



## **Town of Beaufort, NC**

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### **Town of Beaufort Board of Commissioners Work Session Meeting 4:00 PM Monday, September 28, 2020 - Held Electronically Through Zoom Due to COVID19 Pandemic Minutes**

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#### **Call To Order**

Mayor Newton called the meeting to order.

#### **Roll Call**

Mayor Newton called roll and declared a quorum present for the meeting.

#### **PRESENT**

Mayor Everette Newton  
Commissioner Sharon Harker  
Commissioner Charles McDonald  
Commissioner Ann Carter  
Commissioner Marianna Hollinshed  
Commissioner John Hagle

#### **AGENDA APPROVAL**

A motion was made to amend the agenda by removing the Closed Session and then approve.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

#### **Public Comment**

No public comments were made.

## **Project Updates**

Town Engineer Sam Bell gave an update on the projects taking place.

Randolph Johnson Park--The final building inspection has been completed and the splash pad training will take place this week. All items should be finalized within the next two weeks.

Cedar Street Park--The design is 25% complete.

Topsail Park--Notice of Award of contract has been given and work should begin in a couple of weeks.

Street Paving Projects--Several streets in town have received the second layer of asphalt. There are some streets scheduled for milling to begin in the near future.

Turner Street Improvements--The contractor has been selected and anticipating construction to begin in mid October. Engineer Bell also spoke about some expansion options available for the project. There was discussion about having an additional crosswalk installed along Turner Street in front of Beaufort Historic Association (BHA). The project also includes a dedicated loading/unloading area for delivery trucks. The proposed spot is located along the Baptist Church parking lot. Some discussion was considered as to moving that proposed location to further down Turner Street closer to the Royal James Cafe. Board members also asked staff to please consider raised crosswalks for Turner Street.

Cedar Street Water and Sewer Repairs--Bids should be received by the end of next month.

WWTP Sludge Processing Building--The sanding and painting has been completed. The contractor did leave extra paint so the building maintenance can be handled by town workers. The completed work should last approximately 8 to 10 years.

First Street Culverts/Location of Future Beaufort Dental building--Mr. Bell reported the award and contract documents had been sent out for signatures. He also reported the property owners had agreed to some cost sharing for the moving of the lines. Town Manager Day indicated the lines were being moved from the middle of the property to along the edge of the street.

Town Hall renovations--Public Works employees are renovating the lobby area (Pollock Street) to include a security door and larger lobby area. The project is anticipated to take a couple of more weeks.

Commissioner Hollinshed asked for consideration to please be given to allowing people into the building when needing to deliver something or drop off something spur of the moment. Town Manager Day indicated signage would be prepared to address being able to drop off items.

Commissioner McDonald asked about the paving on Professional Park Drive and why some of the driveways had been taken out along the businesses on the Hwy 70 side. Town Engineer Bell indicated he would check and get back with additional information. Town Manager Day indicated those were areas needing repairs. Commissioner McDonald asked if those repairs to driveways was built into the cost of the project.

Commissioner Carter expressed the concern over the sludge building and the need to keep a maintenance plan going.

Commissioner Harker asked about the cost sharing for the relocation of the storm drain. Town Manager Day indicated the cost sharing was 50/50.

Commissioner Hagle asked for staff to please notify citizens of the next streets to be repaved. Town Manager Day indicated that would be done.

Mayor Newton asked for a confirmation if the Compass Hotel construction was scheduled for January time frame and if NCDOT would also be doing the storm water work. This was confirmed for the Mayor.

## Items for Discussion and Consideration

### 1. Renewal of Permit for Hungry Town Tours

Town Clerk Davis reported the Public Hearing had been held during the September 14, 2020 regular meeting with the comment period being held open an additional 24 hours due to the COVID19 pandemic. She reported no comments were made during the meeting nor during the 24 hour time limit. She reminded the board members the renewal of the permit will be for two years.

A motion was made to approve the renewal of the permit for Hungry Town Tours.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

### 2. Draft Minutes for the August 24, 2020 Work Session and the September 14, 2020 Regular Meeting

This item was placed on the agenda under Items of Consent.

