



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, January 09, 2023 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Public Comment

Items of Consent

1. Meeting Minutes- December 8th & 12th

Items for Discussion and Consideration

1. Case # 22-22 Preliminary Plat - Davis Bay
2. Dedication of Public Improvements - Beau Coast Subdivision: Phases 1A, 1B, 2A and 2B
3. Mardi Gras Event Application
4. FY 2023 Budget Amendment #6

Public Hearing

1. Case #22-24 Rezoning from R-20 to IW - 457 Hwy 101
2. Case # 22-25 Zoning Text Amendment - Dock Roofs as a Permitted Use
3. Amending the Charter of the Town of Beaufort

Manager Report

Mayor/Commissioner Comments

Adjourn



Town of Beaufort, NC

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**Board of Commissioners
Regular Meeting
6:00 PM Monday, January 9, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items of Consent
SUBJECT: Minutes

REQUESTED ACTION:

Approval of the following minutes:

December 12, 2022 Board of Commissioners Regular Meeting

December 8, 2022 Board of Commissioners (Reconvened Meeting)

EXPECTED LENGTH OF PRESENTATION:

1 minutes

SUBMITTED BY:

Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:

No



Town of Beaufort, NC

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**Board of Commissioners
Work Session Meeting**

(Recessed- November 28, 2022)

3:00 PM Monday, December 8, 2022

**Train Depot, 614 Broad Street
Beaufort, NC 28516**

Reconvene

Mayor Harker called for a motion to reconvene the meeting at 3:00 p.m.

Commissioner Hagle moved to reconvene the meeting.

The motion carried unanimously.

Roll Call

Mayor Harker called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Hagle
- Commissioner Cooper
- Commissioner Hollinshed
- Commissioner Oliver
- Commissioner Terwilliger

Agenda Approval

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

The motion carried unanimously.

Closed Session

1. Pursuant to NCGS 143-318.11 (a) (6)

Commissioner Hagle made a motion to go into closed session, pursuant to NCGS 143-318.11 (a) (6), to discuss the Town Manager's performance.

1.

The motion carried unanimously.

Adjourn

Commissioner Hollinshed motioned to adjourn the meeting at 5:45 p.m.

The motion carried unanimously.

Sharon Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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**Board of Commissioners
Regular Meeting
6:00 PM Monday, December 12, 2022
Train Depot, 614 Broad Street
Beaufort, NC 28516
Minutes**

Call to Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 p.m. and invited all to join in reciting the Pledge of Allegiance.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Hagle
- Commissioner Oliver
- Commissioner Cooper
- Commissioner Terwilliger
- Commissioner Hollinshed

Agenda Approval

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

The motion carried unanimously.

Public Comment

Marji Rawson, 900 Cedar Street in Beaufort, expressed her opinion on the proposed Comprehensive and CAMA Land Use Plan in relation to citizen and Commissioner involvement. She referenced prior meetings involving the consideration of the document and encouraged the Board to listen to the citizens' request to approve the draft plan.

Presentations

1. FY 2022 Audit Presentation

Ko Tang Cha-Moses with Martin Starnes & Associates, presented the FY 22 Audit for the Town of Beaufort. *A copy of the presentation is attached and incorporated as part of the minutes.*

The Board of Commissioners commended staff who helped prepare the audit and asked questions about the report. Ms. Cha-Moses noted there would be a follow-up email addressing outstanding questions that required additional research.

Items of Consent

- 1. Minutes
- 2. Human Resources- Amendments to Personnel Policy

Commissioner Hagle made a motion to approve the Items of Consent.

The motion carried unanimously.

Items for Discussion and Consideration

1. Comprehensive & CAMA Land Use Plan

Todd Clark, noted the latest draft version of the Comprehensive & CAMA Land Use Plan was provided to the Board for review at the last Work Session. He explained at this point, it was the pleasure of the Board as to what changes were accepted before moving forward in the approval process.

Commissioner Terwilliger noted there were several changes made to the plan, including the addition of an executive summary, but they were ineffective. He suggested the document could use additional work to make it more user friendly. He shared that he had offered numerous times to work with the Town and/or consultant to help re-write the plan. He expressed his concerns about the plan and said he would not approve it at the current meeting.

Commissioner Oliver stated the following for the record: It is the responsibility of the Board of Commissioners to make decisions based upon the best interests of Beaufort and its citizens. I take very seriously the responsibility as 1 of 5 persons responsible for approving what is described as 25-year plan of guidance for our Town. As stated in the Plan, NOAA predicts with 95% confidence that 1.1 foot of sea level rise will occur in 100 years. I agree this prediction deserves Beaufort's serious, long-term study and attention, especially since King Tides continue to stare us in the face at all times. Missing from this Plan, in my opinion, is equal or greater attention to stormwater and flooding which are immediate issues addressable by enforcement, permitting and maintenance. Jay McLeod instead ratcheted up the emotional effects of King Tides and failed to include adequate attention to stormwater and flooding in the initial document and in his response to specific recommendations from the Commissioners. I suggest we focus on the achievable. In my opinion, Beaufort deserves a better Plan for this and other reasons.

Commissioner Hollinshed suggested the plan had been put together by so many people, it might be hard to understand from an outside point of view. She noted the Town would continue dealing with common occurrences, such as flooding on Front Street, even with plans in place and appropriate maintenance, as each situation depends on multiple factors.

Commissioner Hagle suggested the document would be less complex if multiple plans had not been combined. He discussed concerns such as stormwater, flooding and other

issues mentioned by other Commissioners. He noted the CAMA review process would be lengthy and it was time to move the plan along.

Commissioner Cooper made a motion to approve the November 22, 2022 revised version of the Comprehensive & CAMA Land Use Plan.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Cooper

Voting Nay: Commissioner Oliver, Commissioner Terwilliger

The motion carried with a 3-2 vote.

2. Preliminary Plat – Davis Bay

Kyle Garner, Planning & Inspections Director, presented the case and explained the request was to subdivide two tracts totaling 20.08 acres into four lots. He noted the lots would be served with utility infrastructure by Phase 3 of the Beau Coast Development. He shared there were revised plans submitted since the meeting packet went out for review, noting the additional of a turn around area for emergency vehicles. He notified the Board that staff did not have adequate time to review the revisited plans. He also shared at their December meeting, the Planning Board unanimously recommended denial of the Preliminary Plat for Davis Bay, because it did not meet current standards of the subdivision ordinance.

Commissioner Terwilliger commented on the the access, turn around and wetlands area referenced in the plans. He shared that a citizen had expressed concerns about the amount of room in that area, questioning whether or not there would be enough room to put up protective screening while constructing the road. He also discussed public water access requirements, noting it should be reviewed to ensure all development standards are met.

Joe Boyd, with WithersRavenel represented the applicant and spoke on the proposed turn around area and grading area, assuring the Board the wetlands would not be disturbed. He confirmed there was enough room in the area to install silt fencing and other protective barriers without intruding on the wetlands. He explained the revised plans reflected an appropriate turn around area for emergency vehicles. He addressed the comment about public water access within the subdivision, noting the ordinances could be interpreted different ways. He pointed out that all four of the lots would have water access.

Commissioner Oliver asked if the applicant was willing to ensure each of the four lots has water access as a condition of approval.

Mr. Boyd confirmed the applicant was willing to accept that condition.

Commissioner Oliver also asked if the applicant was willing to commit to providing any buffer that is required by NC DEQ for wetlands as a condition of approval.

Mr. Boyd confirmed the applicant was willing to accept that condition.

Commissioner Oliver referenced conditions from the applicant and staff recommended conditions, as noted in the meeting packet.

Commissioner Hagle noted that the statements concerning the water access were vague. He recalled when the guidelines were written, and suggested the intent was to provide public access to water, not just to property owners that are adjacent to the water.

Eddie Myers, Real Estate Agent for the Burdett Family Trust, explained it was a private subdivision and there would be covenants and restrictions on the land. He noted each lot would have it's own waterfront access. He said that the Planning Board denied the request because of access, noting two lots did not have road frontage, and that had since been amended.

Mr. Garner stated the Planning Board did not specifically say why they denied it.

Commissioner Terwilliger made a motion the item be tabled, pending a review of the revised plans by the Town Engineer to confirm that all ordinances have been met and accommodated within the current plat design, and report back to the Board at the next meeting.

The motion carried unanimously.

3. Preliminary Plat – Beau Coast Phase 3

Mr. Garner, Planning & Inspections Director, presented the case and explained the request was to subdivide one tract totaling 27.64 acres into 48 lots, with 4.53 acres of open space. He noted these were the last lots associated with the Beau Coast & Beaufort East Village Development that would need preliminary plat approval. He referenced the plans included in the meeting packet and noted the Planning Board recommended approval on a 4-2 vote.

Commissioner Oliver asked Mr. Garner, in his opinion, had stormwater, flooding and sea level rise been considered in the approval.

Mr. Garner confirmed they had, based on current standards and Town Ordinances.

Commissioner Hagle asked for a review on the stormwater flow and had questions about the retaining wall near Freedom Park Road.

Joe Boyd, representing Blue Treasure LLC, addressed Commissioner Hagle's questions and explained how the stormwater treatment process functioned.

Commissioner Cooper confirmed when the runoff reached the ditches, it had already been treated.

Mr. Boyd explained the retaining walls were placed throughout the development to meet Town code, provide safety for the residents and preserve wetlands.

Commissioner Hagle made a motion to approve the Preliminary Plat for Beau Coast Phase 3, as presented.

The motion carried unanimously.

