



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

Applicant: Noelle Holdings LLC

Town Council
August 11, 2026

Background

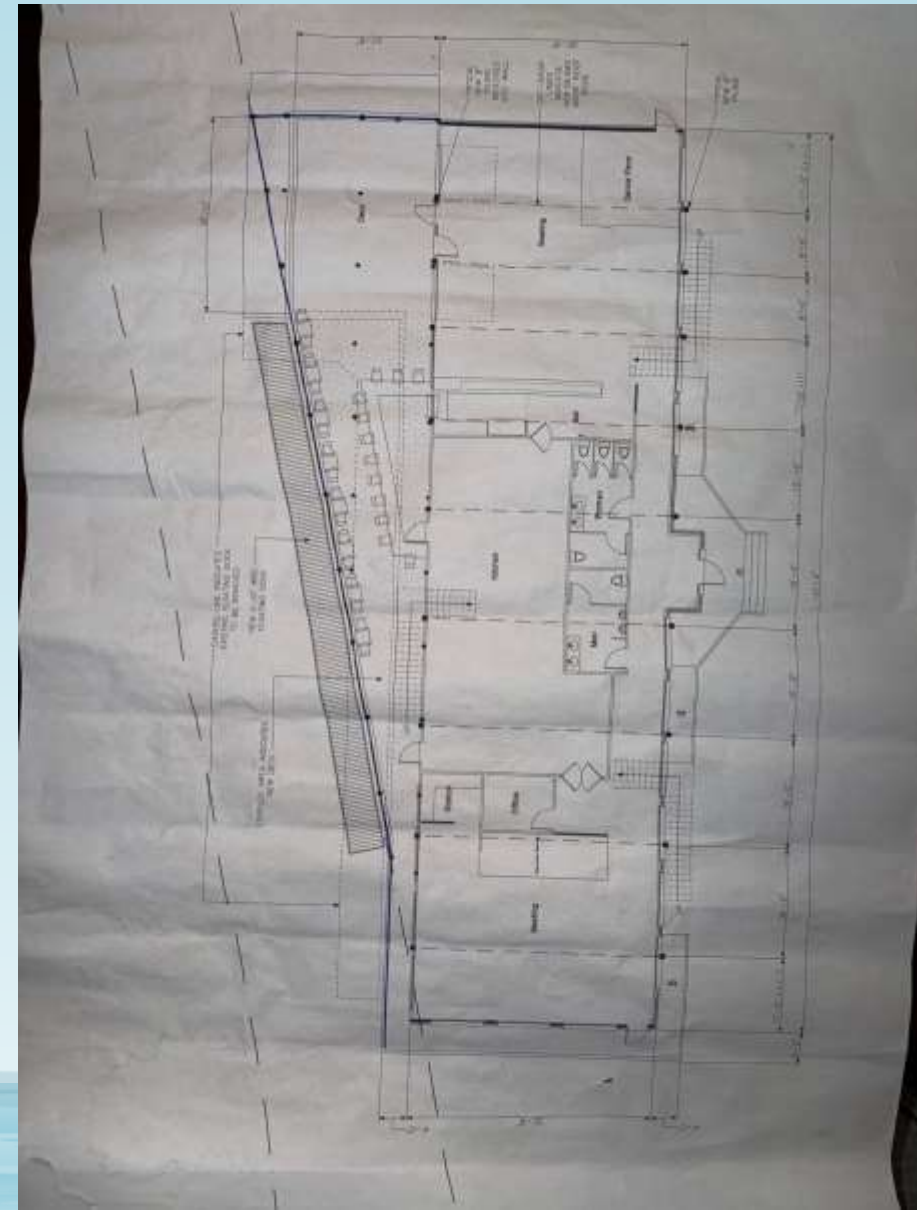
- Applicant owns Stoked Restaurant at 313 Canal Drive
- Proposed a floating dock five feet beyond the pierhead line
- Current ordinance does not allow any structures beyond the pierhead line



Existing



Proposed



Pierhead Line History

- Public, residential, and commercial properties adjacent to the boat basin have constructed docks over public trust waters. All such docks and piers shall comply with CAMA, USACE, and the pierhead line established by the Town.
- *Pierhead Line* means the regulatory boundary beyond which no portion of a pier or dock may extend within the Carolina Beach Boat Basin.
- Established in the early 1980's and amended in 2012.



Existing Ordinance

3.19 ESTABLISHMENT OF HARBOR AND PIERHEAD LINE

A. When applicable permits are obtained as by law required in the design and construction of piers and docks along the Intracoastal Waterway and Myrtle Grove Sound within the jurisdiction of the town, the following description shall be the proposed harbor and pierhead line which shall limit the extension of piers and docks to protect the general health and safety of the citizens who use these waters for commercial and recreational purposes:

1. Legal description of the revised pierhead line in the Myrtle Grove Sound Area for the Town of Carolina Beach.
2. Located in the Town of Carolina Beach, Federal Point Township, New Hanover County, State of North Carolina and being shown on a map entitled "Map of Proposed Revisions to the Carolina Beach Pierhead Line for the Town of Carolina Beach" as recorded in Map Book 57, Page 169 of the New Hanover County Registry.

Proposed Ordinance

B. Temporary floating structures extending beyond the pierhead line may be permitted to encroach up to five (5) feet in the CBD through conditional zoning. The structure shall comply with all federal, state, and local regulations.

Planning and Zoning recommended approval 5-0 with the addition of conditional zoning and permitted only in the CBD.

TRC Unanimously Opposed structures in the channel setback area

- 1. Reduces Public Trust Waters:** The pierhead line protects navigable waters and private usage for on water development
- 2. Public Safety:** The navigational channel will be narrowed at the tightest pinch point in an already congested area



TRC Comments

1. No way to enforce vessel beam sizes being parked inside the channel setback
2. Could see simultaneous docking on both sides of the basin,
3. In **2012** the Town established the pierhead line in conjunction with **USACE and the State Property Office to balance dock access, public trust rights, and navigation. The harbor has become substantially more congested since then.**
4. Federal agencies will not provide the operational enforcement to address identified concerns. The Town would need to develop/fund any enforcement with enabling authority built into Town Code.

Safety: The choke point created by extended docks over the pierhead line restricts necessary vessel maneuverability

1. Navigation Safety with daily traffic
2. 16 fireworks
3. Fishing Tournaments
4. Flotilla
5. Emergency Access
6. Neighboring marina impacts
7. 65' Transients
8. Two 59' License holders
9. 127 vessels on July 4th in Harbor

Land Use Plan other Long-Range Plans:

The text amendment is not in general conformity with the CAMA Land Use Plan or the Harbor Management Plan.

1. Harbor Management Plan:

- Emphasizes establishing and enforcing the pierhead line to manage conflicts and maintain boating safety as recreational use increases

2. Land Use Plan Goals:

- 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



Motion

Approval

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Article 3, Section 3.19 to allow for temporary structures beyond the pierhead line (Applicant or P&Z Option) is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Article 3, Section 3.19 to allow for temporary structures beyond the pierhead line is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.