



**PROPOSED AGENDA
OAK ISLAND PLANNING BOARD
TUESDAY, MARCH 31, 2026 – 6:00 PM
COUNCIL CHAMBERS -- OAK ISLAND TOWN HALL**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADJUSTMENT/APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

[Approval of February 24, 2026 Planning Board meeting minutes
022426PlanningBdMinutes.pdf](#)

PUBLIC COMMENT

I. OLD BUSINESS

II. NEW BUSINESS

- II.1 [Text Amendment 26-00294](#) - Proposal to add Shopping Center greater and lesser than 30,000 sq ft enclosed floor area and Printing, Publishing, & Engraving Establishments as by-right uses in the Community Business zoning district
[Text Amendment Application.pdf](#)
[Statement of Justification - Text Amendment.docx](#)
[SECTION 6.5 TABLE OF USES AND ACTIVITIES. \(added uses\).docx.pdf](#)
- II.2 [REZONE 26-00293](#) - Request to Rezone PID 249DI001 from Commercial Recreation to Community Business Zoning District
[26-00293 - Application](#)
[Statement of Justification - Rezoning.docx](#)
[SECTION 6.5 TABLE OF USES AND ACTIVITIES.pdf](#)
- II.3 [Proposed Text Amendment to Remove Swimming Pools from Section 7.2 and Accessory Structure Definition](#)
[SECTION 7.2 ACCESSORY BUILDINGS STRUCTURES..docx](#)
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III. BOARD MEMBER REPORTS

IV. STAFF REPORTS

V. ADJOURN

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Approval of February 24, 2026 Planning Board meeting minutes
DATE: March 16, 2026
DEPARTMENT: Administration

Subject Summary: Approval of February 24, 2026 Planning Board meeting minutes is recommended.

Attachments:
[022426PlanningBdMinutes.pdf](#)

Financial Impact Statement: n/a

Legal Review: n/a

MINUTES
PLANNING BOARD
TUESDAY, FEBRUARY 24, 2026 – 6:00 PM
COUNCIL CHAMBERS – OAK ISLAND TOWN HALL

Present: Chairman David Bradley, Vice Chairman Durrall Gilbert, Board members David Purser, Gene Brooks, Reece Simmons, Kerri McCullough, Planning Manager Taylor Davis, and Deputy Town Clerk Erin Baker. Board member Barbara Textoris was unable to attend.

Chairman Bradley called the meeting to order at 6:00 PM and led the Pledge of Allegiance.

ADJUSTMENT/APPROVAL OF THE AGENDA

Mr. Brooks made a motion to excuse board member Barbara Textoris for her absence. Ms. McCullough seconded and it passed unanimously.

There were no adjustments to the agenda.

APPROVAL OF MINUTES

Vice Chairman Gilbert raised two clarifying questions regarding the January minutes before approval. First, he sought clarification on the meaning of "10 percent administrative adjustment" as discussed in the prior meeting — specifically, whether it referred to a flat 10-point reduction (e.g., 50 percent to 40 percent) or 10 percent of the agreed-upon figure. Planning Manager Taylor Davis clarified that an administrative adjustment in general practice means a flat percentage-point change, using the example of 50 percent to 40 percent, and that the concept was not specific to any single ordinance but rather a general operational allowance for staff before a matter would require Board approval.

Second, Vice Chairman Gilbert raised the question of whether eliminating parking requirements, as Town Council was considering, could constitute a "down zoning" if the Town later attempted to reinstate them. Ms. Davis confirmed that under current law it likely would, but noted the law itself could change. Vice Chair Gilbert requested that this point be formally included in staff's discussion with Town Council, as he did not believe it had been part of the prior meeting's record. He also submitted minor grammatical corrections to staff directly.

Vice Chairman Gilbert motioned to approve the January 27, 2026 Planning Board Minutes, and Mr. Brooks seconded. The motion passed unanimously.

PUBLIC COMMENT

There were no citizens who wished to comment.

I. OLD BUSINESS

I.1 Proposed Text Amendment to Section 10.19.6.1. of the Unified Development Ordinance — Sec. 10.19.6.1 – Urban Form Development Standards & Incentives – Zoning District Addition

Ms. Davis provided background, noting that at the December meeting the Board had established Urban Form Development standards and associated incentives designed to support the Streetscape Master Plan along Oak Island Drive, targeting pedestrian infrastructure, public parking, and landscaping improvements. Town Council subsequently

approved the amendment solely for the CB (Community Business) District and directed staff to return to the Board to discuss whether the incentives should be extended to other areas of Town, such as N.C. 211 or Long Beach Road.

Staff reviewed the goals of the Commercial Code Repair initiative, the Master Plan, and the Town's vision, and determined that the Urban Form Development standards were best suited for properties along Oak Island Drive. Ms. Davis explained that the Town has no current plans to improve Long Beach Road or Highway 211 with sidewalks or pedestrian infrastructure, and that the Town's placemaking initiatives are focused on Oak Island Drive. Staff recommended approval of the development standards and incentives for all Commercial and Civic zoning districts along Oak Island Drive, specifically the CB, CR, and O&I districts. On the question of why O&I was included, Ms. Davis explained it was a precautionary measure in the event a property such as a post office were to be rezoned into that district in the future.

Vice Chairman Gilbert raised the question of whether Long Beach Road fell within the Town's Greenway initiative, suggesting that any amendments applicable to that corridor would be better addressed in conjunction with the Greenway planning process rather than in advance of it, to avoid potential conflicts. Ms. Davis agreed and noted that Long Beach Road properties are designated as Gateway Commercial in the comprehensive plan — envisioned more as enclosed commercial developments accessed by car, rather than the pedestrian-oriented streetscape intended for Oak Island Drive.

Chairman Bradley then raised the question of whether commercial properties elsewhere on the island — such as the lot adjacent to the Elks Lodge and properties behind Publix — could also benefit from these incentives, noting that buildings oriented with parking in the rear could help alleviate traffic congestion on already-crowded roads. Ms. Davis responded positively, suggesting the language could be broadened to apply to commercial zoning districts on the island rather than limiting applicability to Oak Island Drive specifically. Vice Chairman Gilbert and Mr. Brooks both expressed support, noting this would be consistent with existing on-island versus off-island distinctions and could redirect pedestrian traffic and parking pressure away from Oak Island Drive.

The Board agreed to amend the heading to reference Urban Form Incentives in CB, CR, and O&I districts on the island. N.C. 211 and Long Beach Road were deliberately excluded from the amendment's scope at this time.

Vice Chairman Gilbert also referenced a public comment email from Mr. Baker, which had been sent only to Mr. Gilbert, raising a question about the maintenance of required landscaping under the 25 percent-to-15 percent impervious surface allowance. Ms. Davis confirmed that required landscaping installed as a condition of that allowance would be subject to ongoing maintenance requirements for commercial properties.

Mr. Brooks motioned to approve the text amendment to Section 10.19.6.1 of the UDO, with the modification to apply the Urban Form Development Standards and Incentives to CB, CR, and O&I districts on the island. The motion was seconded by Vice Chairman Gilbert, and it passed unanimously.

