



**PROPOSED AGENDA
OAK ISLAND PLANNING BOARD
TUESDAY, MAY 19, 2026 – 6:00 PM
COUNCIL CHAMBERS -- OAK ISLAND TOWN HALL**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADJUSTMENT/APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

[Approval of April 28, 2026 Planning Board meeting minutes](#)
[042826PlanningBdMinutes](#)

PUBLIC COMMENT

I. OLD BUSINESS

I.1 [Text Amendment to Appendix A- Definitions of the Unified Development Ordinance](#)
[Appendix A - Definitions - Ground Level](#)

II. NEW BUSINESS

II.1 [Discussion of "Temporary Structures" and Proposed Text Amendment to Appendix A -](#)
[Definitions and Article 7 - Supplemental Regulations of the UDO](#)

III. BOARD MEMBER REPORTS

IV. STAFF REPORTS

V. ADJOURN

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Approval of April 28, 2026 Planning Board meeting minutes
DATE: May 12, 2026
DEPARTMENT: Administration

Subject Summary: Approval of April 28, 2026 Planning Board meeting minutes is recommended.

Attachments:
[042826PlanningBdMinutes](#)

Financial Impact Statement: n/a

Legal Review: n/a

MINUTES
PLANNING BOARD
TUESDAY, APRIL 28, 2026 - 6:00 PM
COUNCIL CHAMBERS -- OAK ISLAND TOWN HALL

Present: Chairman David Bradley, Vice Chairman Durrall Gilbert, Board members Kerri McCullough and David Purser, Development Services Director Matt Kirkland, and Town Clerk Lisa P. Stites MMC. Board members Gene Brooks and Barbara Textoris were not present.

Chairman Bradley called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

Mr. Gilbert said that Board member Gene Brooks had indicated he would not be able to attend the meeting and made a motion to excuse him. Ms. McCullough seconded, and the motion passed unanimously.

ADJUSTMENT/APPROVAL OF THE AGENDA

There were no adjustments to the agenda.

APPROVAL OF MINUTES ([033126PlanningBdMinutes](#))

Mr. Gilbert made a motion to approve the March 31, 2026 Minutes. Ms. McCullough seconded, and the motion passed unanimously.

PUBLIC COMMENT: There was none.

I. OLD BUSINESS: There was none.

II. NEW BUSINESS

II.1 Text Amendment to Section 6.5 - Table of Uses and Activities of the Unified Development Ordinance ([Table of Uses - Remove Shopping Center CR Zoning District Map](#))

Development Services Director Matt Kirkland presented the item, saying the Planning Board had discussed this topic at the previous meeting. The proposed amendment would remove shopping centers less than 30,000 square feet from the CR zoning district. Mr. Kirkland said the question was whether that was an appropriate use for the CR zoning district.

Mr. Kirkland said that the proposed amendment was aligned with the Town's adopted Land Use Plan. He said that staff supported the amendment but wanted to continue researching whether this would be allowed given the State's prohibition of downzoning. Answering a question from Chairman Bradley, Mr. Kirkland said there were no pending permits that would be affected. Mr. Gilbert asked if there were any lots that could support a shopping center that size. Mr. Kirkland said that regardless, they would still have to have the written consent of the property owners in that zoning district. Chairman Bradley asked if there were any current grocery stores that would be affected, and Mr. Kirkland said that the specific issue with Publix would be decided by Town Council, though it would still be considered a downzoning if there were no businesses affected because it's removing permitted use from the Table. Chairman Bradley asked why staff had not already sought this legal opinion or why the attorney was not present. Mr. Kirkland said that the issue was realized after the agenda was published. The Board discussed the history of the CR zones listed on the zoning map.

Mr. Gilbert made a motion to table this item until the next meeting, Mr. Purser seconded, and the motion passed unanimously.

II.2 Text Amendment to Section 2.12 - Relationship of Building to Lot ([Sec. 2.12 - Relationship of Building to Lot](#))

Mr. Kirkland said this proposed text amendment would remove a setback requirement specifically for carports and detached garages. The main effect would be the rear setback, 8 feet versus 20 feet in most residential districts. This amendment would not change where a carport or detached garage could be placed in the front yard. The current rule is easily circumvented by simply re-labeling the proposed structure as something other than detached garage/carport such as storage building, shed, workshop, etc. in which the standard accessory structure setbacks would apply. Vice Chairman Gilbert confirmed with Mr. Kirkland that this would allow the structures, whether they be considered a detached garage, carport, etc. to be functionally one-in-the-same as an accessory structure in terms of rear setback requirements.

