

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Don Harte
Connie Pletl
Robert Swantek



Alice Derian, ICMA-CM
Town Manager

Kate Winzler
Deputy Town Clerk

Nature's Tranquil Beauty

Planning Board

Program for Public Information (PPI) Committee

Agenda

Thursday, June 9, 2022, at 5:00 PM

2008 Loggerhead Court, North Topsail Beach NC 28460

- | | | |
|------|--|-----------|
| I. | Call to Order | 5:00 p.m. |
| II. | Adoption of Agenda | 5:01 p.m. |
| III. | Approval of Minutes, May 12, 2022 | 5:02 p.m. |
| IV. | Public Comment | 5:03 p.m. |
| V. | New Business | |
| | A. Oath's of Office | 5:05 p.m. |
| | 1. Lisa Brown (appointment) | |
| | 2. Fred Fontana (appointment) | |
| | 3. Scott Morse (re-appointment) | |
| | 4. Susan Meyer (alternate) | |
| | 5. Stu Harness (alternate) | |
| | B. Election of Chair | 5:15 p.m. |
| | C. Election of Vice Chair | 5:20 p.m. |
| | D. Rules of Procedure | 5:25 p.m. |
| | E. Case R-22-01 Jackson | 5:30 p.m. |
| | F. G. Dearborn request to modify SUP-19-01 | 6:00 p.m. |
| | G. Swimming Pool Text Amendment Comments (Mayor Pro Tem Benson) | 6:30 p.m. |
| VI. | Discussion | 7:00 p.m. |
| | A. N.C. Resilient Coastal Communities Program (Ph III app 6/3) | |
| | B. Unified Development Ordinance (code scan) | |
| | C. Dark Sky Ordinance | |
| | D. Zoning Map Update | |
| | E. CRS prep begins June 17 th to meet August 1, 2022 deadline | |
| VII. | Adjournment | 7:05 p.m. |

Notice to citizens who wish to speak: As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Planning Director by calling 328-1349. If you wish to address the Board this evening, please go to the front right corner of the conference room and sign up with the Recording Secretary. The Board may also change the order in which agenda items are presented.

Attorneys: If you are representing a person with an interest in a quasi-judicial proceeding on this agenda and believe you may wish to cross examine a witness, please identify yourself as such to the Recording Secretary. For the sake of maintaining an accurate public record all speakers must be prepared to speak into an amplified microphone and must provide their name to the Recording Secretary.

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Don Harte
Connie Pletl
Bob Swantek



Alice Derian, ICMA-CM
Town Manager

Danyale Lundy
Town Clerk

Nature's Tranquil Beauty

Planning Board

Program for Public Information (PPI) Committee

Regular Meeting Draft Minutes

May 12, 2022 at 5:00 PM

2008 Loggerhead Ct, North Topsail Beach, NC 28460

Present: Hanna McCloud - Chair, Paul Dorazio – Vice Chair, Gunnar Matthews, Lisa Brown, Rebecca Dickson, Deborah Hill – Planning Director, Kate Winzler – Clerk to the Planning Board.
Absent: Pat Stigall, Scott Morse, Mia Green, and Alfred Fontana.

CALL TO ORDER Mrs. McCloud called the meeting to order at 5:10 p.m.

ADOPTION OF AGENDA Mr. Dorazio made a motion to adopt the agenda. Mrs. Brown seconded the motion. The motion passed unanimously, 5-0.

APPROVAL OF MINUTES Mr. Dorazio made a motion to approve the April 14, 2022 minutes. Mr. Matthews seconded the motion, motion passed unanimously, 5-0.

PRESENTATION Tracy Skrabal of the North Carolina Coastal Federation presented 18 slides titled "Stump Sound Watershed Protection Planning" to the Planning Board. She noted that storm water runoff and the pollution within that runoff is the number one polluter of our coastal waters. She commended the North Topsail Beach RCCP work as magnificent, and noted that the NC Coastal Federation watershed plan, although delayed by COVID, is currently in active plan development and will be culminating at the end of this year. She fielded questions from the Board and several attendees. There was discussion.

PUBLIC COMMENT Randy Jones, President of the Rogers Bay Co-owners Association, 4021 Island Drive spoke in support of text amendment RZ22-000001.

OLD BUSINESS

Proposed Text Amendment: §4.03.09 OUTDOOR SWIMMING POOLS, SPAS AND HOT TUBS
Planning Director Hill presented the staff report to the Planning Board.

Mr. Dorazio asked for clarification that the new verbiage would not allow any development into the landward toe of the dune. Planning Director Hill confirmed.

Mrs. Dickson pointed out the new verbiage would prevent any more pools being built right next to a dune even though CAMA permitted it. Planning Director Hill recommended that the new language be added to the CAMA Land Use Plan so that it would be enforceable by the CRC, and that there would be no variance appeal for it.

Mrs. McCloud inquired about amending the verbiage to include sound-side development. Planning Director Hill reviewed the CAMA restrictions on development near the sound. Mr. Dorazio noted that pools must be a minimum of thirty feet from the mean high-water line. Mrs. McCloud suggested that this text amendment should not wait any longer and noted that mangroves are included in the recommendation.

Mr. Dorazio made a motion to make a recommendation to the Board of Aldermen of the text amendment as the Planning Director has it written in the staff report, inserting “of any dune or mangrove” and add it to the CAMA Land Use Plan as a policy statement. Mr. Matthews seconded, the motion passed unanimously, 5-0.

Proposed Unencapsulated Polystyrene Ordinance (BISAC)

Planning Director Hill presented the staff report to the Planning Board. She recommended a text amendment to the UDO Table 4-1 Use Table to add “floating walkways” to the use category of “Dock, pier, (accessory, principal,)” with a use specific standard of “4.03.23” and to add the UDO section to “§4.03.23 Docks, Piers, And Floating Walkways Unencapsulated polystyrene as a floatation device for floating dock systems, piers, and floating walkways is prohibited.”

And to add the following CAMA Land Use Plan policy statement: “The use of unencapsulated polystyrene as a floatation device for floating dock systems, floating walkways and/or floating structures used in aquaculture is prohibited for use in the coastal waterways and marshes within the Town of North Topsail Beach.”

BISAC Chair Mike Benson addressed the Board, apologizing for the BISAC Committee overstepping their bounds in reporting to the Board of Aldermen, not considering that the Planning Board should be squarely involved with the ordinance that BISAC is recommending that the Board of Aldermen develop. Mr. Benson set out to educate the Planning Board on what BISAC does and then talk about the unencapsulated polystyrene ordinance. He presented 16 slides titled “Beach Inlet Sound Advisory Committee (BISAC)” to the Planning Board. Mr. Benson answered questions from the Board. There was discussion.

Mr. Matthews made a motion to recommend the Planning Director’s text amendment to 4.03.23 “Docks, Piers, and Floating Walkways” and to include the CAMA Land Use Plan policy statement. Mr. Dorazio seconded; the motion passed 4-1 with Mrs. Dickson voting against.

NEW BUSINESS

RZ22-000001 Text Amendment Application (Rogers Bay)

Planning Director Hill presented the staff report to the Planning Board. She recommended that the Planning Board recommend to the Board of Aldermen a text amendment to §4.03.11 (H)(1)(c) Storage boxes (Rogers Bay) “Storage sheds not in excess of 28 square feet and properly anchored” one shed per lot, with the shed location approved by Rogers Bay management to ensure that a shed is not placed adjacent to any roadway.

Mr. Randy Jones, President of the Rogers Bay Co-Owners Association, answered questions from the Board. He agreed with the recommendations discussed. Mr. Jones also offered that Rogers Bay is working on complying with the road-readiness, placing lot number decals on all lots, making the campground more accessible to rescue vehicles, and LP tank tie-downs.

Mrs. Dickson gave him credit. Mrs. McCloud stated her appreciation to Mr. Jones.

There was discussion. Mrs. Brown suggested including a height limitation.