II. NEW BUSINESS

II.1 26-00097 – Proposed Text Amendment to the Unified Development Ordinance

Section(s) – 8.1.1.10.1, 7.2.2., and 7.11.1.

Section 7.2 – Accessory Structures

Section 7.11 – Swimming Pools

Section 8.1.1.10.1. – Accessory Building Placement

Ms. Davis introduced this applicant-initiated text amendment, noting that the applicant, Ross Smith of Raleigh, was unable to attend. The request sought to revise prescribed setbacks for ground-level accessory structures located in the rear of through lots. Specifically, the proposed amendments would allow ground-level structures such as in-ground swimming pools to be constructed in the rear of a through lot using the accessory structure setback (8 feet from all property lines), rather than the more restrictive front yard setback (25 feet), which currently applies to both the front and rear of through lots due to their unique dual-frontage nature.

Ms. Davis explained the core issue: through lots, which front two streets (e.g., Beach Drive and Dolphin Drive), have a front setback applied to both sides of the lot, significantly reducing the usable rear yard area. She noted that the applicant's analysis indicated that through lot owners lose approximately 18 percent more usable property than owners of standard lots. Ms. Davis also confirmed that emergency management had reviewed the proposal and raised no concerns regarding allowing ground-level accessory structures 8 feet from property lines on through lots. Vice Chairman Gilbert requested that this language be clarified to affirmatively state that emergency management had "no concerns," rather than the more passive phrasing that they "did not indicate concerns."

Board member McCullough observed that the language in Sections 7.2.2 and 8.1.1.10.1 appeared to be broadly written for building structures rather than specifically for swimming pools and questioned whether the term "ground-level accessory structure" was sufficiently defined. She noted that the Board of Adjustment had recently dealt with a complicated case involving a pickleball court built on a concrete slab nearly 3 feet high, in which the builder argued that because the slab was placed on the ground, it qualified as a "ground-level" structure even though it was elevated nearly 30 inches. The BOA had not granted the variance. Ms. McCullough and other Board members agreed that a definition for "ground-level" was needed before proceeding broadly.

Mr. Brooks cautioned that creating a new definition for a previously undefined term could have unintended consequences in other areas of the UDO. Ms. Davis acknowledged the concern and committed to reviewing how such a definition would interact with all relevant zoning districts prior to a future meeting.

Mr. Purser raised the further complexity that many existing homes on Oak Island already have in-ground pools located within what would be the rear building setback, and that Section 7.11.1 of the UDO as written could be read to allow pools to follow the accessory structure (8-foot) setback rather than the building setback, a reading that had led to inconsistent permitting in the past. Ms. Davis confirmed this inconsistency, explaining that one Zoning Planner had approved a pool within the front setback of a through lot's rear yard by reading only Section 7.11.1, without accounting for the subsequent provision in the ordinance that restricts placement on through lots to the front setback line. She noted that this inconsistency in the ordinance is what this amendment seeks to correct.

The Board discussed at length whether all three sections needed to be amended simultaneously, and whether "ground-level accessory structure" language was too broad. Consensus emerged that the cleanest approach, both to serve the applicant's specific request and to avoid creating ambiguity with other structure types, was to replace "ground-level accessory structures" with "in-ground swimming pools" in all three red-line sections. The Board agreed to table the broader question of how "ground-level" should be defined for other

structure types (e.g., pickleball courts, sheds), and to address that as a separate matter, likely in conjunction with a potential UDO rewrite.

Ms. Davis read the revised language for each of the three sections as amended:

- Section 7.2.2: "...or on through lots where in-ground swimming pools may be constructed."
- Section 7.11.1: "...except on through lots where in-ground swimming pools comply with the accessory structure setbacks of the district in the rear, meaning 8 feet."
- Section 8.1.1.10.1: "...or on through lots where in-ground swimming pools may be constructed with the prescribed setbacks of the district for accessory structures along all property lines in the rear, 8 feet."

The Board also agreed that the broader question of removing swimming pools from the definition of "accessory structure" so that each could be regulated cleanly and separately was appropriate to address in a future UDO rewrite, rather than as part of this amendment.

Vice Chairman Gilbert motioned to approve the text amendment to UDO Sections 8.1.1.10.1, 7.2.2, and 7.11.1 as revised, replacing "ground-level accessory structures" with "in-ground swimming pools" in all applicable red-line provisions, to allow in-ground swimming pools on through lots to utilize the accessory structure setback (8 feet) in the rear rather than the front setback (25 feet). Ms. McCullough seconded with Chairman Bradley, Mr. Brooks, and Mr. Simmons voting in favor of and Mr. Purser abstaining (which counts as a vote in favor). The motion passed.

III. BOARD MEMBER REPORTS

Mr. Brooks noted that a definition for "ground-level" should be brought forward at the next meeting, stating the Board should begin work on that definition before attempting any broader UDO rewrite. Ms. McCullough formally introduced herself, expressed honor at returning to service on the board, and acknowledged her colleague Mark Spicer whose seat she was filling. Mr. Simmons reflected on the inconsistency in setback enforcement for pools, recalling a variance case from approximately 10 years prior in which an above-ground pool was found to be encroaching by only inches on a setback, requiring a variance and expressing that the standard should not have changed materially since then.

IV. STAFF REPORTS

Ms. Davis reported that a job offer had been extended to a candidate for the Planner I position, and that staff hoped to bring the new hire on board soon. In response to a question from Ms. McCullough regarding the status of the Commercial Code Repair initiative, Ms. Davis described the project as slightly less than 50 percent complete. She noted that the major items: non-conforming structures, Urban Form Standards, and parking (the last of which was proceeding to Town Council in March), had been addressed. Remaining work, including development review process standards, major site plan and subdivision requirements, and stormwater checklists, would require deeper analysis. Ms. Davis indicated that a potential full UDO rewrite was under consideration, and that staff would need to coordinate with Town leadership on how to sequence remaining Commercial Code Repair work against that larger effort.

V. ADJOURN

Vice Chairman Gilbert motioned to adjourn the meeting at 7:01 PM and Mr. Purser seconded. The motion passed unanimously.

David Bradley, Chairman

Attested: _____
Erin Baker
Deputy Town Clerk

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Text Amendment 26-00294 - Proposal to add Shopping Center greater and lesser than 30,000 sq ft enclosed floor area and Printing, Publishing, & Engraving Establishments as by-right uses in the Community Business zoning district

DATE: March 24, 2026

DEPARTMENT: Development Services

Subject Summary: PROPOSAL

Parker, Poe, Adams, & Bernstein LLP, applicant, are proposing a text amendment to the Unified Development Ordinance (UDO) to include Shopping Centers greater and less than 30,000 sq ft of enclosed floor area and Printing, Publishing, & Engraving Establishments as by-right uses in the CB, Community Business zoning district.

EVALUATION

The CB zoning district is intended for commercial and service uses for the surrounding urban market area. CB zoned parcels are largely located off Oak Island Dr. near the Town's commercial hubs, the addition of the shopping centers and other retail and service uses such as printing and engraving businesses provide additional opportunity for commercial growth and sought after uses in designated commercially zoned areas of the Town.

