

## **Amended by Council action June 8, 2021**

### **ARTICLE 2. GENERAL REGULATIONS**

#### **SECTION 2.3 IDENTIFICATION OF OFFICIAL ZONING MAP.**

**2.3.1.** The Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk and bearing the seal of the Town under the following words: This is to certify that this is the Official Zoning Map of the Unified Development Ordinance, Oak Island, North Carolina, together with the date of the adoption of this Ordinance and most recent revision date. Interpretations of the UDO may be appealed to the Board of Adjustment.

**2.3.2.** If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other items portrayed on the Zoning Map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Town Council, with an entry on the official zoning map denoting the date of amendment, description of amendment, and signed by the Town Clerk. No amendment to this Ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

**2.3.3.** No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and state law. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 1.8.

**2.3.4.** Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the Town Clerk, shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the Town.

**2.3.5.** In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Town Council may by resolution adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting errors or other errors or omissions in the prior official zoning map, but no correction shall have the effect of amending the original official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced), as part of the Unified Development Ordinance, Oak Island, North Carolina.

**2.3.6.** Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

**2.3.7.** Zoning District maps may be in paper or a digital format. Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the Oak Island Town Clerk in accordance with G.S. 160D-105.

**2.3.8.** The Unified Development Ordinance regulations may reference or incorporate by reference watershed boundary maps, soil survey map prepared by the Natural Resources Conservation Service, the most recent version of the topographic map prepared by the United States Geologic Survey (USGS), or other maps officially adopted or promulgated by State and federal agencies. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps. A copy of the currently effective version of any incorporated map shall be maintained for public inspection in accordance with GS160D-105.

**2.3.9.** The standards in the UDO shall apply to all property within the special flood hazard area, as shown on the most recently adopted Flood Insurance Rate Maps (FIRMs) for the Town of Oak Island. The applicable FIRMs are incorporated by reference automatically into the Town of Oak Island regulations. The Town Clerk or his/her designee shall maintain a digital or paper copy of the applicable FIRMs for public inspection.

## **SECTION 4.7 ESTABLISHMENT OF VESTED RIGHTS.**

**4.7.1.** A vested right, in accordance with NCGS 160A-385.1, may be established upon the approval or special approval of a site-specific development plan by the Town Council in accordance with the provisions outlined in this section. Approval by the Town Council of a site-specific development vesting plan shall follow the procedural requirements for the issuance of a special use permit as outlined in Section 4.9. Changes in or modifications to an approved site-specific development vesting plan shall be made only with the concurrence of the Town Council in accordance with the provisions of Section 4.9.8. A right which has been vested as provided for in this section shall, as a general rule, remain valid for two (2) years and shall attach to and run with the land. A vested right shall expire at the end of two (2) years if no building permit applications have been filed with the Town to construct the use or uses proposed in the approved site-specific development plan.

~~If building permits are issued, the provisions of GS 160A-418 and GS 160A-422 shall apply. A building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced. except that a building permit shall not expire or be revoked because of the lack of progress during the two-year vesting period.~~

The two (2) years may be extended up to five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the Town.

**4.7.2.** Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used in this section.

**4.7.2.1. Landowner.** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner

may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan.

**4.7.2.2. Property.** All real property subject to the regulations and restrictions of this Ordinance as well as the zoning district boundaries established by this Ordinance and depicted on the official zoning map.

**4.7.2.4.3. Vested Right.** The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific or phased development plan.

**4.7.2.4. Site-Specific Plan.** ~~A site-specific or phased development plan which has been submitted to the Town of Oak Island by a landowner in accordance with NCGS 160A-385.1(b)(5) describing in detail the type and intensity of use for a specific parcel or parcels of property.~~ A plan which has been submitted to the Town describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Site-specific plans include but are not limited to: planned unit development plan, a preliminary plat, minor subdivision plat, master plan, a site plan, a preliminary or general development plan, and a Special Use Permit. A variance shall not constitute a site-specific development plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel/parcels or property may constitute a site-specific development plan. ~~Such plans shall be in the form of a site plan required to obtain a special use permit and shall include the information required by Section 4.9.2 and Section 5.6.~~

**4.7.2.5. Phased Development Vesting Plan.** A phased development plan means a plan that describes details of the type and intensity of use for a specific parcel or parcels of property, including at a minimum, the boundaries of the project, a subdivision plan, and subsequent phases of development. All phased development vesting plans shall be approved by the Town Council.