4. Resolution of Intent- Mayoral Term

Arey Grady, Town Attorney, explained at a previous meeting, the Mayor and Board of Commissioners expressed a desire to change the Mayoral Term from 2-years to 4-years; the first step in this process requires the Board adopt a Resolution of Intent to Amend the Charter of the Town of Beaufort. He noted if the Board adopted the resolution of intent, a public hearing date on the question of amending the charter would need to be set.

Commissioner Terwilliger made a motion to adopt the Resolution of Intent to amend the Charter of the Town of Beaufort and set the Public Hearing for January 9, 2023.

The motion carried unanimously.

A copy of the resolution is listed below as part of the minutes.

RESOLUTION OF INTENT OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT, ANY AMENDMENTS THERETO, AND THE TOWN CODE OF ORDINANCES

WHEREAS, the Town of Beaufort (hereinafter "Town") has determined that Town has historically suffered a loss of continuity in leadership based on the mayoral term being set for 2 years and the term for Commissioners being set for 4 years; and,

WHEREAS, the extension of the mayoral term from 2 to 4 years will benefit Town and its citizens by providing continuity in leadership; and,

WHEREAS, N.C. Gen. Stat. § 160A-102 provides in part:

By following the procedure set out in this section, the council may amend the city charter by ordinance to implement any of the optional forms set out in G.S. 160A-101. The council shall first adopt a resolution of intent to consider an ordinance amending the charter. The resolution of intent shall describe the proposed charter amendments briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes.

WHEREAS, N.C. Gen. Stat. § 160A-101 provides in part:

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

...

(8) Selection of mayor:

- a. The mayor shall be elected by all the qualified voters of the city for a term of not less than two years nor more than four years.**

WHEREAS, the Board of Commissioners of the Town does further desire that this RESOLUTION OF INTENT serve as a memorial of the actions taken by the Board of Commissioners on this matter.

Now, therefore, be it resolved as follows:

Section 1. The Board of Commissioners of the Town of Beaufort hereby adopts this RESOLUTION OF INTENT to signify its intent to amend the Charter of the Town of Beaufort, any subsequent amendments thereto, and the Town Code of Ordinances to change the term of the Mayor from 2 to 4 years, pursuant to N.C. Gen. Stat. §§ 160A-101 and 102, to be effective beginning with the 2023 mayoral election.

Section 2. The Mayor, Clerk to the Board, Manager, and such other officers and agents of Town are hereby authorized to take such action as may be necessary to effectuate the proposed amendments contemplated herein.

Section 3. This RESOLUTION OF INTENT be entered in the official minutes of the Board of Commissioners of Town and that the Clerk to the Board certify copies of this RESOLUTION OF INTENT as may be necessary in the opinion of counsel to the Town.

This the _____ day of December, 2022.

TOWN OF BEAUFORT

BY: _____
SHARON E. HARKER, MAYOR

ATTEST:

ELIZABETH LEWIS, TOWN CLERK

5. FY 2023 Budget Amendment 5

Mr. Clark explained the budget amendment as follows:

This amendment requests the appropriation of fund balance, \$39,740, for maintenance work at Oceanview Cemetery.

- JV Painting for cemetery wall \$15,500
- Robert George block work & sign replacement \$ 8,240
- Town of Beaufort Public Works small gravel for roadways within cemetery \$16,000

Additionally, appropriations of miscellaneous revenue are requested for a \$25.00 contribution received towards Oceanview Cemetery maintenance and for the Police Department \$232.00 received as a donation for future needs.

Commissioner Hagle made a motion to approve FY 2023 Budget Amendment 5.

The motion carried unanimously.

Public Hearing

1. Voluntary Annexation (Blue Treasure, LLC)

Commissioner Hollinshed made a motion to open the Public Hearing.

The motion carried unanimously.

Ms. Lewis shared on November 14, 2022, the Town Clerk presented a Certificate of Sufficiency regarding (5) petitions for voluntary annexation submitted by Blue Treasure, LLC. The associated addresses are as follows: 185 Freedom Park Road, 187 Freedom Park Road, 189 Freedom Park Road, 243 Leonda Drive, and 249 Leonda Drive. Notice of the December 12th Public Hearing was published in the Carteret County News-Times on November 30, 2022 and December 7, 2022. She explained staff was requesting a Public Hearing be conducted on the question of voluntary annexation; if approved, the draft ordinances, attached in your meeting packet, will need to be adopted.

Mayor Harker asked if there was anyone in the audience who wished to comment on the case.

There was none.

Commissioner Hollinshed made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Hagle made a motion to approve the voluntary annexation request and associated ordinances.

The motion carried unanimously.

Manager Report

Mr. Clark shared his Manager's report with the Board, highlighting several ongoing items and upcoming events. Please note, a full detailed Manager's Report can be accessed at: <https://www.beaufortnc.org/boardofcommissioners/page/managers-report>

Mr. Clark made a proposal to cancel the December 19, 2022 Work Session Meeting, due to lack of business and a break for staff and Board members.

Commissioner Hagle made a motion to cancel the December 19, 2022 Work Session.

The motion carried unanimously.

Mayor/Commissioner Comments

Commissioner Terwilliger had no comments.

Commissioner Oliver commended the Finance department on their hard work preparing the audit.

Commissioner Hollinshed noted it had been a busy year with many accomplishments. She thanked the Public Works department for the wonderful Christmas decorations throughout Town.

Commissioner Hagle spoke about the recent Christmas Parade in Town, sharing it was very successful. He thanked the citizens for their input and involvement throughout the year. He also thanked the Fire Department for conducting the Breakfast with Santa event. He ended by offering a safety message regarding driving during the busy holiday season.

Commissioner Cooper thanked Barbara Cooper for her efforts in shaping in the Human Resources department over the last few months. He wished everyone a Merry Christmas.

Mayor Harker recapped a successful year of the Board and Town staff, thanking them all for their service. She wished the citizens, staff and Board members a Merry Christmas and Happy New Year.

Closed Session

- 1. Pursuant to NCGS 143-318.11 (a) (3)

Commissioner Hollinshed made a motion to go into Closed Session, Pursuant to NCGS 143-318.11 (a) (3).

The motion carried unanimously.

After returning to open session, Commissioner Hagle made a motion to terminate the current contract with Stewart, specifically the portion regarding a rewrite of the Town's UDO.

The motion carried unanimously.

Commissioner Terwilliger made a motion to authorize Grady Quattlebaum, PLLC to move forward with the 160D modifications and enhancements to the Town's current ordinances.

The motion carried unanimously.

Adjourn

Commissioner Oliver made a motion to adjourn the meeting at 8:45 p.m

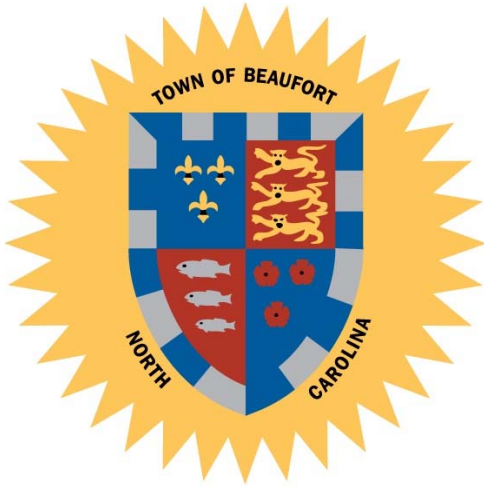
The motion carried unanimously.