### 3. Upcoming Events and Activities

Mayor Newton indicated he would like to briefly review proposed upcoming events to be held in town. Some of those events are :

Halloween, Lions Club Bridge Run-Nov. 7, Pirate Invasion-Nov 21, Santa House/Tree Lighting-John Newton Park, Christmas Parade, Flotilla, New Years Eve-Pirate Drop and a late breaking plan for an ECHS Fishing Tournament.

Mayor Newton indicated he knew Halloween was not a town sponsored event, but he did express concern over large gatherings that might take place. He asked for the board to please give considerations on what should possibly happen in order to keep everyone safe.

PIO/Special Events Coordinator Rachel Johnson asked for the board to please give consideration to the Lions Club and Pirate Invasion since those plans needed to be finalized in the near future.

Commissioner Hollinshed asked for the organizers to please select one set time for the firing of the cannon and not have it at two or more times. She indicated the firing was disruptive, bothered pets and scared some children. Commissioner McDonald indicated he did not see a reason to limit the firing of the cannon.

Commissioner Carter asked how the Pirate Invasion organizers proposed to promote crowd control and social distancing. Ms. Johnson indicated the re-enactors will help with the monitoring.

Commissioner Harker asked if the cannon firing was overkill for the event. Ms. Johnson indicated during a normal invasion weekend the cannon would be fired on the main day of the event at the top of every hour. Ms. Johnson confirmed the current request was a reduction in the firing of the cannon. Commissioner Harker commented it was still Flu season and COVID19 was active. She asked how protection will be addressed. She also indicated she would like further information from the organizers.

Commissioner Hagle indicated the run was all outside and did not see any issues with giving a preliminary approval. He also indicated he did not have a problem with the number of times the cannon is to be fired.

Mayor Newton indicated he was hearing the board giving preliminary approval for the Lions Club 5K run and the board was asking for more information from the Pirate Invasion organizers.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

4. Resolution Amending the Personnel Policy Chapter 4 Employment Section B Compensation Item 6 Salary Changes Promotions

Town Clerk/Human Resources Officer Michele Davis gave the following report.

A recent evaluation of the salary/grades and promotions has revealed a discrepancy in the Personnel Policy and the Salary/Grade Schedule. The Salary/Grade Schedule is based on a 5% increase between each Grade level. The Personnel Policy indicates employees promoted should be given a 10% pay increase which is not in line with the Salary/Grade Schedule. Staff is requesting to remove the 10% and change it to 5%.

This item was placed on the agenda under Items of Consent.

5. Appointments to Historic Preservation Commission, Parks and Recreation Advisory Board and Board of Adjustment

Town Clerk Davis gave the following report.

The Town of Beaufort has the following vacancies on the Historic Preservation Commission, Board of Adjustment and Parks and Recreation Advisory Board:

HPC—one position to fill an unexpired term ending in January 2021

BOA—one position for an in-town alternate unexpired term ending in January 2022

P&R—three positions for three-year terms

She reported the three current members of the Parks and Recreation Advisory Board whose terms are ending September 30, 2020 have applied for reappointment.

6. August Financial Report/Notes

Finance Director Wood indicated she did not have any specific concerns for the August financial report.

Commissioner Hagle indicated it was good to see the revenues for Building Permits was two times higher this year than last year.

7. Capital Reserve Fund Amendment #4

Finance Director Wood gave the following report.

This amendment receives funds in the Capital Reserve Fund that are budgeted in FY 21 General Fund annual budget ( \$185,000- Future Capital Outlay for Street Project). It also, receives funds in the Capital Reserve Fund that are budgeted in the FY 21 Utility Fund annual budget (\$350,000 Future Capital Outlay for Utility Line Project).

This item was placed on the agenda under Items of Consent.

8. Capital Project- Community Improvement Projects Budget Amendment #1

Finance Director Christi Wood gave the following report.