**4.7.2.6. Multiphase Development Plan.** Means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

**4.7.2.7. Substantially Commenced.** Substantial commencement of work shall be determined by the UDO Administrator or his/her designee based on any of the following:

**4.7.2.7.1.** The development has received and maintained a valid development permit and conducted grading activity on a continuous basis; or

**4.7.2.7.2.** The development has installed substantial on-site infrastructure; or

**4.7.2.7.3.** The development has received and maintained a valid building permit for the construction and approval of a building foundation.

**4.7.2.8. Minor subdivision plat** – as defined under Appendix A – Definitions.

**4.7.2.9. Major subdivision plat** – as defined under Appendix A – Definitions.

**4.7.2.10. Site -plan** – as defined under Appendix A – Definitions.

**4.7.2.11. Planned Unit Development** – as defined under Appendix A – Definitions.

**4.7.2.12. Master Plan** – as defined under Appendix A – Definitions.

**4.7.2.13. Special Use Permit** – as defined under Appendix A – Definitions.

**4.7.3.** A vested right shall be deemed established upon the effective date of approval by the Town Council of a site-specific development plan. Following the approval of a site-specific development plan, the UDO Administrator shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site-specific development plan, and any other information determined by the UDO Administrator to be necessary to administer the vested right.

**4.7.4.** A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as delineated in the approved site-specific development plan. The Town Council may approve a site-specific **development phasing** plan upon such terms and conditions as may be determined necessary to protect the public health, safety, and welfare. Failure to comply with the approved terms and conditions shall result in a forfeiture of vested rights. **An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the Town Council. Any substantial modification must be reviewed and approved in the same manner as the original approval. Minor modifications may be approved by staff if the minor modification criteria in Section 4.7.15.1 to 4.7.15.14 are met.**

**~~if such are defined and authorized by the Unified Development Ordinance. Changes in detail that may be modified shall include, but not be limited to, the reduction in: a. Square footage of signs, b. Square footage of buildings and c. The number of buildings. Applications for a minor modification shall include a new site-specific development plan and a detailed description of the proposed changes.~~**

**4.7.5.** A vested right, once established or provided for in this section, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in this approved site-specific development plan, except:

**4.7.5.1.** With the written consent of the affected landowner;

**4.7.5.2.** Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan;

**4.7.5.3.** To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

**4.7.5.4.** Upon findings, by ordinance after notice and a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site-specific development plan; or

**4.7.5.5.** Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site-specific development plan, in which case the Town may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a public hearing.

**4.7.6.** The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

**4.7.7.** Notwithstanding any provisions of this section, the establishment of a vested right shall not preclude, change, or impair the authority of the Town to enforce provisions of this Ordinance governing nonconforming situations or uses.

**4.7.8.** A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific **development vesting** plan, all successors to the original landowner shall be entitled to exercise such vested rights.

**4.7.9.** The Town shall not require a landowner to waive his vested rights as a condition of developmental approval.

**4.7.10.** The UDO Administrator and his or her designee shall provide the notices and hearing required for a site-specific or phased development vesting plans. A local government may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights.

**4.7.11.** A site-specific vesting plan shall be deemed approved upon the effective date of the Town Council's and UDO Administrator, when applicable, decision approving the plan or such other date as determined by the Town Council upon approval.

**4.7.12.** Any vested rights for a site-specific vesting plan are subject to the exceptions specified at G.S. § 160D -108.1.

**4.7.13.** Determination of Application Completeness and Completeness Review

**4.7.13.1.** Applicants shall submit applications to the UDO Administrator or his/her designee. Until an application is determined to be complete, an application has not been submitted.

