



Town of Beaufort, NC

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Board of Commissioners/Planning Board Joint Meeting
4:00 PM Monday, August 24, 2026
Train Depot, 614 Broad Street

Call To Order

Mayor Harker called the meeting to order at 4:00 PM.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

(Board of Commissioners)

Mayor Harker

Mayor Pro Tem Gillikin

Commissioner Cooper

Commissioner LoPiccolo

Commissioner Matthews

Commissioner Spiegler

(Planning Board)

Ryan Neve

Victor Fasolino

Tammy Hunsucker

Clark Patton

George Stanziale

Jeff Vreugdenhil

ABSENT: Cameron White

Agenda Approval

Commissioner Gillikin made a motion to approve the agenda as presented.

The motion carried unanimously.

Presentations

1. Unified Development Ordinance Update – Module 4: Subdivision Regulations and Flood Damage Prevention Ordinance

Mayor Harker opened the presentation by reviewing the purpose of the joint work session. She explained that the meeting was a continuation of the Town's Unified Development Ordinance (UDO) update, with a focus on Module 4, including the reorganization and modernization of the subdivision regulations and updates to the Flood Damage Prevention Ordinance (FDPO). She clarified that the purpose of the session was not to adopt an ordinance, but to build upon previous work, identify outstanding questions, and provide direction to staff and the project consultant. The Board and Planning Board would also discuss the next phase of the UDO update and provide direction regarding its scope and sequence.

Mayor Harker encouraged participation from members of both boards and emphasized the importance of a balanced and collaborative discussion. She also noted that a community conversation would immediately follow the joint work session on the adjacent side of the Train Depot.

Town Planner Michelle Eitner welcomed both boards and explained that Module 4 provided an opportunity for meaningful local input, particularly regarding the subdivision regulations. She noted that the Flood Damage Prevention Ordinance was largely based on state and federal requirements, providing less flexibility for local modifications. She encouraged feedback from the boards as well as members of the community during the public input session.

Project Consultant Kelly Cousino began the presentation with an overview of the proposed Article 5 subdivision regulations. She reviewed proposed changes to block and lot standards, including a minimum block length of 400 feet and maximum of 1,320 feet, or eight times the applicable district minimum lot width. Blocks exceeding 600 feet would require a mid-block pedestrian connection. New lots would also generally be required to front a public or private street, with provisions included for access to existing landlocked parcels.

The draft also establishes separate major and minor subdivision classifications. Minor subdivisions would generally include developments of five or fewer lots located along an existing public street that do not require new structural public improvements or a variance. These subdivisions would be eligible for administrative review rather than the full board review process. Cousino noted that the specific administrative procedures would be addressed separately in the Procedures article. Most development standards would remain applicable to minor subdivisions, although certain requirements, including open space and boat ramps or docks, would not apply.

Cousino reviewed proposed changes to pedestrian and bicycle facility requirements. The draft would generally require sidewalks on both sides of the street for subdivisions with lots of 12,000 square feet or less and on one side for subdivisions with larger lots. Sidewalks would increase from a minimum width of four feet to five feet. Additional provisions address sidewalks on cul-de-sacs, enhanced pedestrian crossings, streetlighting standards, and maintenance requirements for privately owned improvements.

The proposed open space standards represent a substantial expansion of the existing regulations. The draft establishes different types and minimum sizes of open space to promote usable recreational areas and would require developments to provide at least two types of open space, with at least 50 percent devoted to active recreation. The proposed parks level-of-service standard would increase from 8 acres to 12.9 acres per 1,000 residents, based on National Recreation and Park Association data for communities of comparable size. The existing calculation methodology would generally remain in place but would incorporate updated demographic information. Fee-in-lieu provisions would also remain available but would be limited to the active recreation component, with other required open space provided on-site.

Cousino next reviewed proposed street standards. The draft would prohibit gated subdivisions, regardless of whether the streets are public or private, consistent with the Steering Committee's recommendation. It also establishes criteria for residential alleys and removes the current prohibition on private streets. Private streets would be required to meet applicable NCDOT design and construction standards and include appropriate signage, maintenance agreements, and access easements allowing the Town to provide services such as trash collection, emergency response, and code enforcement. The draft also specifies that private streets would not be eligible for future acceptance by the Town.

Cluster subdivision design remains an area requiring additional direction. Cousino explained that cluster design is currently required only within the RC-5 zoning district and that the Steering Committee had not reached a recommendation regarding whether it should be expanded to other zoning districts or what incentives, if any, should accompany its use. Cluster design generally provides for increased open space, groups homes into smaller clusters, incorporates interconnected pedestrian facilities, and provides perimeter buffers. Potential incentives previously discussed included adjustments to impervious surface limitations, density calculations, and minimum lot area requirements.