Sharon Harker, Mayor

Elizabeth Lewis, Town Clerk

Town of Beaufort

2022 Audited Financial Statements

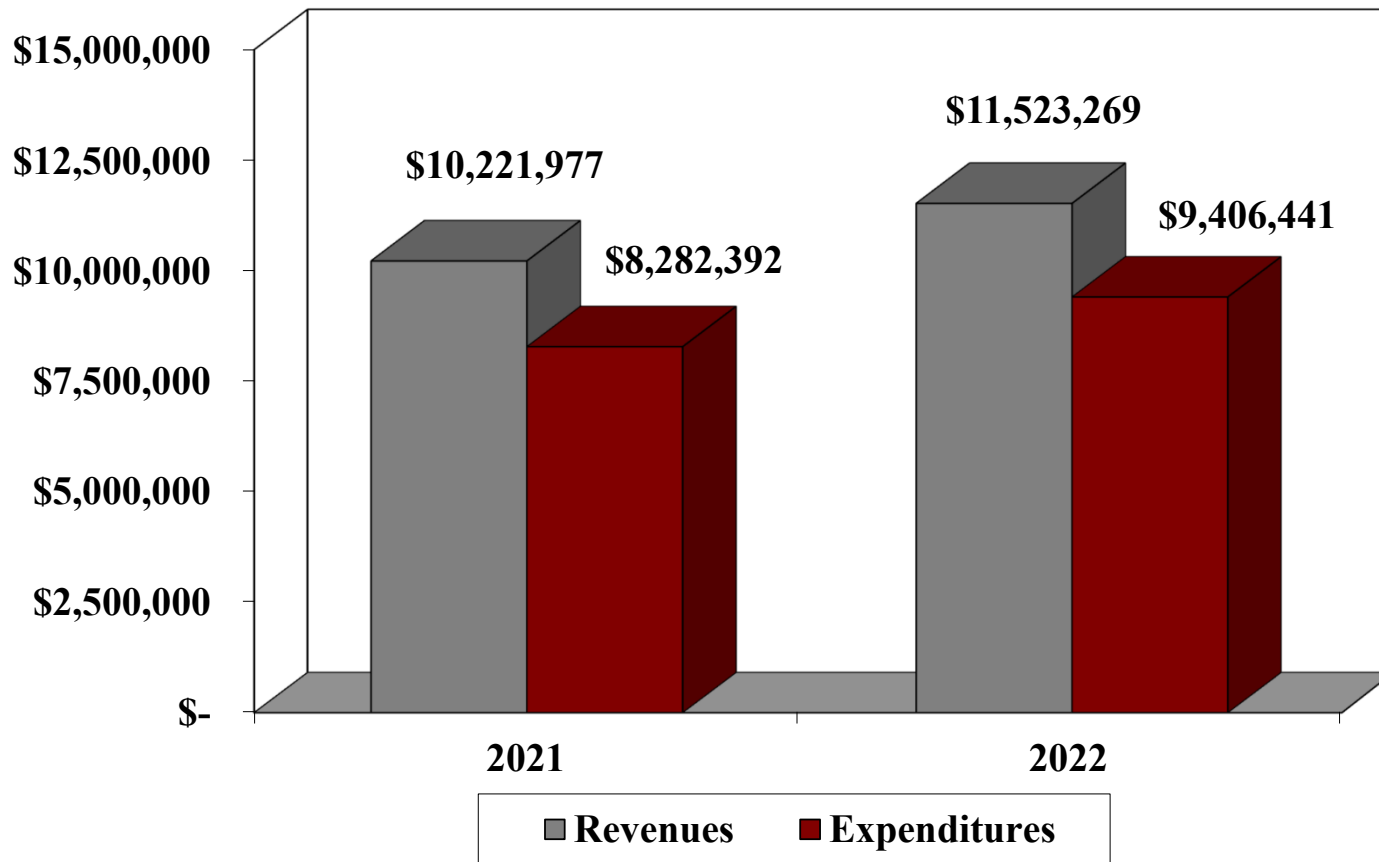


MARTIN ♦ STARNES
& ASSOCIATES, CPAs, P.A.

Audit Highlights

- ❑ UNMODIFIED OPINION ON FINANCIAL STATEMENTS
- ❑ COOPERATIVE STAFF

GENERAL FUND SUMMARY

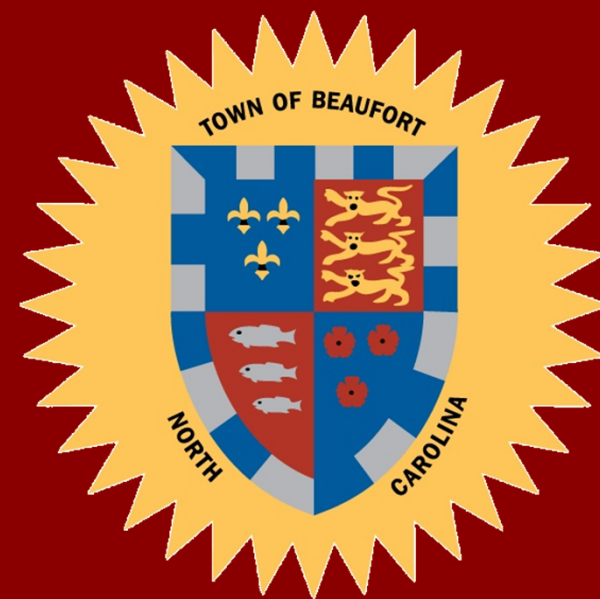


FUND BALANCE

- ❖ Serves as a measure of the Town's financial resources available.
 - ❑ $(\text{Assets} + \text{Deferred Outflows}) - (\text{Liabilities} + \text{Deferred Inflows}) = \text{Fund Balance/Net Position}$

5 Classifications:

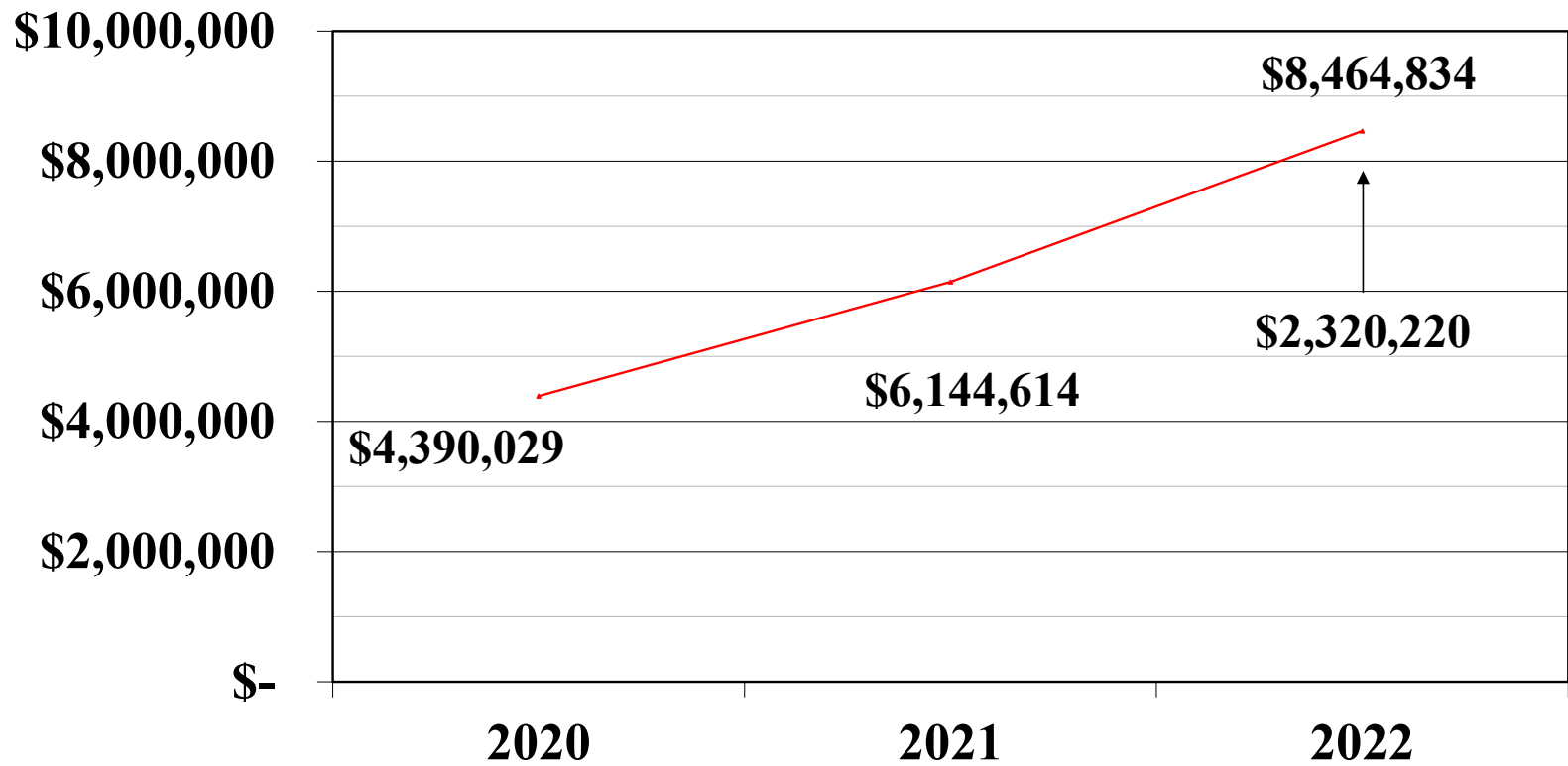
- **Non-spendable** - not in cash form
- **Restricted** - external restrictions (laws, grantors)
- **Committed** - internal constraints at the highest (Board) level - do not expire, require Board action to undo
- **Assigned** - internal constraints, lower level than committed
- **Unassigned** - no external or internal constraints



FUND BALANCE POSITION – GENERAL FUND

	<u>2021</u>	<u>2022</u>
Non-Spendable	\$ 7,871	\$ 8,106
Restricted by State Statute	1,007,651	1,053,174
Other Restricted	30,362	35,810
Assigned	-	60,000
Unassigned	5,098,730	7,307,744
	<u>\$ 6,144,614</u>	<u>\$ 8,464,834</u>

TOTAL FUND BALANCE – GENERAL FUND



FUND BALANCE

Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

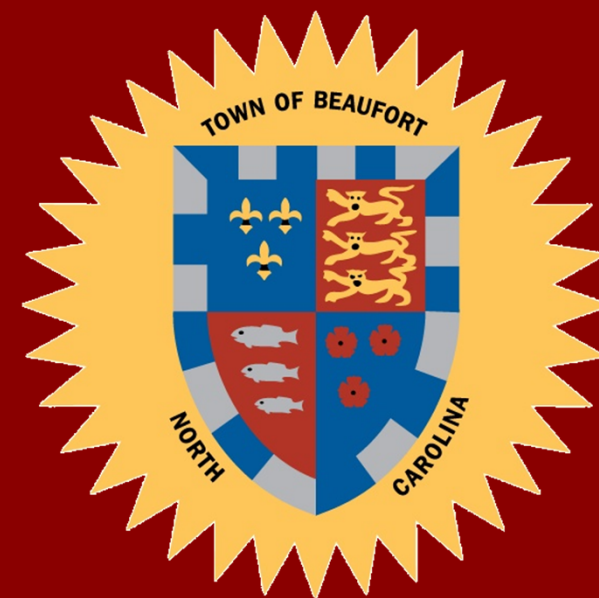
Total Fund Balance

Less: Non spendable (not in cash form, not available)