This amendment requests the appropriation of donations (\$12,640) and recreation fees (\$5,912) for the Capital Project – Community Improvement Projects.

Commissioner Hollinshed asked the nature of the specific projects. Ms. Wood indicated this fund was for Randolph Johnson Park and Cedar Street Park. Town Manager Day indicated these were revenues coming into the fund from donations and fees paid by developers Recreation Fees. Commissioner Hollinshed stated Community Improvements Projects was nebulous and asked if they funds were for specific items in the parks. Specific features such as the frog, flowers and other smaller items were identified by Rachel Johnson.

Commissioner Harker asked about this not being presented in the traditional monthly report. Ms. Wood indicated this was Fund 64 for Capital Projects and indicated Capital Project accounts were not part of the monthly reports.

Commissioner Hagle suggested to change the title of the account from Community Improvements Projects to Parks.

This item was placed on the agenda under Items of Consent.

9. Turner Street 100 Block Pedestrian Improvements

Town Engineer Sam Bell provided the following report.

Construction of the Turner Street 100 Block Pedestrian Improvements project is currently expected to begin mid-October. The construction work was awarded to Sunland Builders, Inc. on March 6, 2020; however, the contractor was asked to delay the start of work until after Labor Day per the desire of the Board of Commissioners. During this timeframe, Town Staff in conjunction with the consulting firm of Stewart examined the possibility of incorporating one or more crosswalks into the project. This examination has yielded two sets of proposed improvements. One improvement would mirror a crosswalk option presented by Stewart from their palette of options. The other would involve reworking a portion of the sidewalk at the north end of the current project along with an existing ramp.

Attached is a memorandum that summarizes the additional work being proposed. It is accompanied by a cost estimate plus graphics illustrating the proposed work. The estimate places the cost for constructing both sets of improvements at \$40,900 to include a 15 percent contingency. This expense if authorized would of course, be in addition to the current \$152,694 contract amount for the "baseline" work.

On possible extension of the project is the extension of the crosswalk across to Middle Lane and adding some bike racks. The second possible extension to the project is to make the crosswalk on the north side of the 100 block close to the BHA grounds ADA compliant. He continued by saying consideration is also being given to creating a loading/unloading zone to the area in front of the Baptist Church parking lot.

Town Manager Day reported there was interest from the businesses to create the loading/unloading area. Additionally, since there is such a grade of slope at the Royal James Cafe that crosswalk would require a zigzag type walkway for ADA compliance; in addition to the crosswalk at the northern end needs to be made ADA compliant.

Concerns were expressed by the commissioners about the proposed location of the loading/unloading zone and whether or not it could be moved further south. Commissioner Carter asked staff to please talk with the BHA about the crosswalk and their thoughts for what might be needed. Town Manger Day indicated a bump out could be considered for the crosswalk at the northern end. Mr. Bell indicated consideration could be given to a raised crosswalk like on Front Street.

Town Manager Day asked if the board members were okay with adding the additional costs to the budget amendment to include the crosswalks.

Commissioner Hagle asked about the bump out next to Middle Lane. He stated Middle Lane is used quite a bit and there is not really an existing sidewalk there but something more similar to a path next to the three foot wall in the bank parking lot. In response to a question regarding the width of the bump out, Mr. Bell confirmed it would not go any further into the street than the parking spaces.

Commissioner Hollinshed stated she liked the idea of the crosswalk be more visible in the area. She asked how many parking spaces may be lost with the improvements. Mr. Bell indicated the ramp at the Royal James Cafe would become steps and there would be a small wall all the way down the sidewalk. He confirmed the number of possible spaces lost would be three. She also asked about possibly moving the steps just a bit at the Royal James then the loading area could be accommodated. Town Manager Day indicated staff would look at the area to see what could be tweaked.

Commissioner Harker asked about reassigning the loading and whether or not the business owners are on board with losing parking in front of their establishment. Additionally she commented more congestion made be created with larger trucks to park. She expressed concern over two way traffic in the area of the Royal James Cafe. Mr. Bell indicated the crosswalk would be a pinch point, but it should not extend any further than the parking area. Commissioner Harker asked if bump outs would also be located on each side of the crosswalk closest to the BHA grounds. Mr. Bell indicated he would explore an additional bump out in the area.

Commissioner Hagle indicated he felt the raised crosswalk and the bump outs will be a good addition to the project. Town Manager Day indicated staff would make the changes in the proposed budget amendment.

This item was placed on the agenda under Items for Discussion and Consideration.

#### 10. Cedar Street Park/Homer Smith Marina

Town Manager Day gave the following report.

At the August regular meeting the Board discussed a request from Homer Smith Marina for the town to support NCDOT abandoning 19,409 square feet of ROW, which would be used for parking needed for an expansion of the marina. In exchange, the owner offered to contribute \$75,000 toward the construction of the restroom/kiosk at the new Cedar Street Park. A concept plan for the park showing the parking lot design at Homer Smith Seafood and the marina expansion is attached.

Commissioners expressed concerns about the desire for visible separation between marina parking from Cedar Street Park parking, marina patrons parking in the Cedar Street Park lot, and the amount of the contribution.

The Board directed staff to meet with Homer Smith Marina representatives to address these concerns and report back on how the concerns might be mitigated.

Homer Smith Marina desires to expand from 85 to 178 slips and replace the fish house with a clubhouse for marina patrons. Of the 178 slips, 4 will be reserved for fueling and pump-out, and 33 for transient boaters, with construction of the latter funded through a Boating Infrastructure Grant (Homer Smith representatives wish to note that transient and fueling/pump-out slips will not generate parking traffic).

Obtaining the previously requested 19,409 square feet of ROW from the NCDOT will provide enough space to exceed the Town's parking requirements for marinas.

To address concerns raised by Board members at the August regular meeting, Homer Smith Marina agrees to the following:

Marina patrons will be required to adhere a marina parking decal to their vehicle, making any marina patrons parking in the Cedar Street Parking lot identifiable.

Homer Smith Marina will construct a vegetative buffer between its parking lot and the Cedar Street Park parking lot that exceeds the Town's requirements, and also construct a fence (see attachment: Homer Smith Parking Detail – Vegetative Buffer).

Homer Smith Marina is willing to place a gate at the proposed west parking lot entrance. The gate would be locked and only accessible to fire, police, trash removal service, and large delivery vehicles. Town staff believe two entrances to the marina parking lot are necessary.

Homer Smith Marina is willing to donate \$125,000 for the construction of a restroom/kiosk building at the Cedar Street Park.

#### **Other Related Matters**

In addition to obtaining the 19,409 square feet of ROW from the NCDOT, there are a number of other requirements that Homer Smith Marina must fulfill before the expansion may proceed:

Obtaining a CAMA Major permit

Obtaining site plan approval from the Town

Obtaining proper building permits

Reaching agreement with the Board of Commissioners to amend the 2012 covenant with the Town limiting the total number of boat slips from 85 to 178.

Commissioner Hollinshed indicated she appreciated the offer being increased for the restroom facility. She also stated if she was a patron of the marina she would not put the decal on her vehicle if she wanted to park in the spaces for Cedar Street Park. Additionally, she expressed concern over expanding the marina 100%. Town Manager Day indicated the facility at RJP was approximately \$350K which is considerably larger than will be needed for Cedar Street Park. He indicated an estimate for the restroom/kiosk was approximately \$125K including the infrastructure. The decal will be required to park in the marina parking area. Town Manager Day indicated the increase in spaces was entirely at board discretion because of the covenant agreement.

Commissioner Carter stated boaters will also have visitors in their own personal cars parking in the park spaces. She expressed concern over the increase in boat slips and the pier head line. Town Manager Day indicated Ron Cullipher was available to answer questions.

Mr. Cullipher indicated the expansion is in terms of slips and not in terms of the area of the marina. He indicated the proposed changes are all still inside of the first proposed. He indicated the difference in the number of slips was due to fewer larger boats needing 50 foot to 70 foot slips but the market has been for the small size boats. Mr. Cullipher indicated if the proposed design is approved, then developer will have more than the required parking spaces. He did state the proposal for the site plan would have to come back to the Planning Board and the Board of Commissioners.

Commissioner Harker asked about patrolling the area and whether or not signage will be needed for no marina parking. She asked about making some of the slips being made public. Town Manager Day indicated there were some transient slips that could be used possibly by the public.

Commissioner Hagle indicated he had all of the same concerns as the other commissioners regarding parking and the expansion of the number of slips. He indicated he believed the gate across the one driveway would be a good discouragement. In response to a question regarding the vegetative buffer, Mr. Cullipher indicated it would be up to where the power lines are located.

Mayor Newton indicated the marina was extremely busy this past summer. He asked the commissioners take this incrementally and see how the parking lot will accommodate the current number of slips and get some traction on the hotel. He indicated an increase in the slips could be catastrophic in the area. Commissioner Hagle indicated he agreed with the suggestion.

Commissioner Carter expressed concern over the developer paying for the increased parking area and then not getting the boat slips. Mr. Cullipher indicated it would be an issue for the developer since the additional slips would not make the funding for the additional parking feasible. Mr. Cullipher indicated the western most end of the parking area being 57 stone over fabric.

Town Manager Day asked if it was possible for the slips and parking to be phased in construction. Mr. Cullipher indicated he was not sure if that could be completed. He also suggested the town could consider increasing the parking in the park proposal. Town Manager Day indicated that could be considered but the town was trying to use only the current pavement.

This item was placed on the agenda under Items for Discussion and Consideration.

#### 11. Noise Ordinance Revisions

Town Manager Day gave the following report.

At the July 27 Work Session the Board discussed the current noise ordinance and the possible need to revise it. There appeared to be consensus for staff to review noise ordinances in other local governments and make a recommendation after such review.

Such a review has taken place, and it was found that Beaufort's noise ordinance is very similar to those used by other local governments. However, the recently adopted noise ordinance in Wilmington provides the police department with needed flexibility for reasonable enforcement. A revised noise ordinance based on the Wilmington ordinance is provided for review and consideration.

Commissioner Hollinshed indicated church bells should be considered before 8 am since some of the local churches do so before 8 am. Additionally, some people like to mow their lawns early mornings during the summer so please consider changing that to 7:45 am. She also commented on 91.09 Item D regarding Town Manager and or Police Chief allowing for extending activity for more than one hour should be removed since neither live in town. She also commented the absentee owner responsibility needed to be tweaked. She commented it is a good start. Town Manager Day indicated he would defer to the Town Attorney on the absentee owner responsibility. Town Attorney Grady indicated it would be hard to enforce and or charge criminally but easier to do with civil penalty or fine.

Commissioner McDonald asked how it could be enforced if not checked by a decibel meter. Town Manager Day indicated he would defer that answer to the Town Attorney. Mr. Grady indicated Noise Ordinances were hard to develop. He continued by saying most people would understand the level of disruption is unreasonable and will comply. He indicated personal preferences also had to be taken into consideration.

Commissioner Carter indicated she thought it was a good preliminary policy. She stated the local people did not have very loud mowing devices, but those doing commercial landscaping did have loud equipment and that was worse than the local noise. Town Manager Day indicated that was the intent of having the 8 am start time. A distinction can be made between commercial and residential but it may cause an issue.

Commissioner Harker asked about the permit for special events to include the noise permit information. Allowing the Police Chief or Town Manager having the authority to alter the time limits will the allowance be earlier or later. Town Manager Day indicated that was in the Wilmington ordinance and if a discretionary extension is to be given, then it should be given to the Mayor. Commissioner Harker also asked if the owner is to be held responsible how about the people actually creating the issue.

Commissioner Hagle stated the current ordinance had a lot of detail and what was needed at the time of approval. He stated time limits and noise levels should be looked at and decided if any changes should be made. He indicated he believed commercial and residential remain the same. He also stated someone had to be in charge of the event being held if the owner of the property was not present.

