



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 October 17, 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:** (9-26-2019)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

III. NEW BUSINESS

1. **Text Amendment - Signage**
2. **Text Amendment - Commercial Accessory Structure Setbacks**
3. **Text Amendment - Article 6**

1. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Report**

2. OTHER

Future Meetings: 10/17/19
Adjournment



MINUTES
PLANNING BOARD
September 26, 2019 – 10:30 a.m.
COUNCIL CHAMBERS – TOWN HALL

Present: Chairman Bob Carpenter, members Cathy Bowes, Mike Defeo, Lynn McDowell and Willie Williams, Planning and Zoning Administrator Jake Vares and Town Clerk Lisa P. Stites, MMC. Members Michael Brown and Hope Vickers were unable to attend the rescheduled meeting.

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

Mr. Williams made a motion to approve the August 22, 2019 Minutes as presented Mr. Defeo seconded the motion and it passed unanimously.

There were no Public Comments.

Old Business 1: Text Amendment for Animated Signs

Mr. Vares reviewed the proposed amendment, and said that he had included a six-month amortization schedule. There are exceptions, such as open and closed signs, and barbershop signs. Chairman Carpenter said he had reviewed signs in town, and he thought 15 seconds would work. He explained the math for various speeds of travel and distances. Chairman Carpenter said he was trying to figure out what problem they were trying to solve without disrupting businesses' ability to share information. He used the Rec Center sign as an example, which had messages that lasted between 10 and 30 seconds. He read his proposal as follows: Sec. 10.25.2 Signs that revolve, have internally moving parts, are animated or that utilize movement/apparent movement within 200 feet of a traffic light. Open and closed business window signs, revolving barbershop lights, service station fuel price listings, time and temperature displays and electronic message displays where copy changes no more often than 15 seconds are exempt.

Ms. Bowes suggested excluding government signs and making the rules apply only to commercial signs. She said she liked the suggestion of prohibiting them within 200 feet of a traffic light. Chairman Carpenter said that if the Town were exempted, then the Rec Center could run messages for less than 10 seconds.

Mr. Defeo said he agreed with Chairman Carpenter's suggestion as long as grandfathering applies. The Board had additional discussion about whether the Town's signs should be subject to the same rules as commercial signs and whether there could be exemptions for emergency situations. Mr. Defeo said he didn't think it would too much to ask the Town or the State to keep the signs 200 feet away from a traffic light.

Chairman Carpenter suggested looking at the brightness level of the signs. He also suggested requiring a permit for these signs and revoking the permit if the rules were not followed. Mr. Vares said there are lighting level regulations in the UDO.

Ms. McDowell asked Chairman Carpenter why he suggested 15 seconds; he said he had asked Rec Center staff to make the sign change at different speeds and explained what he saw at specific lengths of time. He said at 15 seconds he thought most people would see the message.

The Board discussed exempting government signs, and will possibly consider that at a future meeting.

Mr. Defeo made a motion to adopt the amendment (to Sec. 10.25.2) as proposed by Chairman Carpenter, to remove 9.9.7 entirely and make 9.9.7.8 the new 9.9.7, and to adopt the associated plan consistency statement. Ms. McDowell clarified that in 10.25.2, the timeframe would be changed from 60 seconds to 15 seconds; Chairman Carpenter said that was correct. **Ms. Bowes and Mr. Williams seconded and the motion passed unanimously.**