Less: Stabilization by State Statute (by state law, not available)

Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

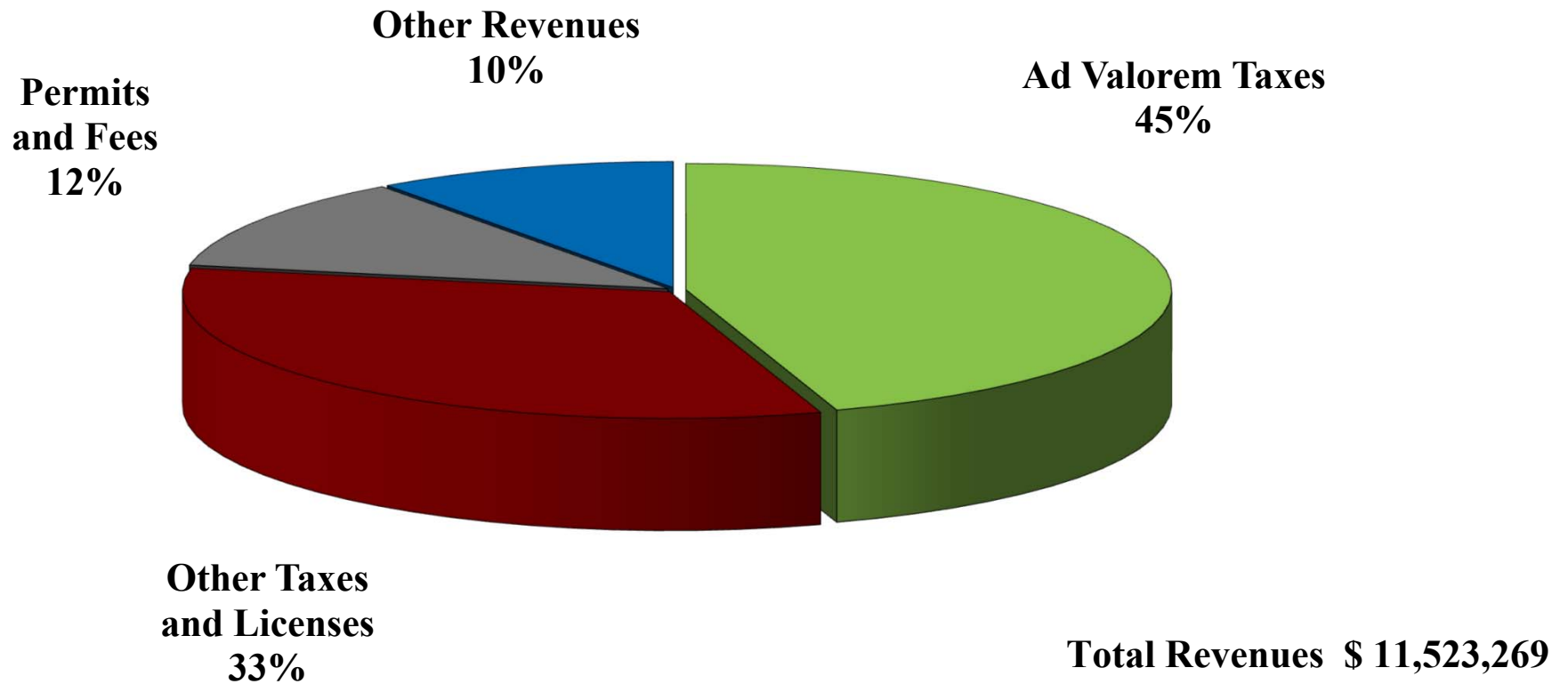


FUND BALANCE POSITION – GENERAL FUND

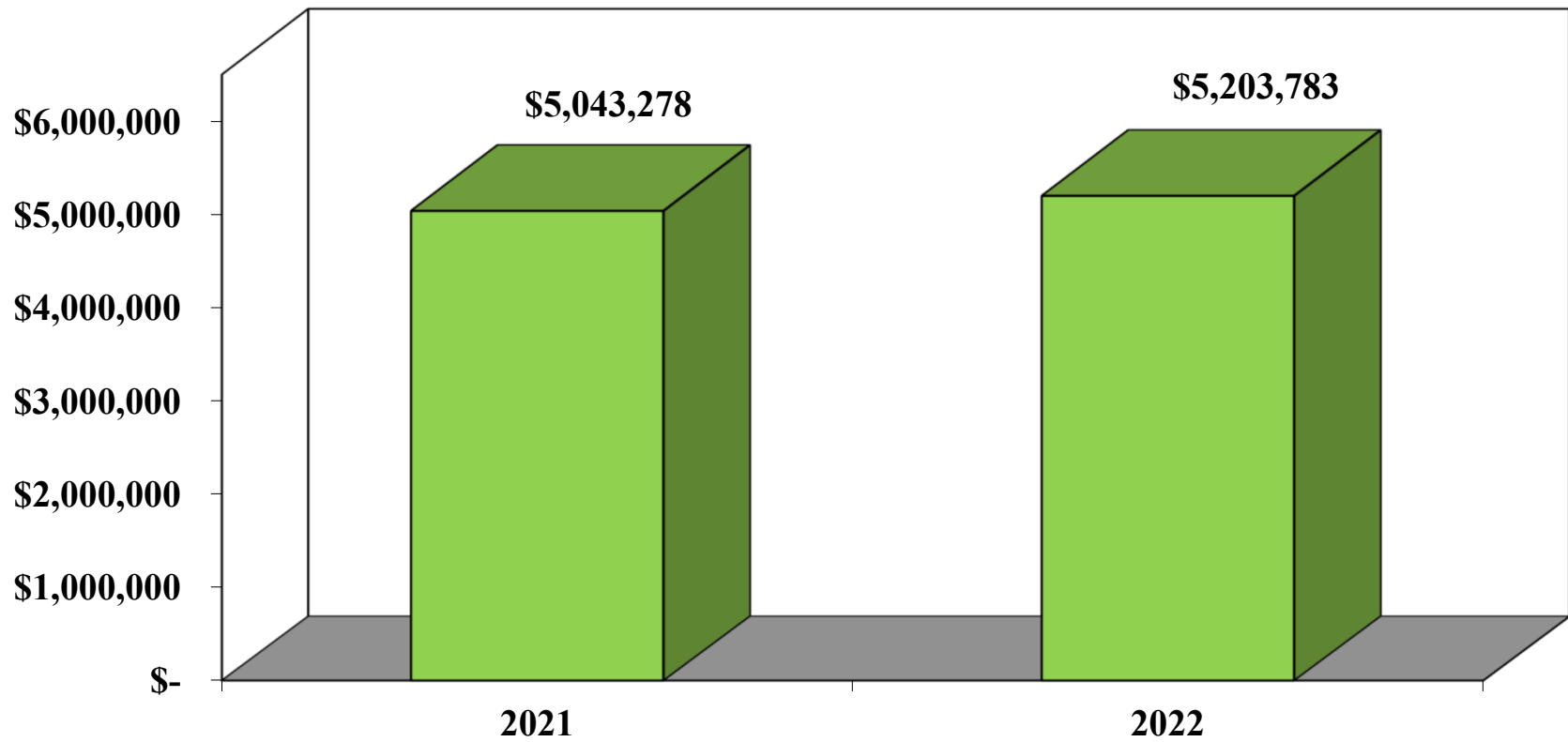
Total Fund Balance	\$ 8,464,834
Non-Spendable: Prepaids	(8,106)
Stabilization by State Statute	<u>(1,053,174)</u>
Available Fund Balance	<u>\$ 7,403,554</u>
Available Fund Balance 2021	\$ 5,129,092
Increase in Available FB	2,274,462



