



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Anderson, Planner

DEPARTMENT: Planning & Development

MEETING: Town Council – July 8th, 2025

SUBJECT: Text Amendment to amend Article 3, Sec. 3.20 Fence Regulations

Applicant: Pleasure Island Holdings, LLC.

BACKGROUND:

The applicant, Pleasure Island Holdings, LLC., is applying for a text amendment to modify Article 3, Sec. 3.20 Fence Regulations. 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. The town ordinance requires fencing located within the front setback be no taller than 48" and the NC Building Code requires pool fencing be at least 48" and it can be difficult to install a prefabricated fence that meets the 48" height requirement.

The applicant's 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:

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%.

The current Town Ordinance 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 district whose fencing would be required to be no taller than 4' (or 48") tall. 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. The proposed flexibility in fence height follows the Land Use Plan's sentiment to encourage the improvement and renovation of existing structures where a teardown/rebuild is not the best possible outcome.

The Land Use plan 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 Planning and Zoning Commission voted unanimously to approve the proposed text amendment. The commission discussed the proposed 5' fence height and 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.

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.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

MOTION:

Approval – to amend Article 3, Sec. 3.20 Fence Regulations.

Denial – to amend Article 3, Sec. 3.20 Fence Regulations.

ATTACHMENTS:

Attachment 1 – Text Amendment Application

Attachment 2 – Proposed Text Amendment Language