



Nice Matters!

**Emerald Isle
Planning Department**
7509 Emerald Drive
Emerald Isle, NC 28594

252-354-3338 Office
252-354-5068 Fax

www.emeraldisle-nc.org

Planning Director
John Nevel
townplanner@emeraldisle-nc.org



A Family Beach

**Town of Emerald Isle Planning Board
Regular Meeting
7500 Emerald Drive, Emerald Isle, NC 28594
Floyd Messer Jr. Town Board Meeting Room**

**Agenda
February 23, 2026**

1. Call to Order
2. Roll Call and Establish Quorum
3. Approval of Minutes (October 27th, 2025)
4. Approval of Agenda
5. Action Items
 - a. Review & Recommendation for proposed UDO Text Amendment: 6.4.4 (1) & (2), to assist in clarifying natural area for oceanfront and estuary lots, and what is currently being practiced by Town staff, that area waterward of the mean high-water mark & first line of stable vegetation are not allowed in 35% natural area calculations.
6. Continuing Business
 - a. January 2026 Planning Department Report
 - b. Planning Board Comments
7. Adjournment

ROLL CALL & ESTABLISH QUORUM

Monday, February 23rd, 2026

Planning Board Members:

Kenny Sullivan (Chair)

Chad MacAvery (Vice-Chair)

Joni Brooks

Scott Bookout

Andrea Beasley

Bill Little

Jim Dubovec

Was a quorum established? (4 or more Planning Board members shall constitute a quorum)

Yes

No



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MEMO

Date: February 23, 2026
To: Town of Emerald Isle Planning Board
From: Planning Department

Regarding: Approval of minutes
Staff Suggestion: To approve the minutes as presented

Background:

Permit Technician, Mikey Tata, has completed the minutes for the October 27, 2025 Regular Planning Board meeting. They are attached for your review.

Procedure:

To review the minutes from the said meeting(s) to ensure everything looks good, and to approve the minutes as presented.



John Nevel, CZO
Planning Director

1 **MINUTES OF THE REGULARLY SCHEDULED MEETING OF**
2 **THE EMERALD ISLE PLANNING BOARD**
3 **TUESDAY, OCTOBER 27, 2025 – 6:00 PM**
4 **FLOYD MESSER JR. TOWN BOARD MEETING ROOM**
5

6 **1. Call to Order**
7

8 The regular monthly meeting of the Emerald Isle Planning Board meeting was called to order on
9 October 27, 2025, at 6:00 PM in the Floyd Messer Jr. Town Board Meeting Room.
10

11 **2. Roll Call and Establish Quorum**
12

13 **Present for the meeting:** Kenneth Sullivan, Chad MacAvery, Kris Plum, Scott Bookout, Bill
14 Little
15

16 **Members absent with a valid excuse:** Andrea Beasley (prior commitment), Jim Dubovec (out of
17 state for work
18

19 **Also present during the meeting:** Planning Director John Nevel
20

21 *A quorum was established.*
22

23 **3. Excusal of Absences**
24

25 A motion was made by Chad MacAvery to excuse the absences of Andrea Beasley and Jim
26 Dubovac.
27

28 Seconded by Bill Little.
29

30 *Motion passed unanimously.*
31

32 **4. Approval of Minutes (July 28, 2025)**
33

34 A motion was made to approve the minutes from the July 28, 2025, meeting with a correction to
35 the spelling of a board member's name.
36

37 Motion amended accordingly.
38

39 Motion made by Bill Little, seconded by Scott Bookout.
40

41 *Motion passed unanimously.*
42

43 **5. Approval of Agenda**
44

45 A motion was made by Kris Plum to approve the meeting agenda.
46 Seconded by Chad MacAvery.
47

48 Seconded by Chad MacAvery.
49

50 *Motion passed unanimously.*
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6. Planning Board Welcome and Training Refresher

Planning Director John Nevel introduced himself and provided a training presentation covering:

- His professional background
- Education and experience
- Introduction of Planning Department staff member Greg Hayes
- The Roles and duties of the Planning Board and Board of Adjustment
- Quorum and voting requirements
- Oath of office requirements
- Rules of conduct and conflicts of interest
- Quasi-judicial procedures and due process considerations
- Case law examples illustrating conflicts of interest and fixed opinions
- Appeals process and potential legal implications for board decisions

Board members thanked Mr. Nevel for the presentation and expressed appreciation for the training.