The proposed amendment is consistent with the Comprehensive Land Use Plan, and staff recommends approval.

Ms. McCullough made a motion to approve the proposed text amendment to Section 2.12 – Relationship of Building to Lot, which removes reference to detached garages and carports, and to make a finding that the amendment is supported by Objective 1.1 of the Town of Oak Island 2025 Comprehensive CAMA Land Use Plan Update. Mr. Gilbert seconded the motion, and it passed unanimously.

II.3 Discussion and Proposed Text Amendment to Appendix A - Definitions to Define "Ground-level"

Mr. Kirkland said this was a discussion item toward determining what is considered a ground-level improvement. He detailed a Board of Adjustment case heard in February in which this was an issue. The staff determination in that case was that a concrete slab installed was an accessory structure, not a ground-level improvement, since it was a good bit higher than the ground where it sloped.

Mr. Kirkland shared that historically, the Development Services Department has interpreted 'ground-level improvement' to mean structures that are no more than approximately 5 inches off the ground and can be walked-over or driven-over by vehicles without supporting features like stairs or paved slopes. He also reviewed some of the possible determinations the Board could consider. Answering a question from Mr. Gilbert, Ms. McCullough, who was on the Board of Adjustment when this particular case was heard, provided more details about it.

The Board also discussed the current fill ordinance, how it relates to sloping lots, and what was allowed. Ms. McCullough said that she could see this becoming more of an issue as more people want to have some sort of sport facility in their yards.

Chairman Bradley suggested they start with defining height and asked the Board members if they agreed with ground-level as a maximum of five inches above ground. Board members raised concerns about rules that would affect landscaping edges or raised garden beds, and Mr. Kirkland noted that the definition of an accessory structure states that the item is permanently affixed to the ground.

The five definitions offered were alternatives for discussion, and Mr. Kirkland said the two main items were height, which the Board agreed should be five inches, and then also, how the measurements would be taken; for consistency's sake, taking an average of the four corners would align with how other measurements are taken for ordinance application. Mr. Purser said that he would rather see issues like this

go to the Board of Adjustment, and in this one case, if a permit had been requested, these issues would have been addressed through that process. There was additional discussion about defining 'ground-level,' and Mr. Purser said that would be the highest elevation seen on a survey. Mr. Kirkland said that it sounded like the Board was leaning toward a combination of suggested definitions 1 (establishing the definition for the finished ground level/finished grade) and 4 (definition for a ground-level improvement, with wording similar to: a structure constructed not more than five to six inches above ground level/finished grade). The Board also discussed requirements to move stormwater flow. Mr. Gilbert suggested using language such as "as measured by an average of the four corners," (item "A" on the next page of the agenda memo). Chairman Bradley reminded the Board that the effort here in providing a definition and more clarity was so that there wasn't additional burden on staff or a homeowner. Mr. Kirkland re-stated what the consensus (taking the finished grade/finished ground-level definition, taking the ground-level improvement of 5 inches, and measuring from the four corners of the improvement for the average height), and staff will bring language back for the Board to consider.

III. BOARD MEMBER REPORTS

Mr. Purser spoke about the areas for oak trees to be planted. He also said he would be out of town and not be able to attend the next meeting.

Mr. Gilbert said that he attended the budget workshops, and that he was very impressed with our Finance Director. He also said that the Town would miss Town Manager Kathryn Adams when she departs.

IV. STAFF REPORTS

Mr. Kirkland reported they were working through the budget process and mentioned that Jeff Williams was the new Zoning Technician and that staff were glad to have him. Staff will follow up with Board members regarding an upcoming online training.

V. ADJOURN

Mr. Gilbert made a motion to adjourn at 7:02 p.m. Ms. McCullough seconded and the motion passed unanimously.

David Bradley, Chairman

Attested: _____
Erin Baker
Deputy Town Clerk

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Text Amendment to Appendix A- Definitions of the Unified Development Ordinance
DATE: May 11, 2026
DEPARTMENT: Development Services

Subject Summary: BACKGROUND

At last month's regular meeting, the Planning Board discussed issues as they relate to the lack of definition of ground-level and ground-level improvements included within the Unified Development Ordinance (UDO). Planning Staff seeks to add definitions for each to provide better guidance to property owners, builders, and Town Boards seeking information on these kinds of structures.

