

# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, June 11, 2026 – 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

- [1.](#) April 9, 2026 Minutes

### STAFF REPORT ON RECENT COUNCIL MEETINGS

### STAFF REPORT ON RECENT DEVELOPMENTS

### PUBLIC DISCUSSION

### PUBLIC HEARING

- [2.](#) Text Amendment to Article 3 Section 3.19 of the UDO to allow for temporary structures beyond the pierhead line.

Applicant: Noelle Holdings LLC

- [3.](#) Zoning Map Amendment Discussion to consider a request to rezone the 200 Block of Cape Fear Blvd that is currently zoned Mixed Use (MX) to another zoning district.

Applicant: Town of Carolina Beach

### NON-AGENDA ITEMS

### ADJOURNMENT



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Senior Planner

**DEPARTMENT:** Community  
Development

**MEETING:** Planning & Zoning – June 11, 2026

**SUBJECT:** April 9, 2026 Minutes

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**Action:**

Approve April 9, 2026 Minutes

# CAROLINA BEACH

Planning and Zoning Commission

Thursday, April 9, 2026 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## MINUTES

### CALL TO ORDER

Chairman Hogan called the meeting to order at 6:00 PM.

### PRESENT

Chairman Jeff Hogan

Vice Chairman Bill Carew

Commissioner Melanie Boswell

Commissioner Todd Piper

Commissioner Lynn Conto

Commissioner Brad Jones

### ABSENT

Commissioner Ethan Crouch

### ALSO PRESENT

Senior Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. March 12, 2026 Minutes

**ACTION:** Motion to approve the minutes

Motion made by Vice Chairman Carew, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Piper, Commissioner Conto, Commissioner Jones

*Motion passed 6-0*

### STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following:

#### Permitting

- 54 permits (renovation, repair, grading, additions, fences, etc.)
  - 3 residential new construction
- 12 certificates of occupancy

#### Demos (all single-family homes)

- 7 Sailfish Lane (single-family home; received a variance and will be rebuilding in same footprint)

### New business

- Rutt’s Cinnamon Rolls, 105 Carolina Beach Avenue North

### Updates and upcoming

- Technical Review Committee (TRC) this week – Scotchman next to Proximity wants to do a renovation that includes larger bathrooms and Wilmington and Beaches Convention & Visitors Bureau is seeking to put a visitor kiosk near the marina
- Council April 14: text amendments to add retail uses to hotels in the MF district and Unified Development Ordinance (UDO) updates
- TRC May and Planning and Zoning Commission June: text amendment for structures past the pierhead line

Chairman Hogan asked for clarification on the pierhead line text amendment. Ms. Abbotts explained that Stoked Restaurant is seeking to undertake renovations that would extend beyond the pierhead line and wants to explore ordinance changes to accommodate that goal.

### PUBLIC COMMENT

Crystal Lee of 308 Ivy Lane spoke about recent North Carolina legislative actions she characterized as harmful to local municipalities. She noted that the General Assembly had passed bills prohibiting downzoning and bills favoring developers by eliminating requirements for infrastructure, sidewalks, and parking construction, thereby passing financial burdens to taxpayers. Ms. Lee requested that the Commission recommend to Council that it pursue further communication with District and State representatives to seek repeal of this legislation. She expressed concern that the State was stripping powers from local municipalities. Ms. Lee cited her primary concern as the proliferation of townhomes, which she argued decreased surrounding single-family property values, increased flooding, and conflicted with neighborhood character, and she questioned whether certain properties were adhering to their site plans for maximum impervious coverage. She concluded by noting that recent growth was outpacing infrastructure and was not favored by Town residents.

### PUBLIC HEARING

2. Conditional Zoning to Consider a Pickleball Court in the Mixed Use District (MX) at 1608 Bowfin Lane  
Applicant: Atlantic Towers Assn, Inc.

Applicant Atlantic Towers Assn, Inc., applied for a Conditional Zoning (CZ) application for a temporary pickleball court in the Mixed Use district (MX). The existing use of the property is a parking lot for the Atlantic Towers condo building. The applicant proposes a temporary pickleball court utilizing 12 existing parking spaces. Private tennis courts are permitted in MX through CZ. Section 3.4.B.2. states that for uses not listed, the UDO Administrator shall consider which use closely matches the proposed use and apply the relevant regulations.

The existing parking lot has 169 spaces. There are 12 two-bedroom units, and the remaining 125 units are one bedroom under 650 square feet. The parking required for the existing 137 units is 149 spaces; 157 spaces will be provided after the pickleball court is installed.

The development standards for tennis courts require that provisions be made to compensate for impervious surfaces and drainage runoff containment, and lighting, if used, shall be shielded so as not to shine on adjoining properties. The existing parking lot will simply be repainted; no additional impervious surfaces will be added, and no additional lighting is proposed.

Landscaping is not required, as the use is temporary in nature. The 12 parking spaces will be reverted to parking when the pickleball court is not in use. The applicant proposes installing a temporary six-foot fence to surround the court when it is in use.

#### Proposed conditions

1. The court will be closed beginning the Friday before Memorial Day through Labor Day.
2. Use of the court will be for owners and guests of Atlantic Towers only.
3. The court will be approved for a two-year trial period. After the two-year period, the project will go through the CZ process again.

As part of the application process, a community meeting is required. The applicant held the required meeting on January 29, 2026. Based on comments from the meeting, the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties. As a result of the concerns that were raised at the meeting, the applicant revised the proposed location of the court to be further from the Casa del Playa condominiums.

The project is in general conformity with the 2020 Land Use Plan and the Low Intensity Commercial Area. Staff recommends approval of the project as proposed.

Ms. Abbotts presented the details, including the background and history of Atlantic Towers as well as information about the surrounding area. She noted that while the application is for 1608 Bowfin Lane, the property address would more properly be referenced as 1608 South Lake Park Boulevard because the parking lot is not accessed from Bowfin Lane.

Commissioner Jones asked whether any specific ordinance provisions for pickleball courts existed. Ms. Abbotts confirmed there were none and suggested a text amendment could be pursued.

Commissioner Conto noted that other municipalities across the State were actively grappling with the same gap and raised the issue of noise levels, citing industry data suggesting pickleball generates approximately 70 decibels versus roughly 40 decibels for tennis and that each 10-decibel increase represents nearly a doubling of perceived sound impact.

Vice Chairman Carew asked how staff arrived at the comparison to tennis courts in the absence of a specific pickleball ordinance. Ms. Abbotts noted that nationally, many tennis courts have been converted to pickleball and that the Town had a historical precedent from a 2021 application involving a pickleball court that was also treated under the tennis court standard. Ms. Abbotts said this application encountered issues, including a Building Inspector's determination that public restroom facilities would be required and the fact that installation had begun prior to approval, and was ultimately denied.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Piper, Commissioner Conto, Commissioner Jones

*Motion passed 6-0*

Mike Alford, President of the Atlantic Towers homeowners association, noted that the proposed court would be painted on existing asphalt with no construction work and no impact on required parking. He emphasized that the court's position had been adjusted in response to neighbor feedback received at the January public input meeting, which he characterized as "a good-faith effort."

