



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, February 14, 2022 Via Zoom Due to COVID-19 Pandemic Minutes

Call to Order

Mayor Harker called the meeting to order at 6:01 PM

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Harker

Mayor Pro-Tem Hagle

Commissioner Cooper

Commissioner Hollinshed

Commissioner Oliver

Commissioner Terwilliger

Agenda Approval

Commissioner Hagle made a motion to approve the agenda.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed,
Commissioner Oliver, Commissioner Hagle

Manager Report

Todd Clark, Town Manager, gave a report on several topics and happenings throughout Town. He said the Annual Audit Report was being prepared, with an anticipated presentation date of February 28, 2022 at the Board of Commissioners Work Session meeting. The auditor will furnish both electronic and

hard copies of the audit results and those are expected by the end of the week. No action will be required by the board and if there are any questions.

Mr. Clark gave a recap of the CARES Act Funding, how much the Town received and how those funds were distributed; the total amount of funding was \$94,760 and were used for purposes such as: purchasing payroll software and other equipment that allowed staff to work remotely; a drone; microphones and camera equipment for board meetings; and Personal Protective Equipment (PPE). Mr. Clark also gave some background on the American Rescue Plan Act Funding, stating the total amount that the Town will receive is \$1,418,841.00; to this point one of two distributions has been received, which is 50% of the funds; the remainder of the distribution will take place in July 2022. He went over the two separate Capital Project Ordinances that were approved by the board last November; it was broken down as follows: \$60,000 Stormwater improvements; \$500,000 for Water Treatment Plant site evaluation and land purchase; \$740,000 to replace sewer pump station #7; \$20,000 for hybrid audio/visual meeting equipment; and there is a balance of \$98,841.00 that is unallocated.

Mr. Clark announced the Annual Board Retreat would be March 10-11, 2022; he and the Mayor were in the process of finalizing the agenda. He said Chris Aycocock with The Aycocock Group would be facilitating the meeting.

Mr. Clark reported that staff had been working with NC DOT regarding Cedar Street Park, but they were at somewhat of a stand still in the process. He said there are plans for the park, however some of the issues now revolve around the underlying right of way. Once DOT relinquishing the right of way, the question is who obtains ownership of that; those issues would need to be resolved and it would need to go to the North Carolina Board of Transportation to authorize that the property be turned over to the Town of Beaufort. He said staff is in the process of seeking a meeting with our division engineer.

Mr. Clark also touched on the Cedar Street Resurfacing Project, stating that it was staffs understanding the resurfacing would be completed Spring of 2023, according to NC DOT. He also discussed the Turner Street Project, indicating staff would moving forward with the bump-out at Middle Lane, budgeted at approximately \$14,000. He said traffic calming would also be installed at Turner Street and Broad Street as requested by the Board of Commissioners.

Mr. Clark gave some updates from the Planning and Inspections Department. He discussed the dredging project at Bulkhead Channel, suggesting the approximate total cost would be around \$90,000 and the Town's part would be one-third of that. He reported the Code Enforcement staff continues to work with the Town Attorney on multiple code issues, including minimum housing and illegal use. He commented on the Resilient Beaufort Initiative, stating that the Planning staff was working with multiple groups and citizens in development of the plan, which is expected to be completed by late Spring; staff intends on presenting the information to the board in late April. He reported the Planning Staff expects to have a final draft of the CAMA Land Use Plan by March. He made note there were not any preliminary plans on file for the Old Beaufort School, as the developer has not submitted any proposals.

Mr. Clark announced there was now a Human Resource page on the Town website, as well as online applications for employment opportunities.

Mr. Clark reported some updates from the Fire Department, highlighting continued construction on Fire Station 2, and completion of fire pump certification test for this calendar year.

Mr. Clark gave a few updates on Public Works activity, such as ditch maintenance, painting crosswalks, cleaning out storm drains, splashpad maintenance, replacement of weathered wood on the boardwalk, and working to obtain dock quotes for maintenance/repair at the Ferry area.

Mr. Clark announced that Elizabeth Lewis, Town Clerk, was attending the Clerks Certification Institute through the UNC School of Government to achieve designation as a Certified Municipal Clerk, as well as a North Carolina Certified Municipal Clerk. He also reminded the board of upcoming events throughout Town, such as Mardi Gras and the Menhaden Melody Dedication at Topsail Park.

Public Comment

Harriet Altman, 103 Leonda Drive, Beaufort

I am part of a group, a grassroots effort, called Plastic Free by The Sea. We started out as a sub-committee from the Sierra Club. The main thing tonight that I wanted to emphasize to you is that there is going to be a North Carolina Plastic Policy Workshop that is going to be presented by the Coastal Carolina Riverwatch, Duke University Environmental Law and Policy Clinic, and North Carolina Marine Debris Symposium. This is going to be on April 29th from 1-5 pm and there is going to be plastic policy experts that are trying to reach out to people such as, government planners, solid waste representatives, and elected officials, to learn what you can do to help effect change on this. I know that we have so many issues right now that we are dealing with, obviously over development is a big deal and the resilient Beaufort is a great effort. I think even a part of that is that we have got to recognize the fact that plastics are also polluting our waters at a record rate. There was an article on the front page of the Jacksonville paper two days ago about plastic pollution and how it is rapidly rising in the seas and all around the world. It hasn't hit us quite as badly here yet, but it is just a matter of time, especially with the increase in our tourism and how people do not seem conscious of it here. Back in the fall, Doug Doubleday did a presentation to the Commissioners, some of you weren't there at that time because you weren't in office; the Town did agree to work with us on this, and we have Sam Burdick working with us, but I want to again emphasize we need to be very aggressive about this. I really want you all to attend this workshop to learn more about it and learn what the roll of Beaufort could be in this effort. There is also a United States Plastics Pact, that is bringing together businesses and government agencies to work collectively on this issue. As a Coastal Community, I feel like we should be a leader in this. I feel like we should be setting an example; we have all these tourists coming to Town and we should show them how we are committed to this effort. I hope you will consider participating in the workshop. I am going to send you this information by email, but I wanted to talk to you about it as well. We can do this; we can really start approaching this and get our businesses on board; our grocery stores can encourage people to bring reusable bags. It is just a matter of educating and emphasizing to people the importance of having the city and businesses coming together in this effort.

Presentations

1. Doug Townsend, Chairman, Beaufort Harbor & Waterways Master Plan Advisory Committee

Mr. Townsend notified the board he was there to provide them with information and updates regarding the Beaufort Harbor & Waterways Master Plan Advisory Committee, which was formed in July 2021. The Power Point presentation made is attached and referenced as Appendix 1.

Mayor Harker thanked Mr. Townsend for the presentation and asked if there were any questions from the Commissioners.

Commissioner Terwilliger said he agreed to the overview of the priority items; with the first three items being key. He said those items should be pulled out and addressed, just like this, to ensure a concrete plan moving forward. In moving forward, he asked Mr. Townsend what he and the committee needed from the Commissioners to make that happen.

Mr. Townsend said the thing needed most was expertise in sourcing the multitudes of state and federal financing that is available. He said what they would ask is for the Town to have the opportunity to engage Moffatt & Nichol to work with us to complete all the applications for the funding, as there is significant grant money available.

Commissioner Terwilliger said several options were mentioned in reference to a master plan; he offered guidance in suggesting that all the options the committee believes to be reasonable should be laid out in the final report for consideration.

Commissioner Cooper asked what the difference was between boaters who were transient versus long-term.

Mr. Townsend said transient boaters on their way to somewhere else, and generally only spend a few days at the dock; a permanent marina might be somebody who docks their boat there all the time.

Commissioner Cooper asked if there was currently anyone who met those criteria, there for more than fifteen days?

Mr. Townsend said typically in the winter months boats stay on more of a long-term basis, but for the most part the main part of the season starts in April and those rates make it almost cost prohibited for folks to leave their boat there full-time.

Commissioner Cooper asked about the past dredging efforts, specifically if the sand was pumped somewhere else.

Mr. Townsend said the dredge takes the spoil, which is the sediment that is pulled up, and it goes back out the inlet and somewhere back out into the Ocean, near Atlantic Beach.

Commissioner Cooper asked what the responsibility of the lessee was, the one who was renting the docks from the Town.

Mr. Townsend said they only have responsibility for the docks themselves, the floating docks where the boats dock every night; those are assets of Beaufort Waterfront Enterprises, and those assets will convey to the Town when the lease expires in 2024.

Commissioner Cooper asked about the different options that had to do with the loss of parking spaces, specifically how many parking spots was Mr. Townsend suggesting.

Mr. Townsend said option 1 could be anywhere from 0-26 parking spaces; option 2 could be 26-52 parking spaces; option 3 could mean losing as many as 95 parking spaces, if both current waterfront parking areas were converted into a welcome center and a green park.

Commissioner Hollinshed said at one time there was some thought of relocating the channel and asked if that had been looked at as a possibly. She said there seems to be a natural, deeper channel out there, that doesn't seem to silt up as fast.

Mr. Townsend suggested he would have to consult with Moffatt and Nichol, as he was not aware of anything regarding that plan to this point. He said the only discussion he remembers was centered around could there be more of a permanent way to move the water so that the sediment can't get in, like a bulkhead out into the water.

Commissioner Hollinshed said she thought some of the eastern end of Taylors Creek had been relocated to a more natural channel and remembered some discussion about doing it on the western end as well.

Commissioner Oliver added there has been an idea that perhaps the Town setback line could be modified if requested by the Town.

Commissioner Hagle said it was a great report and he thought it would help inform the public of future goals and intentions.

Mayor Harker commended Mr. Townsend on an outstanding presentation and asked him about public participation in the Harbors & Waterway Committee meetings. She also touched on the comment Commissioner Hollinshed made about the natural channel, saying she too remembered that being considered as an option in the past.

Items of Consent

1. Minutes- December 6, 13 & 20, 2021; January 10, 2022
2. Wooden Boat Show Event

Commissioner Hagle made a motion to approve the items of consent as presented.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Items for Discussion and Consideration

1. Returning to In-Person Meetings

Mayor Harker gave an updated on COVID cases in Carteret County and initiated a discussion about returning to in-person meetings.

After much discussion, the consensus of the Commissioners was to meet in-person at the February 28th Work Session, utilizing the Train Depot for the meeting venue and exercising safety measures while gathered.

2. Update Golf Cart on Public Streets Ordinance

Paul Burdette, Police Chief, briefly described the proposed updates, by explaining there were some minor language changes and some clarifications to get Town Ordinances in line with statutory requirements through North Carolina General Statues. He recognized Lieutenant David Halsey to present the proposed updates in more detail.

The proposed amendments are referenced below:

Sec. 73.04 - Registration and permit requirements

(B) Application and permit. The owner shall complete an application provided by the town and the golf cart shall be inspected by designated town staff for compliance with the provision of this chapter prior to the issuance of an annual permit. To evidence the registration, the owner shall be issued a unique license plate and annual registration decal which shall be displayed on the rear of the golf cart. The Board of Commissioners may establish, and amend from time to time, an annual registration fee for golf carts.

(C) Basic requirements. In order to register a golf cart and secure an annual permit, the owner and golf cart must meet the following basic requirements:

- (1) All golf cart operators must be at least 16 years old and possess a valid driver's license. A golf cart may be operated without a valid driver's license by a driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina

driver's license but which would not prevent the safe operation of a golf cart, provided further such medical or physical condition must be evidenced by a certification from a licensed health professional attesting to such medical or physical condition and stating that same would not prevent the safe operation of a golf cart. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina Identification card.

(E) Inspection. Prior to the issuance or renewal of an annual permit, designated town staff shall inspect the golf cart for compliance with the requirements of this chapter. No golf cart shall be registered and permitted unless it is in compliance with all requirements.

Sec. 73.05 - Standards of operation

It is unlawful to operate a golf cart on a public street, road or highway within the town unless the following requirements are met:

(C) Any person who operates a golf cart shall comply with § 73.04(C)(1). The driver and passengers must be properly seated while the golf cart is in motion, with seat belts properly fastened and may not be transported in a negligent manner. The seating capacity with seat belts shall not be exceeded. Age and weight appropriate child passenger restraint systems must be used when transporting a child of less than 8 years of age.

(M) Golf carts may not be operated on any sidewalk.

Sec. 73.99 - Penalties and remedies

(G) The town may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation and/or denial of a permit shall be effective for one year, unless the charge is dismissed or the owner and/or operator is acquitted, in which event the permit shall either be immediately reinstated or the application for the permit shall be approved if the conditions of the ordinance have been met.

Mr. Halsey also explained where Golf Cart information was listed on the Town's website and explained several processes, including how to obtain a registration and contact information for those who handle the process at Town Hall.

Commissioner Terwilliger asked that the ordinance be cleaned up to address the portion regarding golf carts and trailers, explaining there are many people in Town who have trailers to pull kayaks behind their golf cart.

Mr. Halsey said they had seen this happening and it was not really an area of concern. He explained the issue came about when people were trying to tow other things that were not safe, such as a lawn mower or another golf cart.

Commissioner Terwilliger said if that would be addressed, he would be comfortable with it.

Commissioner Cooper asked if rental companies will be made aware of these changes.

Mr. Halsey said yes, he had already been in contact with Sinclair Motor Company.

Commissioner Cooper asked several other questions, including how many citations had been issued in 2021.

Mr. Halsey explained the Police Department tried to use education over enforcement, and said they do issue citations, but he did not have a total number in front of him.

Commissioner Hollinshed asked a question about the registration form and how a golf cart would be identified if the tag wasn't visible.

Mr. Halsey explained the process is similar to how they report and identify those driving by in a vehicle; he also noted the new tags were bigger, making them more visible on the back of the golf cart.

Commissioner Oliver asked if there was an insurance requirement prior to these updates.

Mr. Halsey said yes; that was another reason why annual registration would be beneficial, as it will need to pass an annual inspection, where proof of insurance is verified.

Commissioner Oliver asked when the effective date would be.

Mr. Halsey said the updates would be effective immediately, but there would be a grace period to ensure everyone was in compliance.

Commissioner Hagle asked how the annual aspect would be managed.