New Business: Text Amendment for Community Gardens

Mr. Vares explained that the text amendment would mandate standards for community gardens, and he listed the proposed standards. He said that Board member Hope Vickers couldn't be here today but had submitted some recommendations, which he reviewed. The email from Ms. Vickers is included as an attachment to the Minutes. Ms. Bowes asked what property this would be on, and Mr. Vares said that it would be on private property. He said that often, lots are used that aren't considered buildable. Ms. Stites suggested making the amendment allow the use on Town property. Ms. Bowes said that she thought this was micro-managing use of private property. Mr. Vares said that there are already many restrictions on use of private property, such as setbacks, stormwater regulations, signage rules, driveways, parking requirements, tree preservation ordinances. Ms. Bowes said all of those were associated with building a house in a residential area. Mr. Defeo asked if that would affect a property owner's ability to have a garden; Mr. Vares said that would not be a community garden. Chairman Carpenter asked about the handicapped standard, saying that they couldn't dictate handicapped rules on private residential areas, on residential property. He suggested having this reviewed by the Town Attorney because he wasn't sure if some of these rules could be applied to private property.

Mr. Defeo asked if he had a lot next to his house, could he let his neighbor plant vegetables on it without making it a community garden. Mr. Vares said if it was a separate parcel, that would be a community garden. Chairman Carpenter asked about the requirement to have water to the property; Mr. Vares said the wording for that standard would need to be revised. Ms. Bowes said that she wouldn't support this for private property but she could see it for municipal property. Chairman Carpenter said that he would leave things the way they are and if the Town wants to do this then that is a different issue.

Mr. Williams made a motion to adopt the definition of community garden (Sec. A.3 Definitions), but to not add the proposed standards. Chairman Carpenter seconded the motion and it passed unanimously.

Staff Reports:

Mr. Vares noted that the fill text amendment was adopted with one amendment (changing 2 feet to 1 foot for fill for LOMRs). He also said that the State statutes have combined county and town planning regulations, so the Town will have to make changes as well. The next Council meeting is a Town Hall meeting. The next Planning Board meeting is Oct. 17.

Ms. Bowes made a motion to adjourn at 11:08 a.m. Mr. Defeo seconded the motion and it passed unanimously.

Chairman Bob Carpenter

Attested: _____
Lisa P. Stites, MMC
Town Clerk

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

Agenda Item: New Business No. 1

Date: 10/3/2019



Issue: Signage – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 30 Minutes

Subject Summary:

The proposed text amendment is citizen initiated. The applicant submitted a sign permit for a monument sign at the front of their proposed subdivision which was denied because the sign exceeded the minimum square footage permitted for signs of that sort. Example images of monument signs are included here in the staff report to give the Planning Board a visual of what a monument sign is. Typically they are installed at the entrance of large subdivisions. The UDO (Unified Development Ordinance) in Section 10.26.1.1 details the signage regulation restrictions for signs of this sort.

Images for monument sign



The applicant request with this proposed text amendment that the minimum allowed square footage for their sign be increased to 45 square feet. The proposed wording and UDO definitions are attached. The Plan Consistency Statement should be adopted with the motion.

Attachments: Proposed Ordinance Amendment, Application, Applicant Narrative, Signage rendering

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

SECTION 10.26 DISTRICT SIGNS

10.26.1. Residential District Signs (R-20, R-9, R-7, R-6, R-6MF, R-6MH, R-MU, and PUD).

10.26.1.1. Residential districts contain developments that may require signage. Such developments include, but are not limited to: Single-Family Subdivisions, Multi-Family Developments, Manufactured Home Parks, Churches, and Recreational Facilities. At any entrance to a subdivision or multi-family development, there may be not more than two (2) signs located at the entrance to a development comprised of two (2) or more lots. A single side of any such sign may not exceed sixteen ~~(16)~~ 45 (Subject to change) square feet in area, nor may the surface area of all such signs exceed thirty-two ~~(32)~~ 60 (Subject to change) square feet in area.

10.26.1.2. Additionally, home occupations may install one sign with an area of no greater than one (1) square foot. Home occupation signage shall be permanently fixed to the residence within which the home occupation resides.

