extent it was the responsibility of homeowners to know what the rules are for where they are building. Mr. Vares said it was also the responsibility of the Town to anticipate these issues ahead of time and make sure negative impacts of a more intense land use next to a residential use can be mitigated. Mr. Vares noted that on the Table of Uses, it should be “PS” instead of “P.” **Mr. Williams made a motion to approve the proposed amendments to the UDO with the following changes, and to adopt the associated plan consistency statement.**

- **Under Table of Uses, golf cart sales and rentals, add PS under CB, CR and C-LD**
- **7.55.2: delete “or used”**
- **Change 7.55.5 to say “Golf cart service and repairs are only permissible inside an enclosed building.”**

Mr. Defeo seconded the motion.

Ms. Williams said that he had been approached by people wanting to do the same thing for three-wheel buggies. The suggestion was to change it to Low Speed vehicles instead of golf carts. Mr. Defeo asked if they needed a definition of LSV; Mr. Vares and Mr. Edwards said the State had a definition. **Mr.**

Williams amended his motion to change the term to Low Speed Vehicles everywhere it is used in this Section and the Table of Uses. Mr. Defeo seconded the motion. The amended motion passed unanimously.

2. Review Timeline: Mr. Vares explained the reason behind the request, saying the ordinance has all sorts of timelines for plan review and other things. For special use permits, rezoning, text amendments, appeals, and variances, there is a 30-day review period, which Mr. Vares said he agreed with. The previous ordinance used 45 days and the UDO has a shorter timeframe, so he is suggesting 30 days so it would match the review time for the other items. He said there could be unforeseen circumstances, such as if several things come in at once, and it would give him some more breathing room. Mr. Defeo said he was concerned that just changing the time for review won't solve the issue. He said the memo stated that some submittals are incomplete; Mr. Vares said that was true, and that things can get stalled, and he might have to wait for another agency's review as well, etc. Mr. Defeo asked what assurance they would have that extending the time period up to 30 days would solve a problem. Mr. Vares said that he has never had complaints about review time or missed a deadline, and that he doesn't intend to, but this would help make sure that happens. He said customer service and taking a reasonable amount of time was one thing, but then there is also the consideration of giving him a reasonable amount of time. Mr. Defeo said that in his experience, there is usually some underlying issues that cause delays and that extending time doesn't necessarily solve those issues. He asked if they had looked at the process, found the "pain points" and looked to see what we can do with those. Mr. Vares said that he wouldn't say he has pain points, but that in a perfect storm scenario, such as if he were sick, or any of the other factors he already mentioned occurred, the extra nine days he is requesting could be helpful. He said there is already a very detailed process outlined in Article 5 for plan review and that he doesn't have pain points. Mr. Defeo said he read that and that it seemed pretty comprehensive, but he is concerned that if through analysis, we find a flaw in the process that is causing a delay, adding more time to it will not solve the problem. Mr. Carpenter said that he agreed they did not have the data to make a change. He said his greater concern is that everybody has performance objectives so the Planning Board, by expanding how much time Mr. Vares has, makes it more likely that he would achieve performance standards and he thinks that's the purview of the Town Council, in Closed Session, to talk about something that could potentially impact someone's pay. Mr. Vares said that this was an amendment of an ordinance, so Council would have to vote on it the same way the Planning Board did according to the State statutes. Mr. Carpenter said that Mr. Vares may have an objective that says he has to meet 90 percent of these and it's 15 days, and we change it to 30, then he would likely exceed his performance objectives and at the end of the year, he would be paid accordingly. He said that anything to do with somebody's pay on staff should be the purview of the Council during a closed session as he thinks it is really a personnel issue. Ms. Bowes said that Mr. Vares noted that some of the submittals are incomplete, which she said sounds to her like he would then contact the applicant for more information. She asked if then the clock shouldn't start again. Mr. Vares said it should, and it does. Ms. Bowes said that giving an applicant more time if they're not filling out their forms correctly would not help the situation. Mr. Defeo said the process says that staff is to provide all of the requirements to the applicant and provide information from all the stakeholders, and he asked if the applicants are still submitting incomplete applications. Mr. Vares said it happens all the time. Mr. Defeo said there was some reason for that, and that's what he meant by saying if there is a flaw in the process somehow, that's what we need to look at. Mr. Vares said he wouldn't say there is a flaw in the process. He said there were not any jurisdictions that do not have incomplete applications turned in to them. He again reiterated that he had not missed a plan review deadline and that the old ordinance allowed 45 days for review, and that he was now asking to increase from 21 days to 30 to give some more wiggle room and so it would match the other review time periods. Mr. Carpenter said Mr. Vares had submitted these