7. Planning Department Report – September 2025

Mr. Nevel presented the September 2025 Planning Department Report, noting:

Department activity and permit volume, Code enforcement efforts, Strategic planning initiatives within the department, Anticipated resumption of CAMA Minor Permit processing by the Town on December 1, 2025, Discussion regarding future updates to the CAMA Land Use Plan and potential grant opportunities

Board members discussed the importance of reviewing the CAMA Land Use Plan and Unified Development Ordinance and encouraged ongoing public outreach regarding dead and diseased tree removal.

8. Planning Board Comments

Scott Bookout introduced himself and shared his professional background and reasons for relocating to Emerald Isle.

Board members welcomed Mr. Bookout.

Members expressed appreciation for the Planning Director’s efforts and transparency.

Mr. Nevel offered condolences regarding a recent death that occurred during the Emerald Isle Half Marathon.

9. Adjournment

A motion to adjourn was made by Chad MacAvery and seconded by Kris Plum.

Motion passed unanimously.

The meeting was adjourned at approximately 6:30.

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE PLANNING BOARD
OCTOBER 27, 2025
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Planning Board Chair/Vice-Chair

Mikey Tata, Permit Technician



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MEMO

Date: February 23, 2026
To: Town of Emerald Isle Planning Board
From: Planning Department

Regarding: Proposed Text Amendment-6.4.4 (1) & (2)
Staff Suggestion: Review and recommendation needed from the planning board

Background:

We are proposing a UDO text amendment in 6.4.4 (1) & (2) of the ordinance, to include text stating that the area waterward of the Mean High-Water Mark & First Line of Stable Vegetation are not allowed in the required 35% natural area calculations. The purpose of the ordinance amendment is to amend the UDO text to assist in clarifying natural area for oceanfront and estuary lots, and what is currently being practiced by Town staff.

Procedure:

We are requesting the planning board review the UDO text amendment request and give their recommendation. A public hearing will be set on a later date for consideration of final approval from the Town Commissioners.



John Nevel, CZO
Planning Director

- **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. **The area waterward of the first line of stable vegetation cannot be included in the required 35% natural area calculation.**

(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. **The area waterward of the Mean High-Water mark cannot be included in the required 35% natural area calculation.**

