



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community Development

MEETING: Town Council – July 14, 2026

SUBJECT: Text Amendment to Article 3 Section 3.19 of the UDO to allow for temporary structures beyond the pierhead line.

Applicant: Noelle Holdings LLC

BACKGROUND:

The applicant Noelle Holdings LLC has applied for a text amendment to allow temporary structures beyond the pierhead line. The applicant is the owner of the Stoked Restaurant located at 313 Canal Drive. The applicant has proposed a new floating dock five feet beyond the pierhead line. The current ordinance does not allow any structures beyond this line.

The term “Pierhead Line” is defined in the Unified Development Ordinance (UDO) as the regulatory boundary beyond which no portion of a pier or dock may extend within the Carolina Beach Boat Basin. The pierhead line was established in the early 1980’s in collaboration with the State Property Office in Raleigh. The line was amended through Town Council approval in 2012 to more closely match the Army Corps of Engineers channel setback line.

Public, residential, and commercial properties adjacent to the boat basin have constructed docks over public trust waters. The Town requires that all such private docks and piers comply with the Coastal Area Management Act (CAMA), U.S. Army Corps of Engineers (USACE) regulations and remain consistent with the pierhead line established by the Town.

The purpose of the pierhead line is to minimize user conflicts that may arise when residential property owners occupy space over public trust waters, and to protect the general health, safety, and welfare of citizens using these waters for recreational and commercial purposes.

USACE Wilmington District Setback Policy

According to the Wilmington District Setback Policy, the following provisions typically apply:

- Permanent vs. Floating Structures: Permanently fixed or “hardened” structures (e.g., pilings, bulkheads) are generally prohibited within setback areas. Floating structures may be considered on a case-by-case basis.

- **Removability:** Permitted floating docks or structures must be designed for prompt removal at the owner's expense, particularly to accommodate maintenance dredging.
- **No Permanent Utilities:** Regional General Permits (e.g., RGP 56 or 125) typically prohibit permanent utilities (power, water, or sewer) from being attached to structures within setback areas, ensuring they can be removed quickly.

Proposed Ordinance:

The proposed ordinance would allow for temporary floating structures to encroach up to five feet beyond the pierhead line, with conditions. The structure must be readily removable at the owner's expense, no utilities may be attached, securely anchored to prevent drift while still being removable, and may not create a navigational hazard.

TRC COMMENTS:

The proposed ordinance was reviewed at the May 5th TRC meeting. TRC unanimously opposes the adoption of the ordinance. The line was created to designate a location across the harbor within the jurisdictional limits of Carolina Beach to protect navigable waters and allow for private usage for on water development (i.e. piers). Creating expansions into these waters could have a negative impact on public trust waters.

TRC does not support any extensions (temporary or permanent) beyond the pierhead line because it will create more dangerous conditions for vessels navigating the channel. The proposed floating dock addition is in the tightest pinch point in the harbor. There are concerns about public safety by narrowing the navigational channel even more. Large vessels need as much space as possible to maneuver at slow speeds.

Adoption of this ordinance will further limit public trust waters for CB boaters, encroach into the USACE channel buffer zone, and eliminate the ability of many of the vessels to safely visit our community.

Key Findings:

- **Navigational Choke Point:** This area of the Harbor is already very congested with boater traffic coming into private marinas, Stoked, Blackburn's, and the Municipal Marina. There are several large vessels in the Municipal Marina that have limited ability to maneuver until they are up to a cruising speed.
- **Environmental Challenges:** Persistent daily winds channel through. Adding to this choke point further limits maneuverability. Large vessels (licensees and transients) have limited maneuverability in these conditions until they reach cruising speed, which will be further restricted by this amendment.
- **Precedent and Future Development:** Approving this extension will set a precedent and encourage the development of currently vacant properties north of Blackburn's with similar non-conforming dockage.

- Regulatory Ambiguity: If the USACE requires the removable floating structures to be pulled, the town lacks a clear plan for who removes them, the specialized equipment required, and where the floating structures would be stored.
- Jurisdiction and Safety: The Harbor Ordinance grants the Town authority to manage the harbor. Harbor Masters frequently close this zone to recreational traffic during busy events for safety reasons, so additional permanent structures should be avoided. Stoked draws large vessels to their dock regularly. Allowing fixed piles with floating structures past the pierhead line pushes those vessels further out into the channel.
 - 16 Fireworks during season: 127 vessels on July 4th
 - Fishing tournaments (attachment 2)
 - Flotilla
 - 65' vessel coming in now
 - 59' vessels Vonda Kay and Island Explorer
 - Illegal rafting occurring currently

LAND USE PLAN:

The proposed text amendment is not in general conformity with the Land Use Plan and other Long-Range Plans.

The Harbor Management Plan emphasizes that establishing and enforcing the pierhead line is essential for managing user conflicts and maintaining boating safety, particularly as recreational use increases alongside population growth and development. The Town must proactively address competing uses of the shoreline, public trust waters, and submerged lands.

It is also critical to ensure riparian rights (the right to construct a dock) do not interfere with safe navigation or the public's ability to use shared water resources.

The Land Use Plan (LUP) further identifies community goals to:

- Balance access to Myrtle Grove Sound among commercial, sport-fishing, recreational, and transient boaters.
- Maintain and enhance accessibility to public trust waters and public recreational facilities.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

Planning and Zoning Recommended Approval 5-0 with the addition that any extension over the pierhead line be permitted only in the CBD and through a Conditional Zoning.

MOTION:

Approval – to amend Unified Development Article 3 Section 3.19 to allow for temporary structures beyond the pierhead line.

Denial – to amend Unified Development Article 3 Section 3.19 to allow for temporary structures beyond the pierhead line.

ATTACHMENTS:

1. Proposed Text Amendment Language
2. Harbor Photo during a fishing tournament
3. Proposed Floating Dock
4. Pierhead Line