Mr. Dorazio made a motion to recommend the text amendment “Storage sheds not in excess of seven feet wide, four feet deep, and eight feet two inches in height, properly anchored, shall not be placed adjacent to any roadway, and only one shed authorized per lot.” Mrs. Dickson seconded the motion; the motion passed unanimously, 5-0.

DISCUSSION

A. UNIFIED DEVELOPMENT ORDINANCE (CODE SCAN)

Planning Director Hill updated the Board on the status of the code scan.

B. N.C. RESILIENT COASTAL COMMUNITIES PROGRAM

Planning Director Hill stated this grant application is in phase three.

C. DARK SKY ORDINANCE

Planning Director Hill is working with Alderman Pletl on the ordinance, focusing on enforceability and the need for a light meter that is certified or calibrated and reliable. She anticipates having the ordinance ready for the June Planning Board meeting.

D. ZONING MAP UPDATE

Planning Director Hill is working to update the zoning map and have Onslow County GIS print it for the Planning Board to review and send to the Board of Aldermen to adopt the updated map for the mayor’s certification.

E. PLANNING BOARD VACANCIES

Planning Director Hill addressed the two vacancies on the Planning Board and noted that both Stu Harness and Susan Meyer have applied for the Planning Board and will be presented to the Board of Aldermen. The Planning Board organizational meeting will be held in June. Planning Director Hill requested permission to fill the vacancies. No one dissented.

ADJOURNMENT Mr. Dorazio made a motion to adjourn. Mrs. Dickson seconded the motion, motion passed unanimously, 5-0.

The Planning Board meeting adjourned at 7:09 p.m.

APPROVED

This 9th day of June 2022

CERTIFIED

This 9th day of June 2022

Hanna McCloud
Chair

Kate Winzler
Clerk

North Topsail Beach Planning Board
 +=New Applicant A=Appoint R=Reappoint
 Recommended for approval on June 1, 2022

Regular Members

A Lisa Brown		May 1, 202 <u>5</u>
Paul Dorazio Vice Chair		May 1, 2023
A Alfred Fontana		May 1, 2024
R Scott Morse		May 1, 202 <u>5</u>
Gunnar Matthews		May 1, 2023
Hanna McCloud Chair		May 1, 2024
Pat Stigall		May 1, 2023
Alternate Members		
+ Susan Meyer		
+ Stu Harness		

Town of North Topsail Beach

Planning Board

Rules of Procedure

Rule 1. Regular Meetings

The Planning Board shall hold a regularly scheduled meeting on the second Thursday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on a day to be determined by the chair. The meeting shall be held in the first floor conference room at the North Topsail Beach Town Hall and shall begin at 5:00 a.m. A copy of the Planning Board's current meeting schedule shall be filed with the Town Clerk and posted on the Planning Board's webpage, <http://ntbnc.org/pb.aspx>.

Rule 2. Special, Emergency, and Recessed [or Adjourned] Meetings

(a) Special Meetings. The chair or a majority of the members may at any time call a special meeting of the Planning Board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each Planning Board member; (2) posted on the entrance to Town Hall; (3) posted on the Planning Board's webpage, <http://ntbnc.org/pb.aspx>; and (4) any person who has filed a written request for notice with the Town Clerk.

A special meeting may also be called or scheduled by vote of the Planning Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the entrance to Town Hall; (2) posted on the Planning Board's webpage, <http://ntbnc.org/pb.aspx>; and (3) any person who has filed a written request for notice with the Town Clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each Planning Board member not present at the meeting at which the special meeting was called or scheduled.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the Planning Board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Emergency Meetings. The chair or a majority of the members may at any time call an emergency meeting of the Planning Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each Planning Board member and to the media that has filed a written notice request with the Town Clerk, and whose request includes the newspaper's, wire service's, or station's telephone number. Notice to the news media shall be given at the expense of the party notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Planning Board. Only business connected with the emergency may be considered at an emergency meeting.

(c) Recessed [or Adjourned] Meetings. A properly called regular, special, or emergency meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in May, the newly appointed members shall take and subscribe the oath of office as required by GS 160D-309 as the first order of new business. As the second order of new business, the Planning Board shall elect a chair and vice chair, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in Rule 24.

Rule 4. Agenda

(a) Proposed Agenda. The Planning Board's clerk or the Planning Director shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least five working days before the meeting. Any Planning Board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed orders, policies, regulations, and resolutions shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Planning Board member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and/or distribution when they are distributed to the Planning Board members.

(b) Adoption of the Agenda. As its first order of business at each meeting, the Planning Board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Planning Board may by majority vote add items to or

subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Planning Board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The Planning Board may designate certain agenda items “for discussion and possible action.” Such designation means that the Planning Board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) Open Meetings Requirements. The Planning Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Planning Board to understand what is being deliberated, voted, or acted on. However, the Planning Board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

Rule 5. Public Address to the Board

Any individual or group who wishes to address the Planning Board shall make a request to be on the agenda to the Planning Board’s clerk or the Planning Director. However, the Planning Board shall determine at the meeting whether it will hear the individual or group.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Discussion and revision of the proposed agenda; adoption of an agenda
- Approval of the minutes
- Public comment
- Unfinished business
- New business
- Discussion

By general consent of the board, items may be considered out of order.

Rule 7. Presiding Officer

The chair of the Planning Board shall preside at Planning Board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair may vote in all cases. In order to address the Planning Board, a member must be recognized by the chair.

If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the Planning Board shall preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she may designate another Planning Board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Planning Board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Action by the Board

The Planning Board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 24. Any member, including the chair, may make a motion.

Rule 9. Second Not Required

Any motion requires a second.

Rule 10. One Motion at a Time

A member may make only one motion at a time. There can be only one motion before the Planning Board at a time.

Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 21 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 13. Voting by Written Ballot

The Planning Board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Planning Board's clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 14. Debate

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. The Chair may poll members for comments.

Rule 15. Ratification of Actions

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 16. Procedural Motions

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The Planning Board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the Planning Board. A majority is more than half.

Motion 6. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 7. To Defer Consideration. The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the

deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

Motion 8. Motion for the Previous Question. The motion is not in order until every member has had an opportunity to speak once.

Motion 9. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

Motion 10. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Motion 11. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed order, policy, regulation, or resolution shall be reduced to writing before the vote on the amendment.

Motion 12. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within [100] days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires [100] days after the deferral unless a motion to revive consideration is adopted.

Motion 13. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 14. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 15. To Prevent Reintroduction for Three (3) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to a majority of the entire membership of the board. If adopted, the restriction imposed by the motion remains in effect for three (3) months or until the next organizational meeting of the board (i.e., new members), whichever occurs first.

Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 19. Duty to Vote

Each member shall be permitted to abstain from voting, by so indicating when the vote is taken. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member’s official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Members shall not vote on any advisory or legislative decisions regarding a development regulation adopted pursuant to G.S. 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. At the

beginning of consideration of a matter before the Planning Board, any member who has a potential conflict of interest whether direct or indirect shall notify the Chair of this conflict. The Chair shall excuse the member from further participation in the matter, including voting.

Rule 20. Special Rules of Procedure

The Planning Board may adopt its own special rules of procedure, to be specified here.

Rule 21. Quorum

A majority of the actual membership of the board shall constitute a quorum. A majority is more than half. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 22. Public Hearings

Public hearings required by law or deemed advisable by the Planning Board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to Planning Board meetings shall also apply to public hearings at which a majority of the Planning Board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the Planning Board shall vote to open the hearing and the chair or his or her designee shall call the hearing to order and then preside over

it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

Rule 23. Minutes

Full and accurate minutes of the Planning Board proceedings shall be kept. The Planning Board shall keep a general account so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves.

Rule 24. Appointments

Members of the Planning Board shall be appointed by the Board of Aldermen. The Planning Board shall use the following procedure to select a chair and vice chair. The chair shall open the floor for nominations, whereupon the names of possible chair and vice chair may be put forward by individual members. The names submitted shall be debated. When the debate ends, the chair shall call the roll of the members and each member shall cast his or her vote. The nominees for chair and vice chair receiving the highest number of votes shall be appointed.