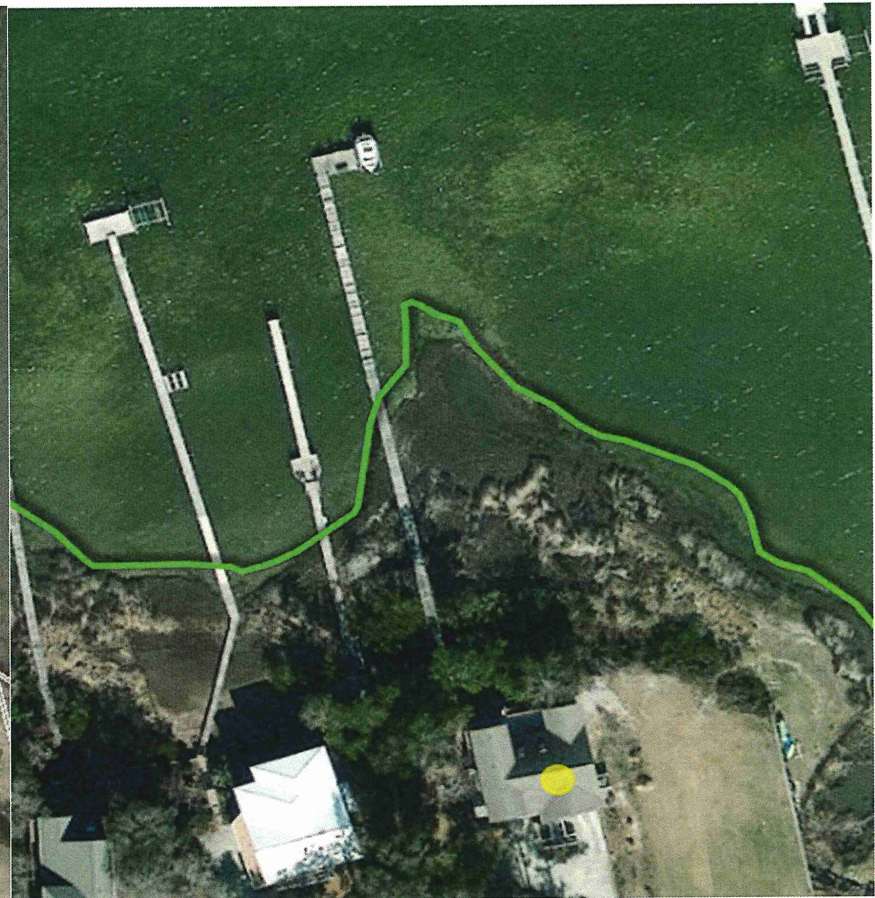
(3) Special Restrictions

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

***RED TEXT: Proposed UDO text amendment additions in 6.4.4 (1) & (2)**

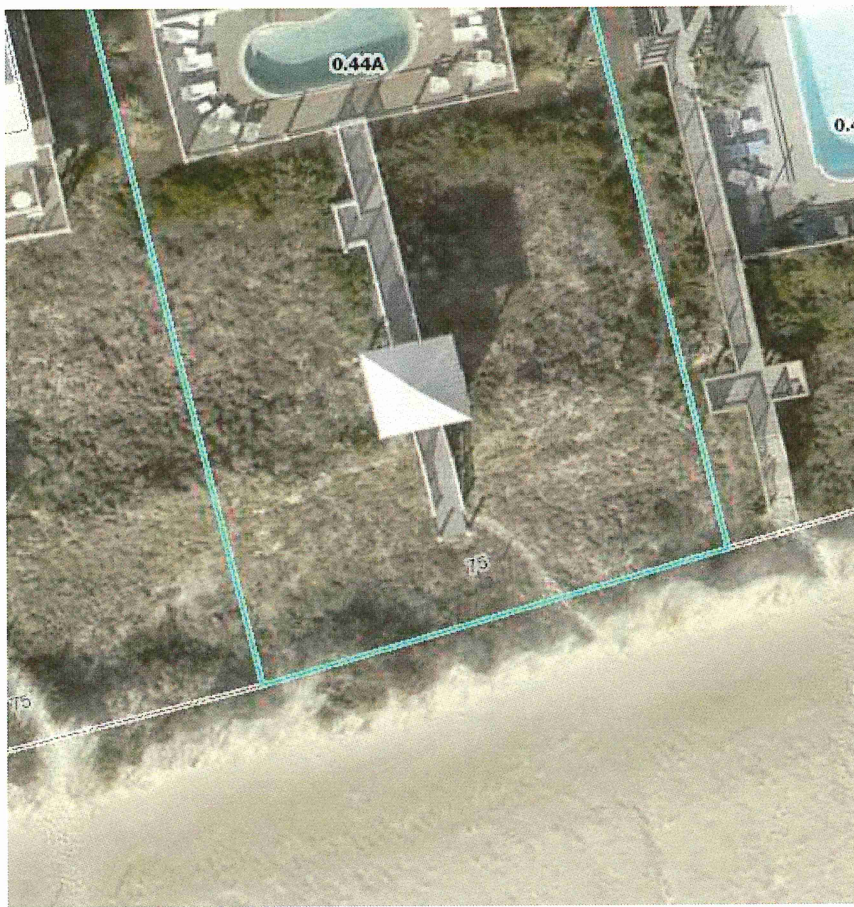


GIS View (Example lot on sound side)



NC Division of Coastal Management
(Mean High-Water Mark)

- Waterward of the MHW is in the water and cannot remain natural, especially with the building of piers and docks.
- Land submerged or below the MHW is generally designated as public trust land, which prohibits private ownership.