timelines when the UDO was drafted. MR. Vares said that no, Dale Holland did, and that he didn't oppose them because there was a lot more going on in that period. Mr. Carpenter said that Mr. Vares did have the opportunity to oppose them before it went to the Planning Board. Mr. Vares said that he didn't think it was a serious concern, and that if the Planning Board wanted to deny this, that was fine. Ms. Bowes said they should find a solution. Mr. Defeo said he was not looking to deny it. Mr. Carpenter said he was looking for the Council to make a decision that impacts pay, but he said Mr. Vares should come up with some kind of data that would show, statistically, how long a plan review takes so that they would know, statistically, these are the problems we have. Mr. Vares said the Planning Board keeps referring to problems, but that there aren't any problems. He said he had never missed a deadline, and that usually he finishes reviews before deadline. Mr. Carpenter asked why it would be expanded if there are no problems. Mr. Vares said he was looking toward the future and possible scenarios, such as being inundated with reviews, and having the extra time would be helpful. Mr. Defeo said that he would feel better if they wording regarding the volume rather than just selecting some increase of time. He said that if they need an extra seven days if he gets four or five to review at the same time, what would happen if he gets ten, would it have to be increased some more? He suggested some wording that would allow for a "mea culpa" if he gets too many to review at the same time; Ms. Bowes interjected, adding that it could apply if submittals were incomplete, and the clock would start again. Addressing Ms. Bowes' suggestion, Mr. Vares said that is already the case. Mr. Defeo said he was concerned that as the Town grows, they would keep revisiting this timeframe issue. **Mr. Carpenter made a motion not to accept it.** Chairman Pacula asked Mr. Vares to explain the process. Mr. Vares said for a major subdivision, the applicant will meet with staff and review a sketch plan; staff has 15 days to respond to the applicant following submission of the sketch plan. Ms. McDowell noted that it was currently 15 and Mr. Vares was asking that to change to 21; Mr. Vares said that he was not asking for an increase to 30 days for that one. Chairman Pacula asked if Mr. Vares had to send that to all of the department heads and hear back from them within that time period; Mr. Vares said he did. The next step is for the Preliminary Plat to be submitted – Mr. Vares is asking for that review period to be increased from 21 to 30 days. That time period also includes review by all of the departments as well to verify compliance. Mr. Vares said he would just pull this from the agenda and that he hadn't thought it would be a contentious item. Chairman Pacula said that she just wanted to make sure the Board understood how many people put their hands on a submittal. Mr. Carpenter said he understood that but his issue was the pay aspect. Chairman Pacula noted that it was 15 days, not even 15 business days. She said that as more is being asked of all the employees, that it may be a reasonable thing to extend six days. Mr. Carpenter asked if he could ask Development Services Director Steve Edwards a question. Mr. Carpenter said if Council wanted to submit this to the Planning Board, he wouldn't have a problem with it, but that having the person who could benefit from this submitting it is "not a really good look," especially since it could affect pay. He asked if this could be resubmitted at Council's request if that's what Council wants to do. Mr. Edwards said that he could present it to Council and ask for a directive to resubmit. Mr. Edwards said that unfortunately, Mr. Vares was a one-man show and that the Town was not fortunate enough to have multiple planners. He said that Mr. Vares had a lot on his plate, and the extra days would help him maintain his daily routine. Mr. Carpenter said that since it was something that was a pay action, and Council approves pay actions, then Council should ask the Planning Board to review this versus the applicant. Ms. Stites said she needed to correct something. She said that the Town Manager negotiates salaries with employees when they are hired and also approves pay raises and that Council did not do that. Mr. Carpenter said then the Town Manager (David Kelly) should ask the Planning Board to review it. He said that if Mr. Vares could benefit from the pay action if they change the performance objectives, and there is a potential for gain, and it would be best if it were not submitted by the person that would achieve that gain. Ms. Stites said that employee evaluations are not tied to meeting quotas. She said that employees' job is to handle everything that comes to them, and

