

CAROLINA BEACH

Planning and Zoning Commission

Thursday, June 12, 2025 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

Chairman Wayne Rouse
Vice Chairman Jeff Hogan
Commissioner Melanie Boswell
Commissioner Ethan Crouch
Commissioner Todd Piper
Commissioner Bill Carew
Commissioner Lynn Conto

ALSO PRESENT

Community Development Director Jeremy Hardison
Senior Planner Gloria Abbotts
Planner Haley Anderson

APPROVAL OF MINUTES

1. May 8, 2025 – P&Z Minutes

ACTION: Motion to approve the minutes

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed unanimously

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following during the past month:

Permitting

- 69 permits (renovation, repair, grading, additions, fences, etc.)
- 14 residential new construction
- 9 certificates of occupancy

Demos

- 406 Ocean Boulevard (single-family home)

- 501 Greenville Avenue (single-family home)

BeBot (provided by Keep New Hanover Beautiful)

- Post-Memorial Day cleanup done on June 1
- Post-Beach Music Festival cleanup happening this week
- Next cleanup is scheduled for after Fourth of July weekend

New businesses

- Leaf & Love, 1010 South Lake Park Boulevard
- Kass's Laundry, 702 South Lake Park Boulevard

Upcoming

- Council special meeting June 17: canceled; new date TBD
- Planning and Zoning Commission July 10: text amendment for accessory structures and Unified Development Ordinance (UDO) update

Mr. Hardison said the rezoning for Harper Avenue passed during Tuesday's Council meeting.

PUBLIC HEARING

2. Text Amendment to Amend Article 3, Section 3.20 Fence Regulations
Applicant: Pleasure Island Holdings, LLC

Applicant Pleasure Island Holdings, LLC, is applying for a text amendment to modify Article 3, Section 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 to be no taller than 48 inches, and the NC Building Code requires pool fencing to be at least 48 inches, and it can be difficult to install a prefabricated fence that meets the 48-inch height requirement.

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

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 feet (or 48 inches). The problem occurs when a nonconforming commercial pool updates its fence barrier with prefabricated fencing materials. These prefabricated fences are designed to meet NC Building Code.

The text amendment is in general conformity with the Coastal Area Management Act (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.

Staff supports the proposed text amendment. There are a limited number of legal nonconforming 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 inches to easily meet the barrier fencing requirements for NC Building Code.

Ms. Anderson presented the details. She said sometimes a 48-inch section of prefabricated fencing can be found, but that doesn't account for sections being lifted off the ground a little for installation.

Chairman Rouse asked what the rationale is for going up to 5 feet. Ms. Anderson said the applicant was asking for 54 or 56 inches, but staff thought using a round, whole number instead of measuring by inches seems better and provides more flexibility, especially because it will still keep opacity for being able to see. She said the Commission may reduce the number.

Commissioner Crouch asked if there is the potential for the opacity to be in conflict with Building Code requirements. Ms. Anderson said she doesn't think 50% opacity goes against this, adding that the current wrought-iron fence on the site has more visibility than 50%. Commissioner Crouch said he wants to avoid unintended consequences.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed unanimously

Applicant representative Ladd Gasparovic, a partner with Pleasure Island Holdings, LLC, said the current ordinance does not allow for any wiggle room. He said pool industry experts say 54 inches is much safer because fences at that height have another cross bar across the top and are sturdier. Mr. Gasparovic said it makes sense to change the current regulations to a little more than 54 inches, and he thinks this would solve a problem without creating other issues.

Commissioner Carew asked if 56 inches would be sufficient. Mr. Gasparovic said this would cut it close, so he suggested at least 57 inches when you take risers into consideration.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch,

Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

Commissioner Carew said he is in favor of anything that's lower than 5 feet, so he likes the idea of 58 inches instead of 60.

Chairman Rouse said he supports the staff recommendation of 60 inches because Ms. Anderson has been to the site numerous times.

Ms. Anderson said 58 inches could be fine, but 60 inches would definitely cover it and create wiggle room that might be needed in some situations.

Commissioner Piper said 60 inches is fine with him. He said if concrete settles, you need to keep the top rail level, and you could unintentionally have a corner that's 59 inches to achieve this.

Commissioner Conto said she agrees with 60 inches.

Commissioner Crouch said you don't want to create a problem with the line of sight, and opacity is a bigger issue than 1 or 2 inches off the top. He said 60 inches is fine, and the opacity gives the line of sight needed to safely navigate the corners.

Commissioner Boswell said she agrees with Commissioner Piper's expertise and thinks 60 inches is OK.