GIS View (Example lot on ocean side)



NC Division of Coastal Management
(First Line of Stable Vegetation)

- Similar to the ORW, there is a similar setback requirement by CAMA to remain natural and protect against erosion.
- Waterward of the first line of stable vegetation is sand, with public access, and vegetation cannot remain natural.

Article 3.

Lands Adjoining Coastal Waters.

§ 77-20. Seaward boundary of coastal lands.

(a) The seaward boundary of all property within the State of North Carolina, not owned by the State, which adjoins the ocean, is the mean high water mark. Provided, that this section shall not apply where title below the mean high water mark is or has been specifically granted by the State.

(b) Notwithstanding any other provision of law, no agency shall issue any rule or regulation which adopts as the seaward boundary of privately owned property any line other than the mean high water mark. The mean high water mark also shall be used as the seaward boundary for determining the area of any property when such determination is necessary to the application of any rule or regulation issued by any agency.

(c) For purposes of this Article, "agency" means any part, branch, division, or instrumentality of the State; any county, municipality, or special district; or any commission, committee, council, or board established by the State, or by any county or municipality.

(d) The public having made frequent, uninterrupted, and unobstructed use of the full width and breadth of the ocean beaches of this State from time immemorial, this section shall not be construed to impair the right of the people to the customary free use and enjoyment of the ocean beaches, which rights remain reserved to the people of this State under the common law and are a part of the common heritage of the State recognized by Article XIV, Section 5 of the Constitution of North Carolina. These public trust rights in the ocean beaches are established in the common law as interpreted and applied by the courts of this State.

(e) As used in this section, "ocean beaches" means the area adjacent to the ocean and ocean inlets that is subject to public trust rights. This area is in constant flux due to the action of wind, waves, tides, and storms and includes the wet sand area of the beach that is subject to regular flooding by tides and the dry sand area of the beach that is subject to occasional flooding by tides, including wind tides other than those resulting from a hurricane or tropical storm. The landward extent of the ocean beaches is established by the common law as interpreted and applied by the courts of this State. Natural indicators of the landward extent of the ocean beaches include, but are not limited to, the first line of stable, natural vegetation; the toe of the frontal dune; and the storm trash line. (1979, c. 618, s. 2; 1998-225, s. 5.1.)



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Mayor
Kyle Lagos

Mayor Pro-Tem
Jason Holland

Board of Commissioners
Kris Plum
Roy D. Brownlow
Josh Sawyer
Alesia Sanderson

Town Manager
Frank A. Rush, Jr.
frush@emeraldisle-nc.org



**TOWN OF EMERALD ISLE
ORDINANCE AMENDMENT OR 2026-01
AN ORDINANCE AMENDING THE UDO TEXT OF THE TOWN OF EMERALD ISLE TO ASSIST
IN CLARIFYING NATURAL AREA FOR OCEANFRONT AND ESTUARY LOTS**

WHEREAS, G.S. 160D-702 authorizes the Board of Commissioners to change UDO text within its jurisdiction, and

WHEREAS, the Town of Emerald Isle Planning Board has reviewed the proposed changes and made a recommendation thereupon, and

WHEREAS, a Public Hearing of the Emerald Isle Board of Commissioners concerning said amendment was scheduled, advertised, and conducted on March 10, 2026, and

WHEREAS, the Board of Commissioners is of the opinion that said amendments should be adopted, and

WHEREAS, Town staff currently does not allow natural area calculations to include areas waterward of the first line of stable vegetation or waterward of the mean high-water mark, and

WHEREAS, the Town seeks to clarify within the UDO what is currently done in practice,

NOW, THEREFORE, BE IT RESOLVED by the Emerald Isle Board of Commissioners that

1. The Official UDO of the Town of Emerald Isle is hereby amended by adding the approved text amendments to include the wording as follows:

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. **The area waterward of the first line of stable natural vegetation cannot be included in the required 35% natural area calculation.**

(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. **The area waterward of the Mean High-Water mark cannot be included in the required 35% natural area calculation.**