10.26.1.3. For residentially zoned and used properties: Temporary signs not exceeding six (6) square feet in area, and three (3) feet in height if freestanding are allowed in all residential districts. The number of these signs is limited to one (1) per one hundred (100) feet, or fraction thereof, of lot frontage of all immediately adjacent public streets. In no event shall there be more than three (3) such signs allowed per lot. The temporary sign may be displayed up to fifteen (15) days prior to and fifteen (15) days following the specific event with which the sign is associated. Miscellaneous temporary use signs not tied or connected to a specific event may be displayed for up to sixty (60) calendar days without a zoning permit. Display for longer than 60 days will require issuance of a zoning permit.

10.26.1.4. For residentially zoned non-residential uses: One freestanding sign or one wall sign per zoning lot of no more than 32 square feet in area, with a maximum height of eight (8) feet if ground mounted or no higher than the roof line if wall mounted.

APPENDIX A. DEFINITIONS

Sign Regulations Definitions

- (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.

TEXT AMENDMENT APPLICATION

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



Date: _____

Fee: \$300.00

Project Name (if applicable): _____

Any application for an amendment shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the property owner or the property owner's agent and be in triplicate. (Sec. 18-335).

PROCESS

This is a legislative decision, anyone can appeal since a text amendment applies to the whole town. A council member cannot vote on a text amendment if there is a conflict of interest. A public hearing is required, notice of hearing and Planning Board review is mandatory, governing board cannot act on an amendment without written recommendation from Planning Board or on a text amendment. Can appeal for up to 6 months to a year afterward. The application first goes to the Planning Board for recommendation and then to Council for final approval. A written statement by Council or the Board of Commissioners is required for adoption or rejection of all zoning text amendments.

The Planning Board and Town Council may consider consistency with the Land Use Plan as well as any unintended consequences while deciding.

SECTION 1: APPLICANT INFORMATION

Petitioner Name: _____

Mailing Address:

Phone: _____

Email: _____

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>*

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: 10/3/2019



Wednesday, October 2, 2019

Pine Forest

TOWN OF OAK ISLAND UDO: TEXT AMENDMENT

This is a formal request for a Text Amendment to the existing Signage Ordinance in regards to interior signage within the Pine Forest of Oak Island Development.

Pine Forest of Oak Island is a mixed-use residential living community with single family, multi-family, commercial, and medical properties. Strong branding is required for both ease of navigation and location separation as well as section identification. As such, we're requesting a text amendment to the new UDO that would increase the usable square footage of available branding area of the sign over the current allowance as specified in the new Town of Oak Island UDO.

The requested modification would allow Pine Forest to establish the internal-brand identity and navigation identification we seek in order to mark each community section respectively. The proposed monument sign marks the entry for a Single Family Home neighborhood that will include 108 dwellings called "The Lakes at Pine Forest". This neighborhood is designed for premium mid-market and upper mid-market homes designed and constructed by some of the areas most prominent builders.

A core goal of Pine Forest is to develop a community designed to meet the needs retirees and the aging senior population who are drawn to the areas natural beauty and climate. With this our goal, we plan to provide on-campus access to integrated health and wellness opportunities in addition to residential living. Easy and clear identification and a visual markers to sections within our community are critical. The size of the signage will help our older demographic future senior residents easily see and locate the proper turns into desired sections of the community. This larger visualization will improve legibility from further distances helping to improve safety of our residents and guests of our residents within the community on the road as well as navigating the community by foot.

The sign is planned to be installed on a corner of two private streets in a common area right-of-way internal to our privately owned community development. This intersection will provide access to our first phase residential single family homes to the west as well as to the assisted living facilities to the east turning off of Pine Plantation Parkway which is the main entrance and primary ingress and egress artery throughout our development—also a private road. The proposed signage is not located on public roads, and will be landscaped and maintained by the Property Owners Association in our community which plans to keep up and maintain all common areas and amenity sites.