The draft also introduces specific design standards for new townhouse subdivisions. Proposed provisions address rear-alley access for narrower lots, minimum outdoor living areas, orientation of a portion of units toward parks or open space, guest parking, driveway design, and shared solid waste collection areas.

Cousino concluded the subdivision portion of the presentation by reviewing performance guarantees. The draft largely carries forward and reorganizes existing requirements while incorporating changes necessary for consistency with recent state law. It also includes provisions allowing for partial release of performance guarantees, as recommended during the Phase 1 codes assessment.

Cousino then reviewed the proposed Flood Damage Prevention Ordinance, which would become Article 6 of the UDO. She explained that the ordinance is largely based on the State's updated model ordinance and federal requirements and has already undergone State review. The proposed article has been reorganized to place substantive development standards before administrative provisions and definitions, consistent with the overall structure of the new UDO.

The draft incorporates the optional standards available through the State model ordinance. These include additional requirements related to enclosed areas below the lowest floor, flood openings, operational and maintenance plans for nonresidential floodproofing, professional certification of certain construction within VE and Coastal A Zones, elevation certificates prior to construction, and clarification regarding the treatment of tiny homes on chassis as recreational vehicles.

Cousino highlighted the proposed increase in freeboard requirements as the most significant local policy consideration within the FDPO. The draft would increase required freeboard from one foot to two feet above the Base Flood Elevation in areas where a Base Flood Elevation has been established and from two feet to three feet above grade in areas without an established elevation. She noted that the Town's CAMA Land Use Plan

supports increased freeboard and that maintaining at least one foot of freeboard is necessary for the Town's current Community Rating System classification.

Potential benefits of increased freeboard were also reviewed, including greater protection from flood risk, potential reductions in flood insurance premiums, additional Community Rating System credit, reduced repetitive-loss exposure, greater consideration of future flood conditions, and reduced costs associated with disaster recovery.

Following the presentation, Mayor Harker opened the floor for discussion and invited members of the Board of Commissioners and Planning Board to provide questions and comments regarding the proposed changes.

Commissioner Spiegler asked how the boards' feedback would be incorporated into the process, particularly given the number of questions and comments members had regarding the draft.

Cousino explained that feedback from the session would be incorporated into future revisions.

Commissioner Matthews similarly indicated that he had a number of questions arising from the presentation.

Given the time available, Mayor Harker encouraged members to focus on their primary policy-level questions and provide additional comments to staff following the meeting. She noted that additional joint discussion would likely be necessary as the UDO update continued.

Planning Board member Jeff Vreugdenhil asked whether the proposed five-lot threshold for administrative review of minor subdivisions was tied to acreage, expressing concern that subdivisions involving a relatively small number of large parcels could receive only staff-level review.

Cousino explained that parcels of 10 acres or more may qualify for exemption under state law and that construction of a new road would cause a subdivision to be classified as major. She reiterated that the administrative review procedures would be developed as part of a future module.

Planning Board member George Stanziale raised concerns regarding the fee-in-lieu provisions for required open space and whether the proposed standards allowed too much discretion.

Tyson Smith explained that fee-in-lieu provisions are governed in part by state law and that the proposed language was intended to reflect the Steering Committee's recommendations.

Planning Board member Victor Fasolino added that the Steering Committee had specifically discussed concerns with allowing developers to automatically choose a fee in lieu of providing open space.

Under the proposed language, the Board of Commissioners, following review and recommendation by the Planning Board, would determine whether on-site open space is infeasible or inconsistent with the Town's Comprehensive Plan before a fee-in-lieu option could be approved.

Planning Board member George Stanziale expressed broader concern regarding the amount of discretionary decision-making assigned to staff and the Board of Commissioners throughout the draft. He emphasized the importance of establishing objective standards that can be consistently administered over time. He also recommended incorporating additional graphics and illustrations throughout the UDO to make development standards easier for applicants and the public to understand. Stanziale raised additional questions regarding building height measurements, elevated structures within flood zones, permitted projections above maximum building heights, standards for

active recreation areas, and responsibility for reviewing engineering information associated with flood-related development.

Commissioner Cooper agreed that consistency in administering development requirements was important, particularly as staff and board membership change over time. He expressed concern with allowing developers to pay a fee as an alternative to complying with an established requirement and emphasized that development standards should be applied consistently.