that Mr. Vares was already meeting the deadline now. Mr. Carpenter said that if the time period is increased, the likelihood of meeting performance objectives a certain percentage of the time was higher, and that could lead to a performance award. Chairman Pacula said the Planning Board didn't know that to be the case. Mr. Carpenter said that his point was that they don't know and that since they don't know, he has to assume there could be a problem. Chairman Pacula said that she didn't think that was the intention; she thought the intention was to set realistic timeframes. Mr. Carpenter said that he didn't think that was the intention, but that after working 20 years in human resources, he can make those connections really quick. Ms. Bowes said that it would make a clean process; Mr. Carpenter said that was correct. Mr. Edwards said that he understood. Mr. Edwards said that he was shocked when Mr. Vares brought it to his attention that it had gone from 45 days to 21 days in the UDO. Mr. Carpenter said that he didn't see the change as a problem but that what he saw as a problem was the request coming from the person that would benefit. Mr. Carpenter said the Planning Board had reviewed the UDO at the request of Council, and Mr. Edwards agreed. Mr. Edwards said they hadn't seen a problem, but that when the Pine Forest application was submitted, they spent four or five weeks reviewing one of the parcels. Mr. Carpenter said that when the time period was discussed during the UDO process, they even asked if staff was sure about these time periods as the Board members thought they were too constricted. Mr. Edwards said that now that they have worked with it, they realize that it doesn't work. Mr. Edward said he would speak with Mr. Kelly. **Mr. Carpenter made a motion to table the text amendment. Ms. Bowes seconded the motion and it passed unanimously. Ms. Stites asked for clarification that Mr. Carpenter's earlier motion was withdrawn; the Board confirmed that it had been.**

Staff reports:

Mr. Vares said that for the record, he did not write that timeline amendment to try and get paid more as he is at the maximum anyway. He said that the temporary housing text amendment was approved, as well as the rezoning and the stormwater text amendments. Regarding the tower heights issue, he said he had listened to the audio from the February Council meeting and that Council had directed the additional amendments go directly to Council. April 18 is the next Planning Board meeting.

Mr. Defeo asked when the Planning Board would deal with the issue of chickens. Mr. Vares said those ordinances are not in the land use section, so those amendments would go straight to Council.

Mr. Carpenter made a motion to adjourn at 11:28 a.m., Mr. Williams seconded the notion and it passed unanimously.

Denise Pacula, Chairman

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

DRAFT

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

Agenda Item: Old Business No. 1

Date: 3/26/2019



Issue: Airport Signage – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 30 Minutes

Subject Summary:

The Cape Fear Jetport Executive Director, Howie Franklin, is requesting a revision to the Oak Island UDO (Unified Development Ordinance) signage ordinance. The airport desires to install new signage for the new terminal under construction. The previous sign permit that was denied has been revised to be compliant with the signage ordinance and has been approved. The Executive Director of the Cape Fear Jetport still wants to pursue the signage text amend to prevent any issues with future signs because it anticipates other companies coming in that will need signage.

Two options are shown in this staff report. The first option is to not regulate airport signage. Staff decided to propose this option while doing research into what signage regulations other towns and county's do. From the findings, or lack thereof it appears jurisdictions do not regulate and dictate to airports their signage standards. Staff recommends option one and realizes that is often difficult for a board tasked with regulatory oversight to vote to minimize regulations. The proposed wording is specific to airport related uses, so a private non-airport related business such as Dutchman Creek will still be subject to the signage standards within the UDO the same as any other business would be. Staff understands the concern of having excessive aesthetically displeasing signage along Long Beach Road. The way the ordinance is worded non-airport related businesses would still have to abide by and be limited to the same commercial signage regulation as other businesses within Oak Island.

Option 2 is a carry-over from the previous planning board's meeting that details the specifics of the type, sign, number and location of signage that is permitted. This option is much more complex given the nature of the airport and all of its diverse existing and future signage needs. The proposed text amendment details the permissible amount of square footage, height, and other sign details permitted in the newly created table 10.26.4.1. The way the ordinance is worded, there is no cap of wall signage so long as the square footage is compliant. The benefit of doing wall sign this way is that it doesn't restrict it to a number of signs based on the number of businesses or street frontages, but rather on whether or not the square footage is met or not and the owner can design wall signage accordingly as their needs dictate. The proposed text

amendment has been revised to resemble the major commercial signage requirements. The projection style signage square footage cap has also been reduced.

A freestanding sign is an all-encompassing definition for both monument and column/pole signs which are both sub-classifications of the overall encompassing freestanding sign type style. A 15ft height limit is set for monument signs and a 20 foot maximum height is established pole/column signs.

Staff has taken an inventory of all the existing airport signage. The goal is to give the airport flexibility now and in the future with their signage needs. Directional signs are exempt under the signage ordinance. The applicable sign definitions are included for reference and edification. Please remember to adopt the plan consistency statement with your motion.