SUMMARY

The proposed text amendment looks to add two definitions to Appendix A of the UDO.

The first creates a definition for Finished Ground Level / Finished Grade that reads "The level of the land surface after construction, including any grading, paving, or landscaping, as it exists at the time of measurement. The finished ground level shall be calculated by averaging the spot elevations from all corners (or at locations as designated by Staff for irregularly shaped improvements) of a single structure. Multiple, unattached structures on the same site shall have independently calculated average grade for the purposes of measuring the height of each individual structure."

The second adds a definition for Ground Level Improvement that reads "A structure constructed no more than five (5) inches above the finished grade."

While the Planning Department has historically enforced development parameters on ground-level structures in the past, these regulations were not reflected in the UDO. By clearly defining these terms, the unofficial rule becomes official and therefore improves the administration and enforcement of the regulation and by effect improves the property owners' access and understanding of rules governing development of their property.

Attachments:

[Appendix A - Definitions - Ground Level](#)

Suggested Motion: Motion to approve the proposed text amendments to Appendix A of the Unified Development Ordinance and to make a finding that the amendment is consistent with Objective 1.1 of the Town of Oak Island Comprehensive CAMA Land Use Plan to strategically update the Town's Unified Development Ordinance (UDO) to Enhance Community Health and Function.

Financial Impact Statement: N/A

Legal Review: N/A

SECTION A.3 DEFINITIONS.

"F"

Finished Ground Level / Finished Grade

The level of the land surface after construction, including any grading, paving, or landscaping, as it exists at the time of measurement. The finished ground level shall be calculated by averaging the spot elevations from all corners (or at locations as designated by Staff for irregularly shaped improvements) of a single structure. Multiple, unattached structures on the same site shall have independently calculated average grade for the purposes of measuring the height of each individual structure.

"G"

Ground Level Improvement

A structure constructed not more than five (5) inches above finished grade.

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Discussion of "Temporary Structures" and Proposed Text Amendment to Appendix A - Definitions and Article 7 - Supplemental Regulations of the UDO

DATE: May 11, 2026

DEPARTMENT: Development Services

Subject Summary: BACKGROUND

Zoning code enforcement has observed an increase in the use of temporary structures such as tents being utilized to store LSVs and other personal items in lieu of a garage or shed on residential property.

The Unified Development Ordinance does not define "temporary structure" or "tent" in Appendix A. Additionally, the Supplemental Regulations of Article 7 do not include regulations specific to temporary structures on residential properties other than temporary storage facilities (portable storage units) such as pods or Connex boxes. The UDO lacks regulations on these other types of temporary structures that may be used, which inhibits staff's ability to offer guidance to property owners and residents who may have a complaint about or seek to utilize such a structure at their property.

TOWN CODE OF ORDINANCES

The Town Code of Ordinances does speak to the use of tents outside of campgrounds, but the regulation appears to be in regard to the use of tents as temporary dwellings/residences. The Town does restrict the use of tents and recreational vehicles as dwellings outside of campgrounds but has not, at least in recent years, restricted the use of tents, lean-tos, or other similar type structures for storage purposes.

SECTION 2.22 - TENTS AND RECREATIONAL VEHICLES OUTSIDE CAMPGROUNDS.

No tent, shack, or temporary structure shall be located on any lot, and no recreational vehicle may be used as a residence on any lot except when in conjunction with construction on the lot, and then only by a nonrenewable permit granted by the town for a period not to exceed 90 days. Brunswick County Health Department sanitary facilities shall be required before a permit can be issued.

Staff is proposing a discussion that seeks to define temporary structures and establishes standards for use of such structures on residential property.

- Should there be size or length of time limitations for these structures?
- What types of structures should be considered in the definition?
- At what point in time or to what degree does a temporary structure cease being temporary?
- Should temporary structures abide by the zoning dimensional requirements (setbacks) of the district?
- If a temporary structure is being utilized, are there uses that should not be allowed in association with the structure such as vehicle repair or storage?

Possible Definitions of Temporary Structure

1. Any tent, canopy, membrane structure, or other structure not permanently affixed to the ground and intended for short-term use.
2. A structure established for a designated fixed period of time with the intent to remove the structure upon the expiration of the specified time period.

Possible Regulatory Methods

- Size
- Fire/Hazard Safety (restricted uses, no open flames or flammable materials, fire marshal approval)
- Setbacks
- Types of allowable uses
- Time Limits

Financial Impact Statement: N/A

Legal Review: N/A