Mr. Halsey said they were going to keep it very simple, explaining the golf carts would be valid for the year they are registered; it would be determined by calendar year, and a new registration would be required at the beginning of January. He added the golf cart must be registered to a physical address in Beaufort.

Commissioner Hagle made a motion to approve the updates as presented.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

3. Volunteer Board, Commission & Committee Appointments

Beaufort Harbor & Waterways Master Plan Advisory Committee:

Commissioner Hollinshed made a motion to open the floor for nominations to the Beaufort Harbor and Waterways Master Plan Advisory Committee.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Commissioner Terwilliger nominated Becky Bowler.

Commissioner Hagle nominated Doug Williams.

Commissioner Cooper made a motion to close nominations.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Voting for Becky Bowler: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver

Voting for Doug Williams: Commissioner Hagle

Mayor Harker confirmed the appointment of Becky Bowler to the Beaufort Harbor and Waterways Master Plan Advisory Committee, with a (4-1) vote by the Commissioners.

Board of Adjustment:

Commissioner Hollinshed made a motion to open the floor for nominations to the Board of Adjustment.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Commissioner Cooper nominated Wendi Oliver.

Commissioner Terwilliger nominated Ann Carter.

Commissioner Hagle made a motion to close nominations.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Voting for Wendi Oliver and Ann Carter: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver

Mayor Harker confirmed a unanimous (5-0) vote for both Wendi Oliver and Ann Carter, announcing their appointments to the Board of Adjustment.

Historic Preservation Commission:

Commissioner Hollinshed made a motion to open the floor for nominations to the Historic Preservation Commission.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Commissioner Hagle nominated Joyce McCune.

Commissioner Hollinshed nominated Tammy Hunsucker.

Commissioner Terwilliger nominated Ian Huckabee and Sandra Grotheer.

Commissioner Hollinshed nominated Bradley Hedrick.

Commissioner Terwilliger made a motion to close nominations.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Voting for Sandra Grotheer: Commissioner Terwilliger, Commissioner Cooper

Voting against Sandra Grotheer: Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Voting for Bradley Hedrick: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Voting for Ian Huckabee: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Voting for Tammy Hunsucker: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Voting for Joyce McCune: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Mayor Harker confirmed a unanimous (5-0) vote for Joyce McCune, Ian Huckabee, Tammy Hunsucker, and Bradley Hedrick, announcing their appointments to the Historic Preservation Commission.

Parks & Recreation Advisory Board:

Commissioner Terwilliger made a motion to open the floor for nominations to the Parks and Recreation Advisory Board.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Commissioner Cooper nominated Rebecca Drohan.

Commissioner Hollinshed nominated Michael Rave.

Commissioner Hagle made a motion to close nominations.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Voting for Michael Rave: Commissioner Terwilliger, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Voting for Rebecca Drohan: Commissioner Cooper

Mayor Harker confirmed the re-appointment of Michael Rave to the Parks and Recreation Advisory Board, with a (4-1) vote by the Commissioners.

Planning Board:

Commissioner Hagle made a motion to open the floor for nominations to the Planning Board.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

Commissioner Hollinshed nominated Diane Meelheim.

Commissioner Hagle made a motion to close nominations.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle.

The motion carried unanimously with a (5-0) vote.

Voting for Diane Meelheim: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

Mayor Harker confirmed the re-appointment of Diane Meelheim to the Planning Board, with a (5-0) vote by the Commissioners.

Commissioner Hollinshed made a motion to adopt a resolution requesting that the Carteret County Board of Commissioners fill vacant Town of Beaufort Planning Board and Board of Adjustment seats.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (5-0) vote.

4. Wastewater Asset Management Plan

Mr. Meshaw, Town Engineer, explained he had previously presented the plan at the January Work Session but was going to offer more detail in a few areas and address questions the Commissioners had. He recapped the plan and suggested this would be a tool for facilitating proper maintenance and operation. He went over the inventory assets and 10-year capital project recommendations. He also addressed questions from the Work Session, which included what the next steps were if the plan was adopted. He explained if adopted, the plan would be used as a guide for capital planning, budgeting, and the development of contingency plans. He suggested some alternative options if something failed and the importance of developing a plan of action to deal with potential issues. Mr. Meshaw explained the original permit design suggested the Town could treat for 1.85 MGD, but they can actually only put 1.5 MGD in Taylors Creek, according to the current permit. Mr.

Meshaw suggested he had confidence in the inventory, and the cost estimates by the consultant seemed to be realistic, but noted it was becoming more and more difficult to predict construction costs. He also mentioned future tests and monitoring systems that might be necessary to ensure efficiency, while discussing the effects of new development. Mr. Meshaw noted he thought the addition of an injection station for inserting a cleaning pig into US 70 force main was needed and explained that it was not in the proposed plan because it deals with existing assets.

Commissioner Hollinshed said she would like to add a condition, that it is mandated this plan is examined on a yearly basis.

Commissioner Oliver asked a few questions regarding capacity and growth of the system.

Mr. Meshaw explained the benefit of the SCADA system and pigging the lines, and how that relates to capacity.

Commissioner Oliver suggested it would be essential to build into the capacity already available in the system.

Commissioner Hagle suggested Mr. Meshaw bring to the board a request for additional manpower if needed, to ensure this plan can be a working document in the future.

Commissioner Hagle made a motion to approve Resolution No. 22-001, Adopting the Wastewater Asset Management Plan, as presented by Mr. Meshaw.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Hagle

The motion to pass the resolution was unanimous with a (5-0) vote.

Quasi-Judicial Proceeding

1. Case #22-01 Special Use Permit for an Accessory Dwelling Unit at 308 Ann Street

Commissioner Hollinshed notified the board she had a conflict of interest, as the adjoining landowner was one of her business partners. She asked to be recused from participating in the hearing.

Commissioner Terwilliger made a motion to recuse Commissioner Hollinshed from voting.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (4-0) vote.

Commissioner Hagle made a motion to open the evidentiary hearing for Case #22-01 Special Use Permit for an Accessory Dwelling Unit at 308 Ann Street.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Oliver, Commissioner Hagle

The motion carried unanimously with a (4-0) vote.

Mayor Harker said, this hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. The Board of Commissioners must base its decision upon competent, material and substantial evidence in the record. A quasi-judicial decision is a decision constrained by the standards in the Land Development Ordinance and based on the facts presented. All applications for special use permits must be consistent with the Land Development Ordinance for the Town of Beaufort and whether the special use is appropriate in the proposed location. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties with standing, as set forth in North Carolina General Statutes 160D-406 and 1402. At the sole discretion of the Board of Commissioners, other witnesses who do not have standing may present competent, material, and substantial evidence that is not repetitive. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners, acting through the Mayor, may subpoena witnesses and compel the production of evidence. For certain topics, the Board of Commissioners may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Elizabeth Lewis, Town Clerk, administered the oath to those listed below.

Ms. Lewis asked Mr. Garner: Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth, so help you God.

Mr. Garner said, I do.

Ms. Lewis asked Sarah Afflerbach: Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth, so help you God.

Ms. Afflerbach said, I do.

Ms. Lewis asked Scott Davidson: Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth, so help you God.

Mr. Davidson said, I do.

Mayor Harker asked if any other Board members had any ex parte communication, bias or conflicts of interest in the case.

Commissioner Terwilliger said no.

Commissioner Cooper said no.

Commissioner Oliver said no.

Commissioner Hagle said no.

Mr. Garner presented the overview of the case. He asked that the exhibits included in the Board packet be submitted for the record as evidence for Case #22-01 Special Use Permit for an Accessory Dwelling Unit at 308 Ann Street; applicant Sarah Afflerbach and owner Scott Davidson. He said that 23 notices were mailed to property owners within 200 feet, a sign was posted on the property, and an advertisement in the Carteret County News Times ran for two consecutive weeks. He explained this request was allowed as a Special Use in a Transitional Zoning District, and confirmed it was a Transitional Zoning District, per the maps included in the meeting packet. He added this property had been through the Historic Preservation Commission and has received a certificate of appropriateness for the main structure, as well as the accessory structure before the board. He noted the approximate square footage of the accessory dwelling unit is around 520 square feet and the request is consistent with the CAMA Land Use Plan. He explained the property was previously the First Baptist parsonage lot, and that structure was demolished within the last year. He said the lot was 1.84 acres and in the CAMA Land Use Plan it is identified as Public and Institutional, which is very similar to the zoning in Transitional. In regard to the required findings, he reported the following:

- a) Staff confirmed that the proposed use is an allowable special use in the zoning district it is being located within.
- b) Staff confirmed the application is complete.
- c) Staff confirmed the location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements, adding the significance of obtaining a certificate of appropriateness from the Historic Preservation Commission, that is also consistent with the Historic Guidelines.
- e) The proposed special use will not substantially injure the value of adjoining or abutting properties; Staff was not presented with any information that would state that this particular use would create a problem regarding adjacent property value.
- f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; Staff reported they could not find anything to indicate it was not consistent, and there are several other accessory dwelling units within a block and a half of this proposal.

g) Staff finds the criteria has been satisfied, the proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

Mr. Garner said based on the information presented, staff feels the applicant has done their due diligence, and would be glad to answer any questions.

Mayor Harker asked if the applicant would like to add anything that had not been entered into the record as far as the case was concerned.

Ms. Afflerbach said Kyle Garner really helped her and the owner put the application together and helped with reviewing the maps and ordinances. She said that she appreciated the help and was very excited about putting the structure there.

Mr. Davidson said thank you for the consideration and for Mr. Garner and his staff's efforts in the process. He said he was open to any questions and looked forward to being a full-time resident of Beaufort.

Mayor Harker asked if the Commissioners had any questions.

Commissioner Terwilliger had no questions.

Commissioner Cooper had no questions.

Commissioner Oliver said he loved the plan and asked if there were any issues with permeable surfaces or drainage requirements on this particular site.

Mr. Garner said the pavers were there for the driveway, and the Historic Commission believed there was not an excess of impervious surface on the lot.

Commissioner Hagle had no questions.

Mayor Harker asked the Board if there was any other material not in evidence which would prevent the Board from determining the case.

Commissioner Terwilliger said no, he believed they had the information needed.

Commissioner Cooper said he had no questions.

Commissioner Oliver said no, the only question he had was whether they have to make it conditional upon meeting an impervious surface requirement and I do not know the answer to that professionally.

Ms. Afflerbach said when they submitted their application to the Historic Preservation Commission, it was calculated and listed on the site plan; the Historic Preservation Commission reviewed it during a meeting and found it appropriate.

Commissioner Terwilliger said he participated in the meeting where the application was reviewed, and he actually asked a question regarding permeable surface. He explained at the time, it was stipulated that the applicant was under the 50% permeable surface area, around 42-43 %, meeting the guidelines at that time.

Commissioner Oliver said as long as Mr. Garner knows that to be accurate, he is strongly in support.

Mr. Garner said yes sir.

Commissioner Hagle said he had no questions, and with that, made a motion to close the evidentiary hearing.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Oliver, Commissioner Hagle

The motion passed unanimously with a (4-0) vote.

Mayor Harker asked for a motion of either approval or denial regarding the Finding of Facts.

Commissioner Hagle made a motion to approve the finding of facts as presented and listed (a-g), in Section 20 (E) of the LDO Plan.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Oliver, Commissioner Hagle

The motion passed unanimously with a (4-0) vote.

Mayor Harker asked for a motion to approve or deny the Special Use Permit.

Commissioner Oliver made a motion to approve the Special Use Permit Dwelling Unit at 308 Ann Street.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Oliver, Commissioner Hagle

The motion passed unanimously with a (4-0) vote.

Commissioner Hagle made a motion to bring Commissioner Hollinshed back to the meeting.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Oliver, Commissioner Hagle

The motion passed unanimously with a (4-0) vote.

Mayor/Commissioner Comments

Commissioner Terwilliger thanked the Harbor and Waterways Committee for their presentation and also recognized all of the applicants associated with the volunteer boards.

Commissioner Cooper thanked everyone who made a presentation and commended the Beaufort Historic Site in an event they put on the prior week.

Commissioner Hollinshed expressed her sympathy to the folks Down East dealing with a recent tragedy. She also thanked all those who applied for the volunteer boards.

Commissioner Oliver referenced a recent tour of Town Facilities, noting how impressed he was with the staff and the jobs they were doing. He mentioned he had completed a deep dive of the six-month financial statement and had recently submitted some questions to the Town Manager and he looked forward to connecting on those topics.

Commissioner Hagle noted it was great to see the continued progress on streets and sidewalks throughout Town. He also thanked all the applicants for the volunteer boards and committees. He noted he thought the Wastewater Assessment Management Plan would be a great tool to help the Town in the future. He thanked Mr. Townsend for his presentation and said he looked forward to future recommendations from the Harbor and Waterways Committee. He also thanked the Police Department for updating the Golf Cart Ordinance and ended with a safety message about slips, trips and falls.

Mayor Harker expressed congratulations for all those appointed to volunteer boards and commissioners and their willingness to serve the Town; she encouraged those who were not selected to continue applying in the future. She also gave praises to Sam Burdick and her efforts on the Resilient Beaufort Initiative. She ended by thanking the Commissioners for their positive efforts in the last 90-days they have been together as a Board.

Adjourn

Commissioner Terwilliger made a motion to adjourn the meeting.