Attachments: Proposed Ordinance Amendment, Text Amendment Application,

Recommendation/Action Needed:

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

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council

Attachments

Option 1

10.24.5. Miscellaneous Exemptions.

10.24.5.11. ID plaques of no more than four (4) square feet per business or tenant in non-residential zoning districts and signs of no more than two (2) square feet in area in residential zoning districts, including signs bearing only property identification numbers and names, post office/mail box numbers of occupants of the premises, or other identification of premises so that public safety agencies can easily identify the property from a public street. In cases where the building is not located within view of the public street, the identifier shall be located on a mail box or other suitable device visible from the street. Such signs shall not be illuminated. The size and location of the identifying numerals and letters (if any) must be proportional to the size of the building and the distance from the street to the building but no less than required by the NC State Fire Code.

10.24.5.12. Signage within the airport zoning district for airport related purposes. Such signage must still meet federal aviation signage manual requirements.

Option 2

10.26.4.1 Airport District Signs (AD).

Permitted Sign Type(s)	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
BUILDING MOUNTED				
Wall ¹	Front facades	1 sq. ft. for each linear foot of wall frontage or 5% of wall whichever is greater	N/A	N/A
Wall ¹	Wall ²	Secondary to primary signage	1 sq. ft. for each linear foot of building facing side street and/or interior area of a planned building group	N/A
Projecting ²	Businesses (excluding home occupations)	12 sq. ft. (total of 24 sq. ft. - 2 sides)	8 ft.	1
Canopy or Awning ²	Canopy or Awning	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---
FREESTANDING - MONUMENT OR GROUND MOUNTED³				
Up to six outlets	Businesses	100 sq. ft.	15 ft.	1 per street frontage
7-14 outlets	Businesses	125 sq. ft.	15 ft.	1 per street frontage
15 or more outlets	Businesses	150 sq. ft.	15 ft.	1 per street frontage
COLUMN/POLE				
Column/Pole ³	Nonresidential	100 sq. ft. each	20 ft.	N/A

¹Wall signs may project a maximum of 12" from the wall to which it is mounted. The bottom of the sign must be a minimum of 8 feet above the ground level. Wall signage includes the wall of all structures within the Airport District, including hangars. Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.

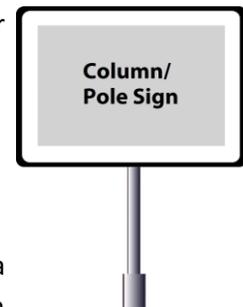
²Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.

³In the AD district, one may provide the following freestanding signs: Freestanding signage along public right-of-way frontage that displays the name of the entity. Such signs shall not exceed 15 feet in total height. Signs must be placed no closer than 10' from property line along public and state roads. In the event of a double-sided sign, only one side shall be used to figure the square footage.

Appendix A - Definitions

Sign Regulations Definitions

- (9) **Sign, awning** means any non-illuminated sign painted on or applied to a structure made of cloth, canvas, metal, or similar material that is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.
- (10) **Sign, business identification** means any sign which advertises an establishment, a service, commodity, or activity conducted upon the premises where such sign is located.
- (11) **Sign, column/pole** means a freestanding sign supported by one or more columns or poles or other similar support.
- (12) **Sign, commercial accessory** means a freestanding sign on a commercial parcel relating to the products sold thereon in addition to the principal use sign.
- (16) **Sign, freestanding** means sign that (i) is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but (ii) is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral



part of a building or other structure having a principal function other than the support of a sign.

(17) **Sign, ground-mounted** means freestanding sign, supported by a contiguous structural base or planter box that is permanently affixed to the ground.

(21) **Sign, monument** means any sign permanently attached to the ground and not attached to any building advertising multiple tenants, multiple uses, multiple buildings or multiple parcels. The design of the monument sign is to advertise multiple offerings in the building, group of buildings, or development area. Individual business within multi-tenant facilities are not permitted freestanding signs and shall have their signage located on a monument sign.

(26) **Sign, projecting** means any sign, other than a wall, awning, canopy or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.



(29) **Sign, temporary** means any sign that advertises or directs attention to a product, event, election, activity, meeting, exhibition, or performance of any kind where such a sign is not permanently affixed, placed, or erected and is allowed for a limited timeframe.

(30) **Sign, wall** means any sign attached to, painted on, or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of said wall and which does not extend more than



eighteen (18) inches

(32) **Sign, window** means any sign appearing in, on or through a window of a structure and visible from outside. The term window sign shall not be used to define a window display.