Rule 25. Committees and Boards

(a) **Establishment and Appointment.** Appointments of any non-Planning Board member to any subcommittee or advisory committee of the Planning Board must first be approved by the Board of Aldermen.

(b) **Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

Rule 26. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the Board of Aldermen provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

Rule 27. Reference to *Robert's Rules of Order*

The Planning Board shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

STAFF REPORT CONTACT INFORMATION
Deborah J. Hill

DOCKET/CASE/APPLICATION NUMBER

APPLICANT/PROPERTY OWNER

CASE # R-22-01
PUBLIC HEARING DATE

Douglas A. Jackson and Lisa M. Jackson
PROPERTY ADDRESS/LOCATION

July 6, 2022 at 11:00 a.m.

3621 ISLAND DR

BRIEF SUMMARY OF REQUEST

Douglas A. Jackson and wife, Lisa M. Jackson request to rezone 3621 ISLAND DR from R-20 to Conditional District R-15.



Source: Onslow County GIS 2022 Aerials w/Zoning Layer

MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-20	Single Family	R-20/Single Family	None	38,295 Sq. Ft.

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

Classified as Low Density Residential on Map 11A. Future Land Use.

PROPERTY HISTORY

Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design

Adjacent to Rodney Knowles Town Park. ONWASA water, Pluris sewer available. Flood Zone: AE. Base Flood Elevation: 11 ft. No wetland delineation indicated on plat.

COMPATIBILITY with the ZONING ORDINANCE

§3.02 ZONING DISTRICTS (B) Conditional Districts. Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations...

ATTACHMENTS (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
	PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS	
OTHER (DESCRIBE)	APPLICATION			

Response to Standards

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

The adjacent properties are all zoned R-20, and this request condition of single family only would ensure the appropriate uses for area remain the same. The Future Land Use Plan does illustrate this property as Low Density Residential and the requested zone of Conditional R-15 would be compatible.

DIRECTOR'S COMMENT: Surrounding property is zoned R-20; property to the north is Rodney Knowles Town Park.

2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

The conditional rezone request for single family only protects the general public interest and the character of the community as the uses today within the community are single family only. The rezone to R-15 would allow for the lot width to be 60', therefore meeting or exceeding the widths of the existing lots within the community today. By utilizing the setbacks of the R-20 zone, this property will be the exact setbacks of the existing lots today and the integrity of the community will not be compromised. Therefore, this request would be in the general public interest and not merely the property owners.

DIRECTOR'S COMMENT: The proposed zoning would allow for the creation of 2 building lots; and would benefit the owners.

3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.

The property today, as zoned, would only allow one single family residence. The request for Conditional R-15 (minimum 60' width, single family only utilizing R-20 setbacks) would allow two single family lots. This request would improve the owner's ability to develop the property, however, with the conditions requested, the community would be protected and therefore this request would be in the general public interest and not merely the property owners.

DIRECTOR'S COMMENT: only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations.

4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

The request to Conditional R-15 (minimum 60' wide lot, single family only utilizing R-20 setbacks) would be keeping with the character of the neighborhood and would not therefore materially and adversely affect the neighborhood. This rezone would allow a use of two single family lots having road frontage width meeting or exceeding the zoning requirement and meeting or exceeding most of the lots within the existing R-20 zone.

DIRECTOR'S COMMENT: Single family dwellings with R-20 setbacks will be consistent with surrounding residential development.

5. The proposed change is in accord with any land use plan and sound planning principles.

The Future Land Use Plan illustrates this area as Low Density Residential. This conditional rezone request would place this property in accord with the Future Land Use Plan and the singlefamily condition is considered a sound planning principle since all adjoining uses are single family.

DIRECTOR'S COMMENT: Only if petitioner agrees to conditions in writing.

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

May 3, 2022

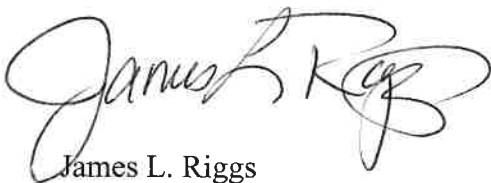
Ms. Deborah Hill
Planning Director
Town of North Topsail Beach
1000 N. C. Highway 210
Sneads Ferry, NC 28460

Re: Douglas A. Jackson and wife,
Lisa M. Jackson
3621 Island Drive
Lot 1, "R. D. Everett and wife, Delphia Ann Everett Heirs," D. B. 548, P. 349
Stump Sound Township, Onslow County, North Carolina

Dear Ms. Hill:

Please find enclosed the following: the rezone application (the questions and answers not included but to follow), a tax map of the property, the property deed, the client's authorization, and one print of the Map for submittal of the above referenced project for the next North Topsail Beach Planning Board meeting.

Respectfully,



James L. Riggs



Town of North Topsail Beach

ZONING MAP AMENDMENT

Tracking Information (Staff Only)

Case Number: R-	Date/Time rec'd:	Rec'd by:
------------------------	------------------	-----------

About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Rezoning requests are heard by the Planning Board, then the Board of Aldermen, as a legislative public hearing.

Submittal: Planning Director will inform applicant of dates for Planning Board and Board of Aldermen public hearing upon receipt of a complete application. Applications should be submitted in-person, and fees are due at time of submittal.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for legislative public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

Contact Information: If you have any questions, please contact the Planning Department at (910) 328-1349 ext 27 between 8:00 a.m. and 5:00 p.m. on weekdays.

Required Application Attachments

Applicant Initial

Staff Initial

Fee (Check No. _____ /Receipt No. _____)		
Completed application and responses: ORIGINAL signatures required		
PLOT PLAN (full size) 10 copies for Planning Board; 10 copies for Board of Aldermen		

Site Address: 3621 Island Drive	PIN(s): 005906
Zoning District(s): R-20	Overlay District(s):
	Tax Map #: 814-13
Requested Zoning District: Conditional R-15 (Min. 60' Width, Single Family Only with R-20 Setbacks)	

Property Owner


Name(s) (Print): Douglas A. and Lisa M. Jackson	Telephone: 330-507-7272
Contact Person: Lisa M. Jackson	Email: buyitfromus7506@yahoo.com


<p style="text-align: center;">_____ Owner Signature</p>	<p style="text-align: center;">_____ Date</p>
--	---

Applicant

Name(s): Douglas A. Jackson and wife, Lisa M. Jackson	
Contact Person: Lisa M. Jackson	Telephone: 330-507-7272
Address: 7506 9th Avenue	Fax: N/A
City/State/ZIP: North Topsail Beach, NC 28460	Email: buyitfromus7506@yahoo.com

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


 Applicant Signature


 Date

Agent (if different than applicant)

Name: Charles F. Riggs & Associates, Inc.	
Contact Person: Charles F. Riggs	Telephone: 910-455-0877
Address: P. O. Box 1570	Fax: N/A
City/State/ZIP: Jacksonville, NC 28541	Email: riggsland@riggslandnc.com

STATEMENT OF JUSTIFICATION (Responses to UDO § 3.07 general findings)

Finding #1: The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

Statement by Applicant:

Finding #2: There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant:

Finding #3: There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant:

Finding #4: There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant:

Finding #5: The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant:

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

May 3, 2022

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

The adjacent properties are all zoned R-20, and this request condition of single family only would ensure the appropriate uses for area remain the same. The Future Land Use Plan does illustrate this property as Low Density Residential and the requested zone of Conditional R-15 would be compatible.

2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

The conditional rezone request for single family only protects the general public interest and the character of the community as the uses today within the community are single family only. The rezone to R-15 would allow for the lot width to be 60', therefore meeting or exceeding the widths of the existing lots within the community today. By utilizing the setbacks of the R-20 zone, this property will be the exact setbacks of the existing lots today and the integrity of the community will not be compromised. Therefore, this request would be in the general public interest and not merely the property owners.