Voting Yea: Commissioner Terwilliger, Commissioner Cooper, Commissioner Hollinshed, Commissioner Oliver, Commissioner Hagle

The motion passed unanimously with a (5-0) vote and the meeting was adjourned at 9:15 PM

Sharon Harker, Mayor

Elizabeth Lewis, Town Clerk



Harbor & Waterways Advisory Committee

Beaufort Board of Commissioners

Update #1

February 14, 2022





Harbor & Waterways Advisory Committee

Committee Purview Items

Per Beaufort Board of Commissioners

The following elements, **listed in priority order**, among others that may be identified during the process, should be addressed, coordinated, and integrated in the Master Plan:

1. Disposition of the Beaufort Docks
2. Reconstruction of bulkhead
3. Reconstruction boardwalk
4. Mooring fields in Taylors Creek/Town Creek
5. Disposition of the National Park Service lease
6. A dredging plan
7. Amendments to Navigable Waters Ordinance
8. Opportunities for public access
9. Best practices water quality



Harbor & Waterways Advisory Committee

Committee Members

Doug Townsend	Chairperson
Doug Doubleday	Vice Chairperson
Steve Bishop	Member
Tipper Davis	Member
Vic Fasolino	Member
Susan Sanders	Member
Miriam Sutton	Member
Vacant Position	Member
Bucky Oliver	Liaison to BOC's



Harbor & Waterways Advisory Committee

Committee Goals and Objectives

- Exist to Make Recommendations to Board of Commissioners and BOC's Prioritizes Our Activities
- Recommendations of Committee Will Be Fact-Based, Supported by Credible, Non-Partisan Research
- Recommendations Will Be Made to Board of Commissioners as Research Warrants



Harbor & Waterways Advisory Committee

Committee Member Responsibility

- Check Personal Opinions/Biases in the Closet
- There Are No Sacred Cows
- Think What Can Be Best for Beaufort and Its Tax-Paying Residents
- Think for Future Generations Who Will Have to Live with Our Work
- **Strong/Popular Docks = Strong/Popular Beaufort**
- **MATERIAL FINANCIAL BENEFIT TO THE TOWN**



Harbor & Waterways Advisory Committee

Important Facts

- Current Concessionaire's Lease Expires 12.31.24 (Two years, 10 months away)
- At Expiration, Total Years Under Lease – 46.3 Years (August 28, 1978)
- Current Lease Rate
 - Base Lease on Docks -- \$118,336 (\$9,863 per month)
 - Annual Dredge Fund -- \$ 60,000 (\$5,000 per month)
 - **Total Annual Pay -- \$ 178,336**
- At Expiration, All Dock Assets and Improvements Transfer to Town
- Town Owns the Bulkhead, Boardwalk, Parking Property and Riparian Rights
- Docks Are for Transient Boaters Only (No Long-Term Dockage)
- Diesel Fuel Resides on Finz/Geer Property and Piped to Docks via Agreement
- Dockside and Dockmaster Station Privately Owned/Do NOT Transfer
- Expectations for Quality Bathhouse Increase with Revenue-Mooring Spots
- Collapse of Western Tip of Shackleford Increasing Sediment Flow into Beaufort Inlet
- Abundant Grant Money in the Market with State and Federal Funds



Harbor & Waterways Advisory Committee

Purview Item

1. Disposition of the Beaufort Docks
2. Reconstruction of bulkhead
3. Reconstruction boardwalk
4. Mooring fields in Taylors Creek/Town Creek
5. Disposition of the National Park Service lease
6. A dredging plan
7. Amendments to Navigable Waters Ordinance
8. Opportunities for public access
9. Best practices water quality

Sub-Committee

Master Plan/Financial/Capital
Condition/Construction/Capital
Condition/Construction/Capital
Master Plan/Capital
YTBA
Dredging
YTBA
Master Plan/Capital
Water Quality



Harbor & Waterways Advisory Committee

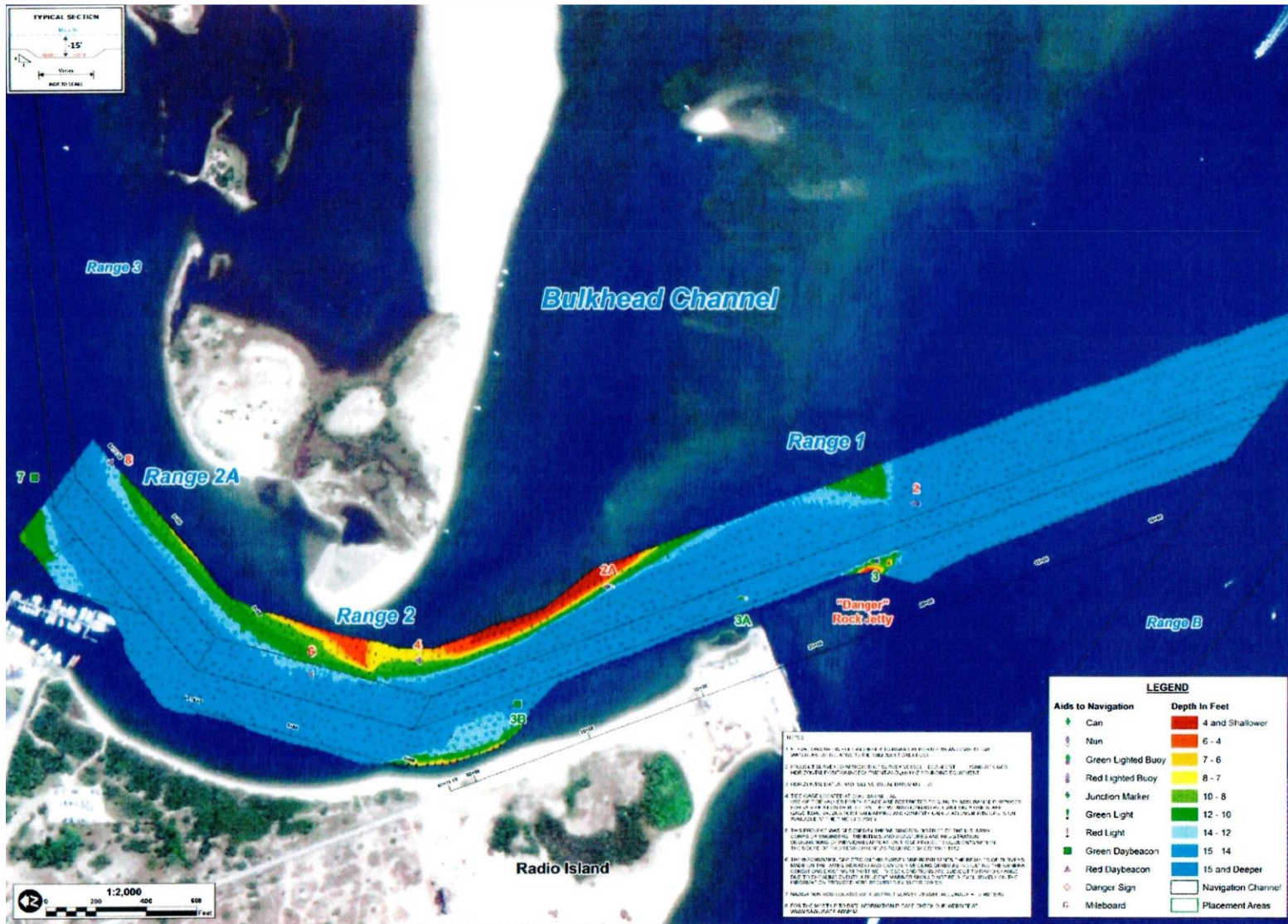
Dredging Update

(Doug Townsend, Sub-Committee Chair)

(Bucky Oliver)

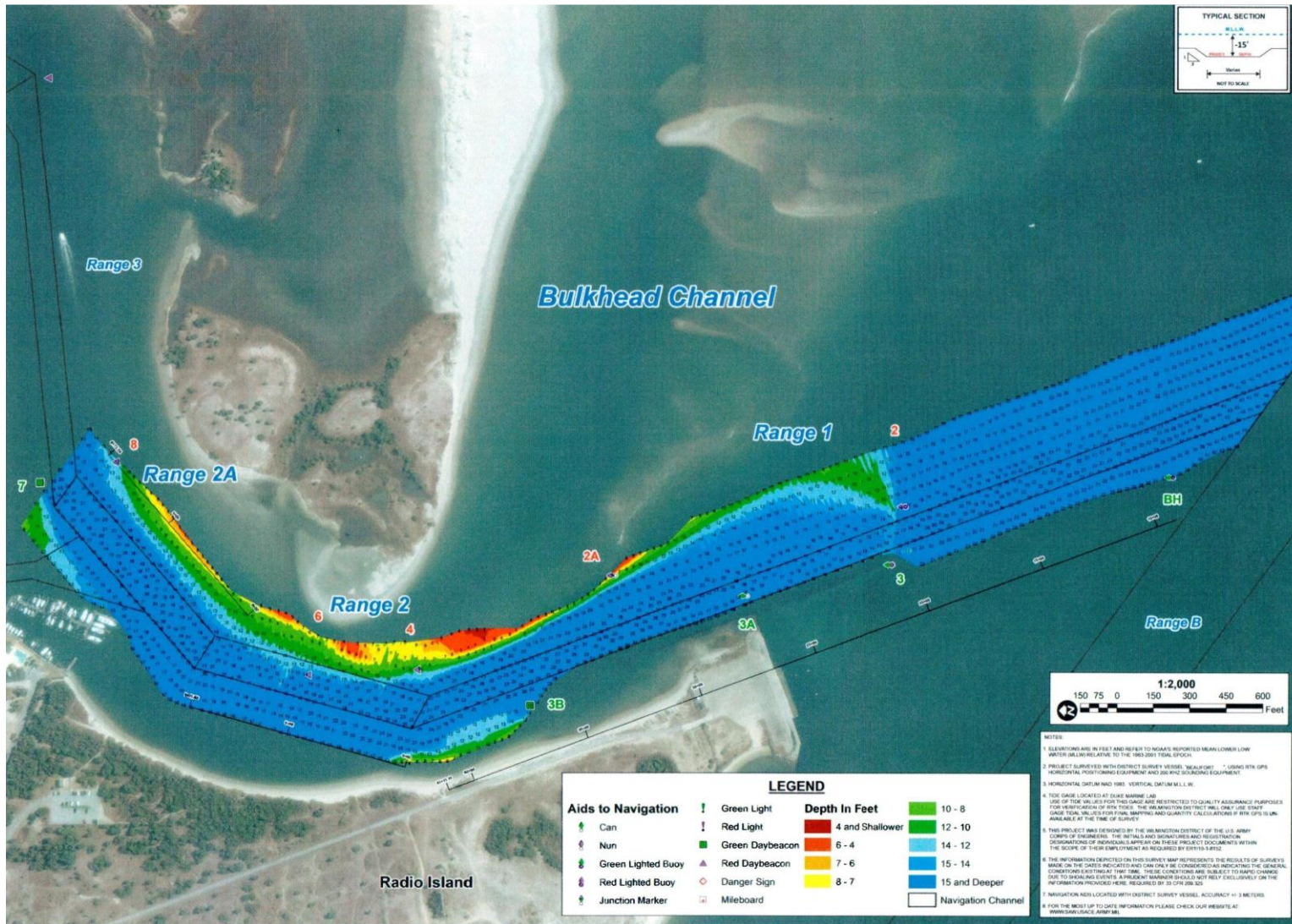


Harbor & Waterways Advisory Committee





Harbor & Waterways Advisory Committee



DECEMBER 16, 2021

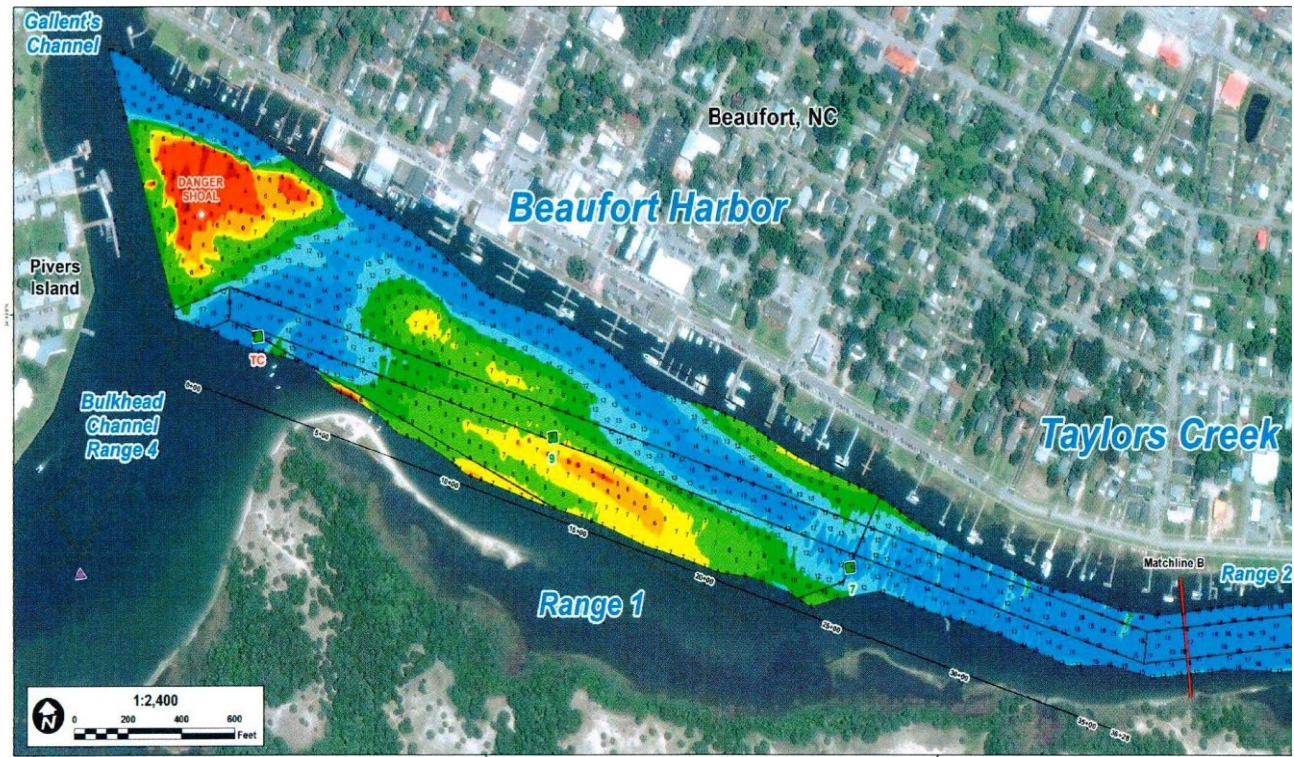
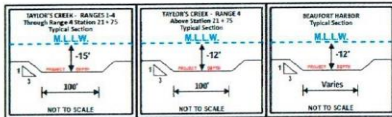