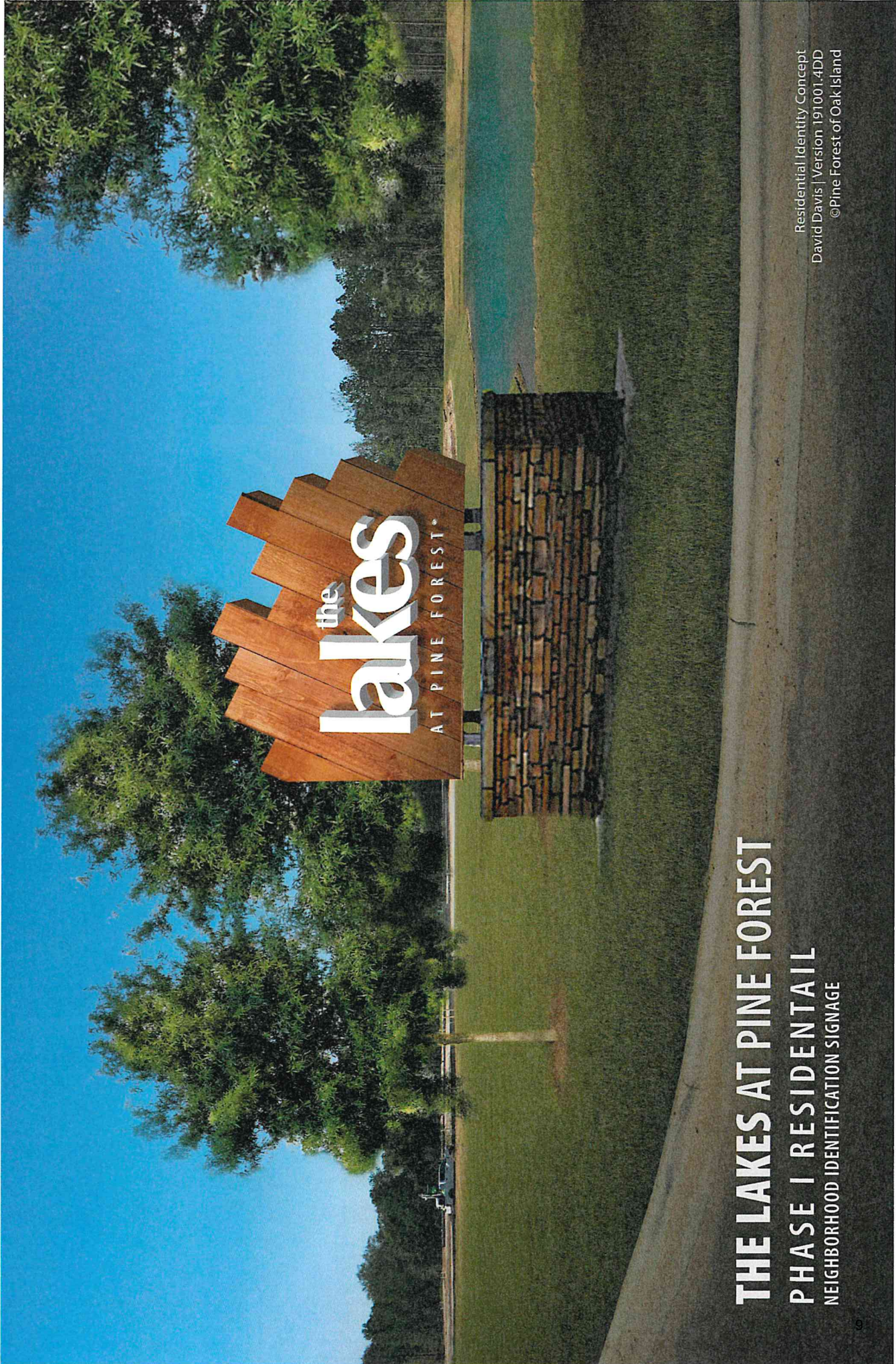
To accommodate the sign, the following changes to UDO are required. Please see Exhibit A for a conceptual rendering and design of the proposed sign, and Exhibit B for the suggested UDO changes.