June Martin of 1518 Lake Park Boulevard Unit 2C in Casa del Playa presented an aerial handout illustrating the relative positions of the original and revised proposed court locations, the Casa del Playa building, and the Atlantic Towers building. She identified the key concern as noise, noting that all of Casa del Playa's 25 units have balconies facing directly toward the proposed pickleball court, whereas all 137 units of Atlantic Towers have their balconies facing the ocean, meaning the primary noise impact would fall on Casa del Playa residents rather than Atlantic Towers residents. Ms. Martin stated that 12 of the 25 Casa del Playa units are occupied by permanent residents and that the building does not permit short-term rentals. She noted that the applicant's concession at the January meeting had amounted to moving the court back only 24 feet, with no additional buffering or sound mitigation. Ms. Martin further noted that the proposed court would be in use primarily during the off-season spring and fall months when permanent residents most enjoy their balconies. She stated that Casa del Playa residents were opposed to the proposal.

Ed Byrne addressed the issue of pickleball noise pollution, referencing coverage by NBC News in August 2023. He noted that pickleball can generate noise exceeding 70 decibels at 100 feet and that experts recommend 500-foot buffers or noise mitigation measures such as acoustic fencing, quieter equipment, and restricted hours. Mr. Byrne pointed out that Casa del Playa is well within that 500-foot threshold. He described the impulsive, erratic nature of pickleball noise as more disruptive to the human ear than steady background noise and noted documented cases of neighbors experiencing what has been called "phantom pops," or continuing to hear the sound even when courts are empty. Mr. Byrne said Atlantic Towers should put their pickleball court in their own backyard instead of in that of their neighbors.

Linda Lashley of 1518 South Lake Park Boulevard Unit 5A in Casa del Playa noted she was 81 years old, that her bedroom directly faces the proposed court location, and that Casa del Playa is home to many older permanent residents. She reiterated that because the court would be closed during the summer tourist season, it would be in operation for up to nine months of the year during the period when residents most use their balconies and outdoor spaces. Ms. Lashley distributed an AI-generated summary of pickleball noise impacts, noting key factors including the 70-decibel level, the impulse nature of the sound, documented health impacts including stress and sleep disruption, potential property value reductions estimated at 20%, and multiple lawsuits filed in other jurisdictions. She referenced expert guidance suggesting outdoor courts should not be placed within 100 feet of homes and warrant significant attention within 1,000 feet. Ms. Lashley noted that Casa del Playa is

approximately 50 feet from the parking lot edge, and that even with the 24-foot relocation the court would still be within roughly 74 feet of her building. She urged the Commission not to recommend approval.

Mike Hackett of 1616 South Lake Park Boulevard, using the aerial diagram on screen, directed the Commission's attention to two private residences in close proximity to the revised court location, observing that the court as repositioned appeared to be considerably closer to those homes than to Casa del Playa.

Austin McRoberts, representing the family that has owned 1606 Bowfin Lane since the 1950s, said he is personally a fan of Atlantic Towers and pickleball and was considering purchasing a unit there. However, he called the proposed location "a terrible idea" based on his extensive familiarity with the parking lot's acoustics. Mr. McRoberts also raised serious concerns about wind conditions at the site, noting that temporary fencing installed during recent construction at Atlantic Towers had been repeatedly blown across the parking lot. He questioned what would happen to temporary pickleball fencing under similar conditions, suggesting panels could slide into vehicles or onto neighboring properties. Mr. McRoberts also questioned whether the building's covered pool might offer a more suitable alternative location.

Brandon of 1518 South Lake Park Boulevard said he is a truck driver who, after months on the road, relies on peaceful rest at home. He said the location of the proposed pickleball court is not appropriate and questioned whether Atlantic Towers residents would want his semi-truck running in front of their homes.

Mr. Alford said it was stated that the court was moved 24 feet, but he contends it was actually about 100 feet.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Piper, Commissioner Conto, Commissioner Jones

*Motion passed 6-0*

Commissioner Boswell stated that she found it very difficult to support the application. She expressed concern that the noise was something neither Casa del Playa residents nor the nearby cottage homeowners had bargained for when purchasing their properties. Commissioner Boswell recounted listening to a two-minute video of pickleball sounds at a distance of 200 feet to simulate the residential experience and reported experiencing significant anxiety within 45 seconds, describing the constant, repetitive pop of the ball as uniquely irritating. She expressed particular concern for residents with anxiety or PTSD. Commissioner Boswell said she would be voting against the application unless presented with a compelling reason to change her position.

Commissioner Conto expressed appreciation for the applicant's goal of improving amenities for residents but said she was struggling to reconcile that with the impact on neighboring residents' right to quiet enjoyment of their homes. She noted that a site visit that day had revealed wind tunnel

conditions in the parking lot and that temporary structures had been observed blown over previously. Commissioner Conto stated that pending State legislation on pickleball court setbacks was likely forthcoming and that the general direction appeared to be toward keeping pickleball in parks and out of residential areas unless accepted through a homeowners association process. She said she found herself aligned with Commissioner Boswell and unable to readily support approval.

Commissioner Jones reported that he had visited the property that day and hit a pickleball for 30 to 45 minutes without drawing any complaints. He acknowledged residents' concerns but noted a philosophical tension with property rights, particularly given that the MX district allows tennis courts and pickleball courts have historically been treated similarly.

Commissioner Piper expressed strong support for property rights and noted that in reviewing the site plan, the court in its revised location was approximately 210 feet from Casa del Playa, having been moved approximately 80 feet from the original position. He said his greater concern is the adjacent residential property to the east, which appeared to be unrepresented at the meeting, and noted that the applicant had gone to significant lengths to accommodate Casa del Playa's concerns. Commissioner Piper observed that the wind conditions in the lot would likely act as a natural deterrent to frequent use. He said he was inclined to support the application with a one-year trial rather than two and raised the broader planning concern that Atlantic Towers could possibly sell off the excess parking lot for mixed-use development, an outcome far more impactful to neighbors than a pickleball court.

Vice Chairman Carew asked about the applicable noise ordinance. Ms. Abbotts said she had consulted with the Police Department and, because the subject property is in a commercial district, the applicable noise threshold is 75 decibels during the day, which would likely place pickleball play within the permissible range, given the commonly cited 65-70 decibel range for the sport. She noted that measurements would be taken from within the boundary line of any improved and occupied property where a complaint was made.

Vice Chairman Carew proposed that as a condition of any approval, the court be repositioned as close to equidistant from all surrounding residential structures as possible, biased eastward toward Atlantic Towers to minimize exposure to Casa del Playa and the homes to the west. He noted that the MX district's nature as a transitional commercial zone informed his expectation of the area as an active environment and that the Atlantic Towers' original acquisition of the parking parcel would have carried an expectation of some level of commercial activity.

Commissioner Conto asked that any potential motion include serious guardrails given the cumulative concerns discussed.

Chairman Hogan expressed ambivalence, noting a longstanding commitment to property rights but concern that the applicant's original concession – moving the court in response to one neighbor's concerns – had come at the expense of others. He acknowledged that temporary fencing was a concern, drawing an analogy to temporary fencing at a nearby development that had repeatedly blown down in high winds. Chairman Hogan said he was genuinely undecided but that his residual concern centered on whether temporary fencing was an adequate structural solution.

**ACTION:** Motion to reopen the public hearing

Motion made by Chairman Hogan, seconded by Vice Chairman Carew

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Piper, Commissioner Conto, Commissioner Jones

*Motion passed 6-0*

Chairman Hogan said Commissioners may pose additional questions directly to the applicant.

Vice Chairman Carew asked about the construction and anchoring of the proposed fence. Mr. Alford explained that the construction fencing currently in use at the property during its sliding-door replacement project was similar to what was proposed, typically held in place with sandbags, but that he envisioned a more robust solution involving stakes or anchors driven into the asphalt. He further proposed installing permanent PVC sleeves set in concrete in the parking lot to hold removable fence posts, which could be extracted when the court was not in use – providing a secure, wind-resistant mounting solution while retaining portability. Mr. Alford also suggested incorporating a windscreen panel threaded between posts, noting that windscreens provide both wind resistance and sound suppression, as he had observed at Mike Chappell Park. Mr. Alford acknowledged his ownership of a tennis court construction and resurfacing company that had recently converted the courts at Mike Chappell Park.

Vice Chairman Carew asked about the court's orientation within parking lot. Mr. Alford expressed amenability to repositioning the court toward the center of the parking lot, biased eastward toward Atlantic Towers. He acknowledged that the current location had been chosen in part for visibility from the Atlantic Towers lobby so it can be monitored but said a more central location closer to the Atlantic Towers building would be acceptable.

Vice Chairman Carew noted that this positioning would place Atlantic Towers as the nearest recipient of the noise, that it would encourage vehicles to park on the west side of the court near Casa del Playa, providing some acoustic dampening, and that it would be more equidistant from residential structures to the north and south.

Commissioner Conto suggested operational hours of 9:00 AM to 6:00 PM, and Mr. Alford agreed to this.

Chairman Hogan asked how people will access the court. Mr. Alford said access would be controlled via a keyed lock on the fence gate and that guests would be required to obtain a key from Atlantic Towers staff, who would be advised of the hours. He also noted the possibility of issuing wristbands to verify that users were guests of the building. Mr. Alford said the idea for the court came about because guests were already playing pickleball in the parking lot without a net.

Commissioner Boswell asked why the pickleball court could not go in the parking lot in front of Atlantic Towers. Mr. Alford said there is not enough room for it. Vice Chairman Carew pointed out that there are fire lanes to consider there as well.

Vice Chairman Carew asked if Mr. Alford would agree to a one-year trial instead of two years. He said yes.

Commissioner Conto asked if he would agree to a rule of no music at the pickleball court. Mr. Alford said yes.

Vice Chairman Carew confirmed that the conditions discussed with the applicant – hours, fencing type, acoustic screening, staying within the noise ordinance, a locked gate, a one-year term, and repositioning – were acceptable. Mr. Alford said yes.

Austin McRoberts was permitted to speak again. While acknowledging the improved plan, he raised concerns about the applicant's personal financial stake in the outcome as a pickleball court contractor, questioned whether environmental impacts on turtle migration or other protected species had been considered, and reiterated safety concerns about balls leaving the court into active traffic lanes and the adequacy of the proposed fencing to contain play in wind conditions. Mr. McRoberts restated his view that the location was fundamentally unsuitable.

**ACTION:** Motion to close public the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Piper, Commissioner Conto, Commissioner Jones

*Motion passed 6-0*

Chairman Hogan asked how the one-year trial would work. Ms. Abbotts said the mechanism for a one-year trial would be an expiration date on the CZ approval, set one year from the Council's action on the matter, at which point the applicant would need to return for reapproval. She said any complaints logged during that period would be incorporated into the review at that time.

Chairman Hogan asked if Mr. Alford would agree that Atlantic Towers staff should be in charge of the gate being locked and secured between 6:00 PM and 9:00 AM. Mr. Alford said yes.

Ms. Abbotts summarized the following conditions:

1. The court shall be closed beginning the Friday before Memorial Day through Labor Day.
2. Use shall be restricted to Atlantic Towers owners and their guests only.
3. The gate shall be locked at all times when the court is not in use.
4. Hours of operation shall be 9:00 AM to 6:00 PM.
5. No music shall be permitted.
6. The court shall be relocated toward the center of the parking lot, biased eastward toward Atlantic Towers, as equidistant as possible from surrounding residential structures.
7. Fencing shall be anchored to the parking lot surface using permanent sleeve-and-post construction, with acoustic/windscreen panels incorporated.
8. CZ approval shall expire after one year, at which time the applicant must return through the CZ process for reapproval.

Commissioner Boswell said she is a big supporter of property rights, but they should apply to everyone and residents have a right to a peaceful life. She reminded the public that the Commission serves in an advisory capacity, so this will go to Council for a final decision. Ms. Abbotts said Council is scheduled to hear the matter at its meeting on May 12 at 6:00 PM. Commissioners encouraged members of the public who wished to continue expressing their concerns to attend the meeting.

**ACTION:** Motion for approval that whereas in accordance with the provisions of the North Carolina General Statutes, the Planning and Zoning Commission does hereby find and determine that the adoption of the Conditional Zoning district to allow a pickleball court located at PID R09018-013-005-000 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the staff-proposed conditions 1 through 8 for the pickleball court located in the parking lot of Atlantic Towers

Motion made by Commissioner Piper, seconded by Vice Chairman Carew

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Piper, Commissioner Jones

Voting Nay: Commissioner Boswell, Commissioner Conto

*Motion passed 4-2*

### **NON-AGENDA ITEMS**

Commissioner Conto recommended that the Commission add a text amendment on pickleball court regulations to a future agenda so the Town can align its ordinance with emerging standards across North Carolina and nationally.

Commissioner Boswell expressed agreement, stating that specific standards were needed, particularly regarding setbacks from residential properties, until a State statute says otherwise. She added that she does not agree that a pickleball court is in line with a tennis court.

Ms. Abbotts said staff can bring this to Council.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Piper, Commissioner Conto, Commissioner Jones

*Motion passed 6-0*

Chairman Hogan adjourned the meeting at 7:20 PM.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner **DEPARTMENT:** Community Development

**MEETING:** Planning & Zoning – June 11, 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 5<sup>th</sup> 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.

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. Wind in the area contributes daily to concerns for maneuverability. Adding to this choke point further limits maneuverability. 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. Attachment 2 shows the congested nature of the area where the floating structure is proposed. The Harbor Masters regularly close this area of the Harbor to recreational traffic as a safety precaution during several events throughout the year.

