



Text Amendment to Article 3. Sec. 3.20 – Fence Height Exception for Commercial Pools

Applicant: Pleasure Island Holdings, LLC

Town Council Meeting
July 8th, 2025

Background

- Applicant: Pleasure Island Holdings, LLC.
- Reason for the proposed text amendment:
 - The applicant is pursuing this text amendment because they would like to allow some flexibility for fencing located in a front setback that is required for a commercial pool.
 - Town Ordinance:
 - Fencing located within the front setback be no taller than 48” the
 - NC Building Code:
 - Pool fencing be at least 48”
 - It can be difficult to install a prefabricated fence that meets the 48” height requirement.





Proposed Text Amendment

- The proposed text amendment provides an exception to the 4' fence height requirements for fencing located within a front setback.
- The text amendment consists of the following changes:

2. ~~With the exception of fences located in the industrial zoning district,~~ no fence shall exceed six (6) feet in height. except for fences located in the industrial zoning district.
3. No fence shall exceed four (4) feet in height when located in the front yard setback. except for fencing required for nonconforming commercial pools located within a front setback which shall meet the following:
 - a) Not exceed five (5) feet in height.
 - b) Maximum opacity of 50%.
4. Exemptions. Town facilities, utilities, and all uses specifically identified as having an allowance for fencing exceeding six (6) feet shall be exempt from the height requirements provided herein.

Town Ordinance & Existing Nonconformities

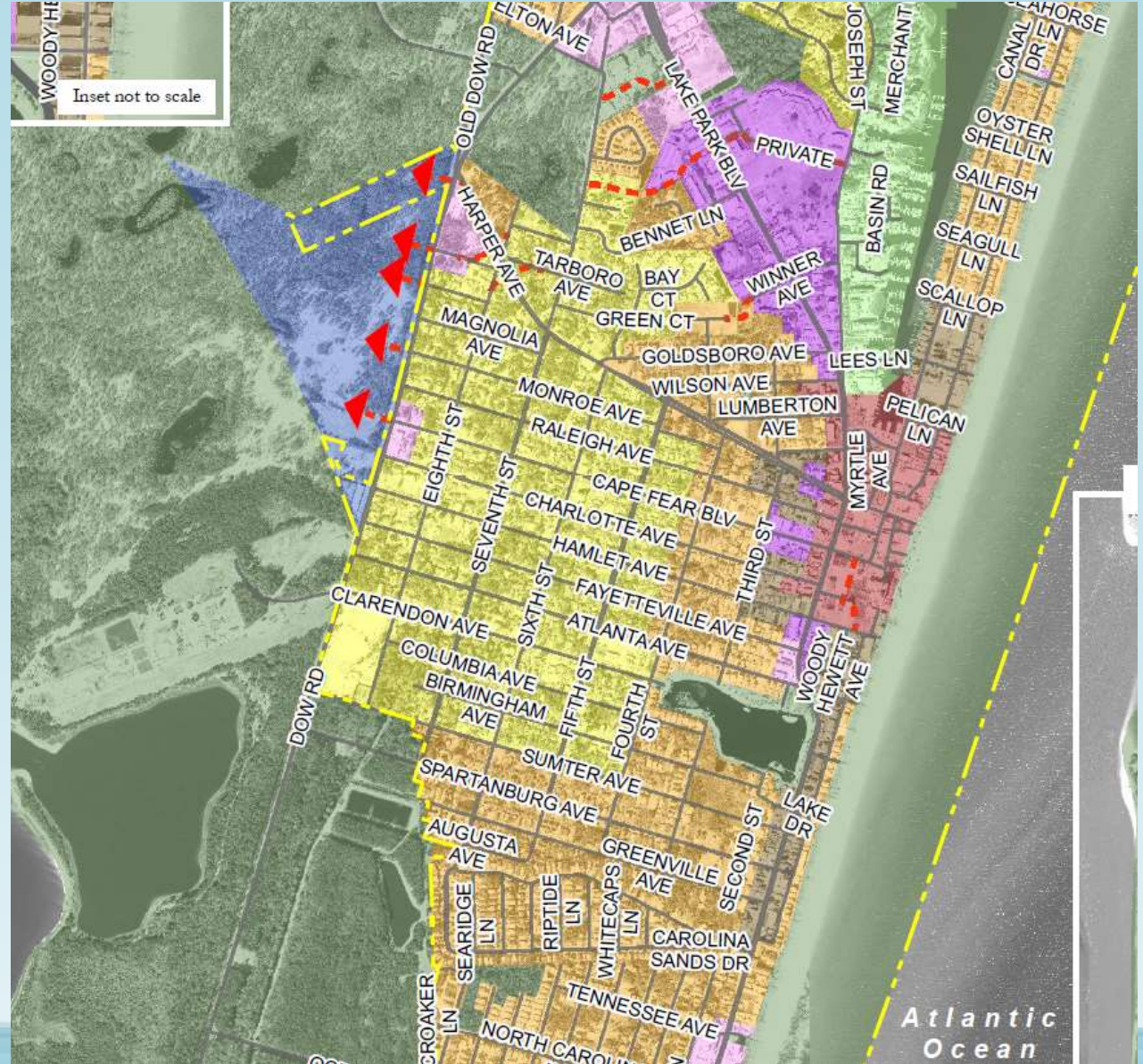
- Restricts all pools from being located within the front setback of a zoning district.
- There are a total of eight (8) nonconforming commercial pools currently located within the front setback of a zoning
- The problem occurs when a nonconforming commercial pool updates their fence barrier with prefabricated fencing materials. These prefabricated fences are designed to meet NC Building Code.

Land Use Plan:

The text amendment is in general conformity with the CAMA Land Use Plan.

LUP encourages the improvement and renovation of existing structures where a teardown/rebuild is not the best possible outcome.

The LUP also allows exploring options to allow older structures to reinvent themselves within the limits of public safety and welfare can help preserve the quirky beach town character that defines Carolina Beach.



P&Z Comments

- The P&Z Commission voted unanimously to approve the proposed text amendment.
- They discussed the proposed height and if 5' was too tall of an allowance.
- After more discussion, they all agreed it was a sufficient height that would allow flexibility for a variety of different prefabricated fencing options while upholding public safety and providing visibility for traffic.
- They agreed there were a limited number of commercial pools this would impact and the flexibility in the height of the fence would provide a greater benefit.

Staff Comments

Staff supports the proposed text amendment.

There are a limited number of legal non-conforming commercial pools existing within the municipal limits that would be impacted by the proposed text amendment.

The amendment allows flexibility for the fencing to exceed 48” to easily meet the barrier fencing requirements for NC Building code.

Town Council Options:

1. Council could approve the applicant's text amendment.
2. Council can approve or modify the amendment at their discretion.
3. Deny proposed text amendment.

Motion

Approval

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment for Article 3. Sec. 3.20 – Fence Regulations is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment for Article 3. Sec. 3.20 – Fence Regulations is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Nonconforming Commercial Pool List:

1. Coles Motel: 209 Raleigh
2. Dry Dock Inn: 300 Lake Park Blvd S
3. Dry Dock Inn: 201 Fayetteville
4. Driftwood Villas : 200 Lake Park Blvd S
5. Carolina Lake Beach Villas: 404 Carolina Beach Ave S
6. Paradise Tower Condominium: 901 Carolina Beach Ave S
7. Tropical Winds Condominium: 1004 Carolina Beach Ave S
8. Sea Ranch: 1123 Lake Park Blvd S