2. The Board of Commissioners has determined that the above amendments are consistent with the Town of Emerald Isle's 2017 CAMA Land Use Plan, as amended.
3. The Board of Commissioners has determined that the above amendments are both consistent with the comprehensive plan, and reasonable and in public's best interest for the following reasons:



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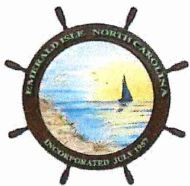
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- The ordinance amendment will create consistency with state statutes and will create conformity on how natural area is calculated, and
On page 3-9, Areas of Environmental Concern, the CAMA land use plan states that these areas may be easily destroyed due to erosion or flooding, therefore, by limiting those areas waterward of the mean high-water mark and the line of stable vegetation from being included in natural area calculations, we can ensure that these areas will not be disturbed.
The ordinance amendment will help clarify what is currently being practiced by Town staff.

4. The Town Clerk is authorized to amend the sections as set forth above.

5. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the ___ day of ___, 2026, by a vote of
Commissioner(s) ___ voting for,
Commissioner(s) ___ voting against, and
Commissioner(s) ___ absent.

Kyle Lagos, Mayor

ATTEST:

Lindsey Burton, Town Clerk



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MEMO

Date: February 23, 2026
To: Town of Emerald Isle Planning Board
From: Planning Department

Regarding: January 2026 Planning Department Report
Staff Suggestion: N/A

Background:

Informing the Planning Board about the January 2026 Planning Department Report, which will provide specific information, to include the number of permits issued, inspections and re-inspection data, total fees collected from the previous month, code enforcement information, as well as staff news and other departmental information.

Procedure:

N/A



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MONTHLY DEPARTMENT REPORT – Narrative

January 2026

Planning Department-Submitted by John Nevel, Planning Director

Public Nuisance Totals:

- There is currently a total of 33 public nuisance case files in our code enforcement database.
- There was a total of 5 public nuisance case files closed in January.
 - 7903 Forest Dr (Parking in Town ROW)
 - 119 Mangrove Dr (Property in need of attention)
 - 307 Osprey Ridge Dr (Retaining wall constructed without permits)
 - 125 Conch Ct (Parking space in ROW)
 - 126 E Seaview Dr (Junk vehicles in yard)
- There was a total of 0 NOVs sent in January.

Status-Examples of Current Public Nuisance Locations:

- 307 Osprey Ridge
 - Junk vehicle (untagged)
 - The vehicle is no longer in the Town ROW and is being moved in the next week. The retaining wall had been permitted.
- 123 Shell Drive
 - Junk in yard
 - The junk in the trailer was removed. This case has been closed.
- 5204 Emerald Drive
 - Dilapidated structure
 - A demo permit was issued and the house was demolished. This case has been closed.
- 306 Channel Drive
 - Dilapidated structure/Junk in yard
 - There has been a demo permit issued and the house will be demolished in the next couple weeks.
- 402 Holly Street
 - Junk in yard
 - There is progress being made, and although it is happening slow, they are actively cleaning up this property.
- 10711 Coast Guard Road
 - Dilapidated structure
 - Substantial work has been done. The vehicles have been moved and this should be fully complete in the coming weeks.



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MONTHLY DEPARTMENT REPORT CONTINUED– Narrative January 2026