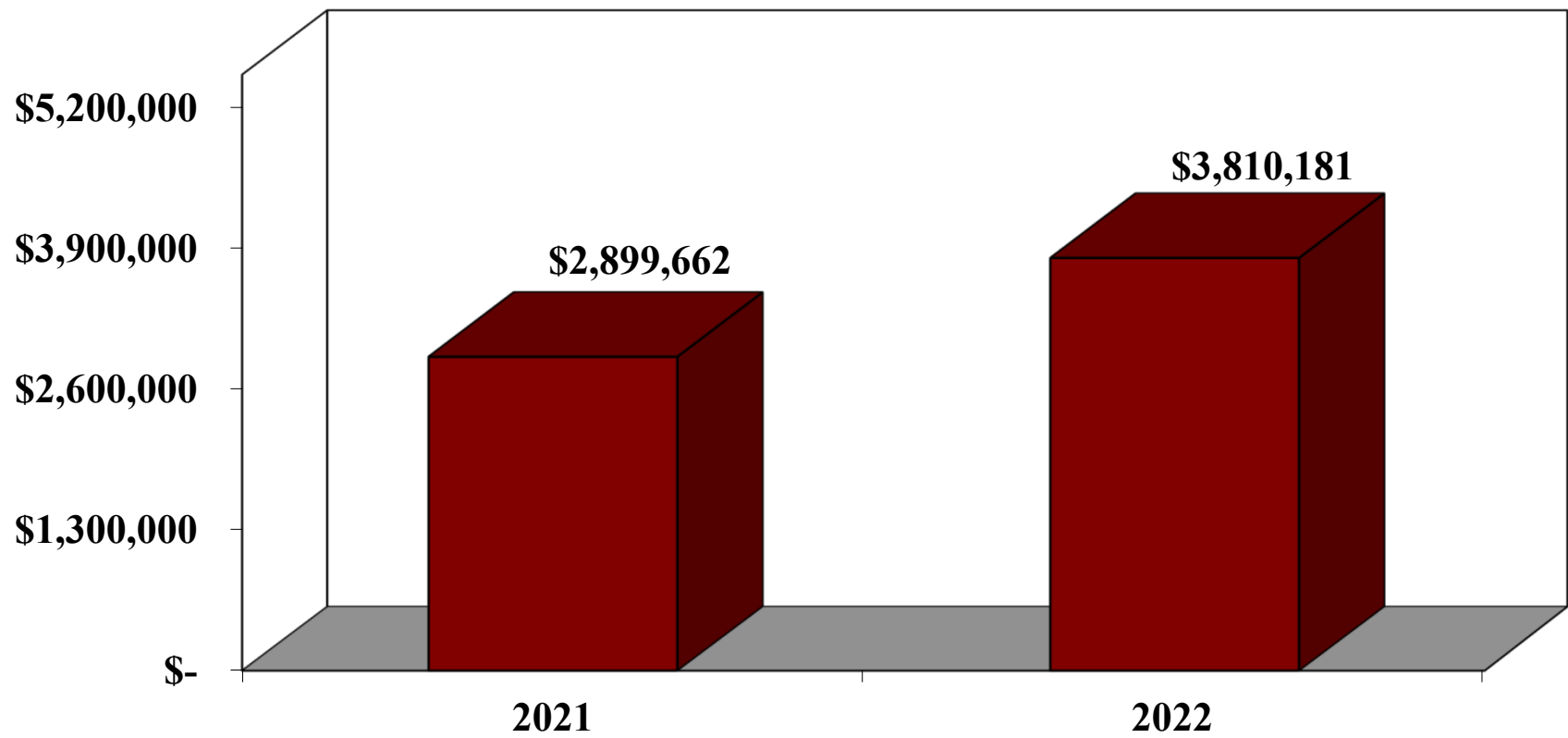
TOP 3 REVENUES: GENERAL FUND



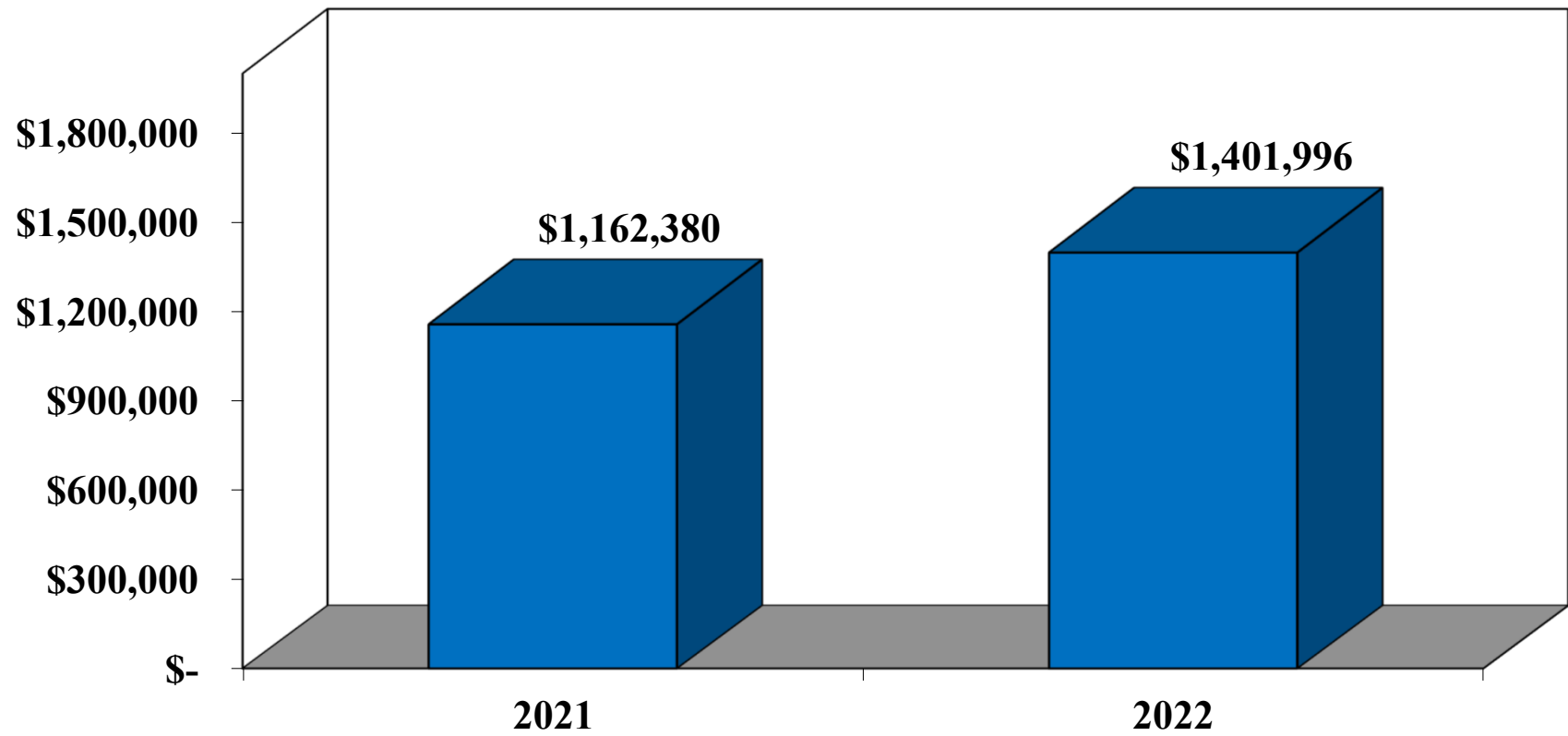
PROPERTY TAXES



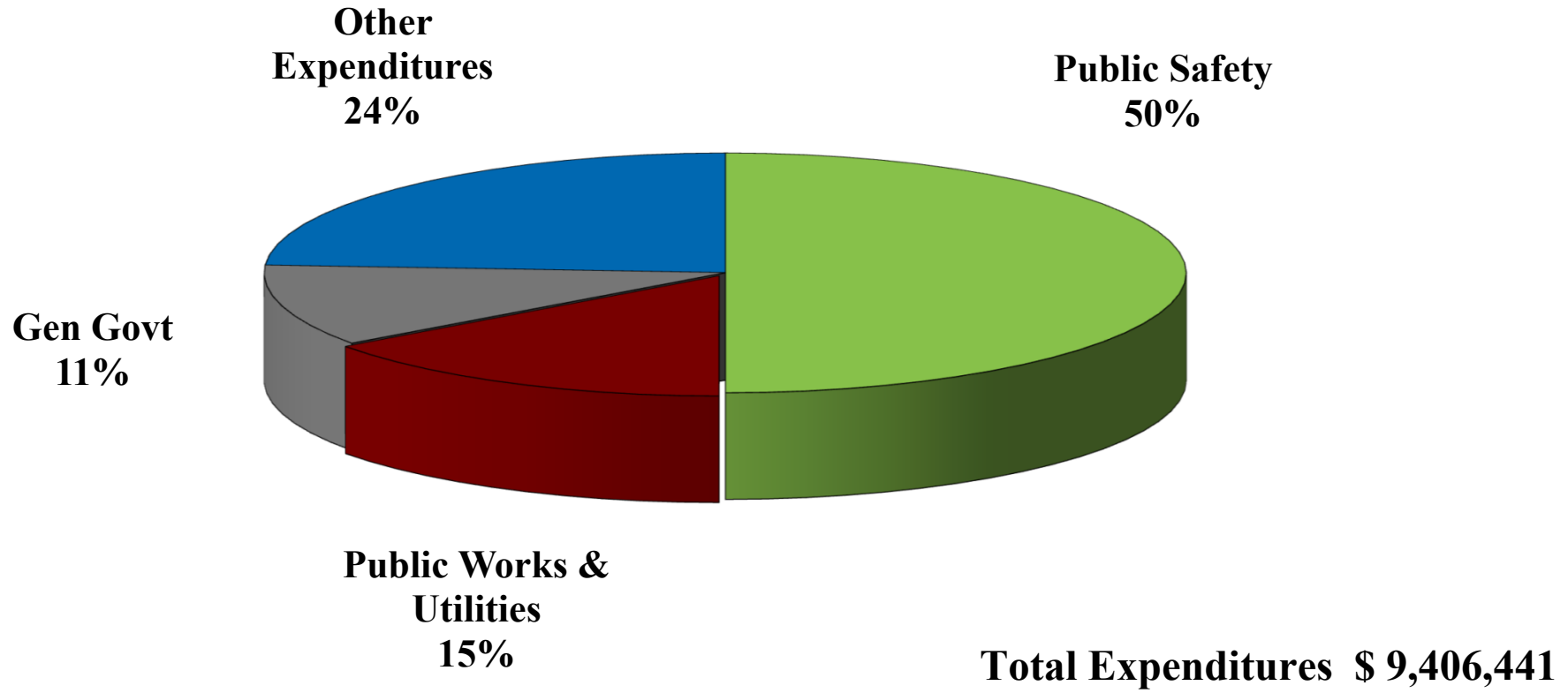
OTHER TAXES & LICENSES



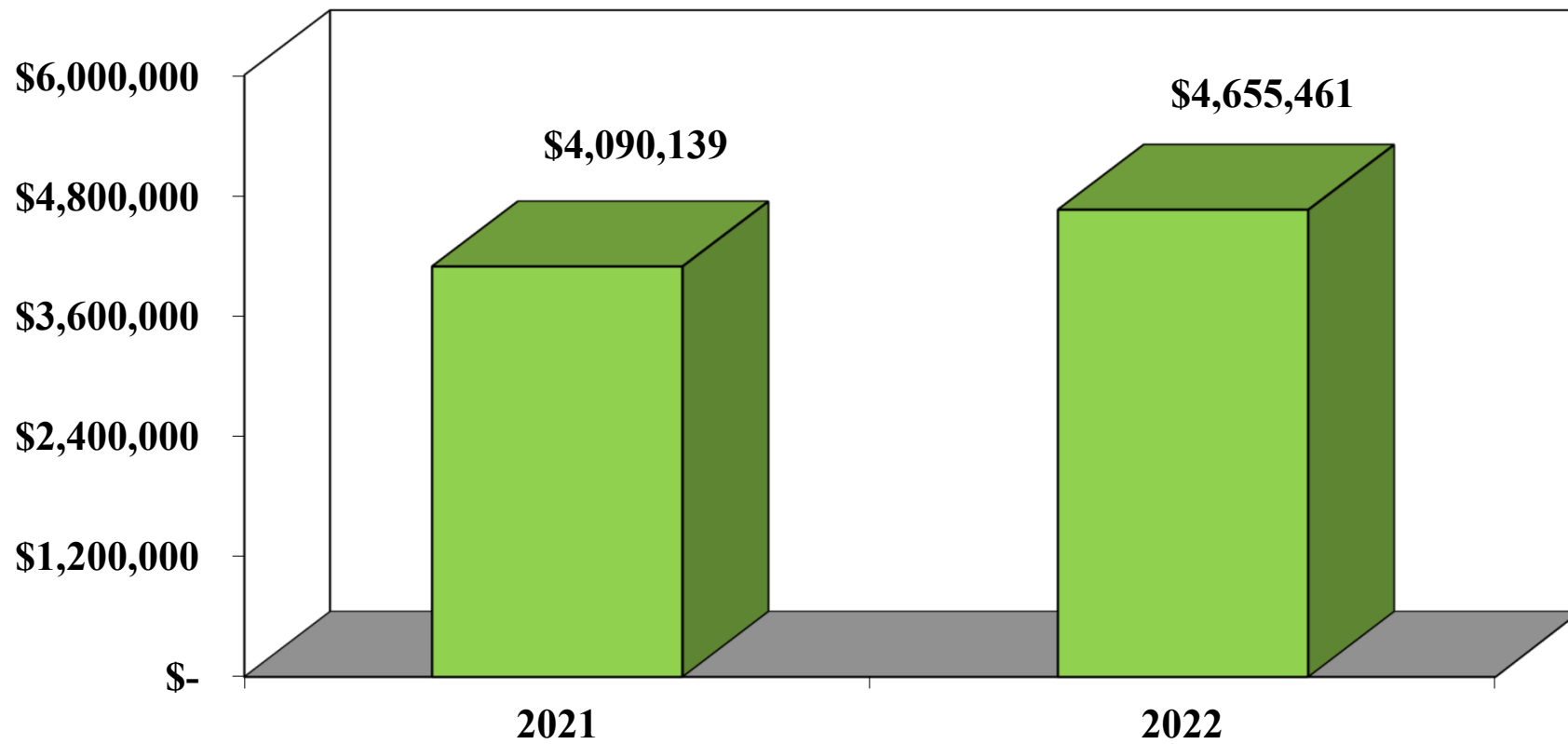
PERMITS & FEES



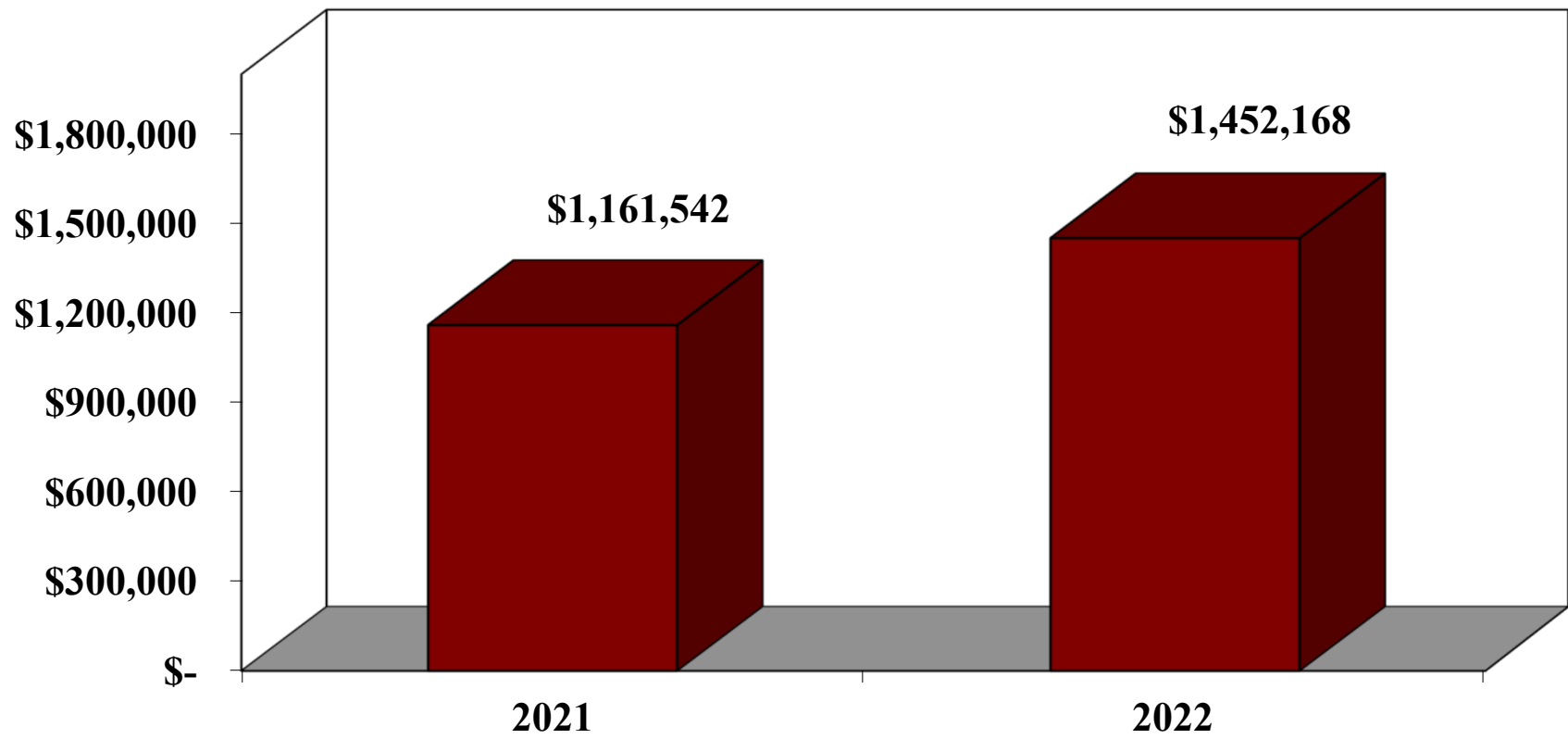
TOP 3 EXPENDITURES: GENERAL FUND



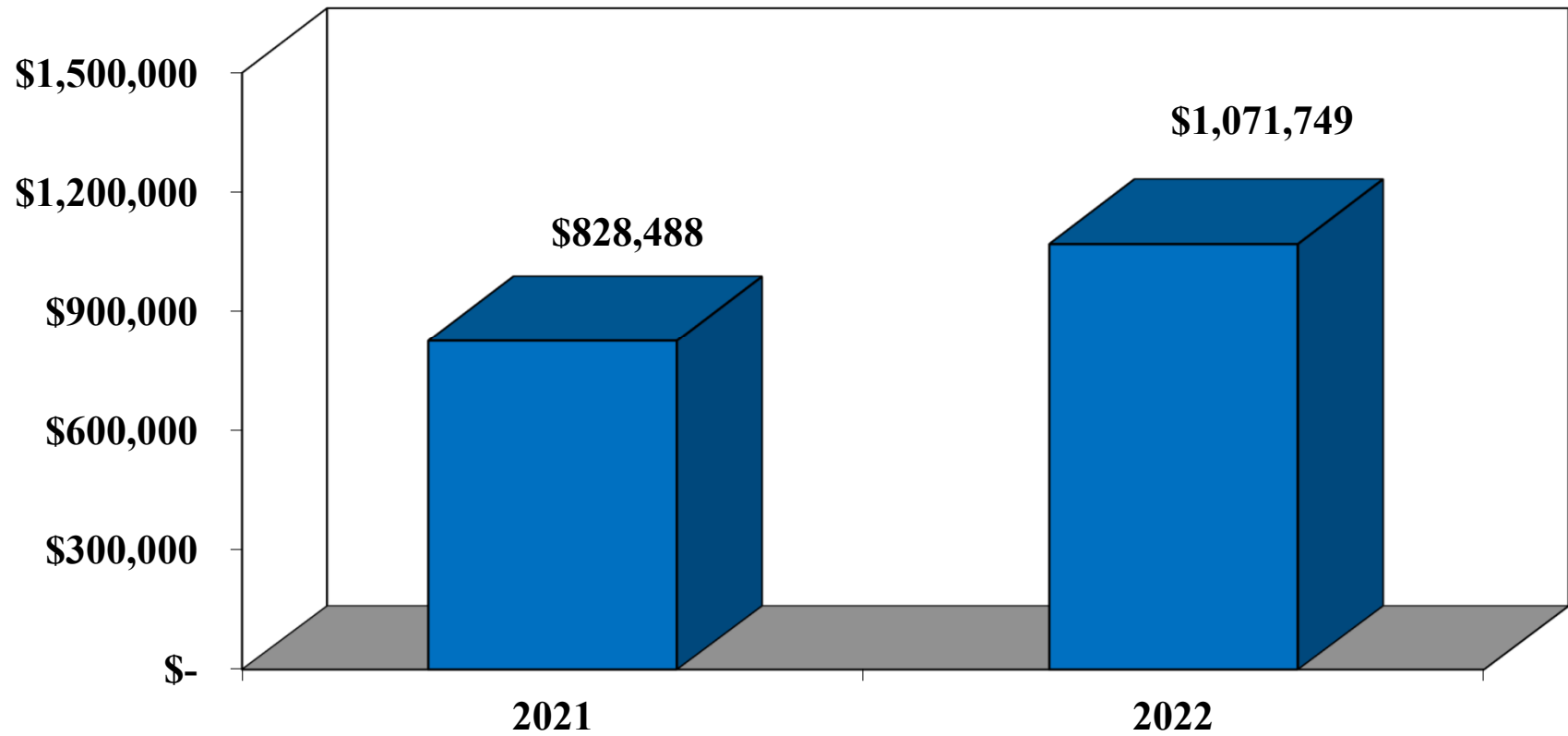
PUBLIC SAFETY



PUBLIC WORKS & UTILITIES



GENERAL GOVERNMENT



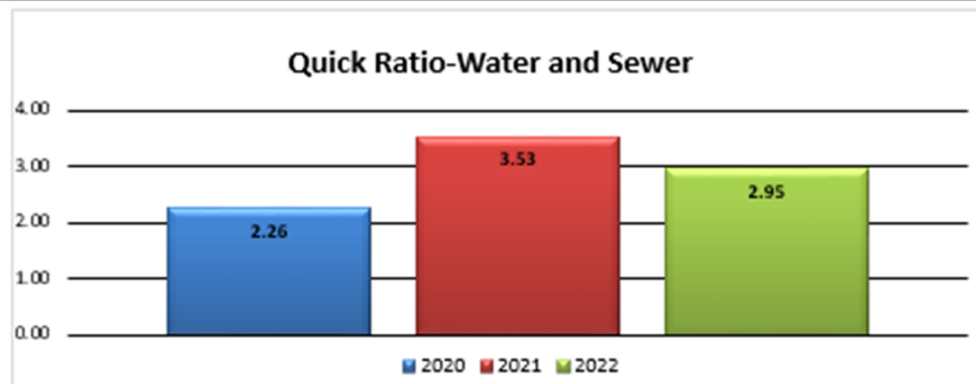
UTILITY FUND

	<u>2021</u>	<u>2022</u>
Unrestricted Net Position	\$ 4,042,338	\$ 3,420,023
Cash Flow From Operations	1,999,438	2,040,636
Net Income (Loss) (GAAP)	3,926,663	793,996
Total Net Position	24,993,076	25,787,072

3-YEAR COMPARISON - UTILITY FUND

	<u>2019</u>	<u>2020</u>	<u>2021</u>
Current Assets	\$ 2,796,815	\$ 4,397,051	\$ 3,773,783
Current Liabilities	1,238,519	1,245,022	1,278,918
Quick Ratio	2.26	3.53	2.95

WATER SEWER FUND:





Questions?

Ko Tang Chas-Moses



828.327.2727



kchamoses@msa.cpa



www.msa.cpa



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& ASSOCIATES, CPAs, P.A.



Town of Beaufort, NC

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**Board of Commissioners
Regular Meeting
6:00 PM Monday, January 9, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items for Discussion and Consideration

SUBJECT: Preliminary Plat – Davis Bay

BRIEF SUMMARY:

Subdivide two tracts totaling 20.08 Acres into 4 Lots (These lots would be served by Phase 3 of the Beau Coast Development). In addition to Planning Staff the applicants Engineer will also be available to answer questions regarding the proposed infrastructure.

During the December meeting the Board voted to table the request until the Town Engineer had an opportunity to review the revised plans. The Town Engineer has since reviewed the plans and has provided his comments. The Board should also consider the Public Water Access issue that was also pointed out during the December meeting.

REQUESTED ACTION:

Decision on Preliminary Plat