Commissioner Hollinshed asked for clarification that noise level regulations be softened during times of emergency situations.

This item was held until the October work session for further discussion. Town Manager Day asked the board members to please put in writing their suggested changes and then having additional discussion with changes at the October work session.

## 12. Short Term Rental Regulations

Town Manager Day gave the following report.

At this year's retreat the Board decided to pursue zoning amendments that will regulate short term rental properties (see attached presentation from retreat). An outline of potential regulations for both homestay and whole house lodging is provided for discussion and review.

If the Town Board desires to enact these or other short term rental regulations, then it should send them to the Planning Board to follow the usual process for zoning ordinance amendments.

Regulation of short term rental properties is proposed to be divided into two categories: 1) Homestay Lodging, and 2) Whole House Lodging.

## Homestay Lodging

### Definitions:

Homestay lodging - A private, resident-occupied dwelling unit, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation for a maximum continuous period of twenty-nine (29) days, that does not include serving food, and where the use is subordinate and incidental to the main residential use of the building. The dwelling unit must serve as the host's principal residence.

Homestay host: A permanent, full-time resident of a property who is present during the homestay term for the entire time lodgers are staying on the property. The host may be temporarily absent from the property for purposes related to normal residential activities, such as shopping, working, attending classes, etc.; however, a host must be at the property overnight when lodgers are present.

Principal residence: The domicile where an individual has a true, fixed, permanent home and

principal establishment, and to which place, whenever absent, the individual has the intention of returning. A principal residence is the one a person: 1) uses as his/her voting address; and 2)

uses as the address on one of the following: his/her federal and state tax returns, military purposes, passport, vehicle registration, insurance policy, driver's license, bank account, or any other bill or item that requires a response; and 3) occupies for at least one hundred eighty-three (183) days during a calendar year.

### Regulations:

Homestay uses are permitted in single-family and multi-family zoning districts. (OPTION: provide greater limitations, or lesser limitations)

Homestay lodging uses shall only be allowed in lawfully permitted dwelling units serving as the principal residence of a host. Only a property owner may register a homestay lodging; however, the principal resident may act as a host. Homestay lodging uses do not include bed and breakfast lodging uses.

### Permitting.

- (a) A property owner shall apply for a zoning permit with the Town of Beaufort Planning and Inspections Department.
- (b) Zoning permits are restricted to a property owner, who shall provide proof of possession of the registered premises, and to natural persons only. A host may be the property owner or another principal resident.
- (c) A permit number shall be assigned to each registered establishment, which shall be clearly noted along with any advertisement for lodging.
- (d) Homestay lodging existing prior to the enactment of this ordinance shall be subject to a one year amortization period and to the non-conforming use requirements of the Land Development Ordinance.

The maximum number of guest rooms allowed shall be two in a single dwelling unit, and the maximum occupancy shall be two people per guest room. Accessory structures shall be considered a single guest room.

Parking:

- (a) The host shall issue a parking placard to each guest parking on site.
- (b) Guest parking shall be restricted to behind the plane of the front facade of the home, except that an existing improved parking surface on the property existing at the time of the adoption of this ordinance may also be used.
- (c) No more than one (1) motor vehicle per rented guest room shall be parked onsite at any time.

The use provisions are not subject to variance by the board of adjustment.

Any property owner who receives a permit for homestay lodging, as well as any host, shall: 1) be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, building code, fire code, and environmental health regulations for the level of occupancy of the homestay; 2) not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.

Property owners who provide homestay lodging are responsible for keeping in full force and effect during all times the dwelling unit is used as a homestay lodging commercial general liability insurance with a total limit of not less than \$500,000 each occurrence for bodily injury and property damage.

Homestay lodging hosts shall maintain records demonstrating that the home is a host's primary residence, the dates of rental for the previous three hundred sixty-five (365) days, and the number of renters. Such records shall be made available, upon request, to the Town.