Vice Chairman Hogan and Chairman Rouse both said they also agree with 60 inches.

ACTION: Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following text amendment for Article 3, Section 3.20 Fence Regulations is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

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

Motion passed unanimously

3. Text Amendment to Amend Article 3 Zoning and Article 7 Definitions of the UDO to Address Water-Oriented Businesses and Personal Watercraft Sales and Rental
Applicant: Town of Carolina Beach

During the UDO rewriting process, staff and the Commission identified the need to address water-oriented businesses in the ordinance. To facilitate a more focused discussion, this text amendment is being introduced currently, after the UDO has been adopted.

The goal of this text amendment is to clarify water-oriented businesses and related uses. Prior to this text amendment, there were multiple uses that were similar with different requirements and parking calculations. Staff presented a text amendment in April for the Commission's review. Since the April

meeting, staff and the Commission have held three workshops and a regular meeting in May to discuss the text amendment.

The following changes have been made to the proposed ordinance:

1) Table of uses

- a. Removed boats from the automotive category.
- b. Boat and personal watercraft (PWC) rental is Conditional Zoning (CZ).
- c. Boat sales and repair are permitted by right with standards.
- d. Boat taxis are permitted by right only in the Central Business District (CBD).
- e. Removed the rental and repair of any item and clarified the definition of retail sales to include repair.
- f. Water-oriented businesses with a capacity of less than 15 people are permitted by right in the CBD and MB-1.
- g. Water-oriented businesses with a capacity of 15 people or more are permitted by right only in the CBD.

2) Off-street parking

- a. Removed boats from automotive.
- b. Boat rentals require 1.5 spaces per boat or PWC.
- c. Commercial marinas require 1 space per wet slip plus requirements for dry stack and all other uses on site.
- d. Dry stack facilities require 1 per 2 spaces to align with the requirement for commercial marinas.
- e. Water-oriented uses with a capacity of less than 15 people require 1 space per wet boat slip.

3) Added standards for boat and PWC rental

- a. The business shall operate in a permanent on-site building.
- b. All boat slips must be shown on the site plan.
- c. All other standards are consistent with the automotive development standards.

4) Added standards for commercial marinas

- a. Parking, restrooms, refuse, water, electricity, and sewer pumpouts are required.

5) Definitions

- a. Clarified in automotive definition that rental of boats, PWC, golf carts, mopeds, e-bikes, and scooters shall not be included.
- b. Added a definition for public marinas operated by a government entity.
- c. Added a definition of wet boat slip because it is used in the off-street parking table. A single watercraft in or over water, whether it is residential, commercial, or transient, constitutes a wet boat slip.
- d. Added a definition of boat tax.
- e. The boat and PWC rental definition clarifies that boats can be rented from a marina, dry stack, or dry storage.

f. Clarified that the water-oriented businesses definition is for commercial boats that are used for off-site activities in a commercial or public marina.

Historical commercial marina parking requirements for wet storage:

- Existing: 1 per 1 space
- Pre-UDO change: 1 per 1 space
- 2007 Town text amendment: 1 per 1 space
- 2005 applicant text amendment: 1 per 3 spaces
- Pre-2005: 1 per 1 space

The Town changed commercial marina parking back to 1 per 1 space in 2007 because the specific project that the ordinance was changed for was never built. Staff is concerned that the proposed parking requirements do not align with the requirements of surrounding communities.

The text amendment is in general conformity with the CAMA Land Use Plan. The recreational and working waterfront are major drivers in the Town's economy, and the plan recommends preserving traditional water-dependent uses such as marinas.

Ms. Abbotts presented the details.

Chairman Rouse suggested that any text amendment consider rezoning half of the Town Marina because it is located in 2 different zoning districts, something that occurred over time, as well as making parking along Saint Joseph Street undesignated. Ms. Abbotts said the Commission could include that as part of its recommendation, but these issues would be a separate process from the text amendment tonight.

Commissioners detailed some minor changes they would like to see in the text amendment.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed unanimously

Olin Furr of 440 Oceana Way thanked Commissioners for their hard work on this matter. He said if they get everything they've talked about tonight covered, they will have done an excellent job of solving parking issues and securing neighborhoods and future development.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed unanimously

Chairman Rouse said the Commission has met on this during multiple occasions for many hours trying to get it right.

Commissioner Carew said he thinks they may have overdone it on the dry stack parking requirement when they took it from 1 parking space per 5 slips to 1 parking space per 2 slips. He said the problem isn't really the ratio but simply the availability of parking, and it's more of an enforcement issue.

Vice Chairman Hogan questioned whether a dry stack facility with 50 boats would only have 10 people using their boats on a weekend.

Commissioner Carew said facilities are not using the parking spaces they have, pushing cars to park along the street.

Commissioner Crouch said Commissioners have talked about ratios many times, so he is amenable to whatever the consensus is. He said he thinks they have done the best they can and will support whatever the Commission decides.

Commissioner Conto said she isn't sure that tightening the ratio would change anything and agreed it's an enforcement and not an ordinance issue.

Vice Chairman Hogan said he's not sure he's ready to change back to 1 parking space per 5 slips. He said he lives near one of the dry stack facilities and knows more than 20% of people with boats there are going out at once.

Commissioner Piper agreed it's an enforcement issue and said when additional marinas come they will bring forth a proposal and ask for less strict parking, so at that time the Town would try to fine tune the parking requirement. He said he would like to stick with the ratio of 1 parking space per 2 slips for a dry stack facility.

Commissioner Boswell said she is more comfortable sticking with 1 parking space per 2 slips for a dry stack facility, keeping in mind that any future commercial marina business owners would have to come before the Town.

ACTION: The Planning and Zoning Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following ordinance amendment to amend Article 3 Zoning and Article 7 Definitions of the UDO to address water-oriented businesses is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans with the added 2 stipulations that we recommend that Saint Joseph Street is changed to undesignated parking in the right-of-way and also recommend as a Board that all of the Town Marina be rezoned to CBD, Central Business District

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch,

ITEMS OF BUSINESS

4. UDO Update Discussion

Ms. Abbotts presented a list of proposed changes for discussion after 1 year of administering the new UDO:

- 1) Update submittal deadline section and add flexibility to change meeting dates.
- 2) Update Dimensional Standards Table to clarify 80% allowance for impervious surface coverage in T-1 and I-1.
- 3) Create an allowance for double-frontage driveways.
- 4) Hotels must provide parking even if they are in CBD and may not use golf cart exemption – clarify which businesses can use the 500-foot exemption for parking.
- 5) Clarify nonconforming section – what can be done under 50%, 50%-100%, over 100% of the cost?
- 6) Create allowance for staircase /access in setbacks for homes being elevated with Federal Emergency Management Agency (FEMA) grants.
- 7) Clarify accessory structures section – what can be exempted?
- 8) Remove the requirement for an easement for Planned Unit Developments (PUDs), only a 12-foot minimum driveway.
- 9) Setback exceptions for small lots under 5,000 square feet.
- 10) Fix various typos.

Chairman Rouse said for the items that are likely to require workshops and can wait, he would prefer to tackle those in the fall or winter when there are fewer demands on business owners. He said he thinks item 9 is one of the earlier ones to review and should be a priority because it affects a lot of properties, including nonconforming lots. Chairman Rouse said this would help staff and decrease the number of Board of Adjustment meetings, and he suggested talking to Kure Beach officials to determine their logic in coming up with a formula.

Mr. Hardison said an 11th item for the list would be rezoning the Town Marina to CBD. He said they will have to advertise and have a public hearing.

Chairman Rouse asked if there would be a public hearing on undesignated parking on Saint Joseph Street. Mr. Hardison said yes, all of those items are in the zoning ordinance and would be required to have a public hearing to make any changes.

NON-AGENDA ITEMS

Commissioner Carew asked for clarification on the following scenario: If boat rentals were part of a water-oriented business previously, why wouldn't they have to be conditionally zoned when they show up at a marina?

Mr. Hardison said if a business is already approved as a commercial marina, charters and other water-oriented uses can come and go in that marina. He said having a water-oriented use outside of a commercial marina would require a Special Use Permit.

Commissioner Carew said for him it caused some confusion that water-oriented businesses and marinas are defined as separate things.

Mr. Hardison said a charter being able to operate in a commercial marina was part of a staff interpretation before he was hired. He said once staff makes an interpretation, it can't go back on that or treat somebody differently, so the interpretation has to stand unless there's an ordinance change or if they appeal that interpretation and the Board of Adjustment overrules it. He said this was a historic interpretation of how the Town treated charters, so if you wanted a fishing charter then you could operate in a commercial marina without having to go through CZ if the marina already went through that. Mr. Hardison added that water-oriented businesses didn't have a parking requirement, so coming up with parking ratios was one of the things this amendment was trying to clarify.

Commissioner Conto reminded everyone of fireworks tonight at 9:00.

ADJOURNMENT

Chairman Rouse adjourned the meeting at 7:06 PM.