Harbor & Waterways Advisory Committee

LEGEND

Aids to Navigation	Depth In Feet
Can	4 and Shallower
Nun	6 - 4
Green Lighted Buoy	7 - 6
Red Lighted Buoy	8 - 7
Junction Marker	10 - 8
Green Light	12 - 10
Red Light	14 - 12
Green Daybeacon	15 and Deeper
Red Daybeacon	Matchlines
Danger Sign	Navigation Channel
Mileboard	

- NOTES**
- ELEVATIONS ARE IN FEET AND REFER TO NOAA'S REPORTED MEAN LOWER LOW WATER (MLLW) RELATIVE TO THE 1985 ZONE TIDAL EPOCH.
 - PROJECT SURVEYED WITH DISTRICT SURVEY VESSEL "SEAFURYER" USING RTK GPS HORIZONTAL POSITIONING EQUIPMENT AND 200 KHZ SOUNDING EQUIPMENT.
 - HORIZONTAL DATUM NAD 1983 VERTICAL DATUM M.L.L.W.
 - TIDE GAGE LOCATED AT DUKE MARINE LAB. USE OF TIDE VALUES FOR THIS GAGE ARE RESTRICTED TO QUALITY ASSURANCE PURPOSES FOR VERIFICATION OF RTK TIDES. THE WILMINGTON DISTRICT WILL ONLY USE STAFF GAGE TIDE VALUES FOR FINAL MAPPING AND QUANTITY CALCULATIONS IF RTK GPS IS UNAVAILABLE AT THE TIME OF SURVEY.
 - THIS PROJECT WAS DESIGNED BY THE WILMINGTON DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS. THE DETAILS AND SUBMITTALS AND DESIGNATION DESIGNATIONS OF INDIVIDUALS APPEAR ON THE SP PROJECT DOCUMENTS WITHIN THE SCOPE OF THEIR EMPLOYMENT AS REQUIRED BY DER 110.14-202.
 - THE INFORMATION DEPICTED ON THIS SURVEY MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME. THESE CONDITIONS ARE SUBJECT TO RAPID CHANGE DUE TO OCCASIONAL EVENTS. A PRESENT MAP USER SHOULD NOT RELY EXCLUSIVELY ON THE INFORMATION PROVIDED HERE. REQUIRED BY 33 CFR 209.225.
 - NAVIGATION AIDS LOCATED WITH DISTRICT SURVEY VESSEL. ACCURACY +/- 3 METERS.
 - FOR THE MOST UP TO DATE INFORMATION PLEASE CHECK OUR WEBSITE AT WWW.SAV.USACE.ARMY.MIL.



DECEMBER 1, 2021



Harbor & Waterways Advisory Committee

Committee Recommendation #1

The Harbor and Waterways Committee (“HWC”), after reviewing USACE sounding charts over a period of May 2021 through December 2021, recommends the Town of Beaufort formally contract with the US Army Corp of Engineers --Wilmington District (“USACE”) to dredge Bulkhead Channel (Range 1) twice per calendar year in the Spring and Fall.

The HWC further recommends the Town of Beaufort immediately engage with USACE to dredge the entry to Gallent’s Channel (Range 4) when the Murden vessel arrives in April 2022. Town should closely monitor USACE soundings over balance of 2022 and first six months of 2023 to determine ongoing frequency of dredging Range 4.



Harbor & Waterways Advisory Committee

USACE Federal Funding

Due in part to elevation of awareness the HWC brought to the attention of USACE regarding the Town's dredging issues, Kyle Garner has been notified by USACE that it allocated \$520,000 of a \$59.7 million federal infrastructure funding for ongoing dredging activities in Beaufort Inlet and the Town's surrounding waterways.

These funds will be available for use in calendar year 2022.

At the request of HWC, USACE has agreed to start attending ongoing meetings of the HWC in order to help better identify and remediate real-time issues of shoaling in the Town's waterways.



Harbor & Waterways Advisory Committee

Condition Assessment Update

(Steve Bishop/Vic Fasolino, Sub-Committee Chairs)



Harbor & Waterways Advisory Committee

Condition Assessment Summary

- Sub-Committee has worked with Moffatt & Nichol engineering consultants to assess and deliver a report on the condition of the docks, bulkhead and boardwalk
- Report based on surface observations was delivered in January 2022
- Further below-water assessment of bulkhead required through engineering dive
- High-Level Assessment
 - Bulkhead nearing end of useful life and needs to be repaired or replaced
 - Three repair options or total replacement option
 - Boardwalk at its end of useful life and needs to be replaced
 - Docks are operational and under the supervision of BWE
- Sub-Committee seeking additional local opinions on courses of action



Harbor & Waterways Advisory Committee

Initial Cost Parameters -- Beaufort Docks (Source: M&N Report)					
#	Item Description		Cost	Life	\$\$ /Year Life
1.	Timber Bulkhead	Repair	\$7,380	17.5	\$422
2.	Stone Masonry Gravity Wall	Repair	\$22,500	17.5	\$1,286
3.	Concrete Bulkhead				
	Option One -- Encapsulate Cap/Geotext Sheet Pile	Repair	\$2,643,452	17.5	\$151,054
	Option Two -- Encapsulate Cap/Concrete Fasia	Repair	\$3,346,850	17.5	\$191,249
	Option Three -- Composite Slip Form	Repair	\$2,883,335	17.5	\$164,762
	Option Four -- Rebuild Bulkhead	Replace	\$4,396,210	50.0	\$87,924
4.	Timber Boardwalk				
	Rebuild with Southern Yellow Pine	Replace	\$1,617,512	5.0	\$323,502
	Rebuild with Premium Materials	Replace	\$1,941,014	13.0	\$149,309
5.	Total Cost Estimates (with Premium Materials)				
	Option One		\$4,614,346		
	Option Two		\$5,317,744		
	Option Three		\$4,854,229		
	Option Four		\$6,367,104		



Harbor & Waterways Advisory Committee

Initial Funding Sources

(Source: M&N Jessica McIntyre, PE)

Funding Source	Amount
Public Beach & Waterfront Access Grant (PBWAG)	\$150,000
Parks & Recreation Trust Fund (PARTF)	\$500,000
Recreational Trails Program (RTP)	\$100,000
Sub-total State Funding	\$750,000
Building Resilient Infrastructure & Communities (BRIC)	\$4,800,000
Sub-total Federal Funding	\$4,800,000
Sub-total Grant Funding	\$5,550,000
Town of Beaufort (other State or Local sources)	\$850,000
Total	\$6,400,000



Harbor & Waterways Advisory Committee

Master Plan Update

(Susan Sanders/Miriam Sutton, Sub-Committee Chairs)



Harbor & Waterways Advisory Committee

Master Plan Summary

- Second part of Moffatt & Nichol's consulting contract with Town of Beaufort
- Blank-grease-board approach to considering investments Town of Beaufort could make on its boardwalk and upland properties to increase the quality of user experience for Town citizens, visitors, transient boaters and day boaters
- Sought public opinion and input via web site set up by M&N in October and November 2021
- Much of the public opinion aired views on Town parking problems
- Sub-Committee made recommendation to Waterways Committee to provide Master Plan guidance to M&N
- Committee approved the following Must Haves to any Master Plan scenario:
 - *Rebuild/Replacement of Bulkhead and Boardwalk*
 - *New Landmark Welcome Center/Dockmaster/Bathhouse*
 - *New Town-Controlled Fuel Tank Field*
 - *Revenue-Generating Mooring Field*



Harbor & Waterways Advisory Committee

Master Plan Optionality Example

- **Option One** – Complete the Must Haves Only (0-26)
- **Option Two** – Complete Must Haves, Convert Eastward Parking Lot into Community Green Space (26-52)
- **Option Three** – Complete Must Haves, Convert Eastward Parking Lot and Close Down Front Street from Turner to Queen Street to Construct a Walking Mall (69-95)

NOTE: Nothing more than a repair/replacement of the bulkhead and boardwalk can be achieved if the Town does not undertake some immediate measures to increase its parking capacity in alternative locations.



Harbor & Waterways Advisory Committee

Key Delivery Dates (Tentative)

Engineering Dive on Bulkhead.....	Feb 21
HWC Recommendation on Bulkhead and Boardwalk to BOC.....	Mch 21
HWC Master Plan Guidance to M&N.....	Apr 15
Master Plan Draft #1 to HWC.....	May 30
Town Input Meeting #1 on Master Plan.....	June 1
Master Plan Draft #2 to HWC.....	July 1
Town Input Meeting #2 on Master Plan.....	July 19
HWC Recommendation on Master Plan to BOC.....	Aug 22



Harbor & Waterways Advisory Committee

Final Thoughts and Observations

- Timing to undertake a meaningful project like this is likely as good as it will ever be
- Significant grant money appears to be available to fund construction costs
- Board of Commissioners showed great foresight in 1978 in its objective to transform the Beaufort Docks
- Board of Commissioners has equivalent opportunity to transform its waterfront in keeping with Beaufort's history, but enhance the user experience of the docks and waterfront amenities
- The derivative result of high popularity and usage of the transient docks can translate to a material increase in the annual lease rates of the docks
- This will benefit all tax-paying citizens of Beaufort



Harbor & Waterways Advisory Committee

Questions

BOARD OF COMMISSIONERS REPORT

To: Honorable Mayor & Board of Commissioners

From: Kyle Garner, AICP, Planning Director

Date: January 19, 2022

Case No.: 22-01

THE REQUEST: Special Use Permit for Accessory Dwelling Unit

BACKGROUND:

Location: 308 Ann Street
Owner: Scott Davidson
Applicant: Sarah Afflerbach – Go Architecture
Requested Action: Conduct Evidentiary Hearing and Provide Findings & Decision
CAMA Land Use: Public & Institutional
PIN: 730617103546000
Size: .184 Acres
Existing Land Use: Vacant Lot – Former First Baptist Parsonage
Adjoining Land Use & Zoning: North - Single-Family Residences; Zoned R-8
South – First Baptist Parking Lot – Zoned TR (Transitional)
West – Single Family Residences - Zoned R-8
East – Single-Family Residences; Zoned TR

SPECIAL INFORMATION: This property has been granted a Certificate of Appropriateness from the Historic Commission to construct a single-family dwelling with detached garage. Prior to the new dwelling the site was the Former First Baptist parsonage.

At their January 18, 2022 meeting, after some discussion, the Planning Board recommended approval of the Special Use Permit for an accessory dwelling unit.

Public Utilities: Water Existing Service
Sanitary Sewer Existing Service

ACTION:

1. Conduct Evidentiary Hearing
2. Provide Findings & Render a Decision with or without conditions based on those Findings



STAFF COMMENTS:

- This application is for a Special Use Permit for an Accessory Dwelling Unit per the TR Zoning District.
- The property owner has been through the Historic Commission to obtain a Certificate of Appropriateness.
- Accessory Dwelling Units are not uncommon in the historic district as there are at 3 within one block of this property.
- The request is consistent with the current Land Use Plan – (*See Application*)

SECTION 20 Special Use Permit (*Town of Beaufort Land Development Ordinance*)

E) Required Findings

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.



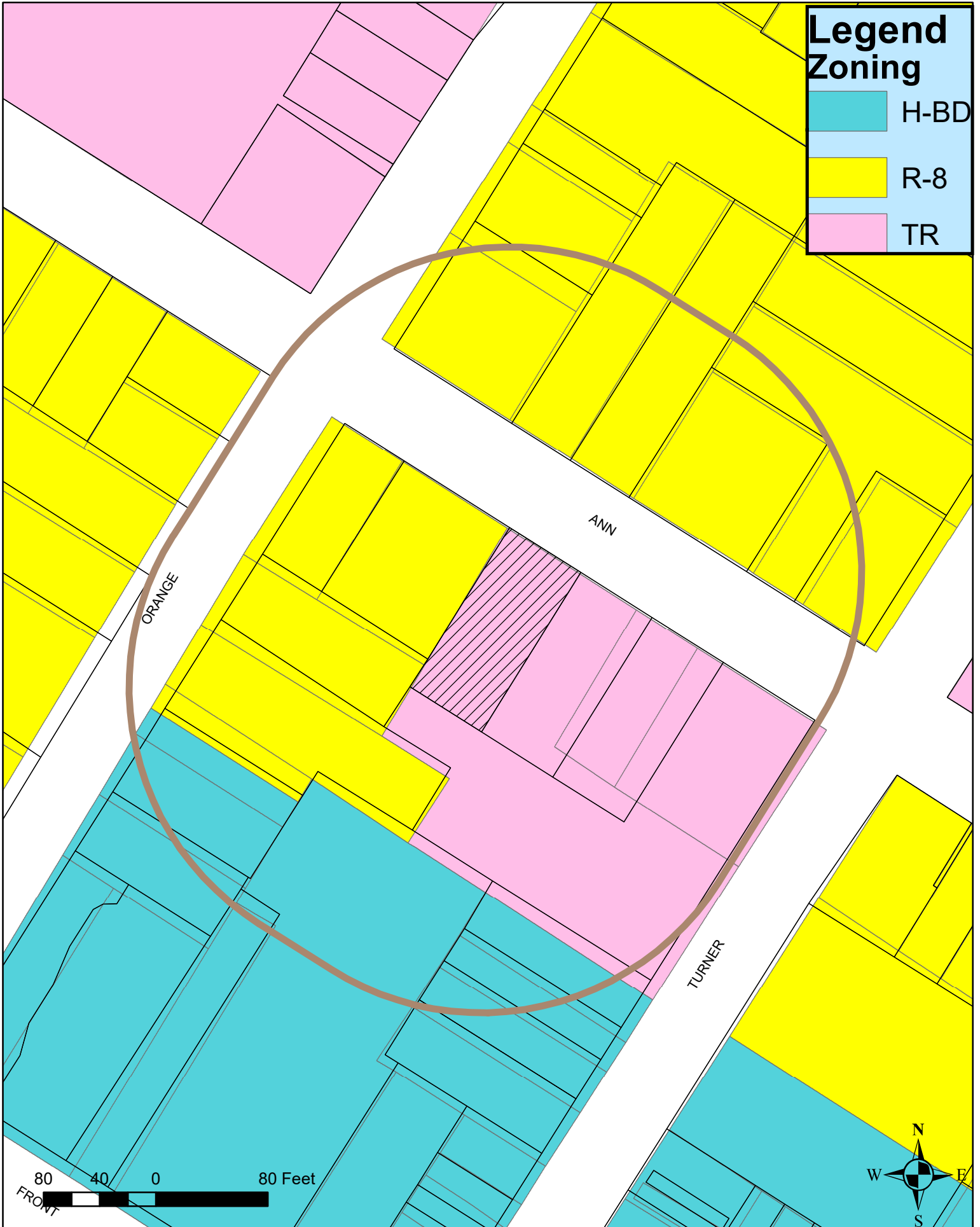
Exhibits:

- B- Vicinity Map
- C - Zoning Map
- D - CAMA Land Use Map
- E – List of Property Owners within 200 feet
- F - Application to include Site Plan
- G - Section 20 Special Use Permit Information

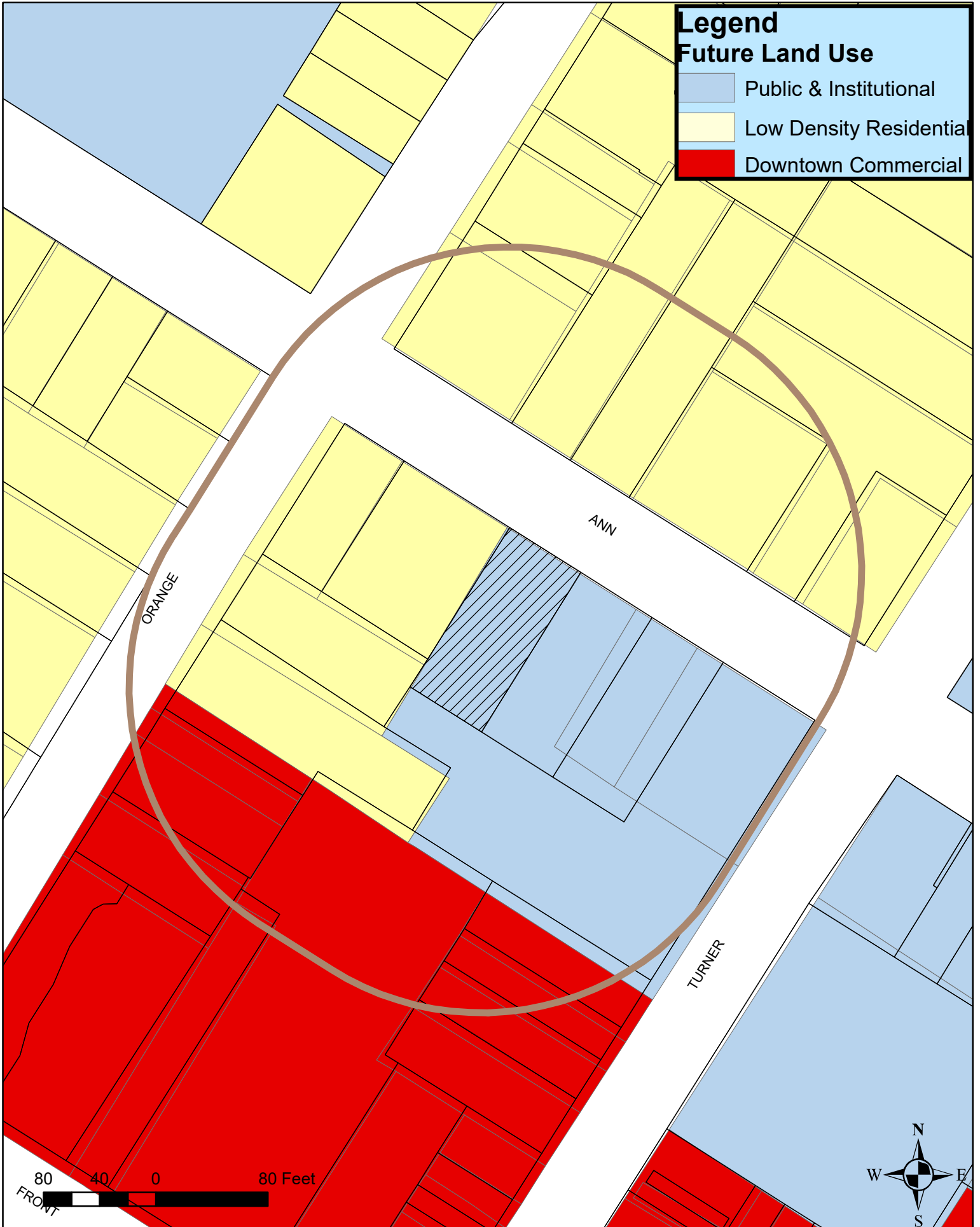
Case # 22-01 - Special Use Permit - Owners Within 200 Feet - 308 Ann St.



Case # 22-01 - Special Use Permit - Zoning Map - 308 Ann Street



Case # 22-01 - Special Use Permit - CAMA Map - 308 Ann Street



<u>OWNER</u>	<u>MAIL_HOU</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>STATE</u>	<u>MAIL_ZIP</u>	<u>MAIL_ADD2</u>
AB CAUSEWAY LLC	5206	HOLLY COURT	MOREHEAD CITY	NC	28557	
ADAIR,GEOFFREY GLENN	1344	PINE VALLEY DRIVE	NEW BERN	NC	28562	
BEAUFORT HISTORICAL ASSOCIATIO	150	TURNER STREET	BEAUFORT	NC	28516	
BEAUFORT INVESTMENTS LLP	608	ANN STREET	BEAUFORT	NC	28516	
COLLINS,RICHARD A JR	2533	LAUREL CHERRY STREET	RALEIGH	NC	27612	
DAVIDSON,ARIAIL SCOTT			ASPEN	CO	81612	PO BOX 5141
FIRST BAPTIST CHURCH BEAUFORT	403	ANN STREET	BEAUFORT	NC	28516	
GOELLNER,ALBERT J ETUX RUTH	118	ORANGE ST	BEAUFORT	NC	28516	
GROTHER,SANDRA F	125	WHIMBREL WAY	BEAUFORT	NC	28516	
HARRIS,STEPHEN W JR ETUX MARGE	2816	CHELSEA CIRCLE	DURHAM	NC	27707	
HUCKABEE,IAN DOUGLAS ETUX TRAC	313	ANN STREET	BEAUFORT	NC	28516	
MOSIER,DAVID W JR ETAL	305	ANN STREET	BEAUFORT	NC	28516	
MOSIER,WILLIAM H ETUX LAURA R	305	ANN STREET	BEAUFORT	NC	28516	
MOUNTCASTLE,RICHARD ETUX AMAND	12121	CASTLE RIDGE ROAD	RALEIGH	NC	27614	
NEWTON,FRANCES S TRUSTEE	301	ANN STREET	BEAUFORT	NC	28516	
NIXON-MOORE,MARY ELLEN	307	FRONT STREET	BEAUFORT	NC	28516	
OLD CAUSEWAY THOROUGHFARE LLC	4737F	ARENDELL STREET	MOREHEAD CITY	NC	28557	
SIMPSON,ANN KINDELL	3100	MORROW FARM LANE	CHAPEL HILL	NC	27516	
STATE OF NORTH CAROLINA	1321	MAIL SERVICE CENTER	RALEIGH	NC	27699	
STEPHENSON,CATHERINE POTTER	116	ORANGE ST	BEAUFORT	NC	28516	
TAYLOR,NELSON W III ETUX PATRI	311	ANN ST	BEAUFORT	NC	28516	
THE '04 THOMAS O HOLLINSHED TR	100	S RIDGE STREET	SOUTHERN PINES	NC	28387	
WILLIS,BEN M	2737	SPIEGEL DR	VIRGINIA BEACH	VA	23454	



APPLICATION FOR A SPECIAL USE PERMIT

Instructions:

Please complete the form below including all required attachments, a **\$400.00 application fee**, and return to the Beaufort Town Hall; 701 Front Street; P.O. Box 390; Beaufort, N.C.; 28516. Incomplete applications will not be processed but will be returned to the applicant. Please call Planning and Inspections at (252) 728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: GO Architectural Design, PLLC

Applicant Address: 1202A Pollock Street

Phone Number: (252) 633-0322 Email: sarah@goarchdesign.com

Property Owner Name: Scott Davidson

Address of Property Owner: 308 Ann Street, Beaufort, NC 28516

Phone Number: (970) 948-4800 Email: scott@christiesaspenre.com

PROPERTY INFORMATION

Property Address: 308 Ann Street, Beaufort, NC 28516

15-Digit PIN: 730617103546000 Lot/Block #:

Size of Property (in square feet or acres): 0.184 Current Zoning: TR

Current Use of Property: Previously Single Family Requested Use: Residential Single Family

An application fee of **\$400.00**, either in cash, money order, or check made payable to the "Town of Beaufort" must accompany this application (a credit card payment can be made in person at Town Hall). The complete application, payment, and supporting materials must be received by Town Staff at least 15 working days prior to a regularly scheduled Planning Board meeting date.

Please refer to the Town's **Land Development Ordinance**, Sections 20 & 27, and all other pertinent sections of the Ordinance for information required to accompany this application. Any plans or documents submitted should be submitted in an electronic or digital format and one printed color copy of such documents submitted with the application.

The town's website address is www.beaufortnc.org.

Sarah Afflerbach
Applicant Signature

12.8.21
Date of Applicant's Signature

Scott Davidson
Property Owner Signature (if different than above)

12/8/21
Date of Owner's Signature

OFFICE USE ONLY

Revised 8/2020

Date: _____
Received by: _____

Reviewed for Completeness By: _____
Date Deemed Complete and Accepted: _____



308 Ann Street - SUP

December 08, 2021

Kyle Garner
701 Front St.
Beaufort, NC 28516

RE: 308 Ann Street, Beaufort, NC

Dear Kyle,

Thank you for your help taking this project through the Historic Preservation Commission. We understand that having a habitable accessory dwelling unit in our zoning area requires a Special Use Permit and we would like to apply for this permit.

The owner is looking toward the future in anticipation of needing a caretaker and would like to provide this habitable accessory dwelling unit for such a use. We also understand that there are other properties in the area that have similar structures with similar uses.

Attached are the pertinent Land Development Ordinance sections, site survey with the new structures located, plans and elevations of the structure, and photos of the streetscape. Please let us know if you need anything else to get this project on the schedule for a Special Use Permit.

Thanks again for your help.

Sincerely,

A handwritten signature in black ink that reads 'Sarah Afflerbach'. The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Sarah Afflerbach, AIA, LEED AP

Land Development Ordinance

Definitions – page 16

Accessory Dwelling Units/Structures. Accessory Dwelling Units/Structures are commonly understood to be a separate additional living unit or structure, including kitchen, sleeping, and bathroom facilities, attached to or detached from the primary residential unit, on a single-family lot. They shall be subordinate in size, location, and appearance to the primary residential unit and may or may not have separate means of ingress or egress.

H) TR Transitional District. – page 63

Purpose: This intent of this district is to serve as a transition between residential and more intensive districts. This includes residential and commercial uses with a low noise and traffic impact which would generally be considered compatible with a residential area which may or may not have buffering requirements as documented in section 19 of this Ordinance. Uses in this district which require potable water or sanitary sewer must be connected to municipal water and municipal sewer.

B) Transitional District (TR). – page 99, 100

6) Special Uses (Special Uses text may be found in section 20 of this Ordinance).

Accessory Dwelling Unit

E) Required Findings. – page 190

1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:

a) The proposed use is an allowable special use in the zoning district it is being located within;

[308 Ann Street is located in the TR District and this is an allowable use with a Special Use Permit.](#)

b) The application is complete;

[We have reviewed our application with the City staff and believe it is complete.](#)

c) The location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements;

[The Town of Beaufort NC CAMA Core Land Use Plan \(map below\) shows on page 90 that 308 Ann Street is located in the Public & Institutional Use area. Page 94 of the Core Land Use Plan, Item D. states that for Public and Institutional designated areas may also include R-8 Medium Density Residential zoning districts which per the Town of Beaufort, NC Land Development Ordinance, page 82 allows for Accessory Dwelling Units provided they have a Special Use Permit which is what we are seeking.](#)

d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;

[We are proposing a residential driveway similar to the surrounding houses and properties.](#)

e) The proposed special use will not substantially injure the value of adjoining or abutting properties;

The owner has obtained an appraisal for the designed project by a licensed appraiser and the accessory dwelling unit shows an added value to the overall project.

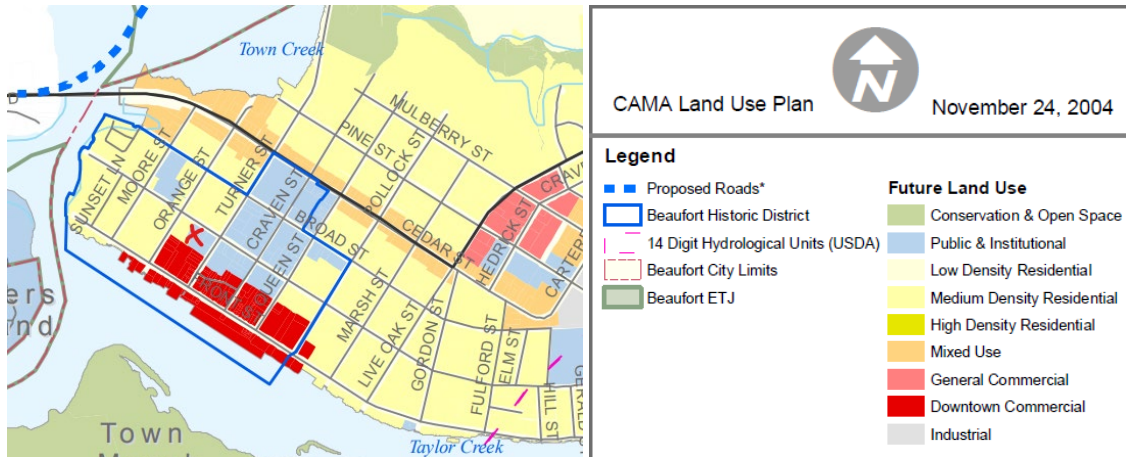
f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,

It is our understanding that there are similar accessory dwelling unit structures in the immediate vicinity, and this has not caused any harm to the neighborhood.

g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

The proposed use is allowed per the Town of Beaufort, NC Land Development Ordinance, and the CAMA Core Land Use plan.