TEXT AMENDMENT APPLICATION

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



Date: 12-14-18

Fee: \$ 80.00 - \$ 300.00

Project Name (if applicable): AIRPORT-SIGN-

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).



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.



Petitioner Name: HOWIE FRANK - CAPE FEAR REGIONAL JETPORT

Mailing Address:
4019 LONG BEACH ROAD
OAK ISLAND, N.C. 28405

Phone: 910-457-0483

Email: Howie@CAPEFEARJETPORT.COM

[Redacted]

Owner Name(s): SAME - AS ABOVE

Mailing Address:

Phone: _____ Email: _____

[Redacted]

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>

[Redacted]

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: *David L. ...*

Date: 12-14-18

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

Agenda Item: Old Business No. 2

Date: 4/10/2019



Issue: Review Period– Text Amendment

Department: Planning & Zoning Administrator

Presented by: Steve Edwards

Presentation: None

Estimated Time for Discussion: 20 Minutes

Subject Summary:

Multiple sections within the UDO (Unified Development Ordinance) dictate the timeframe the UDO Administrator has to complete plan reviews. Major subdivision reviews mandate a 15 to 21 day turn-around time. The time to review a sketch plan is proposed to be extended to 45 days instead of 15 days. The time to review a preliminary plat is also proposed to be extended to 45 days instead of 21 days. Additionally, the time period for an applicant to submit a major subdivision application packet to go before a board is proposed to be extended from 21 days to 45 days. Section 10.18 also extends the review time period from 15 to 45 days.

The previous time period to review staff deadline in the past ordinance was also 45 days. Oftentimes submittals require additional review by other agencies, people, and may be stalled for various reasons. This ordinance revisions provides more of a cushion to account to mitigate these potential issues. The content of this text amendment is not complex, it is merely a proposed logistical administrative process procedure timing change. Please adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment

Recommendation/Action Needed: Approve

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

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council

Attachments

SECTION 5.2 PRE-APPLICATION MEETING AND SKETCH PLAN.

5.2.1. The applicant shall schedule a pre-application meeting with the UDO Administrator to review a Sketch Plan of the proposed development, including minor and major subdivisions and minor and major site plans. The Sketch Plan shall meet the requirements of Section 5.2.3. The UDO Administrator will advise the applicant of all applicable Town regulations and policies, suggest development alternatives, and will discuss application procedures and fees (see Section 2.8). The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the Town of Oak Island, and does not confer upon the applicant any development rights. The UDO Administrator may submit the Sketch Plan to other departments or agencies for input and recommendations. Within ~~fifteen (15)~~ **forty-five (45)** days of receipt of the sketch plan, the UDO Administrator shall forward all appropriate comments to the applicant. This timeframe may be extended if comments are requested from other agencies.

5.4.3. Major Site Plan, Major Subdivision Preliminary Plat, or Construction Drawings Submitted for Review.

All major site plans and major subdivision preliminary plats shall be submitted in accordance with Sections 5.5 through 5.7, as applicable, and shall be accompanied by the completed application and payment of a fee as adopted by the Town Council (see Section 2.8). All major site plans and major subdivision preliminary plats shall be submitted ~~twenty-one (21)~~ **forty-five (45)** days in advance of the Planning Board meeting at which they are to be reviewed.

5.7.4. Review Procedure for Major Subdivisions.

5.7.4.1. Preliminary Plat.

5.7.4.1.1. At the time of submission of the preliminary plat, the subdivider shall pay to the Town an application fee as established by the Town Council in accordance with Section 2.8. Refer to Section 10.49 for plat requirements.

5.7.4.1.2. The subdivider or his or her authorized agent shall submit five (5) hard copies and one (1) electronic copy, including all data layers, of the preliminary plat to the UDO Administrator at least ~~twenty-one (21)~~ **forty-five (45)** days prior to a regular meeting of the Planning Board. During this period, the UDO Administrator shall evaluate the plan to determine whether or not it meets the requirements of this Ordinance. The UDO Administrator may receive comments from other persons or agencies before making its final recommendations.

5.7.4.1.3. After the UDO Administrator determines that the preliminary plat meets the requirements of this Ordinance, it shall be submitted to the Planning Board for review and recommendation to the Town Council. The Planning Board shall forward its recommendation to the Town Council within forty-five (45) days after first consideration by the Planning Board. If the Planning Board fails to act within the 45-day period, the subdivider may appeal directly to the Town Council. The Town Council shall consider the

preliminary plat as presented to or reviewed and revised by the Planning Board at its next regularly scheduled meeting and approve, approve with conditions, or disapprove the plan.