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Kyle Garner, AICP

Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A

To: Town of Beaufort Board of Commissioners
From: Kyle Garner, AICP, Town Planner
Date: December 29, 2022
Project Davis Bay – Preliminary Plat

THE QUESTION: Subdivide two tracts totaling 20.08 Acres into 4 Lots (These lots would be served by Phase 3 of the Beau Coast Development)

BACKGROUND:

Location: Davis Bay – Davis Bay Drive - Off Lewistown Road
Owners: The Burdett Family Trust
Requested Action: Subdivide two tracts totaling 20.08 acres tract into four lots
Existing Zoning R-20
Pin #: 7316182179350000, 7316182263150000
Size: 20.08 Acres
Amount of Open Space: 0 Acres
Existing Land Use: Undeveloped
Adjoining Land Use & Zoning:
North – By Turner’s Creek
South – By residential developed property in Davis Bay, zoned R-20
East – By Davis Bay
West – By Beau Coast Phase III, zoned PUD

SPECIAL INFORMATION:

This applicant has submitted for sewer allocation for these four proposed properties. A requirement for sewer service is also a requirement for Annexation which the applicant has applied for at the time of submittal.

The applicant has submitted conditions they are willing to place on the request to ensure that infrastructure is in place before the lots are submitted for Final Plat. Staff would also remind the Planning Board that a Preliminary Plat is only valid for a period of one year.

The conditions from the applicant are as follows:

Freedom Park Road Extension through Phase 3 of Beau Coast must be constructed (or bonded for with the Town) and the right of way recorded prior to the recordation of Lots 1-3 at Davis Bay Subdivision.

Lot 4 has deeded access via alternate route if needed prior to the construction of Freedom Park Road extension in Beau Coast Phase 3.

Town allocation for water and sewer capacity for lots 1-4 is contingent upon Beau Coast Phase 3 water and sewer approval by the Town and State of North Carolina.