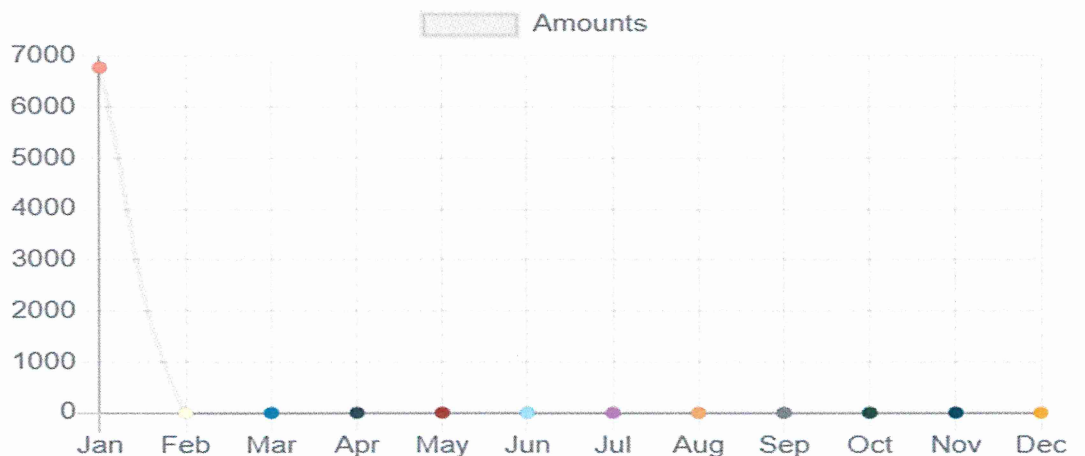
Planning Department- Submitted by John Nevel, Planning Director

Permit Fee Totals:

- There was a total of \$6,782.00 in zoning fees collected in January.
 - \$8,580 was collected in January of 2025
 - The following charts display the type and total number of zoning fees collected per month in 2026:

Permit Summary Report Fees By Month													
01/01/2026 TO 01/31/2026													
Fee Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
CAMA	\$357.00												\$357.00
Demolition	\$150.00												\$150.00
Dunes/Vegetation	\$400.00												\$400.00
Floodplain Development	\$600.00												\$600.00
Satellite Merchant Permit	\$750.00												\$750.00
Tree Permit	\$325.00												\$325.00
Zoning	\$4,200.00												\$4,200.00
Totals:	\$6,782.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,782.00

Total Payment Amounts





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MONTHLY DEPARTMENT REPORT CONTINUED– Narrative January 2026
Planning Department- Submitted by John Nevel, Planning Director

Zoning Inspection Totals:

- There was a total of 11 inspections completed in January.
 - There were 43 inspections completed in January of 2025
 - The following charts display the type and number of inspections completed per month in 2026:

Permit Summary Report Inspection Type													
Inspection Date 01/01/2026 TO 01/31/2026													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
All Finals	1	0	0	0	0	0	0	0	0	0	0	0	1
D&V	5	0	0	0	0	0	0	0	0	0	0	0	5
Tree Removal	5	0	0	0	0	0	0	0	0	0	0	0	5
Totals:	11	0	0	0	0	0	0	0	0	0	0	0	11

Permit Summary Report Inspection Type													
Inspection Date 01/01/2025 TO 12/31/2025													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
All Finals	5	6	4	1	2	5	3	6	5	0	1	2	40
CAMA	7	13	2	0	0	0	0	0	0	0	0	0	22
D&V	6	4	14	5	4	5	1	4	7	9	2	11	72
Driveway	0	0	1	2	2	0	0	0	1	1	1	1	9
Final	0	0	0	0	0	0	1	0	0	0	0	1	2
Flood Inspection	2	0	0	1	0	0	0	0	0	0	0	2	5
Inspection	1	1	1	0	5	2	7	3	2	1	1	0	24
Piling	0	0	0	0	0	1	0	0	0	0	0	0	1
Re-Inspection	0	0	0	1	0	0	0	0	0	0	0	0	1
Stormwater	3	1	1	2	0	0	0	0	3	1	0	0	11
Tree Removal	19	25	36	37	33	23	23	11	6	1	2	0	216
Totals:	43	50	59	49	46	36	35	24	24	13	7	17	403



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MONTHLY DEPARTMENT REPORT CONTINUED– Narrative January 2026

Planning Department- Submitted by John Nevel, Planning Director

Zoning Permit Totals:

- There were a total of 72 zoning permits issued in January. These included zoning, demolition, dunes and vegetation, stormwater, tree removal, and others.
 - There were 80 zoning permits issued in January of 2025
 - For a more detailed breakdown of what specific type of permits were issued, please contact the Planning Director anytime
 - This chart displays the number of zoning permits issued per month for 2026:



This concludes my monthly report for the Planning Department. If there are any further questions, please feel free to reach out to the Planning team at any time.

John Nevel
Planning Director