Contact: DAVID DAVIS

David Davis
Director of Marketing & Business Development
david@pineforestplantation.com

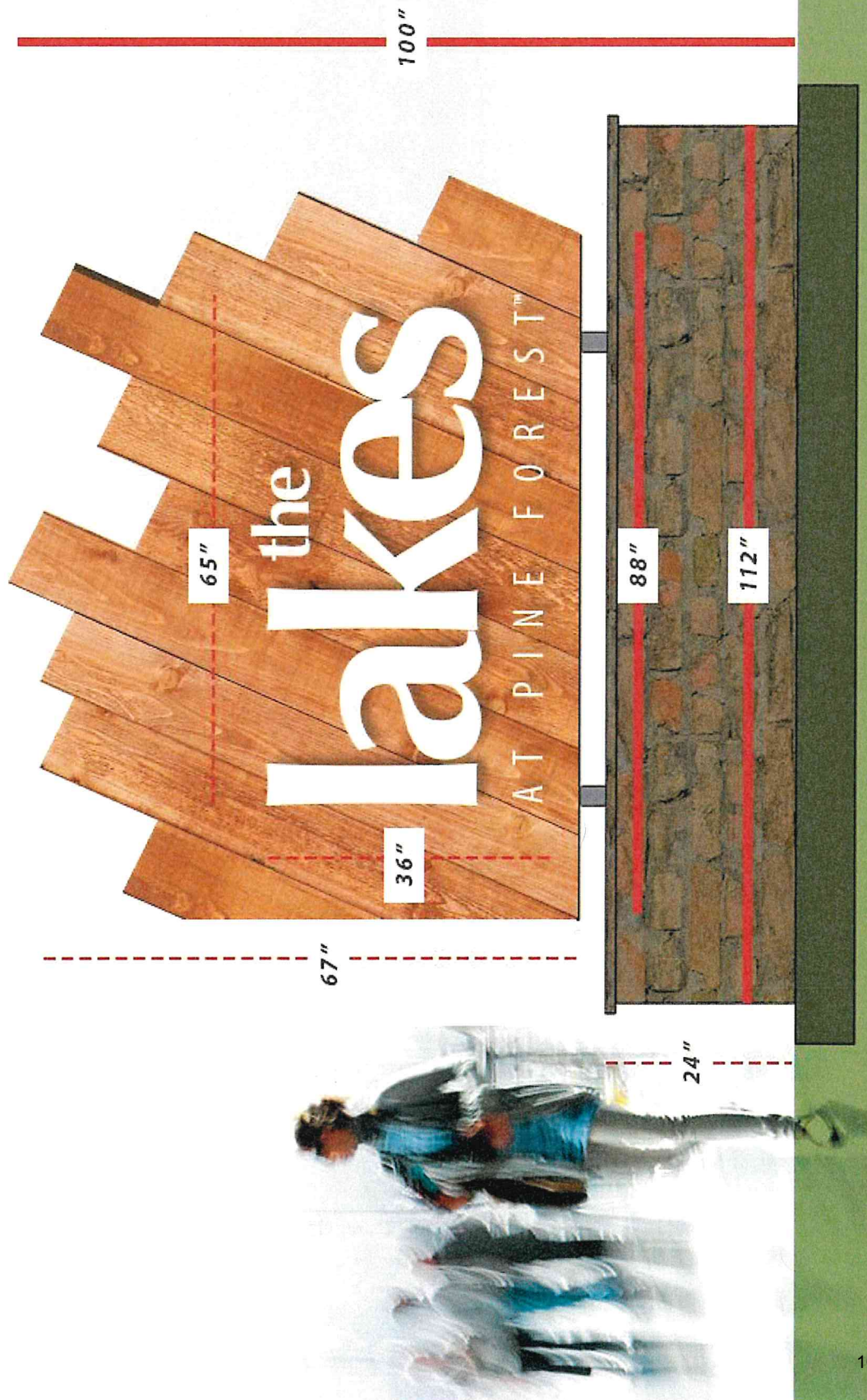
866-667-9784
828-355-7102 office
828-719-8332 mobile