Currently, Shopping Centers less than 30,000 sq ft of enclosed space are permitted by-right in the C-LD, Commercial Low-Density and CR, Commercial Recreation zoning districts. Shopping Centers greater than 30,000 sq ft are currently permitted by-right in the C-LD zoning district only and Printing Publishing and Engraving establishments are allowed in the C-LD and ID, Industrial District.

COMPREHENSIVE LAND USE PLAN COMPLIANCE

The proposed text amendment is supported by Objective 1.1: Strategically Update the Town's Unified Development Ordinance (UDO) to Enhance Community Health and Function when additional uses are added to the Table of Uses and Activities that spur sought after commercial development and offered services to the community. The proposal also supports Action Item 6.1.2: Encourage commercial and mixed-use development in strategic areas identified on the future land use map when additional commercial uses are encouraged in designated areas.

Attachments:

- [Text Amendment Application.pdf](#)
- [Statement of Justification - Text Amendment.docx](#)
- [SECTION 6.5 TABLE OF USES AND ACTIVITIES. \(added uses\).docx.pdf](#)

Suggested Motion: Motion to approve the proposed text amendment adding Shopping Centers greater and less

than 30,000 sq ft of enclosed floor space and printing, publishing and engraving establishments as by-right uses in the Community Business district.

Financial Impact Statement: N/A

Legal Review: N/A

TEXT AMENDMENT APPLICATION

TOWN OF OAK ISLAND
Planning Department
4601 E. Oak Island Drive
Oak Island, NC 28465



Date: January 29, 2026

Fee: \$500.00

Any application for an amendment to the Unified Development Ordinance shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the applicant and be in triplicate.

Section 1: Applicant Information.

Petitioner Name: Collier R. Marsh, Parker Poe Adams & Bernstein LLP

Mailing Address: 301 Fayetteville St #1400, Raleigh, NC 27601

Phone: (919) 835-4663

Email: colliermarsh@parkerpoe.com

Section 2: Text to be Changed.

Article/Chapter 6 Section 6.5 - Table of Uses and Activities

Allowing 'Shopping Center, less than 30,000 sq ft gross enclosed floor area'; 'Shopping Center, greater than 30,000 sq ft gross enclosed floor area'; and 'Printing, Publishing and Engraving Establishments' in the CB Zoning District

Section 3: Type of Text Change.

- a change in wording to existing Section(s)
- an addition to Section(s)
- a deletion of wording at existing Section(s)

Please attach a draft amendment containing the Section number to be amended as well as draft changes, additions, or deletions to that Section.

Section 4: Statement of Justification

Please attach a narrative that justifies the proposed amendment change and promotes the public health, safety, and general welfare.

Section 7: Applicant/Owner Signature

In filing this Text Amendment Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature: Collier Marsh

Date: 1/29/2026

Statement of Justification - Text Amendment

Collier Marsh of Parker Poe Adams & Bernstein LLP (“Applicant”), on behalf of PSM North Carolina Holdings LLC (“Owner”), submits this Statement of Justification in support of a proposed text amendment to the Oak Island Unified Development Ordinance (“UDO”). The Owner holds fee simple title to approximately 6.35 acres located at 5003 E. Oak Island Drive, Oak Island, North Carolina 28465 (“Property”).

The Property is currently zoned Community Recreation District (“CR”). Within the CR district, the UDO permits the use classified as ‘Shopping Center, less than 30,000 square feet gross enclosed floor area’ (“Shopping Center Use”). That same use is also permitted in the Commercial Low Density (“C-LD”) district but is not permitted within the Community Business (“CB”) district.

The Applicant seeks a targeted amendment to the UDO to allow both the Shopping Center Use and Printing, Publishing, and Engraving Establishments’ use by right within the CB district. This amendment is intended to accompany a rezoning of the Property to the CB district, facilitate appropriate commercial development within CB-zoned parcels, and better align permitted uses with the stated purpose and intent of the CB district.

In addition to the existing grocery store, the Property contains ancillary commercial shop space that the Owner intends to lease to a variety of small, neighborhood-serving businesses. To advance this objective, the Owner has submitted a companion rezoning request to rezone the Property from CR to CB. However, under the current UDO framework, the Shopping Center Use is not permitted within the CB district, notwithstanding that the CB district is defined as “a zone in which the use of the land is for commercial and service uses for the surrounding urban market area.” The Shopping Center Use and the Printing, Publishing, and Engraving Establishments is consistent with, and directly advance, this definition.

The proposed amendment is fully aligned with the Oak Island 2045 Charting the Course Comprehensive Land Use Plan (“2045 Plan”). The CB district is contemplated within both the Commercial Core (“CC”) and Mixed Residential Community (“MRC”) future land use designations. The Property is designated for CC future land use, which emphasizes the creation of a vibrant commercial hub, the redevelopment of underutilized properties, support for small businesses, and the enhancement of commercial vitality. Permitting the Shopping Center Use by right within the CB district directly furthers these adopted policy objectives.

Accordingly, the proposed text amendment is reasonable, consistent with the UDO, and supported by the 2045 Plan. Allowing the Shopping Center Use and Printing, Publishing and Engraving Establishments by right in the CB district will promote orderly development, encourage economic activity, and advance the public health, safety, and general welfare of the residents of the Town of Oak Island by expanding access to neighborhood-scale retail and service uses.

Dog grooming (no outdoor kennels)	—	—	—	—	—	—	P	—	P	—	—	—	—	
Engine repair, small (including motorcycle)	—	—	—	—	—	—	—	—	P	—	—	—	—	
Exercise and physical fitness centers	—	—	—	—	—	—	P	—	P	—	—	—	—	
Exterminating and pest control services	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.105
Farm, craft, produce markets	—	—	—	—	—	—	SS	SS	SS	—	—	—	SS	Section 7.41
Farm machinery/equipment sales and service	—	—	—	—	—	—	—	—	P	—	—	—	—	
Flea markets	—	—	—	—	—	—	—	—	SS	—	—	—	—	Section 7.42
Florists/garden centers	—	—	—	—	—	—	P	P	P	—	—	—	S	
Food trucks	—	—	—	—	—	—	PS	PS	PS	—	PS	—	—	Section 7.43
Funeral home	—	—	—	—	—	—	—	—	P	—	—	—	—	
Furniture store	—	—	—	—	—	—	P	—	P	—	—	—	S	
Gas sales operations	—	—	—	—	—	—	PS	—	PS	—	—	—	SS	Section 7.33
Golf cart and low speed vehicles sales and rentals	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.55
Health spa	—	—	—	—	—	—	P	P	P	—	—	—	—	
Hotels and motels	—	—	—	—	—	—	SS	SS	P	—	—	—	—	Section 7.106
Kennels	—	—	—	—	—	—	PS	—	PS	—	—	—	—	Section 7.107
Laundromat	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.108
Manufactured home sales/modular home sales	—	—	—	—	—	—	—	—	P	—	—	—	—	
Microbrewery	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.40
Museums	—	—	—	—	—	—	P	—	P	—	—	—	—	
Music studio	—	—	—	—	—	—	—	—	P	—	—	—	—	
Night clubs and social clubs	—	—	—	—	—	—	SS	SS	SS	—	—	—	—	Section 7.87
Nursing home	SS	SS	SS	SS	—	—	—	—	PS	—	—	—	—	Section 7.88
Outdoor sales and displays (principal use)	—	—	—	—	—	—	SS	SS	SS	—	—	—	—	Section 7.44
Outdoor sales and displays (accessory use)	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.44
Printing, publishing, and engraving establishments	—	—	—	—	—	—	P	—	P	—	—	P	—	
Private postal shipping and receiving	—	—	—	—	—	—	P	—	P	—	—	—	—	
Publicly owned parking lots (independent)*	PS	PS	PS	PS	PS	PS	P	P	—	P	P	—	—	Section 7.85
Radio and TV stations/studios	—	—	—	—	—	—	—	—	P	—	—	—	—	
Rental of goods, merchandise, and equipment (no outside storage or display of goods)	—	—	—	—	—	—	P	—	P	—	P	—	—	