**4.7.13.2.** On receiving application, the UDO Administrator or his/her designee shall determine whether the application is complete or incomplete. A complete application is one that:

**4.7.13.2.1** Contains all information and materials required by the UDO Administrator or his/her designee and in sufficient detail and readability to evaluate the application for compliance with applicable review standards;

**4.7.13.2.2** It is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case;

**4.7.13.2.3** Is accompanied by the fee established for the particular type of application.

**4.7.13.2.3.** The UDO Administrator or Town Council, may require, at the applicants' expense, the submission of any plan, study or other information in addition to the submittal requirements, in order to determine the development as proposed will comply with all the requirements of this ordinance.

**4.7.13.2.4.** An application shall be considered as "filed" or "submitted" on the date it is received if it is found to be complete and sufficient for processing by the UDO Administrator or his/her designee.

**4.7.13.2.5** An applicant may revise a development application for any of the following reasons:

**4.7.13.2.5.1.** To address deficiencies provided as part of the staff review;

**4.7.13.2.5.2.** To make limited changes that directly respond to specific requests or suggestions made by a reviewing board or staff in response to a reviewing board, as long as they constitute only minor additions, deletions, or corrections and do not include substantive changes to the development proposed in the application.

**4.7.13.2.5.3.** Any other revisions to a development application may be submitted at any time during the review procedure, but the original application shall be withdrawn and the revised application shall be submitted and reviewed as a new application. The revised application submittal may be subject to additional application fees to defray the additional costs of processing the revised application.

**4.7.13.2.6** After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a request of withdrawal in writing to the UDO Administrator or his/her designee.

**4.7.13.2.7.** On determining that the application is incomplete, the UDO Administrator or his/her designee shall, as appropriate, provide the applicant written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness review.

**4.7.13.2.8.** On determining that the application is complete, the UDO Administrator or his/her designee shall accept the application as submitted in accordance with the procedures and standards of this ordinance in effect at the time of the submittal and provide the applicant written notice of application submittal acceptance.

**4.7.14.** A site specific development plan shall include:

**4.7.14.1.** the approximate boundaries of the site;

**4.7.14.2.** significant topographical and other natural features effecting development of the site;

**4.7.14.3.** the approximate location on the site of the proposed buildings, structures and other improvements;

**4.7.14.4.** the approximate dimensions, including height, of the proposed buildings and other structures; and

**4.7.14.5.** the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads and pedestrian walkways.

**4.7.15.** All application types that grant vested rights, including but not limited to preliminary plats, special use permits, and site-specific development plans where a modification to the approved plans are requested; the criteria in Section 4.7.15.1 to 4.7.15.19 is to be used to determine if the permit modification is major or a minor modification.

After a permit granting vesting is approved and has been issued; no deviations from the terms of the application or the development approval shall be made unless written approval of proposed changes or deviations has been obtained. Minor modification requests for vesting permits that were issued by Town Council shall be submitted to the UDO administrator or designee for review. If the modification request is determined to be a minor modification as outlined in Section 4.7.15.1 thru 4.7.15.19, the Development Services Director will recommend approval or denial to the Town Manager, who will have it placed on the Consent Agenda for the next available regular Town Council meeting for consideration. The same development review and approval process required for approval of application is required if the modification is a major modification of that approval. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

The minor modifications authorized under GS160D-705(c) are intended to provide relief based upon a unique physical attribute of the property itself or some other factor unique to the property which was not known at the time of initial approval. The applicant will need to provide evidence of why relief is needed. Amendment of application approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval, unless it is determined to be a minor modification.

Minor modifications to the approved vested applications may be approved by Town Council per authorization under GS160D-705(c), provided no variance is required. The holder shall bear the burden of proof to secure the modification(s). When an amendment is considered in any case, the unaffected components of the plan shall not be considered for re-approval. The Town Council shall use the following criteria to determine whether a proposed action is a minor modification or a substantial change.