Water and sewer service to lots 1-4 will be provided via public water and sewer line extensions by Beau Coast Phase 3. Timing of service to lots 1-4 is dependent on Beau Coast Phase 3. No building permits will be issued until such time as water and sewer service is available or has been bonded for by Beau Coast Phase 3

Staff Recommended Conditions:

- The construction of the offsite water main, gravity sewer, and street is not under the control of the owner/developer of the proposed subdivision. Accordingly, staff recommends the approval be conditioned upon no building permits being issued by the Town until such time as all the following conditions have been satisfied:
- The offsite street has been constructed and the developer of the adjacent property grants permission in writing for driveway connections to the street or until such time as the street has been constructed and dedicated to the Town so that permission from the offsite developer is not needed.
- The water and sewer mains have been constructed, as-built plans of these utilities have been produced, the construction certified by the engineer-of-record, and the certification has been recognized/accepted by the NC Department of Environmental Quality.
- A written acknowledgement is provided by the owner/developer of the above condition.

Planning Board Recommendation:

At their November meeting the Planning Board unanimously recommended denial of the subdivision as the requirement that all lots have frontage on a right-of-way was not met. Since the November meeting the applicants engineer has submitted a revised plat that shows a private street with private Right-of-Way with the elevation of such said Right-of-Way at base flood elevation as required in the Subdivision Ordinance.

During the December meeting the Board voted to table the request until the Town Engineer had an opportunity to review the revised plans. The Town Engineer has since reviewed the plans and has provided his comments. The Board should also consider the Public Water Access issue that was also pointed out during the December meeting.