Pine Forest of Oak Island
A Coastal Carolina Active Adult Community with an Integrated Continuum of Care
<https://pineforestoakisland.com>



THE LAKES AT PINE FOREST
PHASE I RESIDENTIAL
NEIGHBORHOOD IDENTIFICATION SIGNAGE

Residential Identity Concept
David Davis | Version 191001.4DD
©Pine Forest of Oak Island

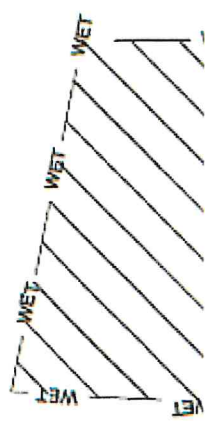


PINE PLANTATION PARKWAY
75' R.O.W. - DB 4137, PG 606



TRACT 8
FUTURE
AMENITY AREA
257,402 SQ. FT. ±
5.808 AC. ±

STORMWATER
MANAGEMENT
FACILITY



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

Agenda Item: New Business No. 2

Date: 10/8/2019



Issue: Commercial Accessory Structure – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 30 Minutes

Subject Summary:

The proposed text amendment is citizen initiated. The applicant submitted a permit for an accessory structure which was denied because it was to be located inside the side-yard setback, which is the reason for the text amendment application. The text amendment modifies the 8 foot side yard setback to be zero. This change will have the principal structure setback match the accessory structure setback. The CB (Community Business) zoning district would be the areas the text change would apply to. It is Article 8, Section 8.8 that would be amendment. Attached is the proposed ordinance change, application and the applicant's narrative. The Plan Consistency Statement should be adopted with the motion.

Attachments: Application, Applicant Narrative, Proposed Ordinance Amendment

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

TEXT AMENDMENT APPLICATION

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



Date: 10/05/2019

Fee: _____

Project Name (if applicable): N/A

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: 6101East Oak Island Drive LLC

Mailing Address: 6101 East Oak Island Drive
Oak Island, NC 28465

Phone: N/A

Email: N/A

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

Owner Name(s):

Turnham M/M 6101 E Oak Island Dr LLC

Mailing Address:

802 Midnight Channel Rd
Wilmington NC 28403

Phone:

910-617-4358

Email:

Turnham@seacoastrealty.com

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>

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:

Turnham

Date:

10/8/14

Proposed Text Amendment
For
Accessory Building Setbacks in
Community Business Districts

Prepared for:

6101 East Oak Island Drive, LLC
6101 East Oak Island Drive
Oak Island, NC 28465
(910) 278-3311

Date: October, 2019

Prepared by

Cape Fear Engineering, Inc.
151 Poole Road, Suite 100
Belville, NC 28451
(910) 383-1044

NARRATIVE

General:

The proposed text amendment would change the accessory structure setback for accessory structures located in the CB – Community Business District. The proposed amendment would make the accessory structure setbacks for districts zoned CB to match the primary structure setbacks, which is consistent with all other zoning districts. The proposed text amendment is consistent with the intent of the zoning ordinance and should not cause any negative impacts to properties.

Proposed Text Amendment:

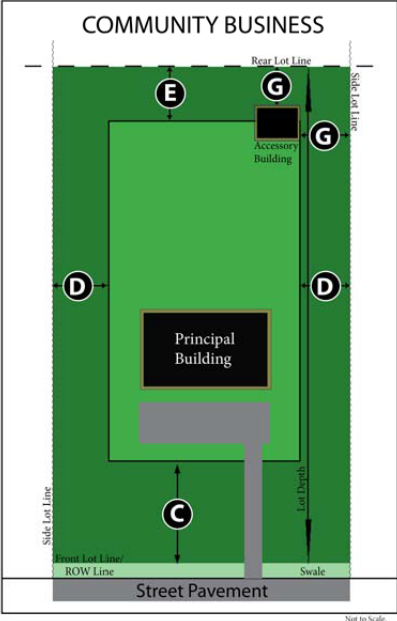
Currently, in Zoning District CB – Community Business, the side yard setbacks for interior lots for the primary structure is zero (0) feet and the accessory building setback is eight (8) feet.