Items not codified as a minor modification are automatically a major modification. Such minor modifications shall be limited to the following:

- 4.7.15.1 Does not involve a change in uses permitted or the density of overall development permitted.
- 4.7.15.2 Reduction in impervious coverage.
- 4.7.15.3 Increase in active or passive open space.
- 4.7.15.4 Reconfiguration of a parking design that does not place a project below the minimum parking space requirements.
- 4.7.15.5 Changing landscaping arrangements not less than the required amount in Article 10.
- 4.7.15.6 Be limited to a minor change such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building location in compliance with Section 4.7.15.10, or a minor adjustment to utility alignment.
- 4.7.15.7 Minor site modifications due to necessary engineering requirements.
- 4.7.15.8 Change of location of elements included on the site plan that generally maintains relative alignment and orientation to the approved site plan.
- 4.7.15.9 Multiple, sequential minor modifications trigger a major modification amendment. Projects are limited to one minor modification per year.
- 4.7.15.10 A deviation of up to 10% or 24 inches, whichever is greater less, from the approved setback; not to reduce the minimum setback limits as permitted in the UDO.
- 4.7.15.11 Increase in width, depth, height, or square feet of one or more buildings or site features such as paving is not increased by no more than 10%. Increase in width, depth, and square feet, not to exceed maximum limits as permitted within the UDO, of one or more buildings or site features.
- 4.7.15.12 Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval.
- 4.7.15.13 Increase in height, not to exceed limits as permitted within the Unified Development Ordinance, of one or more buildings.
- 4.7.15.14 Other similar insignificant changes and any other modification in accordance with the limitation and procedures prescribe in this Ordinance, which are still complaint with the UDO standards.

A substantial material change once it has been issued must first be submitted, reviewed, and approved in accordance with Section 4.9.3, including payment of a fee in accordance with the fee schedule approved by the Town Council. The UDO Administrator or his/her designee shall determine if the applicant's proposed modification is minor or major. If it is determined that the modification is a major modification, then all major amendments shall follow the same process applicable for the original approval.

A modification will be considered a major substantial change and the original permitting process will be required if it meets any of the following criteria:

- 4.7.15.15 A change in density, either increase or reduction;
- 4.7.15.16 A change in the special use permit conditions imposed by Town Council;
- 4.7.15.17 Involves a change in uses permitted with the special use permit;



**4.7.15.18** An expansion of building square footage of 20% 10% or greater, not to exceed maximum limits as permitted in the UDO; and

**4.7.15.19** A substantial rearrangement of uses on a site which may impact adjacent or on site uses, open space and recreation provisions, vehicular and pedestrian access to and across that site, vehicular and pedestrian circulation on the site, or public or private infrastructure and utilities installations shall constitute a modification.

## **SECTION 4.8 MORATORIUM.**

The Town may adopt temporary moratoria on any Town development approval required by law in accordance with NCGS 160A-381(E).

### **SECTION 4.8.1 PERMIT CHOICE.**

If a complete application made in accordance with the Unified Development Ordinance is submitted for a development approval and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the completed development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit, pursuant to 160D-108.

## **SECTION 4.9 SPECIAL USE PERMITS.**

### ***4.9.8. Change in Special Use Permit.***

An application to materially change a special use permit once it has been issued must first be submitted, reviewed, and approved in accordance with Section 4.9.3, including payment of a fee in accordance with the fee schedule approved by the Town Council.

After Special Use Permit approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. Such deviations may be approved administratively if it is a Minor Modification. The same development review and approval process required for issuance of the Special Use Permit is required if the modification is a major modification of that approval. Where a modification to the Special Use Permit is requested; the criteria in Section 4.7.15.1 to 4.7.15.19 is to be used to determine if the permit modification is major or a minor modification. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

The minor modifications authorized under GS160D-705(c) and are intended to provide relief based upon a unique physical attribute of the property itself or some other factor unique to the property which was not known at the time of initial approval. The applicant will need to provide evidence of why relief is needed. Amendment of a special use permit site plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval, unless it is determined to be a minor modification.

Minor modifications to approved special use permits may be approved by the UDO Administrator or his/her designee per authorization under GS160D-705(c), provided no variance is required. The special use permit holder shall bear the burden of proof to secure the modification(s). When a site plan amendment is considered in any case, the unaffected components of the site plan shall not be considered for re-approval. The UDO Administrator shall use the following criteria in Section \_\_\_ to determine whether a proposed action is a minor modification or a substantial change.