**CAMA Core Land Use Plan
308 Ann Street – Public & Institutional**



Photos of Streetscape, Site and Adjacent Homes:
308 Ann Street, Beaufort, NC 28516



308 Ann Street – Existing Site



Street view West on Ann Street



Street view West on Ann Street



Street view West on Ann Street



Street view East on Ann Street



Street view East on Ann Street



Street view East on Ann Street

DAVIDSON - CUSTOM HOME

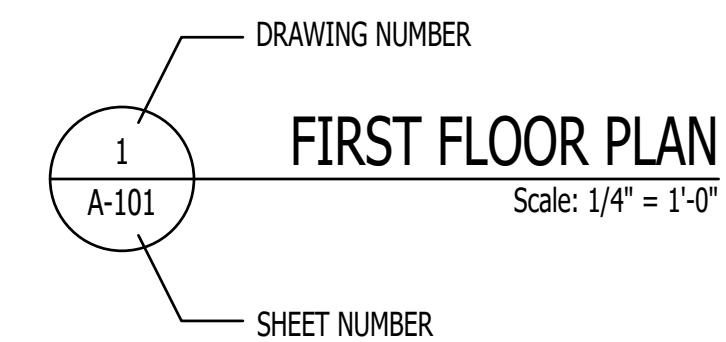
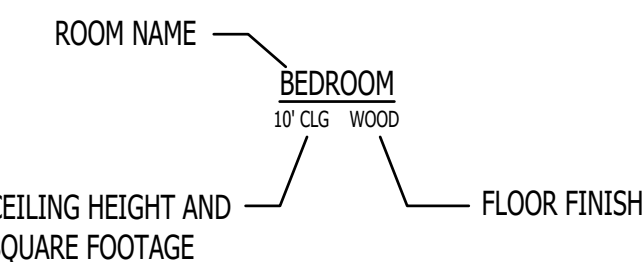
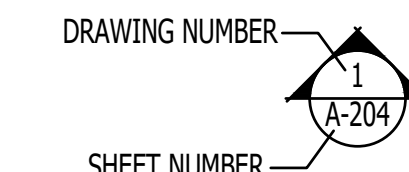


SCALE: 3/16" = 1'-0"

KEYS & SYMBOLS

DOOR & WINDOW SIZE KEY

2060 = 2'-0" WIDE X 6'-0" HIGH



ELECTRICAL ELEGEND

- RECEPTACLE
- FLOOR RECEPTACLE
- GFCI RECEPTACLE
- WATER PROOF RECEPTACLE
- SWITCH
- 3 WAY SWITCH
- FAN / LIGHT
- SECURITY LIGHT
- CEILING MOUNT
- WALL SCONCE
- CEILING PENDANT
- FAN / LIGHT
- 6" RECESSED CAN
- DIRECTIONAL PIN LIGHT
- FLUORESCENT
- UNDER-COUNTER
- CABLE
- GARAGE DOOR OPENER W/ LIGHT

SHEET SCHEDULE

- G-101 TITLE SHEET
- C-101 SITE PLAN
- A-101 FIRST FLOOR PLAN
- A-102 SECOND FLOOR PLAN
- A-201 ROOF PLAN
- A-203 ELEVATIONS
- A-202 ELEVATIONS
- A-203 ELEVATIONS
- A-204 COTTAGE ELEVATIONS
- A-205 COLOR CHOICES

SQUARE FOOTAGE

HEATED / COOLED	
FIRST FLOOR PLAN	1,573 SF
SECOND FLOOR PLAN	1,373 SF
TOTAL	2,949SF

DEPENDANCY 447 SF

NON HEATED	
GARAGE	305 SF
FRONT PORCH	413 SF
SCREENED PORCH	241 SF
1ST FL REAR DECK	337 SF
2ND FL REAR DECK	337 SF
TOTAL	1,633 SF



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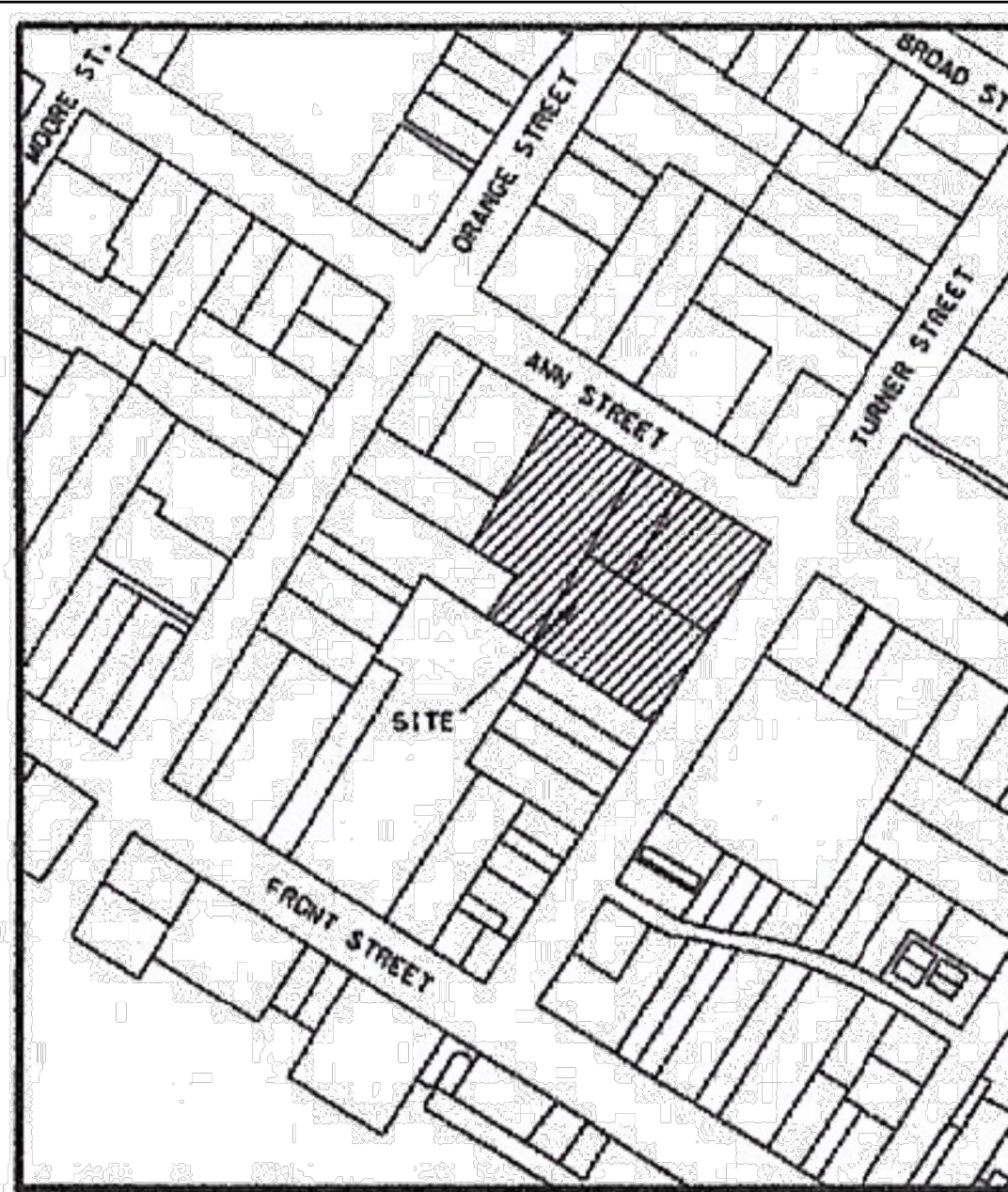
DAVIDSON CUSTOM HOUSE
308 ANN STREET, NEW BERN, NC 28516

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G-101

TITLE SHEET

11.22.2021
DAVIDSON - 308 ANN ST



VICINITY MAP N.T.S.

COVERAGE	
LOT SIZE 60'X134'	8,040 SF
HOUSE FOOTPRINT	2,627 SF
DEPENDENCY FOOTPRINT	752 SF
TOTAL	3,379 SF
LOT COVERAGE	42%

312 ANN STREET
 8,040 SQUARE FEET
 VACANT LOT EXCEPT FOR
 EXISTING WOOD FENCE
 ALONG NE & SE LOT LINES

N/F MARIANNA HOLLINSHED
 D.B. 932 PG. 446
 NCPIN 730617102745000

N/F ALBERT GOELLNER
 D.B. 821 PG. 247
 NCPIN 730617101688000

N/F CATHERINE STEPHENSON
 D.B. 786 PG. 662
 NCPIN 730617101653000

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON WHICH IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF BEAUFORT, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND ESTABLISH MINIMUM BUILDING SETBACK LINES AS NOTED.

OWNER _____ DATE _____

OWNER _____ DATE _____

TOWN APPROVAL

THIS IS AN EXEMPT SUBDIVISION PURSUANT TO THE TOWN OF BEAUFORT SUBDIVISION ORDINANCE ARTICLE V SECTION 1A: COMBINATION OR RECOMBINATION OF PREVIOUSLY PLATTED LOTS.

Mike Sam, Planning Director 6/30/2020
 DATE: PLANNING DIRECTOR

REVIEW OFFICER CERTIFICATION

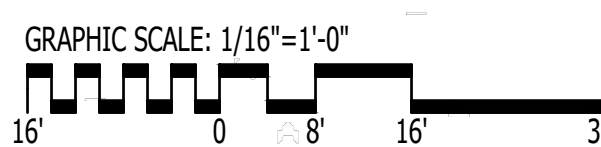
COUNTY OF CARTERET

I *Regan Retchiff*, REVIEW OFFICER OF CARTERET COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Regan Retchiff 10/30/2020
 REVIEW OFFICER DATE

REGISTER OF DEEDS CERTIFICATION

FILED FOR REGISTRATION AT 4:32 PM 10:00 CLOCK



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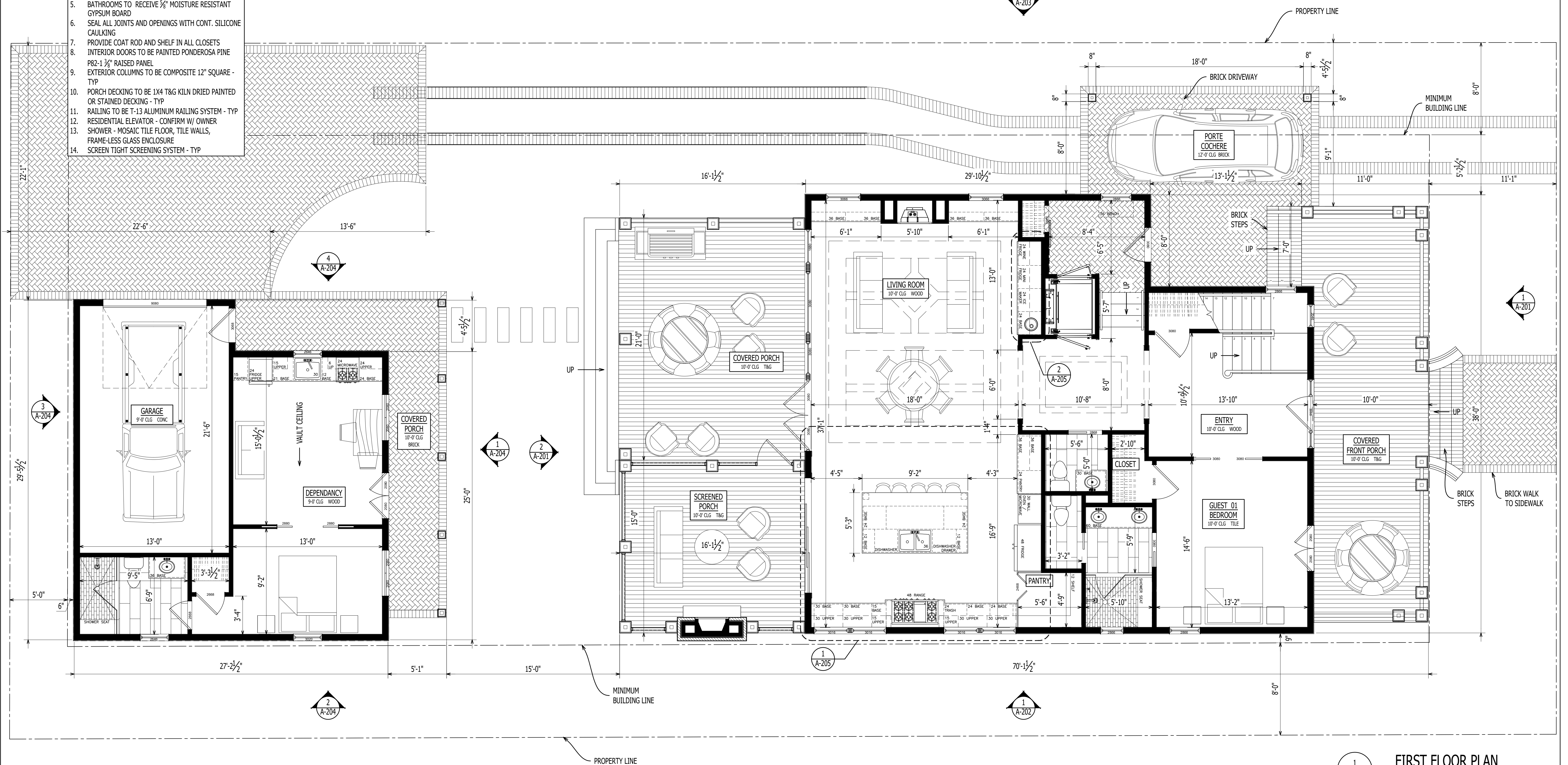
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C-101
 SITE PLAN
 11.22.2021
 DAVIDSON - 308 ANN ST