Planning Board member Ryan Neve identified several areas for additional consideration, including street tree and lighting requirements within R-8 districts, clearer thresholds for requiring traffic studies, and whether an additional classification should be established for private streets that function primarily as parking areas. He also recommended further consideration of the open space provisions, including use of the Open Space zoning district, flexibility in the active recreation requirement, and clearer standards for when stormwater facilities may qualify as open space. Regarding cluster development, Neve recommended additional evaluation of the relationship between the RC-5 and RS-5 districts and suggested retaining the cluster provisions until a broader review could be completed.

Commissioner LoPiccolo raised questions regarding the proposed incorporation of the Town's existing Flood Damage Prevention Ordinance, currently contained in Chapter 151, into the UDO. He asked whether moving the regulations into the UDO could affect their legal authority, enforcement mechanisms, or associated civil penalties and how conflicts between the flood regulations and other UDO provisions would be addressed. He also questioned whether the proposed changes could implicate recent state legislation concerning downzoning.

Town Attorney Arey Grady explained that flood damage prevention regulations are not zoning regulations by definition and that the state-law restrictions on downzoning apply specifically to zoning ordinances rather than subdivision or flood damage prevention regulations. He indicated that he did not see significant legal risk in incorporating the subdivision and flood regulations into a consolidated UDO, provided the individual regulatory provisions remained clearly identified.

Grady explained that the Town could maintain the regulations as standalone ordinances, but doing so could create inconsistencies in administrative procedures, enforcement, penalties, and development review. He described the proposed incorporation of Chapter 151 into the UDO as essentially an amendment and restatement of the existing regulations rather than a reduction in their regulatory effect. The legislative history would remain documented through the Town's Code of Ordinances. He also explained that the Town's existing civil enforcement tools would generally remain available under the consolidated UDO.

Cousino noted that the UDO could include a specific provision establishing how conflicts between the flood damage prevention article and other provisions of the ordinance would be resolved, including the option of specifying that the flood damage prevention standards control in the event of a conflict.

Discussion continued regarding differences between the proposed freeboard requirements and those currently contained in Chapter 151. Commissioner LoPiccolo expressed concern about repealing and replacing the existing chapter, particularly if it is referenced for regulatory or flood insurance purposes.

Grady reiterated that the Town is required to maintain a flood damage prevention ordinance to remain a participating community under applicable state and federal programs and that transferring the provisions into the UDO would not eliminate that ordinance or its regulatory authority.

Cousino advised that updated flood maps were expected to become effective in February 2027 and would introduce Coastal A Zones that are not currently mapped or regulated by

the Town. She suggested that the Town consider adopting updated flood regulations in advance of the new maps, potentially as a standalone ordinance until completion of the overall UDO rewrite.

Grady noted that the ordinance could reference flood maps as amended by the appropriate federal and state authorities, avoiding the need to amend the ordinance each time the maps are updated.

Commissioner Spiegler sought clarification regarding whether Cousino was recommending adoption of the revised flood regulations prior to the February 2027 effective date. Cousino confirmed that consideration should be given to adopting the updated regulations in anticipation of the new Coastal A Zones, either as a standalone ordinance or as part of the UDO depending upon the timing of the overall project.

Commissioner LoPiccolo also questioned provisions related to waterfront development, including CAMA setbacks and elevation requirements, and asked how the standards would apply to docks, seawalls, piers, and similar waterfront structures.

Town Planner Michelle Eitner explained that the provisions were taken from the State's model flood damage prevention ordinance and that Coastal A Zones are generally subject to standards similar to those applicable within oceanfront V Zones. She indicated that staff would further review the provisions and their applicability to coastal development.

Commissioner Matthews indicated that he had developed an extensive list of comments and questions and planned to provide them to staff in writing. Among his primary concerns were the Town's authority to regulate property within CAMA jurisdiction, the relationship between statutory flood regulation authority and recent state downzoning restrictions, and the need for definitions to accompany the draft regulations. He emphasized that clearly defined terms are essential to interpreting and administering the UDO and requested that new terms introduced through Module 4 be defined. He also requested consideration of the fiscal impacts of regulations that are more stringent than existing requirements, particularly their potential effect on housing affordability, and asked legal counsel to further evaluate the proposed regulations in relation to state downzoning restrictions.

Cousino agreed that clear definitions were important and explained that most UDO definitions were being consolidated into a single article. Flood-specific definitions currently remain within the flood damage prevention article because of their specialized nature, while definitions associated with the subdivision regulations would need to be addressed as the draft progresses.