3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.

The property today, as zoned, would only allow one single family residence. The request for Conditional R-15 (minimum 60' width, single family only utilizing R-20 setbacks) would allow two single family lots. This request would improve the owner's ability to develop the property, however, with the conditions requested, the community would be protected and therefore this request would be in the general public interest and not merely the property owners.

4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

The request to Conditional R-15 (minimum 60' wide lot, single family only utilizing R-20 setbacks) would be keeping with the character of the neighborhood and would not therefore materially and adversely affect the neighborhood. This rezone would allow a use of two single family lots having road frontage width meeting or exceeding the zoning requirement and meeting or exceeding most of the lots within the existing R-20 zone.

5. The proposed change is in accord with any land use plan and sound planning principles.

The Future Land Use Plan illustrates this area as Low Density Residential. This conditional rezone request would place this property in accord with the Future Land Use Plan and the single-family condition is considered a sound planning principle since all adjoining uses are single family.

Charles Francis Riggs 05/13/22



A circular professional seal for Charles Francis Riggs, a North Carolina Professional Surveyor. The seal contains the text: "NORTH CAROLINA PROFESSIONAL SURVEYOR SEAL", "2981", and "CHARLES FRANCIS RIGGS". The seal is partially obscured by a handwritten signature and the date "05/13/22".

Parcel ID
005906

Map Number
814-13

Owner Name
JACKSON DOUGLAS A & LISA M

Owner Mailing Address
454 C N ANDERSON BLVD
TOPSAIL BEACH NC 28445-6840



General Information

Acres	2.63	Property Description	L1 RD EVERETT HEIRS
Physical Address	3621 ISLAND DR	Subdivision	MAJOR + LUELA DAVIS
Neighborhood Code	3025	City Limit	NORTH TOPSAIL BEACH
Plat Book & Page	32-130	NC PIN	426610373160
Township	STUMP SOUND	Improvement Code	V
Building Value	\$0.00	Land Value	\$165,190.00
Assessed Value	\$165,190.00	Total Taxed Value	\$165,190.00
Heated Square Feet		Year Built	
Number of Bedrooms			

Last Sale

Date	Price	Book	Page
20-AUG-18	\$170,000.00	4830	85



Onslow County
Geographical Information
Services-GIS
234 NW Corridor Blvd.
Jacksonville, NC 28540

WARNING: THIS IS NOT A SURVEY.

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

Type: CONSOLIDATED REAL PROPERTY
Recorded: 8/20/2018 2:34:27 PM
Fee Amt: \$366.00 Page 1 of 4
Revenue Tax: \$340.00
Onslow County, NC
Rebecca L. Pollard Reg. of Deeds

BK 4830 PG 85 - 88

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$340.00

Parcel Identifier No. 005906 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: Kenneth Ording, P.C., 14210 NC Highway 50, Surf City, NC 28445

This instrument was prepared by: Kenneth Ording, P.C., 14210 NC Highway 50, Surf City, NC 28445

Brief description for the Index: LOT 1,

THIS DEED made this 20th day of August, 2018, by and between

GRANTOR
Joan D. Foster Supplemental Needs Trust dated July 14, 2015
728 Tar Landing Road
Holly Ridge, NC 28445

GRANTEE
Douglas A. Jackson and wife, Lisa M. Jackson
7506 9th Ave
North Topsail Beach, NC 28460

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of North Topsail Beach, Stump Sound Township, Onslow County, North Carolina and more particularly described as follows:

See attached Exhibit "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4394 page 300.

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 548 page 349.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Joan D. Foster Supplemental Needs Trust dated July 14, 2015 (SEAL)

By: Joan D Foster (Entity Name) Print/Type Name: _____

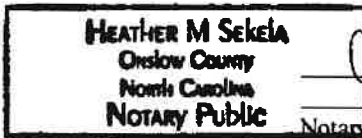
Print/Type Name & Title: Joan D. Foster, Trustee Print/Type Name: _____

By: _____ Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ Print/Type Name & Title: _____ Print/Type Name: _____

State of North Carolina - County or City of Onslow
I, the undersigned Notary Public of the County or City of Onslow and State aforesaid, certify that Joan D. Foster, as trustee personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 18th day of August, 2018.

My Commission Expires: 26 May 2021 (Affix Seal)



Heather M Sekela Notary Public's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public (Affix Seal) Notary's Printed or Typed Name

State of North Carolina - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that Joan D. Foster she is the Trustee of Joan D. Foster Supplemental Needs Trust, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public (Affix Seal) Notary's Printed or Typed Name

Exhibit "A"

BEGINNING at an iron pipe in the edge of Heath's Creek, said pipe being the northeast corner of Lot No. 4 as shown on a Map entitled, "L.W. EVERETT BEACH PROPERTY", as recorded in Map Book 8, Page 3 in the Onslow County Registry, said pipe being designated as corner No. 4 as shown on a Map recorded in Deed Book 548, Page 350 of the Onslow County Registry, entitled "Map of R. D. Everett and wife, Delphia Ann Everett Heirs", to which Map reference is hereby had and the date thereon contained herein included as though fully herein set out; running thence from said iron pipe beginning corner, so located, with the edge of Heath's Creek North 59 degrees 52 minutes 59 seconds East 157.01 feet to an iron pipe, a new corner, designated as corner No. 5; thence South 27 degrees 50 minutes 28 seconds East crossing North Carolina Highway No. 210, 1169.95 feet to an iron pipe in line, designated as corner No. 9A; thence the same line continued South 27 degrees 50 minutes 28 seconds East about 150 feet to the Atlantic Ocean, designated as corner No. 9; thence with the Atlantic Ocean in a westerly direction approximately 120 feet to a point, designated as corner No. 3 and also being the southeast corner of Lot No. 4 as shown on a Map entitled "L. W. EVERETT BEACH PROPERTY", as recorded in Map Book 8, Page 3 in the Onslow County Registry, thence with the line of Lot No. 4 North 29 degrees 33 minutes 00 seconds West approximately 150 feet to an iron pipe in line, designated as corner No. 3A; thence the same line continued North 29 degrees 33 minutes 00 seconds West crossing North Carolina Highway No. 210, 1149.53 feet to the BEGINNING and being all of Lot No. 1 as shown on a Map recorded in Deed Book 548, Page 350 of the Onslow County Registry which Map is made a part of this description and was surveyed during February 1979, by Salmon Matthis and Associates, P.A., Registered Land Surveyors, L-1071. EXCEPTING Lots 1A and 1B as shown on a map entitled, "Boundary Survey for Major T. Davis and wife, Luela E. Davis", dated May 19, 1995 and prepared by Dominick S. Butch, RLS #L-2713 and recorded on Map Book 32, Page 130, Slide I-118, Onslow County Registry, reference to said Map being made for a more particular description.

This parcel of land is also benefitted by a 2.5 feet walkway easement exclusively for use by the owners of Lots 1, 2, and 3 between N. C. Highway 210 and Heath's Creek, as shown on a map entitled, "R. D. Everett & Wife Delphia Ann Everett Heirs" dated February 2, 1979 and recorded in Deed Book 548, Page 349 and 350 of the Onslow County Registry.



Tax Certification Form

(Check One Box)

This certifies that there are no delinquent ad valorem taxes, or other taxes which the Onslow County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number:

005906-GRANTEE: DOUGLAS A JACKSON & LISA M JACKSON

This is not a certification that this Onslow County Parcel Identification Number matches the deed description.

No certification required, as attorney statement that any delinquent taxes will be paid from closing proceeds is included on first page of deed.

Balance due on account. It must be paid to Onslow County Tax Collector within 5 days of closing.