Such minor modifications shall be limited to the following:

- 4.9.8.1 Does not involve a change in uses permitted or the density of overall development permitted.
- 4.9.8.2 Reduction in impervious coverage.
- 4.9.8.3 Increase in active or passive open space.
- 4.9.8.4 Reconfiguration of a parking design that does not place a project below the minimum parking space requirements.
- 4.9.8.5 Changing landscaping arrangements not less than the required amount in Article 10.
- 4.9.8.6 Be limited to a minor change such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building location in compliance with Section 4.9.8.10, or a minor adjustment to utility alignment.
- 4.9.8.7 Minor site modifications due to necessary engineering requirements.
- 4.9.8.8 Change of location of elements included on the site plan that generally maintains relative alignment and orientation to the approved site plan.
- 4.9.8.9 Multiple, sequential minor modifications trigger a major modification amendment. Projects are limited to one minor modification per year.
- 4.9.8.10 A deviation of up to 10% or 24 inches, whichever is greater less, from the approved setback.
- 4.9.8.11 Increase in width, depth, height, or square feet of one or more buildings or site features such as paving is not increased by no more than 10%. Increase in width, depth, and square feet, not to exceed maximum limits as permitted within the UDO, of one or more buildings or site features.
- 4.9.8.12 Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval.
- 4.9.8.13 Other similar insignificant changes and any other modification in accordance with the limitation and procedures prescribe in this Ordinance, unless restricted by GS 160D-703(b), or the Special Use Permit adopted pursuant to this section specifies otherwise.
- 4.9.8.14 Increase in height, not to exceed maximum limits as permitted within the UDO, of one or more buildings.

A substantial material change to a special use permit once it has been issued must first be submitted, reviewed, and approved in accordance with Section 4.9.3, including payment of a fee in accordance with the fee schedule approved by the Town Council. The UDO Administrator or his/her designee shall determine if the applicant's proposed modification is minor or major. If it is determined that the

modification is a major modification, then all major amendments shall follow the same process applicable for the original approval.

A special use permit modification will be considered a major substantial change and the original permitting process will be required if it meets any of the following criteria:

- 4.9.8.15 A change in density, either increase or reduction;
- 4.9.8.16 A change in the special use permit conditions imposed by Town Council;
- 4.9.8.17 Involves a change in uses permitted with the special use permit;
- 4.9.8.18 An expansion of building square footage of 20% 10% or greater; and
- 4.9.8.19 A substantial rearrangement of uses on a site which may impact adjacent or on-site uses, open space and recreation provisions, vehicular and pedestrian access to and across that site, vehicular and pedestrian circulation on the site, or public or private infrastructure and utilities installations shall constitute a modification.

## **ARTICLE 1. PURPOSE AND APPLICABILITY**

### **SECTION 1.2 AUTHORITY.**

Zoning provisions enacted herein are under the authority of North Carolina General Statute (NCGS) 160A-381 to 160A-392, 160D-107, 160D-107, 160D-406, 160D-702, 160D-704, 160D-705, 160D-903, 160D-908, which extends to towns/cities the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community. It is further authorized under NCGS 160A-382 160D-101-502, 160D-605(b), 160D-703, and 160D-909 which authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts. The Unified Development Ordinance may also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts pursuant to 160D-703. Oak Island may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12 and 160D-702.

### **APPENDIX A. DEFINITIONS**

#### ***Special Use Permit***

A use permitted in one or more zones but which, because of characteristics peculiar to such use, requires a special degree of control to make such uses compatible with other uses in the same districts.

#### ***Subdivision, major***

Any subdivision other than a minor subdivision.

#### ***Subdivision, minor***

A subdivision that does not involve any of the following: (i) the creation of more than a total of five (5) lots; (ii) the creation of any new public streets; (iii) the extension of a public water or sewer system; or (iv) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

### ***Site plan***

~~A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and, depending on requirements, the location of proposed utility lines.~~ A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review as defined in 160D-102.

### ***Master Plan***

A dynamic long-term planning document that provides a conceptual layout to guide future growth and development.