Stanziale provided several additional recommendations regarding subdivision and townhouse development standards. He supported requiring street trees and streetlights in all subdivision types and establishing clearer triggers for traffic impact analyses. He also recommended limiting the number of connected townhouse units, requiring variation in building setbacks, incorporating trees into visible alley areas, and providing separate block-length standards and graphics for townhouse developments. He further asked whether the Town could regulate townhouse designs where garages dominate the street-facing façade.

Cousino explained that state law limits local regulation of certain residential building design elements and indicated that staff would further evaluate what standards may legally be imposed.

Commissioner Gillikin recommended considering the fiscal impacts of both adopting and not adopting more stringent development standards, particularly those related to flood protection and freeboard. She also supported reconsidering the exemption of street trees within R-8 districts and further discussion of cluster development, including consideration of the RS-5 district.

Commissioner Spiegler supported further consideration of limits on the number of connected townhouse units and expressed concern regarding garage-dominated streetscapes. She also questioned whether requiring rear-alley access for narrow

townhouse lots could adversely affect existing development located behind those properties. She supported incorporating trees into alleys, providing greater flexibility within the requirement that 50 percent of open space be devoted to active recreation, making greater use of the Open Space zoning district, and requiring sidewalks on both sides of streets within Town developments.

Planning Board member Vreugdenhil expressed concern about adopting revised flood damage prevention standards before the updated flood maps become effective. He noted the potential implications for existing homes constructed at or near current elevation requirements and recommended evaluating provisions that would allow existing structures to be expanded without requiring compliance with new elevation standards. He favored waiting until the new flood maps were available before adopting the revised ordinance.

Planning Board member Tammy Hunsucker expressed concern that the proposed subdivision design standards may not sufficiently align with the Town's CAMA Future Land Use Plan and recommended additional review to ensure consistency between the UDO and the Town's adopted future land use policies.

Mayor Harker concluded this portion of the discussion due to the timing of the community event scheduled to follow the work session and transitioned the meeting to the next topic.

Next Steps Discussion – UDO Module Options

Tyson Smith provided an update on the legislative environment, noting that, as of the meeting date, the downzoning legislation had not been amended, repealed, or meaningfully limited. He also noted that Mills River, which had previously been exempt from the legislation, had since lost that exemption, indicating that the legislation remained in effect.

Smith outlined four potential approaches for moving forward with the UDO:

Planning Board member George Stanziale noted that Modules 3 and 4 appeared closely related because subdivision regulations and design standards work together. He questioned why the options presented did not include an approach combining the two modules.

Commissioner Spiegler noted the uncertainty surrounding the downzoning legislation and the upcoming election, stating that legislative changes could occur within the next several months, including the possibility that the law could be amended or repealed. She recommended keeping that possibility in mind as the Town determines how to proceed with the UDO.

Commissioner Cooper recalled that during the Board's February 2026 discussion, he had advocated for proceeding with all five modules and reiterated his support for a comprehensive approach. He asked Smith to confirm whether Option 3 would involve completing all five modules and also asked for his assessment of the likely direction of the downzoning legislation.

Smith stated that he could not predict whether the law would change but explained that Option 3 would proceed under the assumption that S.L. 2023-108 remains applicable. Under that approach, the consultants would draft the UDO accordingly and avoid or modify provisions that could not be implemented consistently with current law. He noted that Options 1 or 2, or delaying further work, remained alternatives if the Town believed legislative changes were likely. Commissioner Cooper indicated that he favored Option 3 but confirmed that the Board was not being asked to formally select an option at that time. Smith agreed, explaining that the discussion was intended to follow up on the Board's previous direction and further determine how the Town wished to proceed.

Planning Board member Victor Fasolino agreed that the uncertainty surrounding potential legislative changes should be considered. He suggested that the Steering Committee continue its work on Modules 3 and 4, incorporate the comments received, and further

refine the material before another meeting is held to present the final Module 4 and continue discussion of the next steps.

Commissioner Matthews emphasized that the Town should base its decisions on the law as it currently exists rather than assumptions about possible future legislative changes. He expressed concern regarding the ordinances currently under review and the possibility that Town-initiated regulatory changes could constitute downzoning, noting the potential liability and importance of ensuring compliance with existing law. He stated that any future legislative changes could be addressed if and when they occur.

Commissioner Gillikin questioned why the downzoning statute would affect the entire UDO if it applied only to certain provisions, noting that this distinction was contributing to confusion regarding the options being considered.