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(Supp. No. 67)

Rental of goods, merchandise, and equipment (with outside storage and display of goods)	—	—	—	—	—	—	—	—	PS	—	PS	—	—	Section 7.44
Rental of recreation equipment	—	—	—	—	—	—	P	P	P	—	P	—	—	
Retail services not otherwise listed	—	—	—	—	—	—	P	P	P	—	P	—	—	
Restaurants without drive thru services	—	—	—	—	—	—	P	P	P	—	—	—	—	
Restaurants with drive thru services	—	—	—	—	—	—	SS		PS	—	—	—	—	Section 7.90
Seafood processing, packing, and sales	—	—	—	—	—	—	—	—	PS	—	—	PS	—	Section 7.45
Sexually oriented businesses	—	—	—	—	—	—	—	—	—	—	—	PS	—	Section 7.46
Shopping center, less than 30,000 sq. ft. gross enclosed floor area	—	—	—	—	—	—	P	P	P	—	—	—	—	
Shopping center, greater than 30,000 sq. ft. gross enclosed floor area	—	—	—	—	—	—	P	—	P	—	—	—	—	
Tattoo/body piercing parlors	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.47
Theater housed in a permanent indoor structure	—	—	—	—	—	—	P	—	P	—	—	—	—	
Towing, automobile and truck	—	—	—	—	—	—	—	—	P	—	—	P	—	
Travel agencies	—	—	—	—	—	—	P	—	P	—	—	—	—	
Truck stop	—	—	—	—	—	—	—	—	SS	—	—	P	—	Section 7.91
Truck terminals	—	—	—	—	—	—	—	—		—	—	P	—	
Truck wash	—	—	—	—	—	—	—	—		—	—	P	—	
Upholstery—Furniture repair	—	—	—	—	—	—	—	—	P	—	—	—	—	
Vendors	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.48
Vessel (boat) for hire	—	—	—	—	—	—	P	P		—	—	—	—	
Veterinarian, animal clinic, no outside kennel	—	—	—	—	—	—	SS	—	P	—	—	—	—	Section 7.92
Veterinarian, animal clinic, outside kennel	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.49
Watercraft and recreational vehicle sales	—	—	—	—	—	—	PS	—	PS	—	—	—	—	Section 7.32
TRANSPORTATION														
Airports and related uses	—	—	—	—	—	—	—	—	PS	—	P	—	—	Section 7.59
Bus terminal	—	—	—	—	—	—	—	—	P	—	—	—	—	
Taxi stands	—	—	—	—	—	—	SS	—	P	—	—	—	—	
WHOLESALE SALES AND WAREHOUSING														
Agricultural product warehousing	—	—	—	—	—	—	—	—		—	—	P	—	
Self-service storage facility	—	—	—	—	—	—	—	—	P	—	—	—	—	

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: REZONE 26-00293 - Request to Rezone PID 249DI001
from Commercial Recreation to Community Business
Zoning District

DATE: March 23, 2026

DEPARTMENT: Development Services

Subject Summary: REZONING PROPOSAL

Marsh, Parker, Poe, Adams & Bernstein LLP, applicant, on behalf of PSM North Carolina Holdings LLC, owner, is requesting approval of a General Use Zoning Map Amendment to rezone an approximately 6.35-acre parcel from the CR, Commercial Recreation, zoning district to the CB, Community Business, zoning district. If approved, all uses allowed by-right or by Special Use Permit in the CB zoning district may be permitted on the subject parcel.

LOCATION

The subject property is located between SE 50th Street and SE 52nd Street and fronts both Oak Island Drive and E Pelican Drive. The parcel may be further identified by Brunswick County PIN 206508992957.

COMMUNITY BUSINESS ZONING DISTRICT

The CB business district is established as a zone in which the use of the land is for commercial and service uses for the surrounding urban market area.

DIMENSIONAL STANDARDS

With a general use rezoning the standard setbacks of the CB zoning district as found in Section 8.1 of the UDO apply.

ALLOWABLE USES

As this is a general use rezoning, all by-right uses in the CB zoning district or those allowable by Special Use Permit as identified in the Table of Uses and Activities found in Section 6.5 of the Oak Island Unified Development Ordinance shall be permitted (a list of all uses are included as Attachment 1). There are only two residential uses permitted in the CB zoning district, Dwelling Attached to a Business and Temporary Emergency, Construction, and Repair Residences. And approximately \approx 67 commercial uses including offices, bars, gyms, retail, and recreation equipment rental. The property currently contains a shopping center with grocery store and food service uses.

CHARACTERISTICS OF THE SURROUNDING AREA

The subject property is immediately adjacent to CB zoning to the north, east, and west as well as CR on the south and west sides and R-6 on the eastern side.

COMPREHENSIVE LAND USE PLAN COMPLIANCE

The subject property is located within the Commercial Core future land use category as shown on the Future Land Use Map (FLUM) within the Town of Oak Island Comprehensive CAMA Land Use Plan Update. The Commercial Core is intended for areas designated as commercial hubs. Desired uses include upper floor multi-family housing, retail, restaurants, offices, and public gathering spaces. Single-family and uses not conducive to a compact, pedestrian-oriented commercial node of Town are discouraged. Commercial Core is further characterized as areas having access to public/private utilities such as those located on the island. The rezoning to CB is supported by the Commercial Core future land use category, as the desired uses like office and restaurants are permitted by-right within the zoning district along with the subject property's established retail use. A rezoning to CB allows for more sought after uses in the commercial core area that are not permitted under the current CR zoning such as offices. The proposal was found to be consistent with Objective 6.2: Revitalize Oak Island Drive's Commercial Corridor, specifically, Action Item 6.2.2. Continue to monitor the permitted use table to ensure uses listed are reflective of development trends and community needs...are permitted within the town's commercial core. The Rezoning to CB supports the community's when sought after uses are permitted to enter commercial spaces not previously available.

