MEMORANDUM

TO: Coastal Resources Commission  
FROM: Kelly Spivey  
SUBJECT: Structural Boat Covers

The Division recently held internal discussions regarding the appropriate rule interpretations and permitting processes that apply to different types of structural/retractable boat covers, which rely on a fixed frame rather than being directly attached to a vessel. In the past, the Division has issued a small number of General Permits for structural covers in accordance with use standards that apply to boathouses under 15A NCAC 07H.1200 and 07H.0208(b)(6)(D). These rules limit boathouses to a maximum of 400 square feet, restrict their siting to lots with a minimum of 75 feet of shoreline, and limit the walls of boathouses to “one half of the height of the walls as measured in a downward direction from the top wall plate or header and only covering the top half of the walls.” The rules are intended to address a range of potential concerns, including increased shading impacts (since boathouse roofs and structural covers remain in place while a vessel is in use) and increased visual/aesthetic impacts along a shoreline.

Although these rules do not specifically address structural boat covers, DCM staff believe that similarities between boathouses and structural covers warrant the application of these rules, with some exceptions, pending further rule development or clarifications from the Commission. On May 17, 2021, the DCM Director met with representatives from Touchless Covers to discuss coastal rules, policies, and potential alternatives for permitting these structures in North Carolina. On behalf of the Commission, Director Davis invited representatives from the company to attend the June Commission meeting to present their products and materials for further consideration. For example, the solid canvas material typically used for the side “walls” of retractable covers could be replaced with a canvas screen product to reduce visual impacts. The Division currently allows screening within gazebos, and therefore does not intend to restrict the height of the side walls of a structural boat cover when using screened canvas.
While reviewing the rules for boathouses, staff also identified a need to clarify how the height of side walls should be measured. For these reasons, the Division is asking the Commission for guidance on the rule language in 15A NCAC 07H.1205(l) and 07H.0208(b)(6)(D). In particular, Staff recommend the Commission clarify that:

- Structural / retractable boat covers qualify as “boathouses” under each rule;
- Screens used within boathouses and for structural boat covers are not subject to the ½ wall height rule; and
- The ½ wall height should be measured from the top wall plate or header down to the normal water level or normal high water.

Based on guidance from the Commission, staff will draft any needed rule changes for review at the September 2021 meeting.