Smith explained that the estimate provided during the February discussion remained that approximately half of the provisions within Modules 2 and 3 could be addressed because they were either unaffected by the downzoning statute or could be structured in a manner consistent with it. The remaining provisions could be restricted by the legislation or present greater legal risk.

Commissioner Gillikin asked whether the UDO could be structured so that affected provisions could be modified if the law were later amended. Smith explained that certain provisions, such as those structured as incentives, could potentially be converted to requirements in the future.

Cousino added that the ease of making those changes would depend on how the UDO was initially drafted. Some provisions could be modified by changing their applicability, while others could require more extensive revisions.

Planning Board member Ryan Neve asked whether Option 3 could allow existing property owners to retain rights under the current LDO for provisions affected by the downzoning statute, with updated standards applying to new development or voluntary zoning changes.

Smith confirmed that this was one possible approach. He explained that if the statutory restrictions were later removed, provisions preserving rights under the previous LDO could also be removed, allowing the updated standards to apply more broadly. While noting that changes to development codes are rarely simple, he indicated that such a revision could be relatively straightforward if the UDO were structured appropriately from the outset.

Commissioner Spiegler suggested that the Steering Committee continue working on the subdivision and flood damage prevention provisions over the next two to three months while the Town continued to evaluate its broader approach to the UDO. She expressed support for Option 3 and suggested that incentive-based provisions could be used in appropriate areas rather than mandatory requirements to allow the Town to continue pursuing its policy objectives while remaining consistent with the downzoning statute. She also supported continuing work across the modules while allowing additional time before making a final determination on the overall approach.

Smith explained that under Option 3, the consultants would work closely with Town staff and legal counsel to identify provisions that raised questions under the downzoning statute. He described a process being used in Pasquotank County in which potential concerns are identified during drafting and reviewed with the planning director and legal counsel, allowing the governing board to understand the potential risks and determine how it wishes to proceed.

Commissioner Matthews stated that provisions identified through consultation with legal counsel should be structured through incentives, property owner approval, or another approach that reasonably complies with S.L. 2023-108.

Mayor Harker asked whether the consultants could begin preliminary work consistent with Option 3 while the Board and Planning Board continued focusing on the current subdivision and flood damage prevention provisions. Smith confirmed that preliminary drafting could begin.

Commissioner Spiegler reiterated her support for Option 3 while also recommending that the Town allow approximately two to three months before making a final decision, providing additional time to evaluate potential legislative developments.

No formal motion or action was taken regarding selection of a UDO module option. The discussion reflected general support for continuing work consistent with Option 3, while allowing the current Module 4 work to continue and revisiting the broader UDO approach in approximately two to three months.

Board Comments

Mayor Harker invited members of the Planning Board and Board of Commissioners to offer closing remarks.

Planning Board member Hunsucker thanked Mayor Harker and the Board of Commissioners for the opportunity to participate in the joint discussion.

Planning Board member Fasolino expressed appreciation for project consultants Kelly Cousino and Tyson Smith and recognized their continued work and involvement throughout the UDO update process.

Planning Board member Patton echoed those sentiments and also recognized the contributions of the UDO Steering Committee.

Planning Board member Stanziale indicated that he had no additional comments.

Planning Board member Vreugdenhil thanked the Board of Commissioners for the opportunity to participate and provide input.

Planning Board member Neve expressed appreciation to the Commissioners on behalf of the Planning Board, noting that receiving direction and feedback from the Board of Commissioners is helpful to the Planning Board as it carries out its responsibilities.

Commissioner Spiegler expressed support for holding additional joint meetings between the Planning Board and Board of Commissioners, noting the value of the collaborative discussions. She also thanked Town Planner Michelle Eitner for her continued involvement and contributions throughout the UDO update process.

Commissioner Gillikin expressed appreciation to Town staff, the project consultants, Planning Board members, the UDO Steering Committee, and others who had contributed their time and efforts to the process.

Commissioner Matthews commented positively on the joint meeting and expressed appreciation for the discussion and input received.

Commissioner Cooper echoed Commissioner Gillikin's comments and expressed his appreciation to those involved in the process.

Commissioner LoPiccolo recognized the significant amount of work occurring behind the scenes and thanked those who had contributed to the UDO update.

Mayor Harker concluded the remarks by recognizing outgoing Planning Director Kyle Garner and expressing appreciation for his years of service, leadership, institutional knowledge, and dedication to

the Town of Beaufort. She wished him well in his future endeavors and thanked him for his contributions to the Town.

Adjourn

Commissioner Gillikin made a motion to adjourn the meeting at 6:02 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk