



Nice Matters!

**Emerald Isle
Planning and Inspections**
7500 Emerald Drive
Emerald Isle, NC 28594

252-354-8548 voice
252-354-5068 fax

www.emeraldisle-nc.org



DUNES AND VEGETATION PERMIT REQUIREMENTS

Applications for Dunes & Vegetation Permits must provide the following for permit review:

- Site Plan** - A site plan indicating the existing and proposed locations of the principal and accessory structures on the lot and associated parking areas, septic system, driveways, storm water system, and any and all other structures or impervious surfaces that are intended for location on the property
- Topography** - The site plan shall be transposed on a topographic map of the property
- Natural Area Reserve** - The site plan shall indicate the proposed area to be reserved as natural area on the property
- Fill Areas** - The site plan shall indicate the proposed use of fill on the property
- Compliance with Design Standards** - The site plan shall demonstrate compliance with required design standards in Section 6.4
- Flag Natural Areas** - The applicant shall be required to physically flag the required natural areas on the property.

Following submission of the above items, a site visit with staff shall be conducted. Approval will be authorized if the proposed plans are determined to be compliant.

WHEN IS A DUNES AND VEGETATION PERMIT REQUIRED?

- All new residential and non-residential development(s)
- Changes in use, expansions, and new buildings for already existing residential, non-residential, or mixed-use developments as per the following:
 - Changes in use to a higher intensity, such as a change from residential to commercial. The requirements shall be applicable to the entire lot;
 - All non-residential expansions of buildings, except the first one hundred (100) square feet of gross leasable area. This requirement shall be applicable only to the expansion area;
 - Expansions exceeding 50 percent of the pre-expansion floor area must bring the entire site into compliance
 - Renovations with a total cost exceeding 50 percent of the appraised value of the building as established by the Carteret County Tax Office.
- EXEMPTIONS:
 - Removal of sand, seashells, or similar small materials in such amounts as may be carried easily upon the person;
 - The normal maintenance of existing non-native landscape plantings upon any lot or parcel including, but not limited to, lawn maintenance; the relocation, removal, and/or replacement of non-native shrubs; and the cutting and/or removal of non-native nuisance vegetation;
 - The removal of trees with a caliper less than three (3) inches at a height of thirty-six (36) inches;
 - The cutting of brush or vegetation with a caliper less than three (3) inches at a height of thirty-six (36) inches above adjacent grade by a registered land surveyor or engineer for the purpose of completing survey work on a parcel of property;
 - The cutting of brush, vegetation and/or trees with a caliper of less than three (3) inches at a height of thirty-six (36) inches above adjacent grade to allow for the evaluation of a parcel for on-site septic wastewater system purposes;
 - The clearing of no more than five hundred (500) square feet of property to allow for the incidental use of an undeveloped property by the owner within any consecutive three-year time period.

6.4 DUNES AND VEGETATION PROTECTION

6.4.1 Intent

This section 6.4 has been created to regulate development and redevelopment within the Town to ensure compatibility with the environmentally sensitive nature of the unique coastal landforms contained within the community. Development and redevelopment of property shall be regulated by the underlying zoning designation already in place as well as the regulations contained herein in order to achieve the following:

(1) **Natural Features and Attractiveness**

Preserve the natural features and visual attractiveness of the area. Such features include ocean frontal dunes, naturally vegetated areas, interior dune topography, maritime forest areas, and estuarine buffer areas.

(2) **Soil Stabilization**

Preserve vegetation acting as soil stabilizers, and that provide wind or salt mist intrusion protection value, including the dune ridge plants and naturally vegetated forested areas, and that absorb storm water runoff and reduce flooding concerns.

(3) **Natural Topography**

Preserve to the greatest extent possible the existing and natural topography of the Town.

(4) **Rights of Property Owners**

Preserve the rights of property owners to develop their property while understanding the impact of development on the natural environment.

6.4.2 Design Standards

The following design standards shall be adhered to in order to protect the unique natural features and vegetation of the Town:

(1) **New Development and Redevelopment**

(A) Site Selection

In designing the location of a proposed development on a parcel of property, the Town in coordination with the property owner will consider the most suitable building sites on a given parcel of land to be those areas that will require the minimum alterations of the natural vegetation and topography to accommodate the proposed development project.

(B) Least Disturbance

Where vegetation must be removed for the building site(s), the most suitable site(s) shall be those that disturb the minimum number of healthy trees.