REZONING PROCEDURES

4.6.3. Action by the Planning Board.

Prior to consideration by the Town Council of the proposed zoning amendment, the Planning Board shall advise and comment on whether the proposed text amendment or map amendment is consistent with any comprehensive plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council. In its deliberations, the Planning Board shall provide the public an opportunity to comment on consistency with the comprehensive plan pursuant to G.S. 160D-604. The Planning Board may consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency.

RECOMMENDATION

Planning Staff is submitting the proposed Zoning Map Amendment for Planning Board recommendation. The proposal is supported by at least three objectives of the Comprehensive Land Use Plan. Based on the information and evaluation provided in this report, Staff recommends the approval of the proposed Zoning Map Amendment as the proposed commercial zoning is conducive to the subject parcel's surroundings and its location along the island's main thoroughfare and existing commercial use.

Attachments:

[26-00293 - Application](#)

[Statement of Justification - Rezoning.docx](#)

[SECTION 6.5 TABLE OF USES AND ACTIVITIES.pdf](#)

Suggested Motion: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with Objective 6.2 of the Town of Oak Island Comprehensive CAMA Land Use Plan Update.

Financial Impact Statement: N/A

Legal Review: N/A

REZONING APPLICATION

TOWN OF OAK ISLAND
Planning Department
4601 E. Oak Island Drive
Oak Island, NC 28465



Date: _____

Fee: _____

Area proposed for rezoning/ project title: _____

Current Zoning: _____

Proposed Zoning: _____

Any application for an amendment to the zoning map shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the property owner or the property owner's agent and be in triplicate. (Sec. 18-335).

Process

This is a legislative decision, if there is a conflict of interest (being a financial interest) a board member may not vote but is allowed to participate in the discussion. Conditions cannot be placed on a rezoning decision. Spot zoning is determined and avoided if identified. A Plan Consistency Statement will be provided by staff and signed by the Town for every rezoning hearing at each board meeting. The application first goes to the Planning Board for recommendation and then to Council for final approval. Notification letters are required to be sent to all the adjacent property owners. A sign has to be placed no less than ten (10) or more than twenty-five (25) days before the hearing date. After the final vote, a zoning decision will be delivered (via email, personal delivery or first class mail) to the applicant.

The Planning Board and Town Council may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements (if applicable), environmental impact, site limitations, and consistency with plans and prior decisions. The Board cannot consider ethnicity, income, affordable housing, owner versus renter housing, or who the owner is when deciding.

Section 1: Applicant Information

Petitioner Name: _____

Mailing Address:

Phone: _____

Email: _____

Section 2: Property Owner Information (if different than above)

Owner Name(s): _____

Mailing Address:

Phone: _____ Email: _____

Section 3: Property Information

Street Address and/or Description of Location:

Parcel ID #(s): _____

Total Site Acres or Square Feet: _____

Current Zoning District(s): _____

Proposed Zoning District(s): _____

Section 4: Diagram

If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions and north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all existing structures on the property.
4. The existing land uses associated with the property.
5. The zoning classification of all abutting zoning districts.
6. A list of all abutting property owners.

Section 5: Statement of Justification

Future Land Use Map Designation: _____

Is the proposed zoning consistent with the Land Use Plan? (Please Circle One): Yes No

Please describe the changing conditions in the area or in the town generally that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary). **Note: The Oak Island Land Use Plan and all maps can be found online at <http://www.oakislandnc.com/General-Info.aspx>*

Each rezoning applied for will required the submission of an impact analysis statement. The Planning & Zoning Administrator may waive this requirement for certain rezoning requests such as small areas of land which will negligible impacts.

The applicant's impact analysis may use differnt methods and formats and in many cases should be prepared by a professional. The applicant should discuss the impact statement content and format with the planning staff. In general, issues such as site suitability, surrouding properties, traffic, environment, and economic considertation should be addressed.

Section 6: Applicant/Owner Signature

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature: 

Date: ___1/29/2026_____

Statement of Justification - Rezoning Application

Collier Marsh of Parker Poe Adams & Bernstein LLP (“Applicant”), on behalf of PSM North Carolina Holdings LLC (“Owner”), submits this Statement of Justification in support of a proposed rezoning according to Section 4.6 of the Oak Island Unified Development Ordinance (“UDO”). The Owner holds fee simple title to approximately 6.35 acres located at 5003 E. Oak Island Drive, Oak Island, North Carolina 28465 (“Property”).

The Property is currently zoned Community Recreation District (“CR”) and allows for the use classified as ‘Shopping Center, less than 30,000 square feet gross enclosed floor area’ (“Shopping Center Use”). In addition to the existing grocery store, the Property contains ancillary commercial shop space that the Owner intends to lease to a variety of small, neighborhood-serving businesses. In the interest of expanding the uses that can be potential lessees, the Owner desires to rezone the Property to the Community Business (“CB”) district.

Simultaneously, the Applicant will be applying for a text amendment because the Shopping Center Use is not permitted in the proposed CB district.

The proposed rezoning is fully aligned with the Oak Island 2045 Charting the Course Comprehensive Land Use Plan (“2045 Plan”). The CB district is contemplated within the Commercial Core (“CC”), which The Property is designated as for CC future land use, which emphasizes the creation of a vibrant commercial hub, the redevelopment of underutilized properties, support for small businesses, and the enhancement of commercial vitality. Permitting the Property to be rezoned to the CB district directly furthers these adopted policy objectives.

Accordingly, the proposed rezoning is reasonable, consistent with the UDO, and supported by the 2045 Plan. Allowing the transition to the CB district will promote orderly development, encourage economic activity, and advance the public health, safety, and general welfare of the residents of the Town of Oak Island by expanding access to neighborhood-scale retail and service uses.

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

- P - Permitted Use
- PS - Permitted Use with Supplemental Regulations
- S - Special Use
- SS - Special Use with Supplemental Regulations
- - Not Permitted

	Residential						Commercial			Conservation	Industrial		Overlay District	Supplemental Regulations	
	Primary Zoning Districts														
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	CB	CR	C-LD	OS	AD	ID	PCO		
ACCESSORY USES/BUILDINGS															
Accessory buildings/structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	PS	—	Section 7.2	
Docks, gazebos, bulkheads, living shorelines, and piers	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	Section 7.5	
Home occupations	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	—	Section 7.7	
Retaining walls	PS	PS	PS	PS	PS	PS	PS	PS	PS	SS	PS	PS	PS	Section 7.8	
Satellite dish antennas	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	SS	—	—	Section 7.9	
Solar energy generating facility, accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	PS	PS	—	Section 7.10	
Temporary storage facility (portable storage units)	PS	PS	PS	PS		PS	—	PS	PS	—	PS	PS	—	Section 7.12	
Walls and fences	PS	PS	PS	PS	PS	PS	PS	PS	PS	SS	PS	PS	PS	Section 7.57	
Wind energy generating facility, accessory	—	—	—	—	—	—	SS	SS	SS	—	SS	SS	—	Section 7.13	
EDUCATIONAL															
Colleges, universities, community colleges	—	—	—	—	—	—		—	SS	—	—	—	—	Section 7.64	
Libraries, public	P	P	P	P	P	P	P	—	P	—	—	—	—		
Libraries, private	PS	PS	PS	PS	PS	PS	P	—	P	—	—	—	—	Section 7.65	
Schools, K-12	S	S	S	S	S	S	—	—	PS	—	—	—	—	Section 7.66	
School, trade or vocational	—	—	—	—	—	—		—	PS	—	—	P	—	Section 7.67	
INSTITUTIONAL															
Cemetery	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.14	
Religious Institution	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	—	—	Section 7.15	

