

FREQUENTLY ASKED QUESTIONS

1. WHAT SORT OF LAND USES ARE ALLOWABLE ON MY PROPERTY?

Article VI, Section 6.5 in the town Unified Development Ordinance describes the allowable land uses for all of the properties within our jurisdiction. You can find that [here](#).

The top column displays the zoning district and the subsequent below cover all possible land uses.

If the cell is empty then that land use would not be allowed on your property if you are in that zoning district.

This table is heart and soul of zoning ordinance.

2. WHAT ZONING DISTRICT IS MY PROPERTY IN?

The towns zoning district map displays all the zoning districts within a zoning jurisdiction. To view the zoning district map click [here](#).

3. WHAT ACCESSORY STRUCTURES CAN I HAVE ON MY PROPERTY?

Detached accessory buildings shall be set back a minimum of eight feet from any side or rear property line. Accessory buildings and uses shall not encroach into any utility easement. The maximum height of an accessory structure cannot exceed 20 feet and the square footage of an accessory structure cannot exceed 10% of the total lot area. (Sec. 8-14.9)

4. CAN I HAVE A SWIMMING POOL ON MY PROPERTY/ WHAT ARE THE REGULATIONS?

All public, commercial, or private outdoor swimming pools shall meet the following ordinance standards:

SECTION 7.11 SWIMMING POOLS.

7.11.1. The setback for a swimming pool from any lot line shall equal the required setback for accessory structures in the district in which it is located, plus one foot for each foot over five feet of pool depth. Swimming pools are not allowed in the required front yard area.

7.11.2. A fence, being an enclosing structure of rails, pickets, wires or the like, shall be erected to a minimum height of four feet and a maximum height of six feet, to completely enclose all sides of the pool not bounded by a building. A gate of equal height with a locking mechanism shall be installed and securely fastened when the pool is not in use.

7.11.3. Fencing surrounding swimming pools shall be designed so as to minimize the possibility of unauthorized or unwary persons from entering the pool area. In the case of a semi-open (such as

chainlink) fence, the open space between each section of fencing material shall be no larger than 16 square inches. The fence or wall may be constructed of wood, masonry or similar materials or by a chainlink or similar fencing with natural screening, provided that it complies with the requirements of the location of accessory buildings in the district in which it is located. This section shall also apply to day care centers having swimming pools with a depth of 18 inches or more.

7.11.4. All mechanical equipment associated with pool maintenance shall be located a minimum of five feet from any property line.

7.11.5. All floodlights shall be shielded from adjacent properties to reduce offensive glare.

7.11.6. All electrical wiring shall be in conformance with the National Electrical Code.

5. WHAT ARE THE FENCING REQUIREMENTS IN OAK ISLAND?

- Town recommends that the fence is built just inside the property line to avoid issues with neighboring properties.
- If a fence is located directly on the property line it then becomes the property of both properties.
- Any fence built on residential property shall be a maximum of six (6) feet high at the highest corner of the property, except oceanfront lots.
- Fences not exceeding six feet may be erected only in side or rear yards and may not be extended toward the street beyond the front corner of the principal building.
- No fence exceeding a height of four feet will be constructed within 25 feet of any street right-of-way, excluding alleys.
- On a corner lot in all districts, nothing shall be erected, planted, or allowed to grow in such a manner as to impede vision over a height of three feet above the centerline grades of the intersecting streets within the triangular area bounded on two sides by the two street centerlines and on the third side by a straight line connecting points on the street centerlines located one-half the street right-of-way width plus 40 feet measured from the intersection of the centerlines.
- In commercial districts, except oceanfront lots, solid wood fences shall be a maximum of six feet or ten feet for a metal chain-link fence.
- On oceanfront lots, fences shall be a maximum of four feet in height. Fences shall be designed in a manner so that views of the ocean are preserved.
- Fences shall be constructed so that the finished side is oriented toward adjoining lots or the public right-of-way.

6. WHAT TYPE OF SIGNAGE AM I PERMITTED TO HAVE?

The signage requirements are dependent upon the type of sign and the zoning district it is located in. You can find our table of allowable sign uses [here](#).

7. WHAT IF I WANT TO REZONE MY PROPERTY?

You can find the rezoning application [here](#).

This is a legislative decision, if there is a conflict of interest (being a financial interest) a board member may not vote but is allowed to participate in the discussion. Conditions cannot be placed on a rezoning decision. Spot zoning is determined and avoided if identified. A Plan Consistency Statement will be provided by staff and signed by the Town for every rezoning hearing at each board meeting. The application first goes to the Planning Board for recommendation and then to Council for final approval. Notification letters are required to be sent to all the adjacent property owners. A sign has to be placed no less than ten (10) or more than twenty-five (25) days before the hearing date. After the final vote, a zoning decision will be delivered (via email, personal delivery or first class mail) to the applicant.

The Planning Board and Town Council may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements (if applicable), environmental impact, site limitations, and consistency with plans and prior decisions. The Board cannot consider ethnicity, income, affordable housing, owner versus renter housing, or who the owner is when deciding.

8. WHAT ARE THE SETBACKS FOR MY PROPERTY?

The setbacks are dependent upon which zoning district your property is in.

Those setback dimensional standards can be found in our ordinance in [Article 8, Section 8.1 to 8.13](#).

9. WHEN ARE VESTED RIGHTS APPLICABLE TO MY PROJECT?

A vested right shall be deemed to have been established with respect to any property upon the valid approval, or conditional approval, of a site-specific development plan or a phased development plan, following notice and public hearing by the town/county having jurisdiction over the property. A vested right means the landowner shall have the right to undertake and complete the development and use of the property in accordance with the specific terms and conditions of the approved site specific or phased development plan. Failure of the landowner to comply with the terms and conditions of an approved or conditionally approved site-specific development plan will result in a forfeiture of vested rights. A site-specific development plan shall be deemed to have been approved upon the effective date of the towns/county's action or ordinance relating thereto.

The landowner shall have the obligation to seek an extension of time for vested rights beyond the two-year period by filing an application for the extension with the town clerk with copies to be delivered to the office of development services or its successor for review and commentary to the town council. The town council may extend the period for vested rights for up to five years on its own motion but absent an application from the landowner or council action the time period for vested right shall be two years.

The vested rights section in the Unified Development Ordinance can be found in [Section. 4.7](#).

10. WHAT IS A RIGHT-OF-WAY?

All town roads are located on land that is referred to as road right-of-way. The width of the town road right-of-way can vary a great deal. It is advisable to utilize a surveying or engineering firm to determine the actual width and location of the road right-of-way. The road right-of-way is intended for all town road, pedestrian facility, and public utility purposes. Regulation and control of activities and work in the town road right-of-way is necessary to provide efficient and safe operations of the town road system. Within a typical road right-of-way, some of the following public facilities can be found: The driving surface, roadside shoulders, road and county drainage systems, aerial and underground public utilities, sidewalks or non-motorized paths, and traffic signs and signals. Property owners are allowed to install a mailbox within the road right-of-way. All non-approved objects placed within the road right-of-way are considered encroachments.