(C) Residential Area Natural Area Designation

For residential properties, there shall be a minimum of thirty-five (35) percent of the total lot area designated as natural area established in the following manner:

- (i) The applicant must demonstrate for the DVPI where the mandatory thirty-five (35) percent natural area shall be designated on the property. This area, marked on the submitted site plan, shall be staked off on the property for verification by the DVPI before the commencement of construction. During construction this area shall be left in its natural state. Appropriate actions shall be taken by the applicant to protect this area from disturbance.
- (ii) Where practical, the Town encourages property owners/developers to maintain a natural area buffer ten (10) feet in width from the front and rear property lines, excluding the driveway cut allowing vehicular access to the lot, and a five-foot buffer from the side property lines. This area shall count towards the mandatory thirty-five (35) percent natural vegetative area. Pruning or removal of vegetation in this area shall be permitted in accordance with the regulations contained within this section 6.4. The applicant shall be required to demonstrate to the DVPI where the remaining percentage of natural area shall be designated on the property. If the fringe buffer area, as defined above, satisfies the thirty-five (35) percent requirement then the applicant is not responsible for preserving any additional natural vegetation on the property.

(D) Commercial Area Natural Area Designation

For commercial properties, the area left in a natural vegetative state shall be designated as follows:

- (i) The percentages of site area shown in Table 5.1 shall be maintained.
- (ii) In cases where a commercial property abuts Emerald Drive (Hwy 58) a minimum of five-foot buffer of green or natural area, consisting of grass, flowers and shrubs not exceeding three (3) feet height, shall either be left bordering the street or planted in order to provide the required buffer. Branches of trees retained or established in the five-foot buffer area may be trimmed or cut up to a maximum of ten (10) feet as authorized by the DVPI. Additionally, the DVPI may require that trees be retained or established every fifteen (15) feet in this area.
- (iii) For all commercial property, natural area can be utilized to support on-site septic systems.

(E) Topography

The finished topography of any lot altered shall be aligned with and graded with existing neighboring elevation in such a manner as to minimize erosion. In any case where two (2) feet of fill are added to a lot, the lot owner shall be required to obtain an engineered storm water plan indicating that the use of fill shall in no way create a burden on adjacent property;

(F) Stable Slopes

Areas where land-disturbing activities have created slopes in excess of three (3) to one (1) shall require a retaining wall to stabilize the slope and preserve vegetation on, above, and below the slope;

(G) Shared Driveways

The use of shared driveways is encouraged. Driveways shall follow the natural contour lines of the land insofar as possible. Driveway construction and connection with local rights-of-way shall be in accordance with this Ordinance;

(H) Interior Dunes

Designs that minimize the degree of alteration to interior dunes to the maximum extent practical are encouraged.

(2) Disturbance of Previously Developed Lots where Additional Development is Planned

(A) Site Selection

In designing the location of additional development on a previously developed lot, the Town considers the most suitable building sites on a given parcel of land to be those areas that will require the minimum alterations of the existing natural vegetation and topography of the parcel to accommodate the additional development after considering the practical limitations created by the existing development.

(B) Least Disturbance

Where vegetation must be removed for the building site(s), the most suitable site(s) shall be those that disturb the minimum number of healthy trees after considering the practical limitations created by the existing development.

(C) Percentage of Natural Area

The minimum percentages of natural areas, as described within this Ordinance for properties within all zoning districts shall conform to the standards set for in this Unified Development Ordinance.

(D) Topography

The finished topography of any lot altered shall be aligned with and graded with existing neighboring elevation in such a manner as to minimize erosion. In any case where two (2) feet of fill are added to a previously developed lot, the lot owner shall be required to obtain an engineered storm water plan indicating that the use of fill shall in no way create a burden on adjacent property.

(E) Stable Slopes

Areas where land-disturbing activities have created slopes in excess of three (3) to one (1) shall require a retaining wall to stabilize the slope and preserve vegetation on, above, and below the slope.

(F) Interior Dunes

Designs that minimize the degree of alteration to interior dunes to the maximum extent practical are encouraged.

6.4.3 Natural Area Restrictions

(1) **Topography**

The topography of the designated natural area shall not be altered. No land disturbing activity is permitted in the designated natural area.

(2) **Natural Vegetation**

Vegetation shall not be removed, destroyed, altered and/or disturbed without obtaining a Dunes and Vegetation (DV) Permit per Section 2.4.11(1) of this Ordinance.

6.4.4 Special Restrictions on Oceanfront and Estuary Lots

(1) **Oceanfront Lots**

The removal of any and all vegetation within the ocean-erodible setback area, as defined by the North Carolina Division of Coastal Management, is hereby prohibited, except for the construction of walkways and other structures designed to provide ocean access.

(2) **Estuary Lots**

The removal of any and all vegetation within the estuarine setback area shall be in accordance the regulations of the North Carolina Division of Coastal Management.

(3) **Special Restrictions**

The special restrictions included in this section 6.4.4 supersede other restrictions contained in this section 6.4.

6.4.5 Variances

The Board of Adjustment shall have the authority to vary the percentage of the lot or parcel that shall be left in its natural state where, owing to special conditions, a literal enforcement of the provisions of this section 6.4 will, in an individual case, result in practical difficulty or unnecessary hardship so that the spirit of this section 6.4 shall be observed, public safety and welfare secured, and substantial justice done. Variances shall be granted in accordance with the procedures and criteria outlined section 2.4.17, Variances.