VALERIA B COX

Digitally signed by VALERIA B COX
DN: cn=VALERIA B COX, o=ONSLow COUNTY TAX
ADMINISTRATION, ou,
email=valeria_cox@onslowcounty.nc.gov, c=US
Date: 2018.08.20 14:23:51 -0400

08/20/2018

Tax Collections Staff Signature

Date

This parcel may have deferred taxes which become due upon transfer of the property. Call the Tax Office, Land Records Division at 910-989-2204 for more information.

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877
E-MAIL: riggsland@riggslandnc.com

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

To whom it may concern:

Property Legal Description:

Parcel IDs: 814-13

Street Address: 3621 Island Drive - N. C. Highway 210, North Topsail Beach

Subdivision: Major T. Davis and wife, Luella E. Davis

County: Onslow

Please Print:

Property Owner (Title, if applicable): Doug A. Jackson and wife, Lisa M. Jackson

The undersigned, registered property owners of the above noted property, do hereby authorize Charles F. Riggs and Associates, Inc. and the employees thereof, to act on my behalf as my agent and take all actions necessary for processing, issuance and acceptance of any permit, certification, or approval and all standard and special conditions attached, if any.

Address: 454-C N. Anderson Blvd. Topsail Beach, NC 28445

Telephone Number: (330) 507-7272

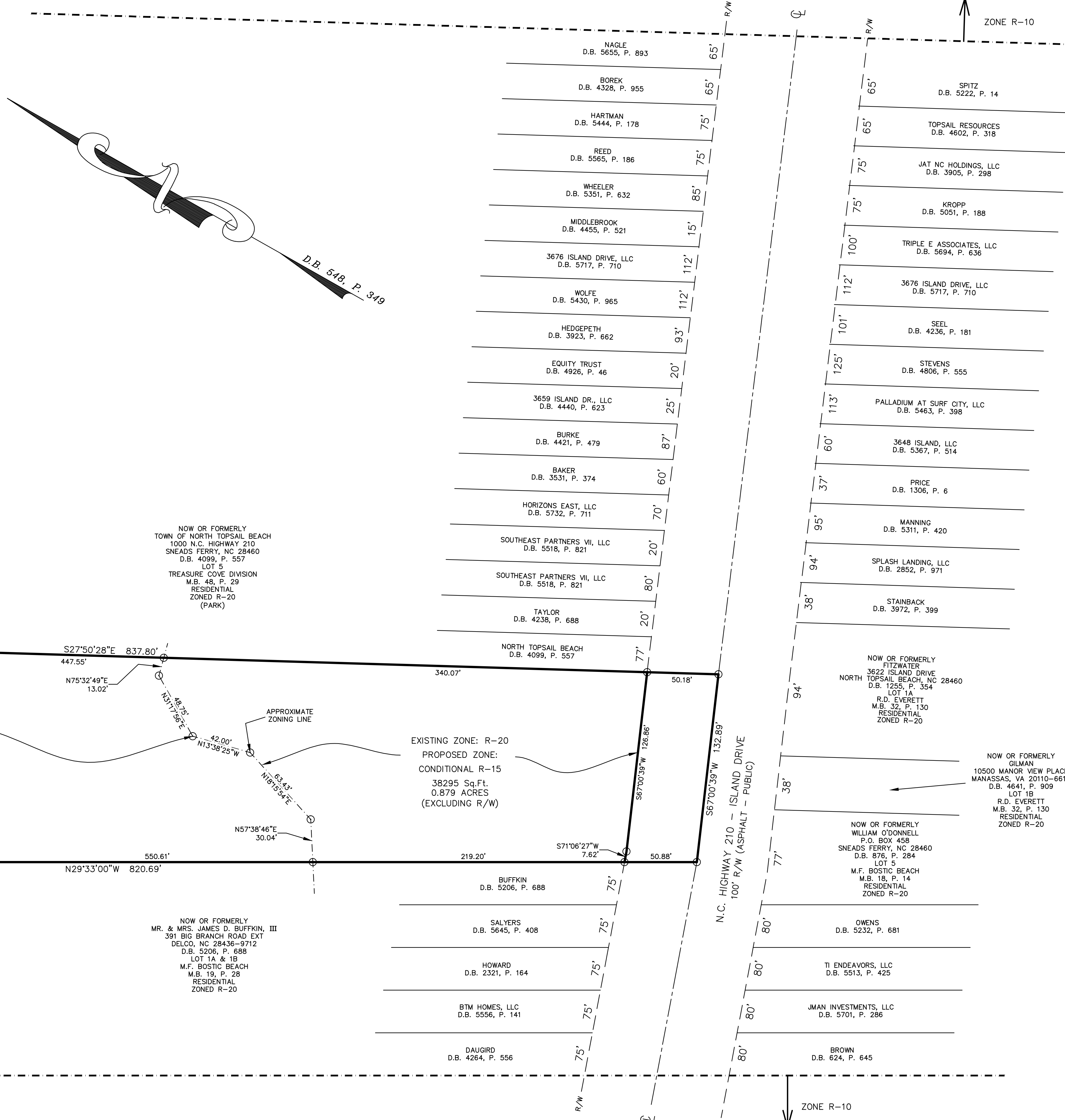
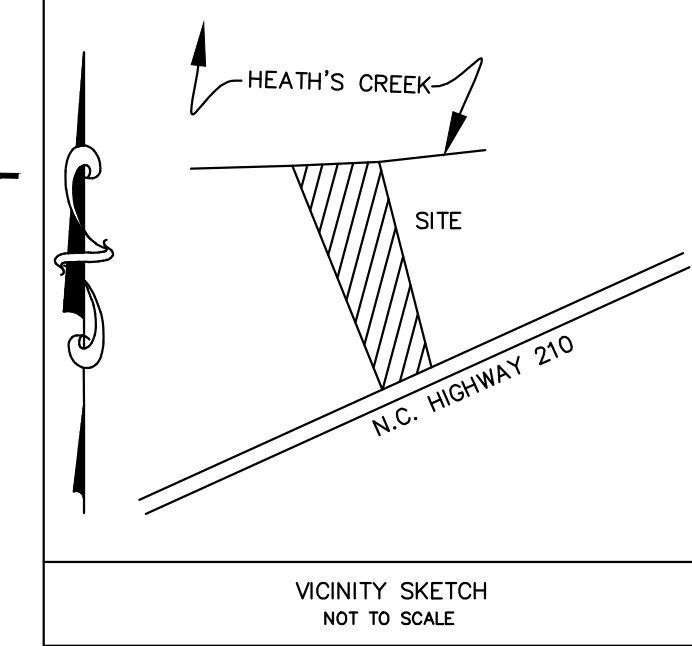
Facsimile Number: N/A

Email Address: buyitfromus7506@yahoo.com

Authorized Signature:

 Date: 5/5/2020

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" (EL = 11'±2") WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370486. 3720428600K. JUNE 19, 2020



CURRENT ZONE: R-20 ZONING SETBACKS

FRONT = 30'
 REAR = 10'
 SIDE = 10'
 MINIMUM LOT WIDTH = 75'