Community or municipal sewage and water treatment plants	SS	SS	SS	SS	SS	SS	SS	SS	SS	—	SS	P	—	Section 7.68
Country clubs	SS	SS	—	—	—	—	—	—	—	—	—	—	—	Section 7.69
Crematorium	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.16
Fire stations	SS	SS	SS	SS	SS	SS	P	P	P	PS	P	P	—	Section 7.70
Government buildings/offices	SS	—	—	—	—	—	P	P	P	—	P	P	—	Section 7.97
Governmental postal processing facilities	SS	—	—	—	—	—	P	P	P	—	—	P	—	Section 7.71
Hospitals	—	—	—	—	—	—	—	—	P	—	—	—	—	
Clinics, and other medical treatment facilities	—	—	—	—	—	—	P	—	P	—	—	—	—	
Military reserve, national guard centers	—	—	—	—	—	—	—	—	—	—	P	P	—	
Non-profit clubs or lodges	—	—	—	SS	—	—	PS	PS	PS	—	—	—	—	Section 7.60
Penal & correctional facilities	—	—	—	—	—	—	—	—	—	—	—	SS	—	Section 7.72
Private clubs or lodges	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.17
Public or private utility towers, substations, pumping stations and storage tanks	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	—	Section 7.18
Recycling center	—	—	—	—	—	—	—	—	—	—	—	P	—	
Special events	—	—	—	—	—	—	P	P	P	P	P	—	—	
Utility company (no open-air storage)	—	—	—	—	—	—	P	—	—	—	—	P	—	
MANUFACTURING AND INDUSTRIAL														
Artisan's workshop (3,000 square feet or less)	—	—	—	—	—	—	PS	PS	—	—	—	—	—	Section 7.19
Artisan's workshop (exceeding 3,000 square feet)	—	—	—	—	—	—	SS	—	—	—	—	PS	—	Section 7.19
Building materials sales and storage yards	—	—	—	—	—	—	—	—	P	—	—	P	—	
Cabinet and woodworking establishments	—	—	—	—	—	—	—	—	P	—	—	P	—	
Cold storage plant	—	—	—	—	—	—	—	—	—	—	—	P	—	
Industrial laundries	—	—	—	—	—	—	P	—	P	—	—	P	—	
Fertilizer sales	—	—	—	—	—	—	—	—	—	—	—	P	—	
Laboratories for research and testing	—	—	—	—	—	—	—	—	PS	—	—	PS	—	Section 7.73
Manufacturing, light	—	—	—	—	—	—	—	—	—	—	PS	—	—	Section 7.62
Manufacturing, heavy	—	—	—	—	—	—	—	—	—	—	SS	—	—	Section 7.63

Mining or quarrying operations, including on-site sales of products	—	—	—	—	—	—	—	—	—	—	—	—	P	—	Section 7.98	
Petroleum bulk storage	—	—	—	—	—	—	—	—	—	—	—	—	PS	—	Section 7.20.2	
Reclamation landfill	—	—	—	—	—	—	—	—	—	—	—	—	P	—		
Recycling processing centers	—	—	—	—	—	—	—	—	—	—	—	—	SS	—	Section 7.99	
OFFICES, PROFESSIONAL AND SERVICES																
Contractors offices and equipment storage	—	—	—	—	—	—	—	SS	—	PS	—	—	—	PS	—	Section 7.21
Offices								P		P						
RECREATIONAL																
Automobile and motorcycle racing track	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Recreational campgrounds and RV parks	—	—	—	—	—	—	—	—	PS	PS	—	—	—	—	—	Section 7.23
Coliseums, stadiums designed to accommodate more than 1,000 people	—	—	—	—	—	—	—	—	—	PS	—	—	—	—	—	Section 7.74
Commercial recreation facility, indoor	—	—	—	—	—	—	—	PS	PS	PS	—	—	PS	—	—	Section 7.103
Commercial recreation facility, outdoor	—	—	—	—	—	—	—	SS	SS	PS	—	—	SS	—	—	Section 7.102
Community centers	SS	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	—	Section 7.75
Golf courses	SS	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Section 7.76
Gun range, closed air	—	—	—	—	—	—	—	—	—	PS	—	—	—	—	—	Section 7.24
Gun range, open air	—	—	—	—	—	—	—	—	—	—	—	—	—	SS	—	Section 7.24
Marinas/boatominium	—	—	—	—	—	—	—	—	PS	PS	—	—	—	—	—	Section 7.25
Movie theaters	—	—	—	—	—	—	—	P	—	P	—	—	—	—	—	
Public recreation facility, indoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	Section 7.101
Public recreation facility, outdoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	Section 7.100
RESIDENTIAL																
Multi-unit assisted living with services	PS	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	—	—	Section 7.77
Dwelling, garage apartment (as accessory)	—	—	—	—	SS	—	—	—	—	—	—	—	—	—	—	Section 7.78
Dwelling, manufactured home Class A (on a single lot)	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	
Dwelling, multi-family	—	—	—	—	SS	—	—	—	—	—	—	—	—	—	—	Section 7.79
Dwelling, attached to a business	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	—	—	
Dwelling, single-family (small)	P	P	P	P	P	P	—	—	P	P	—	—	—	—	—	
Dwelling, single-family (large)	SS	SS	SS	SS	SS	SS	—	—	SS	SS	—	—	—	—	—	Section 7.27
Dwelling, single-family (mainland)	P	P	P	P	P	P	—	—	—	P	—	—	—	—	—	
Dwelling, three-family apartments	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—	