**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.

#### **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
3. Proposed Floating Dock
4. Pierhead Line



## PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

### PETITIONER

Petitioner's Full Name: Noelle Holdings LLC Phone #: (910)-264-4033  
Street Address: 3521 Masonboro Harbor Dr  
City: Wilmington State: NC Zip: 28409  
Email: Rodney@StokedRestaurant.com

### REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:  
3.19


Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach:

Stoked Restaurant Respectfully Requests an amendment to Town Code 3.19 to allow a Removable Floating Dock to the Town ordinance.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

**I understand that the fee for review is nonrefundable.**

**Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule**

Signature of Petitioner:  Date: 4/6/20

### 3.19 ESTABLISHMENT OF HARBOR AND PIERHEAD LINE

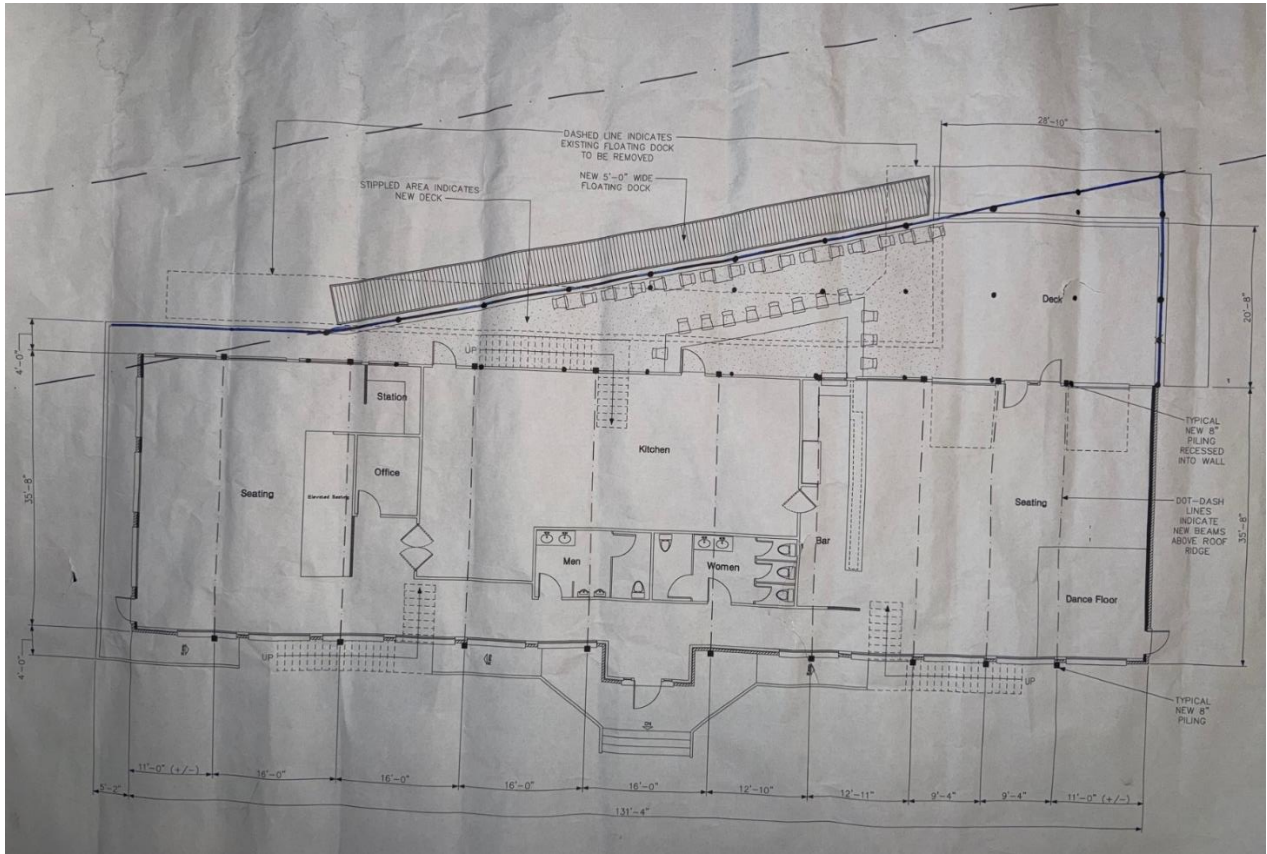
- A. When applicable permits are obtained as by law required in the design and construction of piers and docks along the Intracoastal Waterway and Myrtle Grove Sound within the jurisdiction of the town, the following description shall be the proposed harbor and pierhead line which shall limit the extension 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.
- B. Temporary floating structures extending beyond the pierhead line may be permitted to encroach up to five (5) feet, provided they meet the following conditions:
1. Removability: Structures must be readily removable at the owner's expense upon notification by the Town or during dredging operations.
  2. No Permanent Utilities: No permanent utilities or infrastructure may be attached to floating structures within the encroachment area.
  3. Anchoring: Structures must be securely anchored to prevent drift while remaining capable of relocation or removal.
  4. Navigation Safety: Any encroachment beyond the pierhead line must not create a navigation hazard. The Town reserves the right to require removal of any structure that impedes safe passage.

(Ord. No. 24-1230, 7-9-2024)

ATTACHMENT 2: HARBOR PHOTO



### ATTACHMENT 3: PROPOSED FLOATING DOCK



**LEGEND:**

- IRON PIPE (NEW OR EXISTING)
- IRON ROD (NEW OR EXISTING)
- CENTERLINE CONTROL MONUMENT
- ⊛ TURN IN PROPOSED PIERHEAD LINE
- PROPOSED PIERHEAD LINE
- OLD PIERHEAD LINE
- U. S. ARMY CORPS OF ENGINEERS SETBACK LINE
- CENTERLINE
- RIGHT OF WAY

**NOTES:**

1. THE COORDINATES OF THE U. S. ARMY CORPS OF ENGINEERS SETBACK LINE WERE OBTAINED FROM THE WILMINGTON DISTRICT WEBSITE.
2. CORNERS ARE IN DEEP WATER AND ARE NOT STAKED.
3. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
4. AREA COMPUTED BY THE COORDINATE METHOD.
5. THIS MAP PREPARED UNDER AUTHORITY OF CAROLINA BEACH ORDINANCE 12-900.