The CB district is the only commercial/residential zoning district that has a more restrictive setback for the accessory building than the primary structure, which may restrict owners and businesses from efficiently using their property.

The proposed text amendment would reduce the setback for accessory building to match the primary structure setback of zero (0) feet for lot lines between properties that are both zoned CB - Community Business District. The proposed reduction in setback distance for accessory structures is consistent with the intent of the zoning ordinance and should not cause any negative impacts to properties.

SECTION 8.8 - CB COMMUNITY BUSINESS DISTRICT.

8.8.1. Dimensional Requirements

(A) Lot Area	None	
(B) Lot Width	None	
(C) Front Yard Setback	20 ft	
(D) Side Yard Setback <ul style="list-style-type: none">• Interior• Corner Lot	0 ft 8 ft	
(E) Rear Yard Setback	10 ft	
(F) Building Height Limits <ul style="list-style-type: none">• Outside VE Zone• Inside VE Zone	35 ft 41 ft	
(G) Accessory Buildings	8 ft 0 ft	

8.7.2. Additional Requirements. Refer to Section 8.14, Notes to Zoning District Development Standards.

8.7.3. Signs. Signs shall be permitted as provided in Article 10, Part IV.

8.7.4. Parking and Loading. Off-street parking and loading shall be provided, as required by Article 10, Part III.

8.7.5. Buffers. Refer to Article 10, Part I.

8.7.6. Landscaping. For landscaping requirements, refer to Article 10, Part I.

(Ord. of 10-9-2018)

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

Agenda Item: New Business No. 3

Date: 10/8/2019



Issue: Article 6 – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 30 Minutes

Subject Summary:

The proposed text amendment is staff initiated. The revision to the ordinance entails permitting plumbing, electrical and HVAC repair contractor offices in the CB (Community Business) zoning district. Currently the ordinance does not permit those type of offices to be permitted in the CB zoning district. Only in the C-LD and ID districts are these land uses currently permitted. The ordinance modification still does not permit such land uses with outside storage in the CB zoning district.

The proposed wording in the Table of Uses is attached. For informational purposes the office with outside storage standards are included. The Plan Consistency Statement should be adopted with the motion.

Attachments: Proposed Ordinance Amendment

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

ARTICLE 7 SUPPLEMENTAL REGULATIONS

SECTION 7.21 CONTRACTOR OFFICE, OUTSIDE STORAGE.

7.21.1. The property shall have frontage upon a minor arterial or higher classification street.

7.21.2. Storage of materials other than vehicles and machinery regularly utilized in the conduct of business shall be buffered and screened from view from roadways and adjacent properties in accordance with Article 10, Part I.

ARTICLE 6. ZONING DISTRICTS
SECTION 6.5 TABLE OF USES AND ACTIVITIES.

P - Permitted Use

PS - Permitted Use with Supplemental Regulations
 Permitted

Blank - Not

S - Special Use

SS - Special Use with Supplemental Regulations

	Primary Zoning Districts																	Overlay District	Supplemental Regulations
Uses	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		
RETAIL SALES AND SERVICES (cont.)																			
Electrical repair or contractor (no open storage)										P		P							
Electrical repair or contractor (open storage allowed)												PS			PS				Section 7.21
Plumbing repair contractor (no open storage)										P		P							
Plumbing repair contractor (open storage allowed)												PS			PS				Section 7.21
Heating and air conditioning installation and repair (no open storage)										P		P							
Heating and air conditioning installation and repair (open storage allowed)												PS			PS				Section 7.21