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Dwelling, townhouse development	—	—	—	—	SS	—	—	—	SS	—	—	—	—	Section 7.81
Dwelling, two-family (duplex)			P		P		—	—	—	—	—	—	—	
Family care home	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	—	Section 7.28
Family child care home	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	—	Section 7.4.2
Family foster home	P	P	P	P	P	P	—	—	—	—	—	—	—	
Floating homes	—	—	—	—	—	—	—	SS	—	—	—	—	—	Section 7.104
Manufactured housing parks	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.29
Residential child-care facility	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	—	Section 7.82
Temporary emergency, construction, and repair residences	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Section 7.30
Tiny houses	—	—	—	—	—	PS	—	—	—	—	—	—	—	Section 7.31
RETAIL SALES AND SERVICES														
Auction halls	—	—	—	—	—	—	—	—	P	—	—	—	—	
Audio/video production facilities	—	—	—	—	—	—	SS	—	P	—	—	—	—	Section 7.83
Automobile parking garages or parking lots (independent)	—	—	—	—	—	—	P	—	PS	—	—	—	—	Section 7.84
Automobile parts and accessories	—	—	—	—	—	—	—	—	P	—	—	—	—	
Automobile repair shop or body shop	—	—	—	—	—	—	—	—	P	—	—	P	—	
Automobile sales and service	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.32
Automobile service stations	—	—	—	—	—	—	PS	—	PS	—	—	—	—	Section 7.33
Automobile window tinting, stereo or rim installation	—	—	—	—	—	—	—	—	P	—	—	—	—	
Bars	—	—	—	—	—	—	P	—	P	—	—	—	—	
Battery charging station	—	—	—	—	—	—	SS	—	SS	—	—	—	—	Section 7.34
Battery exchange station	—	—	—	—	—	—	—	—	SS	—	—	—	—	Section 7.34
Bed & breakfast	—	—	PS	—	SS	—	—	PS	—	—	—	—	—	Section 7.35
Car wash	—	—	—	—	—	—	SS	—	PS	—	—	—	—	Section 7.86
Child care center	—	—	—	—	SS	SS	SS	—	SS	—	—	—	—	Section 7.4.1
Coffee shop, no food prepared on site	—	—	—	—	—	—	P	—	P	—	—	—	—	
Commercial greenhouse or nursery	—	—	—	—	—	—	—	—	P	—	—	—	—	
Commercial piers	—	—	—	—	—	—	—	PS	—	—	—	—	—	Section 7.36
Mixed use	—	—	—	—	—	—	SS	SS	SS	—	—	—	—	Section 7.56
Convenience stores	—	—	—	—	—	—	PS	—	PS	—	—	—	—	Section 7.38
Daycare facility, adult	—	—	—	—	—	—	SS	—	SS	—	—	—	—	Section 7.39
Distilleries	—	—	—	—	—	—	—	—	PS	—	—	PS	—	Section 7.40

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Dog grooming (no outdoor kennels)	—	—	—	—	—	—	P	—	P	—	—	—	—	
Engine repair, small (including motorcycle)	—	—	—	—	—	—	—	—	P	—	—	—	—	
Exercise and physical fitness centers	—	—	—	—	—	—	P	—	P	—	—	—	—	
Exterminating and pest control services	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.105
Farm, craft, produce markets	—	—	—	—	—	—	SS	SS	SS	—	—	—	SS	Section 7.41
Farm machinery/equipment sales and service	—	—	—	—	—	—	—	—	P	—	—	—	—	
Flea markets	—	—	—	—	—	—	—	—	SS	—	—	—	—	Section 7.42
Florists/garden centers	—	—	—	—	—	—	P	P	P	—	—	—	S	
Food trucks	—	—	—	—	—	—	PS	PS	PS	—	PS	—	—	Section 7.43
Funeral home	—	—	—	—	—	—	—	—	P	—	—	—	—	
Furniture store	—	—	—	—	—	—	P	—	P	—	—	—	S	
Gas sales operations	—	—	—	—	—	—	PS	—	PS	—	—	—	SS	Section 7.33
Golf cart and low speed vehicles sales and rentals	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.55
Health spa	—	—	—	—	—	—	P	P	P	—	—	—	—	
Hotels and motels	—	—	—	—	—	—	SS	SS	P	—	—	—	—	Section 7.106
Kennels	—	—	—	—	—	—	PS	—	PS	—	—	—	—	Section 7.107
Laundromat	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.108
Manufactured home sales/modular home sales	—	—	—	—	—	—	—	—	P	—	—	—	—	
Microbrewery	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.40
Museums	—	—	—	—	—	—	P	—	P	—	—	—	—	
Music studio	—	—	—	—	—	—	—	—	P	—	—	—	—	
Night clubs and social clubs	—	—	—	—	—	—	SS	SS	SS	—	—	—	—	Section 7.87
Nursing home	SS	SS	SS	SS	—	—	—	—	PS	—	—	—	—	Section 7.88
Outdoor sales and displays (principal use)	—	—	—	—	—	—	SS	SS	SS	—	—	—	—	Section 7.44
Outdoor sales and displays (accessory use)	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.44
Printing, publishing, and engraving establishments	—	—	—	—	—	—	—	—	P	—	—	P	—	
Private postal shipping and receiving	—	—	—	—	—	—	P	—	P	—	—	—	—	
Publicly owned parking lots (independent)*	PS	PS	PS	PS	PS	PS	P	P	—	P	P	—	—	Section 7.85
Radio and TV stations/studios	—	—	—	—	—	—	—	—	P	—	—	—	—	
Rental of goods, merchandise, and equipment (no outside storage or display of goods)	—	—	—	—	—	—	P	—	P	—	P	—	—	

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Rental of goods, merchandise, and equipment (with outside storage and display of goods)	—	—	—	—	—	—	—	—	PS	—	PS	—	—	Section 7.44
Rental of recreation equipment	—	—	—	—	—	—	P	P	P	—	P	—	—	
Retail services not otherwise listed	—	—	—	—	—	—	P	P	P	—	P	—	—	
Restaurants without drive thru services	—	—	—	—	—	—	P	P	P	—	—	—	—	
Restaurants with drive thru services	—	—	—	—	—	—	SS		PS	—	—	—	—	Section 7.90
Seafood processing, packing, and sales	—	—	—	—	—	—	—	—	PS	—	—	PS	—	Section 7.45
Sexually oriented businesses	—	—	—	—	—	—	—	—	—	—	—	PS	—	Section 7.46
Shopping center, less than 30,000 sq. ft. gross enclosed floor area	—	—	—	—	—	—	—	P	P	—	—	—	—	
Shopping center, greater than 30,000 sq. ft. gross enclosed floor area	—	—	—	—	—	—	—	—	P	—	—	—	—	
Tattoo/body piercing parlors	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.47
Theater housed in a permanent indoor structure	—	—	—	—	—	—	P	—	P	—	—	—	—	
Towing, automobile and truck	—	—	—	—	—	—	—	—	P	—	—	P	—	
Travel agencies	—	—	—	—	—	—	P	—	P	—	—	—	—	
Truck stop	—	—	—	—	—	—	—	—	SS	—	—	P	—	Section 7.91
Truck terminals	—	—	—	—	—	—	—	—		—	—	P	—	
Truck wash	—	—	—	—	—	—	—	—		—	—	P	—	
Upholstery—Furniture repair	—	—	—	—	—	—	—	—	P	—	—	—	—	
Vendors	—	—	—	—	—	—	PS	PS	PS	—	—	—	—	Section 7.48
Vessel (boat) for hire	—	—	—	—	—	—	P	P		—	—	—	—	
Veterinarian, animal clinic, no outside kennel	—	—	—	—	—	—	SS	—	P	—	—	—	—	Section 7.92
Veterinarian, animal clinic, outside kennel	—	—	—	—	—	—	—	—	PS	—	—	—	—	Section 7.49
Watercraft and recreational vehicle sales	—	—	—	—	—	—	PS	—	PS	—	—	—	—	Section 7.32
TRANSPORTATION														
Airports and related uses	—	—	—	—	—	—	—	—	PS	—	P	—	—	Section 7.59
Bus terminal	—	—	—	—	—	—	—	—	P	—	—	—	—	
Taxi stands	—	—	—	—	—	—	SS	—	P	—	—	—	—	
WHOLESALE SALES AND WAREHOUSING														
Agricultural product warehousing	—	—	—	—	—	—	—	—		—	—	P	—	
Self-service storage facility	—	—	—	—	—	—	—	—	P	—	—	—	—	