**ATTACHMENT 4: PIERHEAD LINE**

**LATITUDE, LONGITUDE & COORDINATE LIST FOR PROPOSED NEW PIERHEAD LINE**

LABEL	LATITUDE	LONGITUDE	NORTHING	EASTING
AA	34°03'25.979"	77°53'26.103"	113895.1102	2336144.0082
AB	34°03'24.841"	77°53'24.810"	113590.5000	2336169.8000
AC	34°03'24.383"	77°53'24.728"	113535.1000	2336261.5000
AD	34°03'15.611"	77°53'21.244"	112650.6000	2336480.4000
AE	34°03'03.385"	77°53'25.208"	111410.9000	2336183.1000
AF	34°03'03.385"	77°53'25.303"	111408.5000	2336152.7000
AG	34°03'03.398"	77°53'25.308"	111405.1000	2336152.3000
AH	34°02'38.694"	77°53'26.040"	108913.1000	2336118.6000
AI	34°02'18.854"	77°53'32.687"	106700.0000	2335563.6000
AJ	34°02'18.849"	77°53'32.690"	106699.1000	2335563.6000
AK	34°02'13.579"	77°53'33.523"	106368.1000	2335517.2000
AL	34°02'11.895"	77°53'34.173"	106197.3000	2335464.4000
AM	34°02'11.895"	77°53'34.184"	106193.3000	2335463.5000
AN	34°02'11.814"	77°53'34.187"	106189.1000	2335463.5000
AO	34°02'11.772"	77°53'34.180"	106184.9000	2335463.5000
AP	34°02'11.733"	77°53'34.183"	106180.9000	2335463.5000
AQ	34°02'11.695"	77°53'34.183"	106177.2000	2335467.1000
AR	34°02'11.663"	77°53'34.113"	106173.9000	2335469.7000
AS	34°02'11.639"	77°53'34.078"	106171.1000	2335472.8000
AT	34°02'11.613"	77°53'34.035"	106168.9000	2335476.3000
AU	34°02'11.597"	77°53'33.989"	106167.3000	2335480.2000
AV	34°02'11.603"	77°53'32.518"	106128.9000	2335604.4000
AW	34°02'11.595"	77°53'32.435"	106128.1000	2335604.1000
AX	34°02'11.591"	77°53'32.431"	106127.8000	2335611.5000
AY	34°02'11.585"	77°53'32.385"	106128.2000	2335615.6000
AZ	34°02'11.603"	77°53'32.343"	106128.1000	2335619.2000
BA	34°02'11.618"	77°53'32.301"	106130.6000	2335622.7000
BB	34°02'11.637"	77°53'32.263"	106132.6000	2335625.9000
BC	34°02'11.662"	77°53'32.229"	106135.1000	2335628.7000
BD	34°02'11.690"	77°53'32.200"	106136.2000	2335631.1000
BE	34°02'11.722"	77°53'32.177"	106141.2000	2335633.0000
BF	34°02'11.756"	77°53'32.160"	106144.7000	2335634.4000
BG	34°02'11.800"	77°53'31.598"	106135.6000	2335637.3000
BH	34°02'11.851"	77°53'31.505"	106316.7000	2335667.6000
BI	34°02'13.080"	77°53'31.496"	106318.6000	2335668.3000
BJ	34°02'13.108"	77°53'31.481"	106322.4000	2335668.7000
BK	34°02'13.611"	77°53'31.481"	106325.8000	2335668.7000
BL	34°02'16.583"	77°53'31.207"	106672.0000	2335708.7000
BM	34°02'23.804"	77°53'29.094"	107375.8409	2335878.7529
BN	34°02'37.848"	77°53'23.724"	108785.1199	2336310.7257
BO	34°02'57.089"	77°53'18.039"	110782.0433	2337023.5124
BP	34°03'10.350"	77°53'08.379"	112130.9811	2337968.8882
BQ	34°03'13.760"	77°53'18.192"	112468.3618	2338719.4428
BR	34°03'27.632"	77°53'21.706"	113804.7472	2338428.6482

**CALL TABLE**

Course	Bearing	Distance
AA - AB	S 60°00'00" E	1.40'
AB - AC	S 08°07'48" W	2.83'
AC - AD	S 15°15'18" W	1.14'
AD - AE	S 17°11'37" W	178.90'
AE - AF	S 15°15'18" W	1.14'
AF - AG	S 30°41'59" W	3.72'
AG - AH	S 36°29'25" W	3.78'
AH - AI	S 57°29'41" W	3.77'
AI - AJ	S 65°59'28" W	3.67'
AJ - AK	S 65°59'28" W	3.67'
AK - AL	N 77°21'58" W	3.79'
AL - AM	N 72°49'10" W	130.00'
AM - AN	N 67°14'58" W	4.20'
AN - AO	N 57°50'52" W	4.13'
AO - AP	N 47°54'39" W	4.18'
AP - AQ	N 37°50'15" W	4.20'
AQ - AR	N 27°10'52" W	4.16'
AR - AS	N 16°00'15" W	2.21'
AS - AT	N 05°07'46" W	4.20'
AT - AU	N 02°43'35" E	4.20'
AU - AV	N 12°40'49" E	4.10'
AV - AW	N 16°14'44" E	3.82'
AW - AX	N 08°00'32" E	3.82'
AX - AY	N 11°15'58" E	2.06'
AY - AZ	N 58°51'23" W	107.14'
AZ - BA	N 13°51'00" W	107.74'

POINT "AO"  
NAD 83(NSRS 2007) COORDINATES:  
N = 110,798.5202  
E = 2,336,315.7027

POINT "PP"  
NAD 83(NSRS 2007) COORDINATES:  
N = 110,782.02891  
E = 2,337,023.5610

CONTROL CORNER  
EX. CONCRETE MONUMENT  
NAD 83(NSRS 2007) COORDINATES:  
N = 110,634.3825  
E = 2,337,484.7493  
C.S.F. = 0.9999034

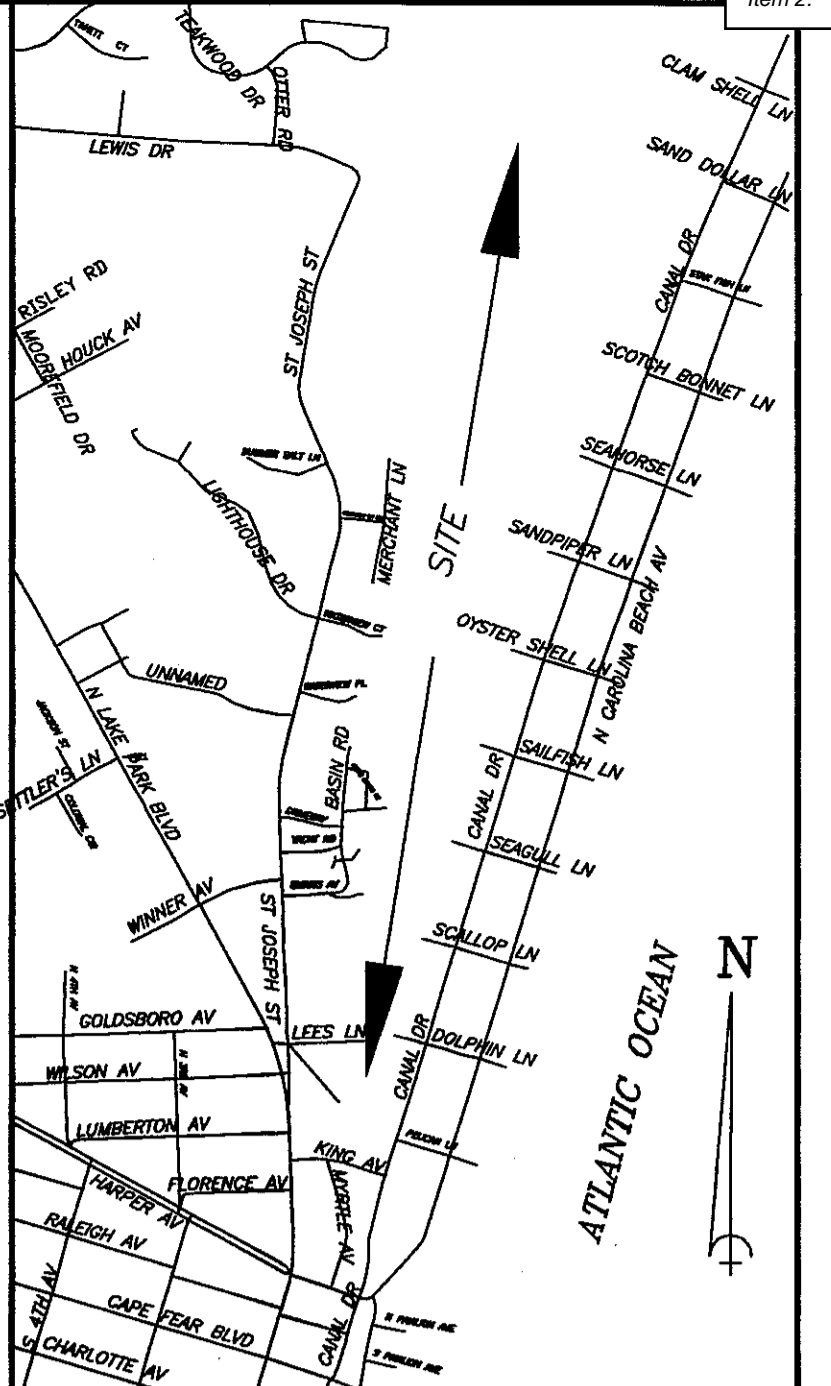
CONTROL CORNER  
EX. CONCRETE MONUMENT  
NAD 83(NSRS 2007) COORDINATES:  
N = 107,782.8486  
E = 2,336,782.8486  
C.S.F. = 0.9999015