NOTES

1. DIMENSIONS ARE TO FACE OF STUD - THIS SHEET
2. ALL EXTERIOR WALLS - 2X6 WOOD STUD @ 16" O.C.
3. ALL INTERIOR WALLS - 2X4 WOOD STUD @ 16" O.C.
4. 1/2" PAINTED GYPSUM BOARD ON ALL WALLS AND CEILING
5. BATHROOMS TO RECEIVE 3/8" MOISTURE RESISTANT GYPSUM BOARD
6. SEAL ALL JOINTS AND OPENINGS WITH CONT. SILICONE CAULKING
7. PROVIDE COAT ROD AND SHELF IN ALL CLOSETS
8. INTERIOR DOORS TO BE PAINTED PONDEROSA PINE P82-1 3/4" RAISED PANEL
9. EXTERIOR COLUMNS TO BE COMPOSITE 12" SQUARE - TYP
10. PORCH DECKING TO BE 1X4 T&G KILN DRIED PAINTED OR STAINED DECKING - TYP
11. RAILING TO BE T-13 ALUMINUM RAILING SYSTEM - TYP
12. RESIDENTIAL ELEVATOR - CONFIRM W/ OWNER
13. SHOWER - MOSAIC TILE FLOOR, TILE WALLS, FRAME-LESS GLASS ENCLOSURE
14. SCREEN TIGHT SCREENING SYSTEM - TYP



1
A-101
FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



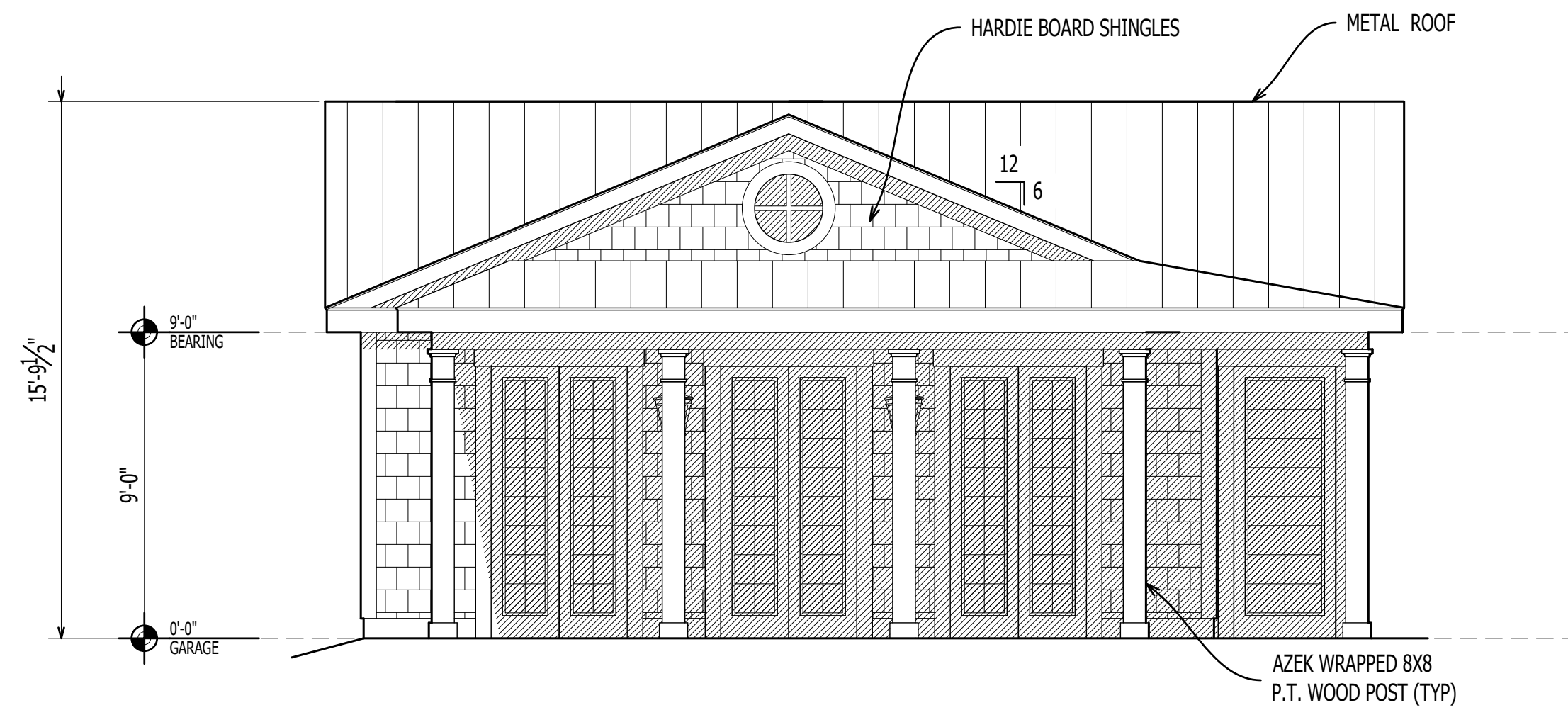
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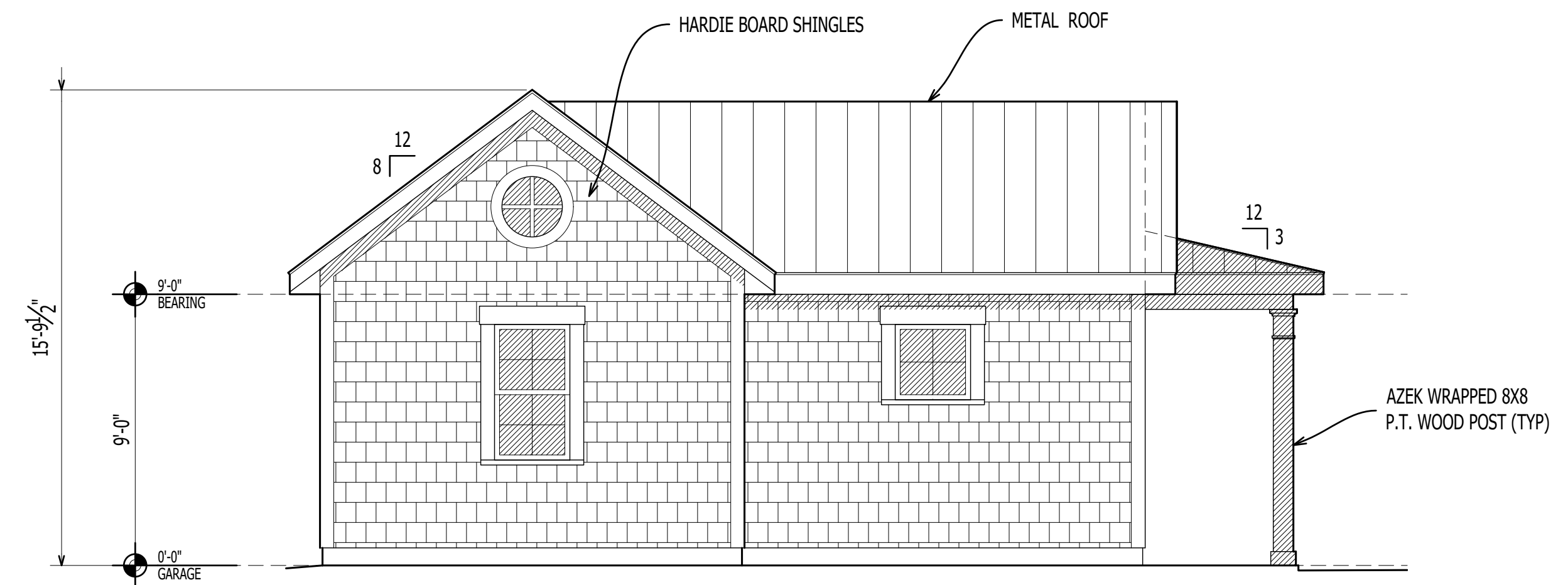
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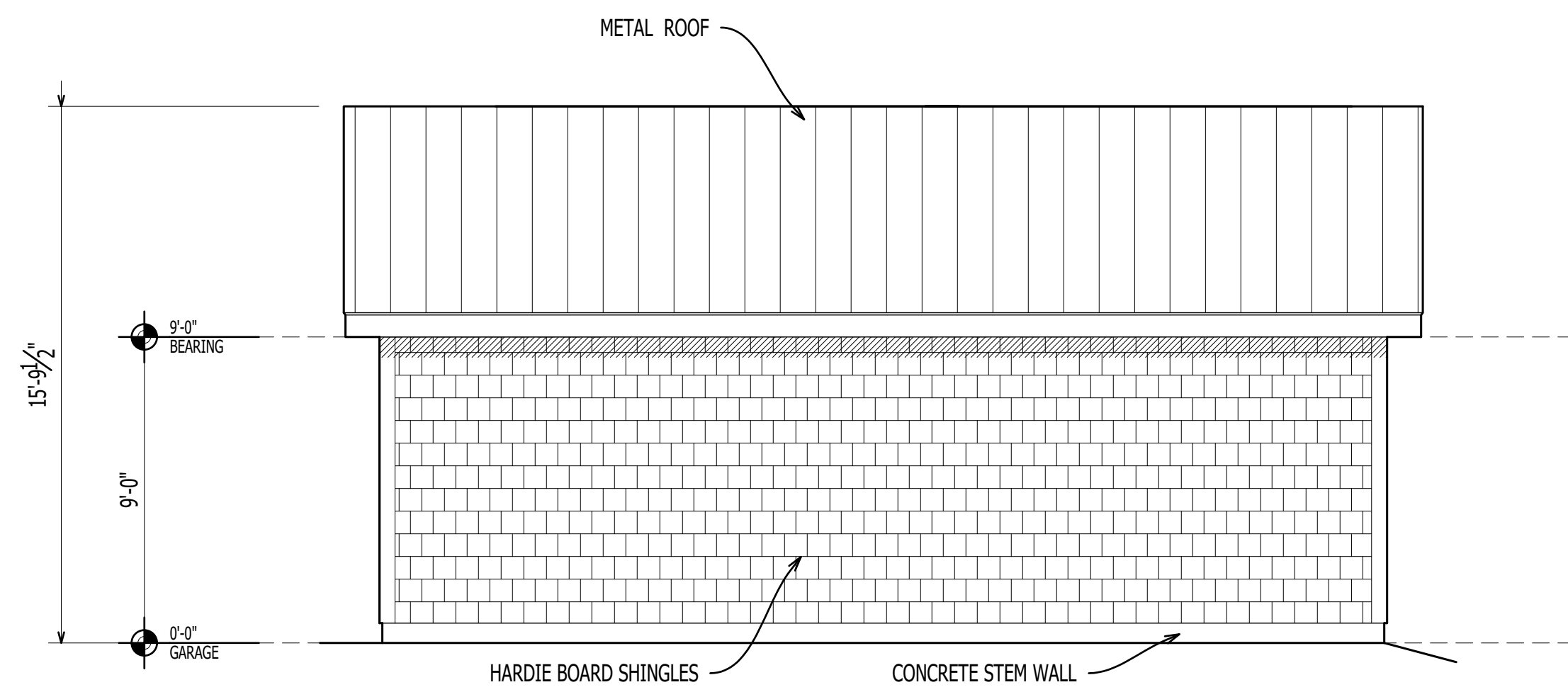
A-101
FIRST FLOOR PLAN
11.22.2021
DAVIDSON - 308 ANN ST



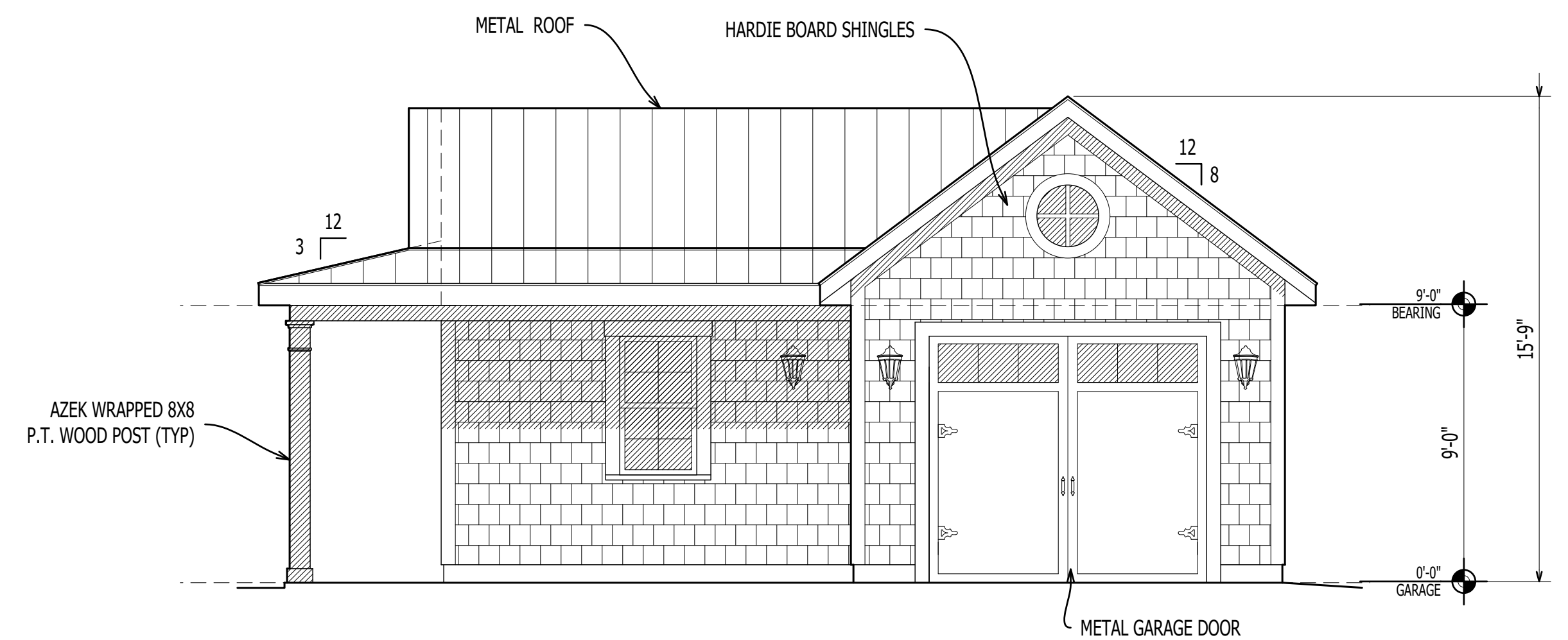
1 GARAGE ELEVATION
A-204 Scale: 1/4" = 1'-0"