Written notice shall be conspicuously posted inside each short-term lodging unit setting forth the following information:

- (a) The name and telephone number of the host.
- (b) The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
- (c) The non-emergency phone number of the Town of Beaufort Police Department.
- (d) The annual registration documentation.
- (e) That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.

Whole House Lodging

Definitions:

Whole-house lodging – A private residential dwelling unit in which the entire dwelling unit is provided for overnight lodging accommodations to transients for compensation for a maximum continuous period of twenty-nine (29) days, and in which no food is provided.

Regulations:

Whole-house lodging establishments are permitted in all single family and multifamily residential zoning districts subject to the following conditions (OPTION: provide greater limitations, or lesser limitations) :

Each whole-house lodging establishment shall meet the minimum separation distance from any other residentially-zoned whole-house lodging establishment or any properly permitted bed and breakfast lodging also within a residential zoning district, as measured from parcel line to parcel line. The total number of permitted uses shall be limited by a cap.

The separation distances shall be 400 feet, with a cap of no more than 2% of the total number of residentially-zoned parcels within each zoning district.

Such uses shall require a local operator, available 24 hours per day, within 20 miles of the subject property.

Permitting.

- (a) The property owner shall apply for a zoning permit for each establishment with the Town of Beaufort Planning and Inspections Department.
- (b) The owner shall provide proof of possession of the applicant premises.
- (c) A zoning permit number shall be assigned to each permitted whole house lodging, which shall be clearly noted along with any advertisement for lodging.
- (d) Zoning permits are limited to natural persons only and no person shall be eligible for more than one permit for a whole-house lodging in any residential district.
- (e) Whole house lodging existing prior to the enactment of this ordinance shall be subject to a one year amortization period and to the non-conforming use requirements of the Land Development Ordinance.

Parking:

- (a) The local operator shall issue a parking placard to each guest parking on site.
- (b) One (1) off-street, on-site parking space shall be provided for each bedroom.
- (c) Guest parking shall be restricted to behind the plane of the front facade of the home, except that an existing improved parking surface on the property existing at the time of the adoption of this ordinance may also be used.
- (d) No more than one (1) motor vehicle per bedroom shall be parked onsite at any time.

Option:

If off-street parking is not available on site, shared parking or rented spaces in a private or municipal parking lot may be used to satisfy this parking requirement.

Proof of a shared parking plan or rental of spaces shall be included with the zoning permit application. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be approved by the town attorney and submitted to the city for recordation on forms made available in by the Town. Recordation of the agreement must take place before issuance of a zoning permit for any short-term lodging use to be served by the off-site parking area.

The use provisions of this section are not subject to variance by the board of adjustment.

Any property owner operating whole-house lodging shall 1) be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, building code, fire code, and environmental health regulations for the level of occupancy of the lodging and 2) not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.

Property owners registering a whole-house lodging are responsible for keeping in full force and effect during all times the unit is used as a whole-house lodging commercial general liability insurance with a total limit of not less than \$500,000 each occurrence for bodily injury and property damage.

Operators of whole house lodging shall maintain records listing the local operator, the dates of rental for the previous three hundred sixty five (365) days, and the number of renters. Such records shall be made available, upon request, to the Town.

Written notice shall be conspicuously posted inside each whole house lodging unit setting forth the following information:

- (a) The name and telephone number of the operator.
- (b) The address of the lodging, the maximum number of overnight occupants permitted, and the day(s) established for garbage collection.
- (c) The non-emergency phone number of the Town of Beaufort Police Department.
- (d) The zoning permit number.
- (e) That parties, events, classes, weddings, receptions, and large gatherings are not permitted.

The operator shall ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day and that the carts are removed from the street or alley on the scheduled collection day, in accordance with all applicable Town Codes.

Preparation and service of food by operators for guests shall be prohibited. No cooking shall be permitted in individual bedrooms.

Occupancy shall be limited to two (2) persons per bedroom.

**Mayor/Commission Comments**

**Adjourn**

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Mayor Everette S. (Rett) Newton

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Michele Davis, Town Clerk