OWNERS

DOUGLAS A. JACKSON & WIFE,
 LISA M. JACKSON

TITLE SOURCE

D.B. 4830, P. 85

TAX MAP #

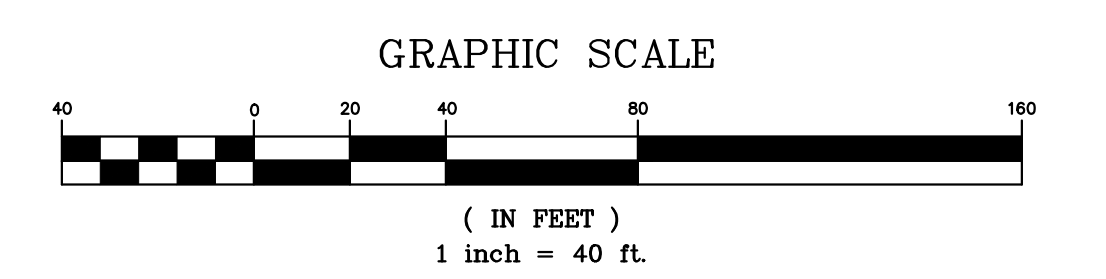
814-13

REFERENCES

D.B. 548, P. 349
 D.B. 624, P. 645
 D.B. 876, P. 284
 D.B. 1255, P. 354
 D.B. 1306, P. 6
 D.B. 2321, P. 164
 D.B. 2852, P. 971
 D.B. 3531, P. 374
 D.B. 3905, P. 298
 D.B. 3923, P. 662
 D.B. 4099, P. 557
 D.B. 4236, P. 181
 D.B. 4238, P. 688
 D.B. 4264, P. 556
 D.B. 4328, P. 955
 D.B. 4421, P. 479
 D.B. 4455, P. 521
 D.B. 4602, P. 318
 D.B. 4841, P. 909
 D.B. 4806, P. 555
 D.B. 4830, P. 85
 D.B. 4926, P. 46
 D.B. 5051, P. 108
 D.B. 5206, P. 688
 D.B. 5222, P. 14
 D.B. 5232, P. 681
 D.B. 5311, P. 420
 D.B. 5351, P. 632
 D.B. 5367, P. 514
 D.B. 5430, P. 965
 D.B. 5444, P. 178
 D.B. 5463, P. 398
 D.B. 5513, P. 425
 D.B. 5518, P. 821
 D.B. 5556, P. 141
 D.B. 5665, P. 186
 D.B. 5645, P. 408
 D.B. 5655, P. 893
 D.B. 5694, P. 636
 D.B. 5701, P. 286
 D.B. 5717, P. 710
 D.B. 5732, P. 711
 M.B. 18, P. 14
 M.B. 19, P. 28
 M.B. 32, P. 130
 M.B. 32, P. 224
 M.B. 32, P. 225
 M.B. 43, P. 137
 M.B. 43, P. 175
 M.B. 43, P. 235
 M.B. 44, P. 169
 M.B. 45, P. 26
 M.B. 47, P. 81
 M.B. 48, P. 28
 M.B. 48, P. 29
 M.B. 69, P. 101
 M.B. 75, P. 77

LEGEND

CC = CONTROL CORNER
 COM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 EIP = EXISTING IRON PIPE (FOUND)
 EIR = EXISTING IRON ROD (FOUND)
 EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 ERSR = EXISTING RAILROAD SPIKE (FOUND)
 MEL = MINIMUM BUILDING LINE
 NMP = NON MONUMENTED POINT
 R/W = RIGHT OF WAY
 SOM = SET CONCRETE MONUMENT (CONTROL CORNER)
 SIP = SET IRON PIPE
 SIR = SET IRON ROD
 SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 CL = CENTERLINE
 WM = WATER METER
 FH = FIRE HYDRANT
 WV = WATER VALVE
 SSM = SANITARY SEWER MANHOLE
 CO = CLEAN OUT
 TP = TELEPHONE PEDESTAL
 TVP = TELEVISION PEDESTAL
 FCM = FIBER OPTIC CABLE MARKER
 LP = LIGHT POLE
 PP = POWER POLE
 PL = POWER LINE
 ET = ELECTRIC TRANSFORMER
 X1.5' = EXISTING SPOT ELEVATION



ACTUAL FIELD SURVEY DATE: N/A
 MAPPING DATE: 05/03/2022
 FIELD BOOK: N/A PAGE: N/A
 PROJECT NUMBER: 20-02-16 JTG

NOW OR FORMERLY
 TOWN OF NORTH TOPSAIL BEACH
 1000 N.C. HIGHWAY 210
 SNEADS FERRY, NC 28460
 D.B. 4099, P. 557
 LOT 5
 TREASURE COVE DIVISION
 M.B. 48, P. 29
 RESIDENTIAL
 ZONED R-20
 (PARK)

NOW OR FORMERLY
 FITZWATER
 3622 ISLAND DRIVE
 NORTH TOPSAIL BEACH, NC 28460
 D.B. 1255, P. 354
 LOT 1A
 R.D. EVERETT
 M.B. 32, P. 130
 RESIDENTIAL
 ZONED R-20

NOW OR FORMERLY
 GILMAN
 10500 MANOR VIEW PLACE
 MANASSAS, VA 20110-6617
 D.B. 4641, P. 909
 LOT 1B
 R.D. EVERETT
 M.B. 32, P. 130
 RESIDENTIAL
 ZONED R-20

NOW OR FORMERLY
 WILLIAM O'DONNELL
 P.O. BOX 458
 SNEADS FERRY, NC 28460
 D.B. 876, P. 284
 LOT 5
 M.F. BOSTIC BEACH
 M.B. 18, P. 14
 RESIDENTIAL
 ZONED R-20

NOW OR FORMERLY
 MR. & MRS. JAMES D. BUFFKIN, III
 391 BIG BRANCH ROAD EXT
 DELCO, NC 28436-9712
 D.B. 5206, P. 688
 LOT 1A & 1B
 M.F. BOSTIC BEACH
 M.B. 19, P. 28
 RESIDENTIAL
 ZONED R-20

NOW OR FORMERLY
 BUFFKIN
 D.B. 5206, P. 688

SALYERS
 D.B. 5645, P. 408

HOWARD
 D.B. 2321, P. 164

BTM HOMES, LLC
 D.B. 5556, P. 141

DAUGRD
 D.B. 4264, P. 556

NOW OR FORMERLY
 NAGLE
 D.B. 5655, P. 893

BOREK
 D.B. 4328, P. 955

HARTMAN
 D.B. 5444, P. 178

REED
 D.B. 5565, P. 186

WHEELER
 D.B. 5351, P. 632

MIDDLEBROOK
 D.B. 4455, P. 521

3676 ISLAND DRIVE, LLC
 D.B. 5717, P. 710

WOLFE
 D.B. 5430, P. 965

HEDGEPEETH
 D.B. 3923, P. 662

EQUITY TRUST
 D.B. 4926, P. 46

3659 ISLAND DR., LLC
 D.B. 4440, P. 623

BURKE
 D.B. 4421, P. 479

BAKER
 D.B. 3531, P. 374

HORIZONS EAST, LLC
 D.B. 5732, P. 711

SOUTHEAST PARTNERS VII, LLC
 D.B. 5518, P. 821

SOUTHEAST PARTNERS VII, LLC
 D.B. 5518, P. 821

TAYLOR
 D.B. 4238, P. 688

NORTH TOPSAIL BEACH
 D.B. 4099, P. 557

3676 ISLAND DRIVE, LLC
 D.B. 5717, P. 710

TRIPLE E ASSOCIATES, LLC
 D.B. 5694, P. 636

3676 ISLAND DRIVE, LLC
 D.B. 5717, P. 710

SEEL
 D.B. 4236, P. 181

STEVENS
 D.B. 4806, P. 555

PALLADIUM AT SURF CITY, LLC
 D.B. 5463, P. 398

3648 ISLAND, LLC
 D.B. 5367, P. 514

PRICE
 D.B. 1306, P. 6

MANNING
 D.B. 5311, P. 420

SPLASH LANDING, LLC
 D.B. 2852, P. 971

STAINBACK
 D.B. 3972, P. 399

OWENS
 D.B. 5232, P. 681

TI ENDEAVORS, LLC
 D.B. 5513, P. 425

JMAN INVESTMENTS, LLC
 D.B. 5701, P. 286

BROWN
 D.B. 624, P. 645

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
 LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET
 P.O. BOX 1570
 JACKSONVILLE, NC 28540-1570
 TELEPHONE: (910) 455-0877
 E-MAIL: riggsland@riggslandnc.com

LANDFALL EXECUTIVE SUITES
 1213 CULBRETH DRIVE
 WILMINGTON, NC 28405
 TELEPHONE: (910) 681-7444

**DOUGLAS A. JACKSON & WIFE,
 LISA M. JACKSON**

LOT 1, "R. D. EVERETT & WIFE, DELPHIA ANN EVERETT HEIRS," D.B. 548, P. 349
 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
 DOUGLAS A. JACKSON & WIFE, LISA M. JACKSON, OWNER; D.B. 4830, P. 85
 3621 ISLAND DRIVE

PROPOSED ZONE: CONDITIONAL R-15
 CONDITIONAL R-15 MINIMUM 60' WIDE
 LOT WITH SINGLE FAMILY ONLY
 UTILIZING R-20 ZONING SETBACKS


R:\2020\20-02-16 Jackson\CAD\Drawings\20-02-02-16.dwg - Tuesday, May 03, 2022 11:08:46 AM

Town of North Topsail Beach
Board of Alderman

I am requesting a hearing to have my Special Use Permit that allows for private paid parking on my lot along Island Drive to be amended to allow for my personal toy hauler/camper. I am making this request as I have nowhere else to park it.