SECTION 10.18 APPROVAL/APPEAL.

The building facade design shall be approved or denied by the UDO Administrator within ~~fifteen (15)~~ **forty-five (45)** days of submittal to the UDO Administrator. Appeal of the UDO Administrator's facade design decisions shall be made to the Board of Adjustment by application submitted within forty-five (45) days of the UDO Administrator's decision. The Board of Adjustment shall act on the appeal at its next regularly scheduled meeting.

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

Agenda Item: New Business No. 1

Date: 4/11/2019



Issue: Fences – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Steve Edwards

Presentation: None

Estimated Time for Discussion: 20 Minutes

Subject Summary:

Staff was given a directive at the most recent Town Hall style meeting to bring forth a text amendment regarding fences on the ocean front. The request from the public was due to a denied variance request. Attached is a general site map showing the area that would be effected and an illustrative map showing what implementation would look like. It appears the fence ordinance was written to allow the public to have an unobstructed view of the beach but did not take into account uniquely large ocean-front lots between SE 58th and SE 74th Street. Section 7.8.8. states “On oceanfront lots, fences shall be a maximum of four feet in height. Fences shall be designed in a manner so that views of the ocean are preserved.” Permitting such fences as described in the text amendment would not restrict the ocean view of the general public. The ordinance is drafted to require these properties to not begin a 6 foot fence until they are a minimum of 250 feet from their rear property line along the ocean. Please adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment, General Site Map, Fence Illustration Map

Recommendation/Action Needed: Approve

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

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council

Attachments

SECTION 7.8 FENCES.

7.8.1. Except as provided in subsection 7.11 (Swimming Pools) of this section, any fence built on residential property shall be a maximum of six feet high at the highest corner of the property, except oceanfront lots.

7.8.2. Fences not exceeding six feet may be erected only in side or rear yards and may not be extended toward the street beyond the front corner of the principal building.

7.8.3. No fence exceeding a height of four feet will be constructed within 25 feet of the street right-of-way from the front property line, excluding alleys.

7.8.4. If the side yard of a lot adjoins the rear property line of a separate lot that is perpendicular to the lot, then a six foot fence is allowed along the entire side yard up to the property line, except as prohibited by Section 7.8.3.

7.8.5. Fences not exceeding four feet may be constructed to the street right-of-way except corner lot situations when the corner visibility provisions in as indicated by subsection 7.8.6 below may be impose stricter limits.

7.8.6. On a corner lot in all districts, nothing shall be erected, planted, or allowed to grow in such a manner as to impede vision in accordance with Section 2.17.

7.8.7. In commercial districts, except oceanfront lots, opaque fences shall be a maximum of six feet or ten feet for metal chainlink fence with or without screening.

7.8.8. On oceanfront lots, fences shall be a maximum of four feet in height. Fences shall be designed in a manner so that views of the ocean are preserved.

7.8.9. Fences shall be constructed so that the finished (sheathed) side is oriented toward adjoining lots or the public right-of-way.

7.8.10. Fences on ocean-front lots between SE 58th Street and SE 74th Street that do not front Beach Drive or Ocean Drive may be 6 foot in height so long as the portion of the fence that is 6 foot fence is 250 feet from the rear property line and does not front a road right-of-way.

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

P - Permitted Use

PS - Permitted Use with Supplemental Regulations
Not Permitted

Blank -

S - Special Use

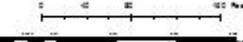
SS - Special Use with Supplemental Regulations

Uses	Primary Zoning Districts																Overlay District	Supplemental Regulations
	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	R-MU	C-MU	CB	CR	C-LD	OS	AD	ID	PUD	PCO	
ACCESSORY USES/BUILDINGS																		
Accessory buildings/structures	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS			PS			Section 7.2
Office uses as an accessory use to an industrial type activity, and located on the same lot															P			
Retaining walls and fences	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS	SS	PS	PS		PS	Section 7.8
Satellite dish antennas	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS		SS				Section 7.9

Fence Example Map



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

<p>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.</p>	<ul style="list-style-type: none">  Fence  250 (no fence 250 ft)  Parcels  Town Boundary  Water_Features 	<p>Town of Oak Island, North Carolina</p> 		 <p>Map created by: Jake Vares Town of Oak Island Development Services Department 4/11/2019</p>
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