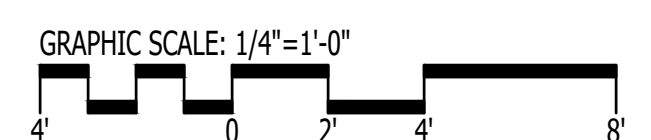
2 GARAGE ELEVATION
A-204 Scale: 1/4" = 1'-0"



3 GARAGE ELEVATION
A-204 Scale: 1/4" = 1'-0"



4 GARAGE ELEVATION
A-204 Scale: 1/4" = 1'-0"



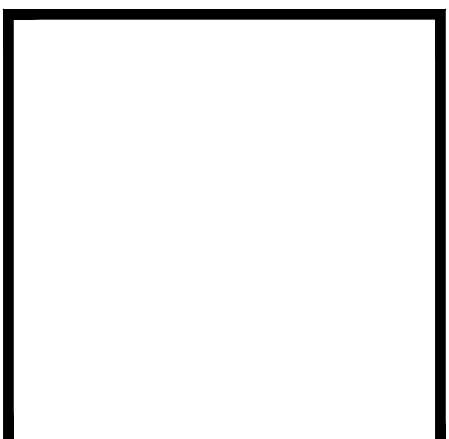
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A-204
GARAGE ELEVATIONS
11.22.2021
DAVIDSON - 308 ANN ST

SECTION 20 Special Use Permits

A) *General.*

Special uses are practices which are not permitted by right in any zoning district in the Town of Beaufort, but may only be granted after due consideration by the Board of Commissioners (BOC). The consideration of a special use application is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. Special use permits may only be granted by the BOC following a recommendation by the planning board and the quasi-judicial review process as stipulated in this section.

B) *Special Use Permit Application Procedures.*

- 1) A written application for a special use permit in all zones shall be submitted to the Town's Planning and Inspections Department in accordance with the requirements of section 1-M of this Ordinance and all applicable administrative regulations. The application shall include:
 - a) A proposed use site plan which contains information documented in section 18-C of this Ordinance and the specific information features below:
 - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
 - ii) A legend identifying all symbols on the map;
 - iii) A North arrow and a scale;
 - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
 - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size;
 - vi) The map book, page number, and deed book information;
 - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
 - viii) Any other related information requested by Town staff, the planning board, or the BOC.
 - ix) All required environmental permit improvements needed for the property.
 - b) The special use permit sought; and,
 - c) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.
- 2) Whenever an application is submitted for a special use permit in a residential zone, the applicant shall also include:
 - a) A narrative which illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural design features which make the proposed use and associated building compatible with the urban character of the residential neighborhood;
 - b) The submitted site plan shall also include all street front architectural elevation drawings to insure the building(s) compatibility with the surrounding residential structures; and,

- c) Additionally, the BOC and town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) The application shall be reviewed by town staff and submitted with comments and recommendation to the planning board for review. After the planning board makes its recommendation, the application shall be forwarded to the BOC for consideration.

C) *Quasi-Judicial Proceeding Notification Requirements.*

The Town shall schedule a quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and planning board review by providing public notice no more than thirty days after receipt of the completed application. The notice of a quasi-judicial proceeding shall be given using the standards set forth in section 3-E of this Ordinance with the exception of the following:

- 1) The notice shall be given once a week for two successive calendar weeks and published in a newspaper having general circulation within Town. The first publishing shall not be less than ten days or not more than twenty-five days before the date affixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included as documented.
- 2) All property owners within two hundred feet (200') of the lot boundaries on all sides of the subject lot as listed in the county tax records shall be mailed by the Town a notice of the quasi-judicial proceeding on the proposed special use application by first class mail at the address listed for such owners on the county tax abstracts. The notice shall identify the location and briefly describe the proposed special use. Section 3-E (2) of this Ordinance gives direction on when the notices shall be mailed.
- 3) The Town shall prominently post a sign giving notice of the quasi-judicial proceeding on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use public hearing not more than ten days prior to the hearing date. The wording of such sign should be similar to what is in section 3-E (4) of this Ordinance.

D) *Procedures on Special Use Applications.*

In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall hold the quasi-judicial proceeding and consider relevant information regarding whether the required findings under subsection E of this section exist and whether the special use is appropriate in the proposed location. The BOC shall hear relevant information from the applicant, adjoining property owners, the Town Manager, the planning board, planning officials, and any interested or affected members of the public. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in subsection E of this section. The BOC need not make the required findings at the time of the hearing and may call for additional information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under subsection E of this section have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in subsection E of this section.
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the quasi-judicial proceeding for the proposed special use application.

The BOC need not issue a decision at the time of the hearing if additional information is needed and may continue said hearing until a later date.

- 4) If the application is found not to be in compliance with one or more of the required findings of subsection E of this section or any other applicable section of this Ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet. It shall be conclusively presumed the application complies with all requirements not noted by the BOC in their motion to deny the application.
- 5) Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under subsection E of this section. The BOC may place an expiration date on the special use permit if a building permit is not secured within a certain period of time. If the special use permit is not renewed periodically by the recipient of the permit, it will expire on the date given to the permit by the BOC.
- 6) After the BOC renders its decision on the special use permit application, the reasons for granting or denying the application shall be made in writing. A written copy of the conclusion(s) of the BOC about the facts of the case and the board's corresponding decision shall be forwarded to the applicant within ten days.

E) *Required Findings.*

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent evidence" as described in N.C.G.S. 160A-393 (k) and will be cognizant the statute provides in part "competent evidence" shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - a) The use of property in a particular way would affect the value of other property.
 - b) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

- c) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- 3) **Compatibility Standards for Special Uses in Residential Zones:**
In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
 - a) Size (footprint);
 - b) Height;
 - c) Proportion and scale;
 - d) Roof shape(s);
 - e) Setbacks;
 - f) Location, size, and number of openings (doors and windows);
 - g) Materials;
 - h) Color; and,
 - i) Texture.

F) ***Special Use Guidelines.***

1) **Adult Establishments.**

- a) No building, structure, or any portion thereof nor any portion of a lot or parcel or property shall be used for an adult establishment at a location closer than one thousand feet (1000') from any other adult establishment; or closer than one thousand feet (1000') from any residentially zoned property, pre-school, child care, nursery school, day care, K-12 school, public playground, or church situated within the Town limits or the ETJ.
- b) Plans are required and must show:
 - i) Locations of buildings and signs and the size of the plan;
 - ii) Proposed points of access and egress and patterns of circulation;
 - iii) Layout of parking spaces;
 - iv) Lighting plan inclusive of wattage and illumination; and,
 - v) Landscape plan.

2) **Day Care Centers (Including Kindergarten).**

- a) One parking space shall be provided for each adult attendant and one parking space provided for every six children or fraction thereof.
- b) Section 19 of this Ordinance gives the screening/buffering and fencing guidelines required for this application.
- c) Plans are required and must show:
 - i) Location and approximate size of all existing and proposed structures and buildings within the site and on the lots adjacent thereto;
 - ii) Proposed points of access and egress and pattern of circulation;
 - iii) Layout of parking spaces;
 - iv) Location and extent of open play area(s);
 - v) Day care center shall provide one hundred square feet (100 ft²) of play area space per pupil.

- vi) Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet (4') in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot, a solid fence or wall at least six feet (6') high or the maximum applicable fence or wall height limitation for the district or an open fence at least four feet high (4') and a screen planting designed to grow three feet (3') thick and six feet (6') high shall be created. The BOC may at its discretion, require additional screening/buffering and/or fencing elements to be located adjacent to abutting nonresidential land uses.
 - vii) In residential districts, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. unless with written approval by the BOC.
 - viii) Landscape plan.
- 3) Radio or Television Transmitter.
- a) Minimum lot area – at least three acres in area.
 - b) One parking space is required at the site.
 - c) Plans are required and must show:
 - i) Location and approximate size of all existing and proposed structures within the site and within one thousand linear feet in all directions;
 - ii) Proposed points of access and egress;
 - iii) Proposed off-street parking spaces; and,
 - iv) Protective fencing at least six feet (6') high with three stands of barbed wire turned out and ten feet (10') from the perimeter of the antenna base shall be established.
- 4) Telecommunication Tower.
- a) Guy-wire towers shall not be permitted.
 - b) Co-location towers shall be permitted.
 - c) Height of communication towers shall be regulated by the Federal Aviation Administration (FAA).
 - d) Communication towers are prohibited in front yards and shall be in compliance with the Telecommunication Act of 1996.
 - e) Local governments have no ability to prohibit towers on the basis of environmental or health issues according to the Federal Radio Frequency Emission Standards.
 - f) The BOC may deny a permit based upon a tower's influence on property value or aesthetics.
 - g) A minimum lot size of one-half acre per tower shall be met; however, the Telecommunication Tower shall be placed on a lot of sufficient size, and in a position on the lot, if the tower falls, no part of it will fall onto adjacent property. Variances shall not be allowed.
 - h) Landscaping and screening/buffering are required as approved by the planning board and according to section 15 and section 19 of this Ordinance.
 - i) A six-foot (6') high protective barrier shall be required around the base of the tower. The barrier shall be a masonry wall, chain link fence, solid wood fence, or opaque barrier as described in section 19 of this Ordinance.
 - j) Setback requirements shall be according to the district in which the tower is located.
 - k) Towers shall be lighted to satisfy the FAA requirements.

Land Development Ordinance for the Town of Beaufort

- l) Towers shall be removed within ninety days following abandonment of such towers.
 - m) Towers shall be removed by the property owner within one hundred eighty days following damage or termination of operation resulting in inoperable towers or towers where the owner of the tower shows no intent to repair said tower. Blown over towers shall also be removed by the owner of such tower under this guideline.
 - n) Any advertising signage is strictly prohibited on towers.
 - o) Towers shall be painted blue or gray if not otherwise required by the FAA.
 - p) The owner must provide adequate insurance coverage for any potential damage caused by or caused to the tower.
 - q) For permitting purposes, site plans are required as defined in section 18 of this Ordinance and shall show all of the following additional features:
 - i) Identification of intended user of tower.
 - ii) Documentation by registered engineer shows tower has sufficient structural integrity to accommodate more than one user.
 - iii) Statement from owner indicating his intent to allow shared use of the tower and how others will be accommodated.
 - iv) Evidence the property owners of residentially zoned/used property within three hundred feet of the base of the proposed tower, would be notified prior to the special use application being heard by the BOC.
 - v) Documentation which shows towers over a certain height are absolutely necessary for the provision of service (i.e., a tower up to one hundred ninety-six feet (196') cannot provide a reasonable level of service).
 - r) The BOC shall determine if a tower is in harmony with the area and compatible with adjacent properties and may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics. The BOC may disapprove a tower based on the grounds the aesthetic effects are unacceptable and a new site should be proposed. The following factors shall be considered:
 - i) Protection of the view in scenic areas, unique natural features, scenic roadways, historic sites, etc.
 - ii) Prevention of a concentration of towers in one certain area; and,
 - iii) Height, design, placement, and other characteristics could be modified to have a less intrusive visual impact.
- 5) Marinas.
The requirements below are for marinas and for proper disposal of sewage from boats:
- a) All slips over thirty feet (30') shall provide a permanent pump-out connection so a hose of not more than thirty feet (30') can reach the mid-point of the slip.
 - b) Any vessel with a permanently installed marine sanitation devise shall be located so the holding tank can be pumped-out using a hose not to exceed thirty feet (30').
 - c) Mobile pump-out equipment may not be used to meet the requirements of subsections 5a) and 5b) of this section.
 - d) A marina may not charge marina tenants an additional fee to pump-out their holding tanks.
 - e) When a T-head of a dock is unoccupied during regular business hours, the marina shall provide public access to the pump-out facility for a nominal fee.

6) Office: Small Business.

Property owners may be granted a special use permit for an Office: Small Business in a Residential Zoning District if identified as a *Small Business* as defined in section 4 of this Ordinance.

- a) In addition to application requirements outlined in subsection B of this section, special use permit applications must include the following:
 - i) Detailed narrative describing the activities associated with the requested use;
 - ii) Number of employees requested to work on site;
 - iii) Requested business hours of operation;
 - iv) Estimated number of clients served on site per day; and,
 - v) Detailed drawing or photographs, including measurements, of signage if requested.
- b) Signage will be reviewed by the BOC at the time of the special use permit and will meet the following standards:
 - i) Not more than one sign is permitted;
 - ii) Sign will not exceed an area of two square feet (2 ft²);
 - iii) Colors will be compatible with those of the structure and will not detract from the residential characteristics of the structure;
 - iv) Sign will be affixed flatly against the building; and,
 - v) Directly lighted and/or neon signage is not permitted.
- c) Conditions: The BOC may impose reasonable conditions as it deems necessary for the protection of the public health, general welfare, and public interest regarding:
 - i) Compatibility. The compatibility of the proposal, regarding both use and appearance, with the surrounding neighborhood;
 - ii) Hours of Operation. The frequency and duration of indoor/outdoor activities and the impact of the surrounding area;
 - iii) Noise. The added noise level created by activities associated with the request;
 - iv) Parking. The request will not generate a need for additional parking; and,
 - v) Appearance. The general appearance will not be adversely affected by the location of the proposed use on the property.