Please let me know when the hearing dates and times are so that I am able to attend to state my case.

Sincerely,
Gerald Dearborn


geralddearborn@outlook.com
(910) 539-3910

Req to Modify Sup
PLANNING BOARD June 9th
BOARD OF AID July 14th

MUST ATTEND BOTH MEETINGS

Town of North Topsail Beach



Nature's Tranquil Beauty

CASE# SUP-19-01; SUP-19-02; SUP-19-03; SUP-19-04

ORDER ISSUING SPECIAL USE PERMIT(s)

The Board of Aldermen ("Board") of the Town of North Topsail Beach ("Town") held a quasi-judicial public hearing on June 24, 2020 during Special Meeting called by the Board of Aldermen to consider the applications submitted by (1) Durwood Bradshaw, (2) Vance T. Wade/DW Farms, LLC, (3) Gerald Dearborn, and (4) Jeana Baudry-Johnson for a Special Use Permit ("SUP") to develop private paid parking/overflow parking of passenger cars, trucks and boats on trailers for Rogers Bay Campground on the 4 tracts bearing Tax Parcel ID #'s 769-4.2(Lot 5), 769-4.10 (Lot 4), 769-4.9 (Lot 3), 769-4.8(Lot 2), 769-4.7 (Lot 1) pursuant to § 2.06.04 *SPECIAL USE PERMITS* and § 4.02 *PERMITTED AND SPECIAL USES* of the Town's Unified Development Ordinance.

The record included the following exhibits and testimony:

1. Exhibit 1 - June 23rd, 2020 email from Attorney Beth Faleris, excluding her personal opinions.
2. Exhibit 2 - Agenda packet related to the subject applications (staff report).
3. Exhibit 3 - NCDOT driveway plan presented by Charles Riggs titled 19-08-24 DWPRE 5
4. Exhibit 4 -Statement from Rodger's Bay HOA presented by Mr. Ed Crammer.
5. The sworn testimony subject to cross examination of Planning Director Deborah Hill.
6. The sworn testimony subject to cross examination of Ms. Debbie Wade.
7. The sworn testimony subject to cross examination of Ms. Beaudry-Johnson.
8. The sworn testimony subject to cross examination of Mr. Frank Rochelle.
9. The sworn testimony subject to cross examination of Mr. Ed Crammer.
10. The sworn testimony subject to cross examination of Mr. Gerald Dearborn.
11. The sworn testimony subject to cross examination of Town Fire Chief Soward.

FINDINGS OF FACT

The Board, based on the sworn, uncontested testimony and other competent and substantial evidence received at the hearing, makes the following findings of fact:

- 1) The subject properties are lots located between Rogers Bay Campground and Island Drive. The properties are zoned B-1.
- 2) The Applicants seek to obtain a Special Use Permit to develop private paid parking/overflow parking of passenger cars, trucks and boats on trailers for Rogers Bay Campground.
- 3) Table 4-1 *Use Table* of § 4.02 *PERMITTED AND SPECIAL USES* of the Town’s UDO identifies commercial parking as a special use for areas zoned B-1 and thereby requires the issuance of a Special Use Permit to engage in such use.
- 4) The issuance of Special Use Permits is governed by § 2.06.04 *SPECIAL USE PERMITS* of the Town’s UDO.
- 5) The proposed use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare. The Board makes this finding based upon the evidence produced at the hearing including, but not limited to, the following:
 - Egress/ingress, subject to NC DOT driveway permit as indicated by Exhibit 3 - NCDOT driveway plan presented by Charles Riggs titled 19-08-24 DWPRE 5.
 - Testimony by Fire Chief Chad Soward.
- 6) The proposed use complies with all required regulations and standards of § 2.06.04 *SPECIAL USE PERMITS* of the Town’s UDO and with all other applicable regulations. The Board makes this finding based upon the evidence produced at the hearing including, but not limited to, the following:

RESPONSE TO STANDARDS

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>COND</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
<i>Accessory use</i>											
Parking lot											
<i>Commercial use</i>											
Parking lots (principal)	S	S	S	S	S	S	S		S	S	

- 7) The proposed use conforms to the plans for the land use and development of town as embodied in this zoning ordinance and in the town CAMA land use plan. The Board makes this finding based upon the evidence produced at the hearing including, but not limited to, the following:

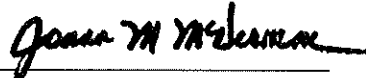
The property is zoned B-1, which allows commercial parking with a Special Use Permit approved by the Board of Aldermen after conducting a quasi-judicial hearing.

CONCLUSION OF THE BOARD

Based on the sufficient, competent, and substantial evidence presented during the hearing and the above findings, the Board of Aldermen hereby unanimously concludes that all conditions precedent to the issuance of a Special Use Permit have been satisfied. Accordingly, **IT IS THEREFORE ORDERED** that the subject application for the issuance of Special Use Permit be **GRANTED** subject to the following conditions:

1. The applicants obtain a signed NC DOT driveway application;
2. The parking authorized pursuant to this Special Use Permit is only applicable to areas not subject to pending litigation (Lot 1);
3. Sketch for Rogers Bay Parking Layout Lots 1, 2, 3, 4, & 5, MB 75 P 176 by Charles Riggs PLS dated March 5, 2020;
4. The Fire Chief's approval on the ingress and egress of the plan; and
5. The applicants adhere to all applicable commercial standards set forth in the Town's UDO.

So **ORDERED** this 7th day of April, 2022, effective as 24th day of June, 2020.



JoAnn McDermon, Mayor

Town of North Topsail Beach



DEARBORN GERALD L & BEAUDRY JOHNSON
JEANNETTE
105 N RAILROAD ST
RICHLANDS, NC 28460

October 04, 2021

21-000154

NOTICE OF VIOLATION

of the Town of North Topsail Beach Town Codes Regarding Unsafe, Substandard or Noncomplying Structures or Land or Occupancy

You are hereby notified of an inspection conducted on 10/04/2021 by Stephen Kozlowski of ISLAND DR in North Topsail Beach NC, which has resulted in the determination of the following violations:

§ 10.02.03 - Violation of conditions imposed

§ 10.02.04 - Use in violation

You are hereby ordered to abate the violation within 15 days from the date of mailing or the date of posting by taking the following corrective actions:

Camper/RV parked in paid parking in violation of Special Use Permit. Remove Camper/RV.

If the violation is not abated as directed and no request for hearing is made within the prescribed time, the town will abate such violation, assess the cost thereof against such person, and pursue appropriate criminal and/or civil penalties. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal.

The information and position stated in this letter is based on a review of the Town's Ordinances as well as information provided by Onslow County Geographical Information Services ("GIS"). Should you, the owners or any other party have additional information that you feel bears on these issues, the Town will gladly review and consider the same.