CONTROL CORNER  
EX. CONCRETE MONUMENT  
NAD 83(NSRS 2007) COORDINATES:  
N = 107,142.6340  
E = 2,336,319.7382  
C.S.F. = 0.9999015

POINTS ALONG PROPOSED CAROLINA BEACH PIERHEAD LINE CONTINUE FROM POINT "L" TO POINT "HH". SEE CALL TABLE FOR BEARINGS AND DISTANCE.

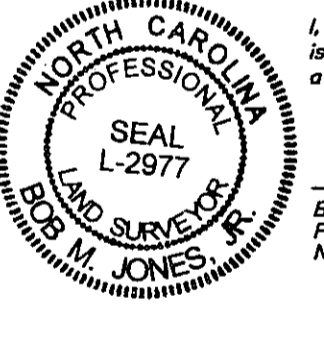
POINTS ALONG PROPOSED CAROLINA BEACH PIERHEAD LINE CONTINUE FROM POINT "GG" TO POINT "W". SEE CALL TABLE FOR BEARINGS AND DISTANCE.

POINTS ALONG THE PROPOSED CAROLINA BEACH PIERHEAD LINE CONTINUE FROM POINT "L" TO POINT "HH". SEE CALL TABLE FOR BEARINGS & DISTANCES.



N. C. GRID NORTH  
NAD 83 (NSRS 2007)

STATE OF NORTH CAROLINA  
I, Bob M. Jones, Jr., certify that this plot was drawn under my supervision from an actual survey made under my supervision from information found in the New Hanover Co. Registry, as noted herein, that the ratio of precision as calculated is 1:10000+, that the boundaries not surveyed are clearly indicated and that this map was prepared in accordance with G.S. 42-33 as amended.  
Witness my hand and seal this 22<sup>nd</sup> day of October, 2012.



I, Bob M. Jones, Jr., Professional Land Surveyor No. L-2977, certify that this plot is of a survey of another category, such as the recombinance of existing parcels, a court-ordered survey or other exception to the definition of subdivision.

CERTIFICATE OF APPROVAL BY THE PLANNING AND DEVELOPMENT DEPARTMENT  
The Carolina Beach Planning and Development Department hereby approves the Final Plot for a portion of the Pierhead Line in the Myrtle Grave Sound area.  
10-23-2012  
Date  
Director

STATE OF NORTH CAROLINA  
I, SAM BURGESS, Review Officer of NEW HANOVER COUNTY, certify that the map or plot to which this certification is affixed meets all statutory requirements for recording.  
S. Burgess  
Review Officer  
10-25-12  
Date

STATE OF NORTH CAROLINA  
Filed for registration on the 25<sup>th</sup> day of Oct., 2012, at 1:11 (P.M.) and duly recorded in Map Book 57, Page 169.  
Instr. # 2012037042  
Register of Deeds  
Dorothy H. Macneish  
or  
Dorothy H. Macneish

ROBERT H. COSLER & ASSOCIATES, PA  
LAND SURVEYORS - LAND PLANNERS  
FIRM LICENSE NUMBER: C-1167  
513 CHESTNUT STREET  
WILMINGTON, NORTH CAROLINA 28401  
910-763-1941  
rhcos@rhcos.com  
FILE No.: 88180626



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Jeremy Hardison, Community Development Director      **DEPARTMENT:** Community Development

**MEETING:** Planning & Zoning – June 11, 2026

**SUBJECT:** Zoning Map Amendment Discussion to consider a request to rezone the 200 Block of Cape Fear Blvd that is currently zoned Mixed Use (MX) to another zoning district.  
Applicant: Town of Carolina Beach

### **BACKGROUND:**

Town Council requested staff to review the development regulations applicable to the 200 block of Cape Fear Boulevard and evaluate whether the current zoning remains appropriate for the area's long-term vision and redevelopment potential.

The subject properties are currently zoned Mixed Use (MX) Attachment 1 – map of the area). The MX district is intended to provide a transitional area between more intensive commercial districts and adjacent residential neighborhoods. The district accommodates a mix of land uses and may also serve as a transition between major thoroughfares and quieter residential areas.

### **Existing Conditions**

Current land uses within the study area include:

- Three single-family residences
- Four vacant lots and/or parking lots
- Two retail establishments
- One motel

Existing infrastructure and streetscape features include:

- On-street parking
- Sidewalks
- Street trees
- Walkable access to the central business district and beach area

### **Land Use Plan Consistency**

The Town's adopted Land Use Plan identifies this area as Mixed Use Commercial, distinguishing it from surrounding areas.

The Land Use Plan envisions:

- Higher-density development
- A mixture of residential and commercial uses
- Mixed-use buildings with active ground-floor commercial uses
- Residential uses located on upper floors
- A pedestrian-oriented environment
- Potential building heights of four to five stories

The current pattern of development only partially reflects this vision, as several properties remain underutilized or occupied by lower-density uses.

### **Discussion**

As redevelopment opportunities arise, the Town may wish to consider whether the existing MX district provides the appropriate regulatory framework to achieve the Land Use Plan's vision for this area.

One option would be the creation of a new zoning district tailored specifically to the character envisioned for this area. Such a district could encourage higher-density mixed-use development while ensuring compatibility with nearby residential properties.

Potential standards for consideration include:

- Active commercial uses along the ground floor (Attachment 2 - Use Table)
- Residential units permitted on upper stories
- Reduced front setbacks to create a stronger street presence (Attachment 3 – Dimensions Table)
- Building placement that supports a pedestrian-oriented environment
- Parking located to the side or rear of buildings where feasible
- Increased lot coverage and impervious surface allowances consistent with commercial districts
- Enhanced landscaping and streetscape requirements
- Building design standards that promote walkability and architectural compatibility
- Transition standards to lessen impacts on adjacent residential properties

Given the presence of existing sidewalks, street trees, and on-street parking, the area is well-positioned to support a more walkable mixed-use environment that complements the downtown business district and provides opportunities for redevelopment consistent with the Land Use Plan.

### **Staff Recommendation**

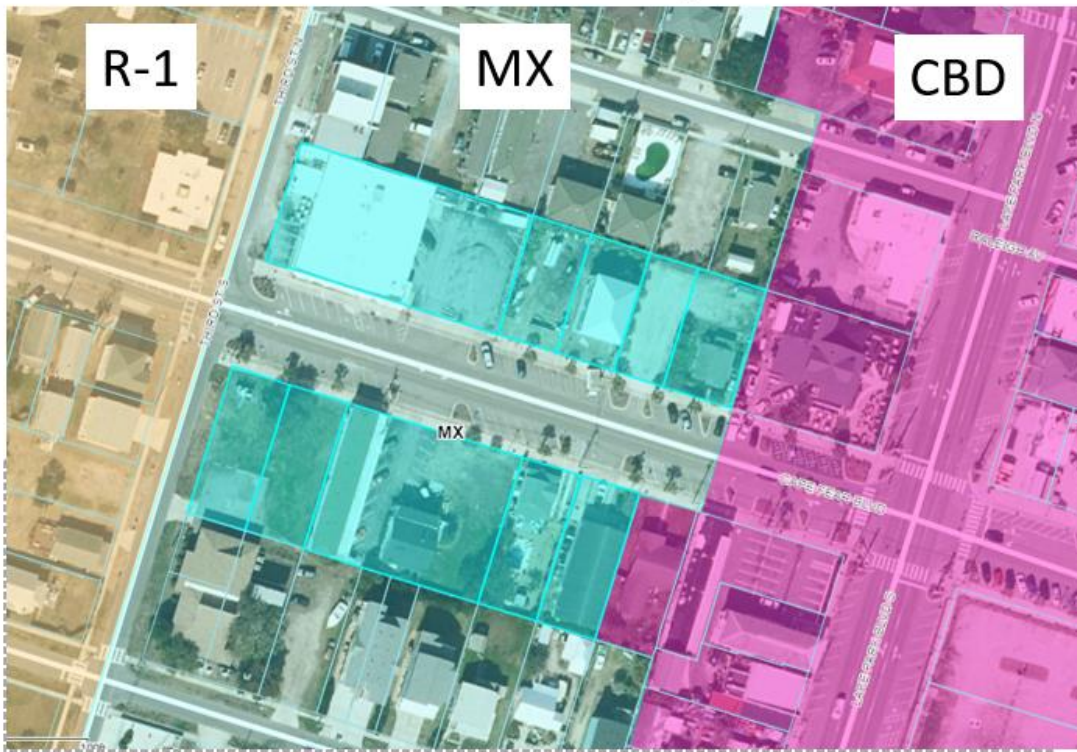
Staff recommend that the Commission discuss the long-term vision for the area and provide direction regarding the development of zoning standards that better implement the Mixed Use

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Commercial designation identified in the Land Use Plan and encourage redevelopment consistent with the Town's adopted planning goals.

**Attachment 1 – Map of the area**

# 200 Block of Cape Fear



■ Highlighted parcels subject to rezoning

## Attachment 2 - 3.4 TABLE OF USES

- A. Generally, Table 3.2 sets forth the permitted, conditional zoning, and special uses allowed in each zoning district.

1. Permitted by right (P). The letter "P" in the zoning district column opposite the listed use means the use is permissible by right in the zoning districts in which it appears.
  2. Permitted use with standards (PS). Uses with additional standards are denoted with a "PS."
  3. Conditional zoning (CZ). The letters "CZ" in the zoning district column opposite the listed use means that conditional zoning, as set forth in Section 2.21 of this ordinance, must be obtained before the use may be created. Use standards may also be required for certain conditional zoning uses.
  4. Special use permit (S). The letter "S" in the zoning district column opposite the listed use means that a special use permit, as set forth in Section 2.14(C) of this ordinance, must be obtained before the use may locate in the district in which it appears.
  5. Prohibited. A use specifically prohibited in the table of permissible uses for every zoning district. Any use listed as prohibited has been reviewed and considered as having a detrimental impact on the health and safety of the community.
- B. Use designation.
1. If a "P" or "CZ" or "PS" does not appear in a zoning district column opposite a listed use, the use is not permitted in that zoning district.
  2. Uses not listed. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use. No interpretation shall be made which would change the character of a zoning district relative to the purpose of such zoning district and the other uses allowed.
    - a) Interpretation of unlisted uses. Where a proposed use is not specifically listed in the table of permissible uses, the UDO Administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and/or duration similar to another permitted use listed in the table of permissible uses. The UDO Administrator shall give due consideration to the purpose and intent statements in this section concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
    - b) Standards for determining unlisted uses. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:
      - i) The volume and type of sales, retail, wholesale, etc.
      - ii) The size and type of items sold and nature of inventory on the premises.
      - iii) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution.
      - iv) Any dangerous, hazardous, toxic, or explosive materials used in the processing.
      - v) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders).
      - vi) The type, size, and nature of buildings and structures.
      - vii) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.

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- viii) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures, and communications towers or facilities.
  - ix) The impact on adjacent lands created by the proposed use.
  - x) If requested, the applicant shall submit evidence to the UDO Administrator of the anticipated traffic, noise, light, or odor of the proposed use. Reports prepared by the applicable professional trade may be required (e.g. transportation engineer, environmental scientist, etc.).
- c) Decision by zoning administrator. A final determination on the proposed use shall be provided in writing to the applicant and subject to appeal by the Board of Adjustment.