Salvage yards, junkyards, automobile graveyards	—	—	—	—	—	—	—	—	—	—	—	P	—	
Storage of goods not related to the sale or use of those goods on the same lot where they are stored	—	—	—	—	—	—	—	—	—	—	—	P	—	
Warehouses	—	—	—	—	—	—	—	—	—	—	—	P	—	
Wholesale sales	—	—	—	—	—	—	—	—	SS	—	—	P	—	Section 7.94
OTHER USES														
Agriculturally-related business	—	—	—	—	—	—	—	—	SS	—	—	—	—	Section 7.96
Community gardens	P	P	P	P	P	P	P	P	P	P				
Solar farm	—	—	—	—	—	—	—	—		—	—	PS	—	Section 7.51
Storage inside completely enclosed structure	—	—	—	—	—	—	—	—	P	—	P	P	—	
Storage outside completely enclosed structure	—	—	—	—	—	—	—	—	SS	—	SS	P	—	Section 7.96
Trash and garbage disposal facilities	—	—	—	—	—	—	—	—		—	—	P	—	
Temporary uses/sales	—	—	—	—	—	—	SS	—	SS	—	—		—	Section 7.52
Wind farm	—	—	—	—	—	—	—	—		—	—	PS	—	Section 7.53
Wireless communication facilities, 50' tall or less	SS	SS	SS	SS	SS	SS	SS	SS	SS	—	SS	SS	—	Section 7.54
Wireless communication facilities, more than 50' tall	—	—	—	—	—	—	—	—	—	—	—	PS	—	Section 7.54
Yard sales	PS	PS	PS	PS	PS	PS	—	PS	PS	—	—		—	Section 7.48

(Ord. of 10-9-2018; Amend. of 4-9-2019; Amend. of 8-11-2020(2); Amend. of 10-13-2020(2); Amend. of 1-29-2021(1); Amend. of 2-9-2021(2); Amend. of 6-8-2021(10); Amend. of 8-10-2021; Amend. of 7-12-2022(3); Amend. of 4-11-2023(2); Amend. of 9-10-2024(3); Amend. of 3-11-2025(2))

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Proposed Text Amendment to Remove Swimming Pools from Section 7.2 and Accessory Structure Definition
DATE: March 24, 2026
DEPARTMENT: Development Services

Subject Summary: BACKGROUND

At the February Planning Board regular meeting the Board requested Section 7.2 for Accessory Structures within the Supplemental Regulations be brought before the Board to remove Swimming Pools from this section; Swimming Pools and their applicable regulations are described in Section 7.11.

PROPOSAL

The proposed text amendment looks to remove the section on swimming pools from Section 7.2 for Accessory Structures.

The proposal also removes "swimming pools" from the Accessory Structure definition in Appendix A of the Unified Development Ordinance (UDO).

Swimming pools are described and regulated in Section 7.11 of the Supplemental Regulations.

The amendment serves to reduce ambiguity in the interpretation of the ordinance and improve clarity and ease of use for users.

COMPREHENSIVE LAND USE PLAN COMPLIANCE

The proposed text amendment supports Objective 1.1: Strategically Update the Town’s Unified Development Ordinance (UDO) to Enhance Community Health and Function when the ordinance is adjusted to better meet the needs of its users.

Attachments:

- [SECTION 7.2 ACCESSORY BUILDINGS STRUCTURES..docx](#)
- [Accessory Structure Definition.pdf](#)

Suggested Motion: Motion to approve the text amendment to remove swimming pools from Section 7.2 and the definition of accessory structures in Appendix A of the Unified Development Ordinance.

Financial Impact Statement: N/A

Legal Review: N/A

SECTION 7.2 ACCESSORY BUILDINGS/STRUCTURES.

7.2.1. Accessory buildings/structures with all dimensions 12 feet or less are exempt from detailed plans, specifications, and certified survey submittal. Zoning permits and inspections of tie downs and setbacks are still required.

7.2.2. Accessory buildings shall not extend beyond the front edge of the principal building or beyond the minimum front building line, whichever is greater, except on flag lots, where pools may be allowed beyond the front edge of the principal building on the water side.

7.2.3. Accessory buildings and uses shall not encroach into any utility easement.

7.2.4. No parcel may contain more than two accessory buildings, unless the property is greater than three quarters of an acre then an additional accessory structure up to four is permitted.

7.2.5. Only two accessory structures are permitted to be side-by-side and any third or fourth accessory structure shall be a minimum of 15 feet from any other accessory structures.

7.2.6. The combined square footage of the accessory buildings shall not exceed ten percent of the total lot area.

7.2.7. The maximum building height shall be 20 feet or not higher than the height of the principal structure, whichever is less.

7.2.8. *Swimming Pools.* All public, commercial, or private outdoor swimming pools of three feet or more in depth, either aboveground or belowground, and of either permanent or temporary construction, shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

7.2.8.1. The setback for a swimming pool from any lot line shall equal the required setback for accessory structures in the district in which it is located, plus one foot for each foot over five feet of pool depth. Swimming pools are not allowed in the required front yard area.

7.2.8.2. A fence, being an enclosing structure of rails, pickets, wires or the like, shall be erected to a minimum height of four feet and a maximum height of six feet, to completely enclose all sides of the pool not bounded by a building. A gate of equal height with a locking mechanism shall be installed and securely fastened when the pool is not in use.

7.2.8.3. Fencing surrounding swimming pools shall be designed so as to minimize the possibility of unauthorized or unwary persons from entering the pool area. In the case of a semi-open (such as chainlink) fence, the open space between each section of fencing material shall be no larger than 16 square inches. The fence or privacy wall may be constructed of wood, masonry or similar materials or by a chainlink or similar fencing with natural screening, provided that it complies with the requirements of the location of accessory buildings in the district in which it is located. This section shall also apply to day care centers having swimming pools with a depth of 18 inches or more.

7.2.8.4. All mechanical equipment associated with pool maintenance shall be located a minimum of four feet from any property line.

7.2.8.5. All floodlights shall be shielded from adjacent properties to reduce offensive glare.

(Ord. of 10-9-2018; Amend. of 8-11-2020(2); Amend. of 3-11-2025(1))

Accessory structure

A structure detached from the principal structure on the same property and customarily incidental and subordinate to the principal structure or use. An accessory structure includes garages, carports, **swimming pools**, pool houses, greenhouses, gazebos, pergolas, detached solar panels and storage sheds, and other urban accessory structures. Dog houses, tree houses, grade level walkways, and sheds equal to or less than 12 by 12 by 12 feet are not required to have a survey.