BY ORDER OF THE PLANNING DIRECTOR

Signature of Issuing Code Enforcement Officer

Town of North Topsail Beach
2008 Loggerhead Ct, North Topsail Beach, NC 28460
Temporarily located at 1000 NC HWY 210, Sneads Ferry NC 28460
Phone: (910) 328-1349

Town of North Topsail Beach



DEARBORN GERALD L &
105 N RAILROAD ST
RICHLANDS, NC 28574

April 08, 2022

22-000419

TOWN CITATION

You are hereby notified of an inspection conducted on 04/08/2022 by Stephen Kozlowski of ISLAND DR in North Topsail Beach NC, which has resulted in the determination of this citation and civil penalty. [To continue any of the violations listed below is a separate and distinctive offense. Each day is considered a separate offense. First citation \\$50; Second citation for same offense \\$100; Third and subsequent citations for same offense \\$200.](#)

0 days in violation, from 04/08/2022 to 04/08/2022

Code Section	Code Description	Fee Amount
Â§; 10.02.03	Violation of conditions imposed	\$50.00
TOTAL AMOUNT DUE		\$50.00

If you fail to pay the civil penalties within seven days 04/15/2022 after having been cited, the town may recover the penalties in a civil action in the nature of the debt.

If the violation is not abated as directed and no request for hearing is made within the prescribed time, the town will abate such violation, assess the cost thereof against such person, and pursue appropriate criminal and/or civil penalties.

BY ORDER OF THE PLANNING DIRECTOR

Signature of Issuing Code Enforcement Officer

Town of North Topsail Beach
2008 Loggerhead Ct, North Topsail Beach, NC 28460
Phone: (910) 328-1349

May 24, 2022

I, William Lassiter am filing a formal complaint against Gerald Dearborn & Gina Johnson about junk being placed on Rental property on 4021 Island Dr. There are Campers, Utility trailers (one with no current license plates on it.) Also cones & kayaks hung on fence posts. Scrap ~~lumber~~ lumber stacked up on trailer tongue. Also rusty axles laying on ground. Camper is used for overflow company on holidays for Mr. Dearborn with power running from his camp ground camper to one parked on front rental spaces.

William Lassiter @ yahoo William M. Lassiter
919-344-7717

Mike Benson: Questions and Concerns about text amendment

From the Planning Board report to BOA – May/June

Proposed Text Amendment: §4.03.09 OUTDOOR SWIMMING POOLS, SPAS AND HOT TUBS

Planning Director Hill presented the following information to the Planning Board:

All pool, spa or hot tub applications require V-Zone Certification by design professional that proposed development does not alter sand dunes or mangrove stands. The alteration, disturbance or encroachment of any dune, as defined by this ordinance, is prohibited.

Is this proposed text amendment about swimming pool placement or protecting the dunes?

- If it is about protecting dunes, then swimming pools are only one aspect.
- Any disturbance could theoretically threaten the dune
 - For example, putting in a structural access such as a post to support a walkway from the house to the dune crossover.
 - The post would ‘damage’ the dune
 - The resulting walkway over the dune would shade the dune and create an unfavorable environment for dune grasses that require full sun
- So, are we really talking about swimming pools or any man-made structure – posts, walkways, gazebos, etc. that ‘change the natural environment’ of the dune and make it less resilient to storms?

I would posit that every oceanfront house in Dolphin Shores was built in the ‘dune’

- Doesn’t every driveway run uphill from the street toward the ocean?
-

Seems to me that several unanswered questions need to be resolved for the BOA before continuing with the preparation of an ordinance

- a. What were the pros and cons of deciding that swimming pools should once again be banned in between the house and the frontal dune in NTB?
- b. I do not recall any discussion of pros and cons in the recent Planning Board meeting – only that the town had a ban then rescinded the ban
 - Do pools cause a nuisance due to loud parties? Have there been complaints in the past?
 - Do pools cause environmental damage to the ground in which they are installed?
 - If the pool is subject to ground water flooding from a hurricane or nor’easter, is it feared that the intact pool would be floated out of the ground and then crash into piles of a house causing damage that could otherwise have been avoided had the pool not been allowed?
 - Do fiberglass pools pose a hurricane risk of breaking apart allowing pieces of fiberglass to be swept into the marine environment of the marshes like unencapsulated polystyrene?

Did any of the communities that were surveyed have any of these concerns?

Okay, let’s move on to the wording of the text amendment

- I am assuming that “All pool, spa or hot tub applications require V-Zone Certification by design professional” means the pool would stay in the ground should it be exposed to a V zone flooding event?

- What is meant by “that proposed development does not alter sand dunes.”?
 - There are CRC regulatory definition of sand dunes and there are simpler definitions such as in Spencer Roger’s *The Dune Book*
 - Are you following the CRC definition?

“Dune Rules”

15A NCAC 07H .0308 Specific Use Standards for Ocean Hazard Areas

15A NCAC 07K .0103 Maintenance and Repair

Fiscal Analysis Prepared in 2018 by: Tancred Miller, Coastal & Ocean Policy Manager, Policy & Planning Section

NC Division of Coastal Management. (252) 808-2808, ext. 224

Excerpt

For management purposes, the CRC’s rules (15A NCAC 7H .0305) include definitions of various landforms associated with the Ocean Hazard Area, including Ocean Beaches, Nearshore, Primary Dunes, and Frontal Dunes.

- Frontal Dunes are defined as the first mound of sand located landward of the ocean beach that has stable and natural vegetation present.
- Primary Dunes are the first mounds of sand located landward of the ocean beaches having an elevation equal to the mean flood level (in a storm having a one percent chance of being equaled or exceeded in any given year) for the area, plus an additional six feet of elevation. Primary Dunes extend landward to the lowest elevation in the depression behind that same mound of sand (commonly referred to as the "dune trough").

This fiscal analysis was later approved by the CRC

The Dune Book

- Are you following Spencer Roger’s definition in the ‘Dune Book’

Attempts to define a dune for regulatory purposes are quite difficult.... In this booklet, we will take the broadest view. Dunes are defined as any area landward of the active beach where dune grasses are the dominant plant.”

-
- Is the dune complex along Porpoise Dr different from the dune structure found along the rest of the 11 miles of ntb shoreline?
 - To me, seems like the dune in Dolphin Shores is a particularly wide dune (system) that is an exception to the ‘width’ of town’s dune line through the rest of NTB
 - Again, are not all the oceanfront houses in this development constructed in the dune?

Now the ‘mangrove stands’ in NTB

“or mangrove stands”

- Are there houses that have mangrove stands abutting the oceanfront dune – kinda of seems like there couldn't be a house in the first place let alone a pool if the mangrove stand came right up to the dune line.
 - Are you implying with 'mangrove stands' that pools could not be placed between the house and the mangrove stand even if the set back line for wetlands is observed? **So no sound side pools either? Thus, no pools allow in NTB?**
 - Okay, let's move on to the biological definition of 'mangrove stands' Not sure why you used this term rather than something like 'marsh wetland'?
 - I think you would be hard pressed to find a mangrove stand in NTB but you would find single tree species that are associated with mangroves such as the Red mangrove here and there in NTB
 - **PB Fyi -Based on a quick google search there are four plant species common in mangrove stands they are**
 - Red Mangrove range is the Carolinas and northern Florida – do we see red mangrove in the marshes behind NTB.
 - Black Mangrove restricted to Florida and other parts of the world
 - White Mangrove – a Florida species
 - Buttonwood a Florida species and other parts of the world
-
- a. From your research, how many NC towns have set stricture guidelines for pools than those imposed by CAMA?
 - b. How many UDOs does NTB have that are stricter than CAMA rules?
 - c. Why are you proposing stricter rules than those set by CAMA when the CRC has spent a great deal of time and effort to protect the environment but conducting their 'Dune Analysis' which resulted in a revision of the rules to make them more protective of the environment.
 - d. Making the 'pool rules' more restrictive in NTB from the CRC guidelines will only cause confusion and possible legal expenses to enforce any stricter rule.
 - e. Please revisit the 'protect the environment' wording to be sure you are not completely limiting structural access to the beach.

Please discuss the above points in your next Planning Board meeting and then prepare a justification for any changes you are proposing to the Board of Aldermen.