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														CT	Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	CT		
<b>Accessory Uses (3.6)</b>																	
Accessory structure or use, nonresidential								PS	PS	PS	PS	PS	PS	PS	PS	3.6.B	
Accessory uses and structures, residential	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.C	
Home occupations, customary	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.D	
Outdoor display								PS	PS	PS	PS	PS	PS	PS	PS	3.6.E	
Outdoor seasonal sales	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.F	
Swimming pools, private	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	3.6.G	
Temporary healthcare structures	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	3.6.H	
Temporary storage container	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.I	
Trailer, temporary construction	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.J	
<b>Residential Uses (3.7)</b>																	
Dwelling, multifamily (Triplex; quadraplex; Units <= 4)							P	P				P	P		P		
Dwelling, multifamily (Units > 4)							CZ	CZ				CZ	CZ		CZ	3.7.A	
Dwelling, single-family detached	P	P	P	P	P	P	P	P		P		P	P		P		
Dwelling, two-family	P					P	P	P				P	P		P		
Family care home	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	3.7.B	
Manufactured home, on standard, single-family lot (Class AA, A, and B)						P										3.7.C	
Manufactured home (Class C)	Prohibited																
<b>Planned Unit Development (Section 3.8)</b>																	
Planned unit development, business										CZ	CZ	CZ	CZ	CZ		CZ	3.8.B

Planned development, industrial														CZ		3.8.C
Planned unit development, residential Units <= 4	PS		PS			PS	PS	PS			PS	PS	PS		PS	3.8.D
Planned unit development, residential) Units > 4	CZ		CZ			CZ	CZ	CZ			CZ	CZ	CZ			3.8.E
<b>Nonresidential Uses (Section 3.9)</b>																
Adult entertainment establishment															CZ	3.9.A
Aircraft takeoff and landing zone	Prohibited															
Animal care facility											P					
Animal care facility with outdoor area											CZ					3.9.B
Art galleries								P	P	P	P	P			P	
Auction sales									P		P					
Automotive (including motorcycles, RVs, and other consumer motor vehicles)										CZ	PS			PS		3.9.C
Bakery, retail									P	P	P					
Bakery, wholesale											P			P		
Bed and breakfast inn	CZ						CZ	CZ	CZ	CZ	CZ		CZ		CZ	3.9.E
Boat and personal water craft (PWC) sales and rental									P		P	P	P	P		
Boat repair facility											PS	PS		PS		3.9.G
Body piercing and tattoo facility											CZ					
Bus terminal									P		P					
Cemeteries, public and private														CZ		3.9.I
Commercial indoor recreation									P		P					
Commercial outdoor recreation									CZ		CZ			PS		3.9.J
Contractors offices, no outdoor storage									P		P			P		
Day nurseries, day care centers and preschools	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	CZ	CZ	PS	PS	PS	CZ	3.9.K

Drop-in child care providers	CZ	CZ	CZ	CZ		CZ	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.9.L
Drive-in/through facility											P						
Dry stack storage facilities												PS					3.9.M
Ear piercing facility											P						
Exterminator service business offices, no outdoor storage of materials or equipment									P		P				P		
Fire stations, emergency services, nonprofit	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ				CZ	<u>CZ</u>	
Funeral homes and crematoriums									P		P						
Gardens, arboretums nurseries, and greenhouses									P	P	P				P		
Government/public facilities and utilities	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.9.P
Group care/rehabilitation facility											CZ				CZ		
Laundries and dry cleaning									P	P	P						
Libraries	CZ		CZ	CZ				P	P	P	P					<u>P</u>	
Live entertainment complex									CZ		CZ						
Fishing piers; public and private									CZ								
Medical and dental clinics								P	P		P				P	<u>P</u>	
Meeting facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P				P	<u>CZ</u>	
Mixed use nonresidential-residential								PS	PS	PS	PS	PS	PS			<u>PS</u>	3.9.Q
Motels and hotels								CZ	CZ		CZ			CZ	CZ	<u>CZ</u>	
Motels and hotels, operated with a marina												CZ					
Multi-use facility								P	P	P	P	P	P	P	P	<u>P</u>	
Museums					P				P		P			P	P	<u>P</u>	
Offices, general								P	P	P	P	P	P	P	P	<u>P</u>	
Parking lot, commercial— permanent									CZ							<u>CZ</u>	3.9.R

Parking lot, town operated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	
Parking, municipal decks									P							
Parking, private decks									CZ							
Personal service establishment								CZ	P	P	P			P	<u>CZ</u>	
Pet shops and pet supply stores									P		P					
Post offices									P		P			P		
Religious institution	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		CZ				<u>CZ</u>	
Rental of golf carts, mopeds, e-bikes and scooters								PS	PS	PS	PS	PS		PS	<u>PS</u>	3.9.T
Retail sales								P	P	P	P	P		P	<u>P</u>	
Rooming house	Prohibited															
Schools, commercial for specialized training									P		P			P		
Schools, public and private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	<u>CZ</u>	
Seafood production and/or processing and/or dockage, wholesale and retail												CZ		CZ		
Shooting range														CZ		3.9.T
Shopping centers/big box								CZ	CZ	CZ	CZ	CZ	CZ	CZ	<u>CZ</u>	
Swimming pools, public	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		<u>CZ</u>	3.9.U
Tennis courts, commercial									CZ		CZ					3.9.W
Tennis courts, private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	<u>CZ</u>	3.9.W
Utilities, private	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	P	P	P	P	P	<u>CZ</u>	
Wholesale sales									P		P	P		P		
Wireless telecommunications facilities (see Division 4, Wireless Telecommunication)																
<b>Marina Uses</b>																
Boat and personal water craft (PWC) rental									PS		PS	PS	PS	PS		3.9.E
Boat and personal water craft (PWC)											PS	PS		PS		3.9.F

sales and repair facility																		
Marinas, docks and/or piers, commercial					CZ			CZ			PS					CZ		3.9.N
Marinas, docks and/or piers, public and private	P	P	P		P						P							
<b>Eating and/or drinking establishments (Section 3.10)</b>																		
Bars and taverns										CZ		CZ	CZ	CZ	CZ	CZ	<u>CZ</u>	3.10
Beer shop (On-premise)										PS	PS	PS					<u>PS</u>	3.10
Breweries										PS	PS	PS				PS	<u>PS</u>	3.10
Distillery										PS		PS				PS	<u>PS</u>	3.10
Event venue/bar										CZ		CZ					<u>CZ</u>	3.10
Ice cream stores								P	P	P	P						<u>P</u>	
Standard restaurants and eateries								P	P	P	P	P	P	P	P	P	<u>P</u>	
Wine shop (Retail/Off-on premise)										PS	PS	PS	PS				<u>PS</u>	3.10
<b>Manufacturing, Assembly, Storage, and Processing (Section 3.11)</b>																		
Beverages, bottling works																P		
Flammable liquid storage																CZ		3.11.A
Ice manufacture, sales and storage												P				P		
Manufacturing, artisan										P	P	P				P		
Manufacturing, limited												CZ				P		
Sign painting and sign fabrication												P				P		
Recreational vehicle/boat storage, yard												PS	PS			PS		3.11.B
Towing service impound yard, salvage operation												CZ				PS		3.11.B
Warehouses, mini storage, Self-service storage facility																P		
Woodworking shops																P		

(Ord. No. 24-1230, 7-9-2024; Ord. No. 25-1261, 8-12-2025)

Attachment 3 Sample of Dimensional Changes

# Standards

Current

Table 3.4 Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
MX	<b>Residential, Commercial Services, Tourism Accommodations</b>	<b>5,000</b>	<b>50</b>	<b>20</b>	<b>10</b>	<b>7.5</b>	<b>17 units/acre</b>	<b>50</b>	<b>40%</b>	<b>65%</b>

Proposed

Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
CT	<b>Commercial Services, <u>Residential</u></b>	<b>5,000</b>	<b>50</b>	<b>5</b>	<b>10</b>	<b>0</b>	<b>29 units/acre</b>	<b>50</b>	<b>60%</b>	<b>None</b>