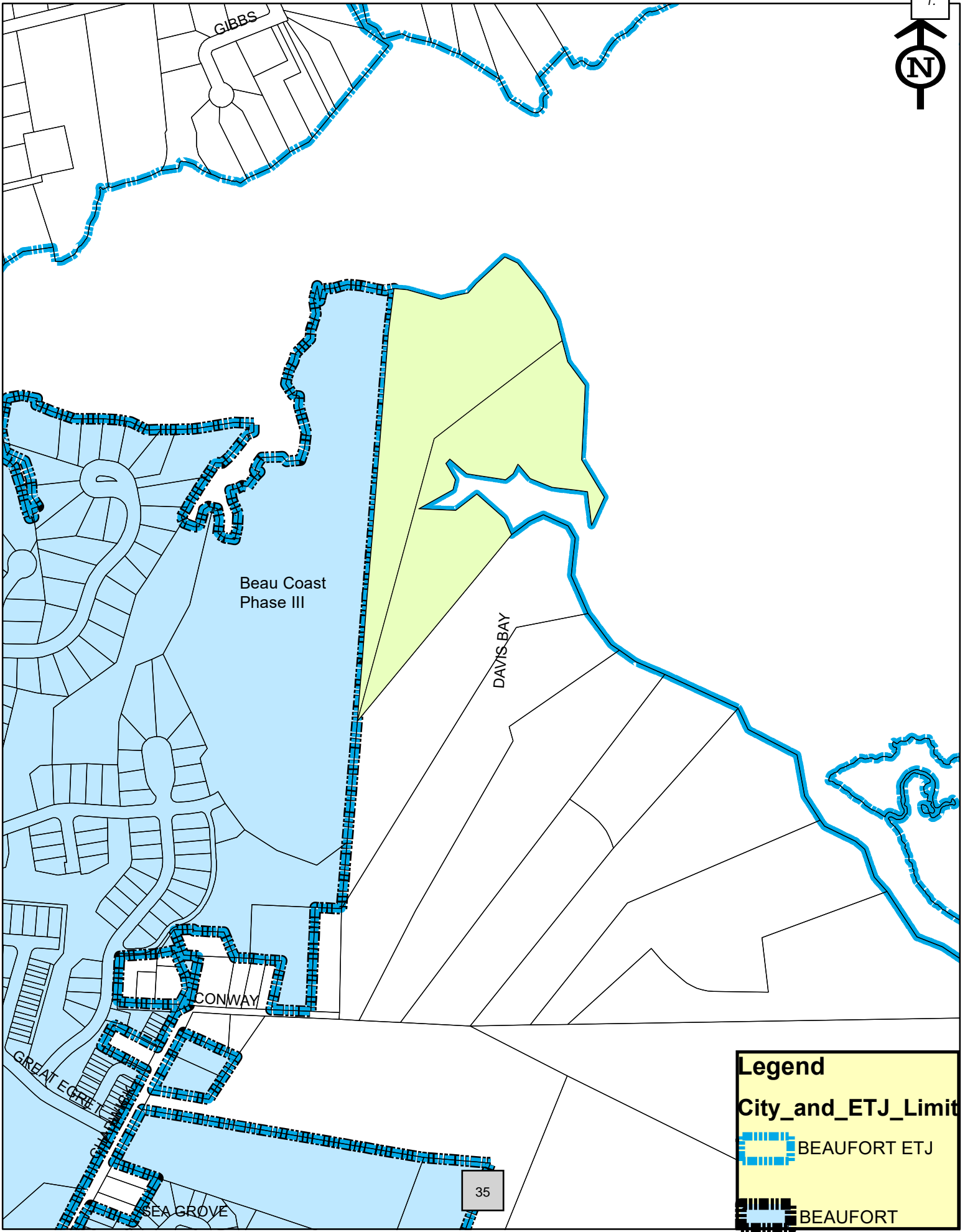
OPTIONS:

1. Recommend Approval the request as presented
2. Recommend Approval with specific conditions
3. Recommend Denial of the request.
4. Table the request.

ATTACHMENTS:



- Attachment – A – Vicinity Map
- Attachment – B – Preliminary Plat Maps
- Attachment – C – Covenants

Case #22-22 Vicinity Map - Preliminary Plat - Davis Bay



Legend

City_and_ETJ_Limit

-  BEAUFORT ETJ
-  BEAUFORT

SUBDIVISION PLANS FOR DAVIS BAY SUBDIVISION

BEAUFORT, NC

DECEMBER 2022

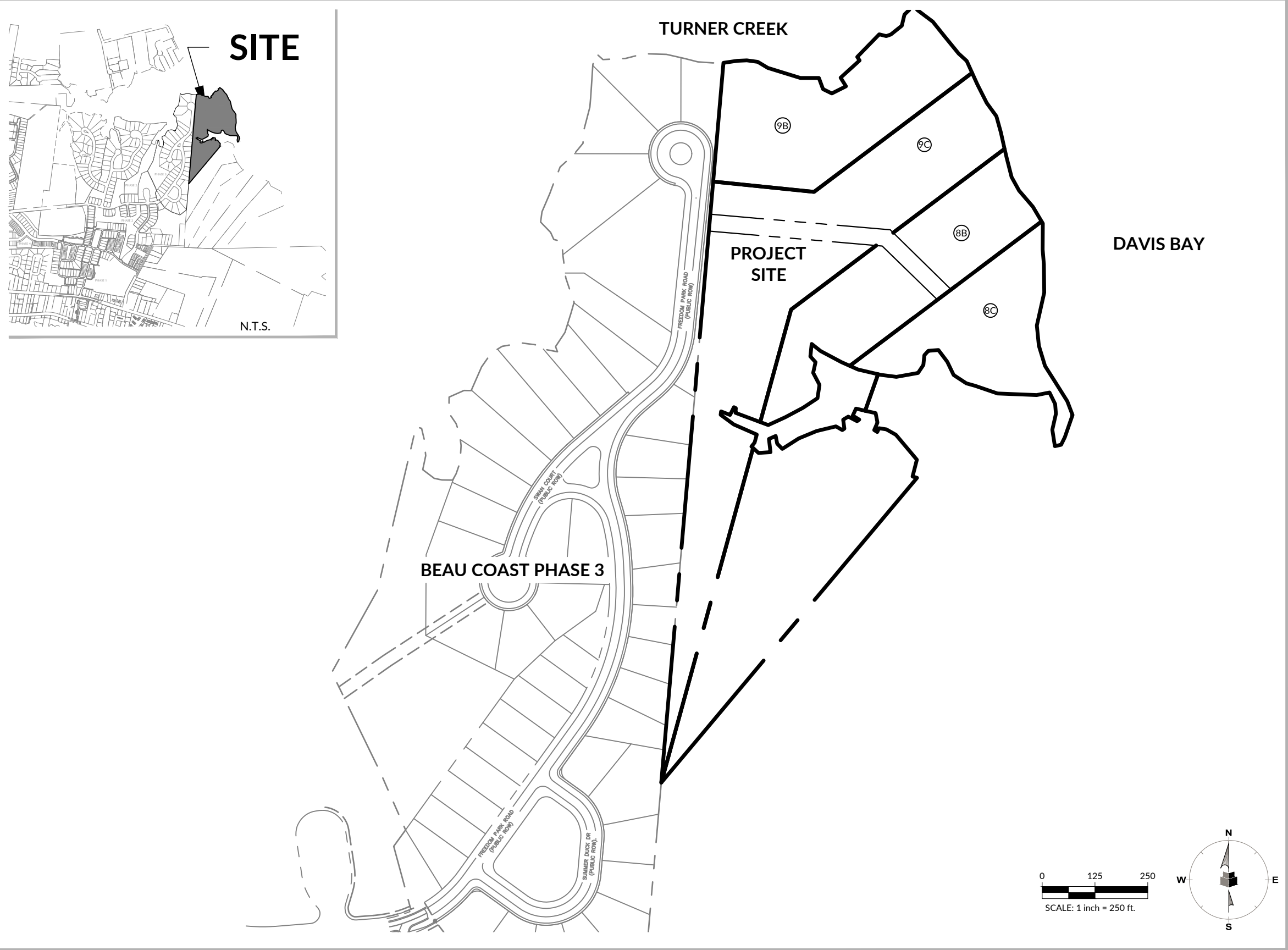
PARCEL DATA

PIN: 7316118226315000
 OWNER: THE BURDETT FAMILY TRUST
 ADDRESS: 8383 WEST DRY CREEK ROAD, HEALDBURG CA 95448
 ZONING: R-20
 AREA: 10.05 ACRES
 REAL ESTATE ID: N/A

PIN: 731618217935000
 OWNER: THE BURDETT FAMILY TRUST
 ADDRESS: 8383 WEST DRY CREEK ROAD, HEALDBURG CA 95448
 ZONING: R-20
 AREA: 10.03
 REAL ESTATE ID: N/A

SITE DATA TABLE

MUNICIPALITY	TOWN OF BEAUFORT
MUNICIPAL PROJECT NO.	N/A
PARCEL PIN NO.	7316182179350000 & 7316182263150000
TOTAL PROJECT AREA (ACRES)	20.08 ACRES
WATERSHED	WHITE OAK RIVER
EXISTING ZONING & LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED USE	R-20
PARKS, RECREATION, AND/OR OPEN SPACE PROVIDED (ACRES)	0
PROPOSED NUMBER OF UNITS	4
MINIMUM LOT SIZE PROPOSED	±2.93 (±127,462 SF)
AVERAGE LOT SIZE PROPOSED	±4.72 (±205,521 SF)
SETBACKS:	
FRONT	30
SIDE	50 (PER HOA COVENANTS)
REAR	25



INDEX OF SHEETS

Sheet Number	Sheet Title
C0.00	COVER
C0.01	GENERAL NOTES
C1.01	EXISTING CONDITIONS
C2.01	SITE PLAN
C3.00	LOT FIT PLAN
C3.01	ZONING PLAN
C3.02	UTILITY PLAN
C4.00	GRADING & DRAINAGE PLAN
C6.00	SITE, WATER, & SANITARY SEWER DETAILS

CONTACT LIST:

Project Manager
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 WithersRavenel
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 Wilmington, NC 28403
 910-256-9277
 jboyd@withersravenel.com



PREPARED BY:

WithersRavenel
 219 Station Road | Ste 101 | Wilmington, NC 28405
 License #: F-1479 | t: 910.256.9277 | www.withersravenel.com

DEVELOPER:
THE BURDETT FAMILY TRUST
 8383 WEST DRY CREEK ROAD
 HEALDBURG, CA 95444
 PHONE #: 919-481-3000

SUBDIVISION PLANS FOR
 DAVIS BAY SUBDIVISION
 WR PROJECT NO 220755.00
 TOWN OF BEAUFORT
 MUNI PRO NO: N/A
 09/21/2022

COORDINATION NOTES:

1. THE CONTRACTOR IS REQUIRED TO OBTAIN ANY/ALL PERMITS REQUIRED FOR CONSTRUCTION OF THESE PLANS.
2. ALL WORK IS TO BE IN ACCORDANCE WITH THE TOWN OF BEAUFORT, CARTERET COUNTY, AND THE STATE OF NORTH CAROLINA.
3. THE CONTRACTOR IS TO ESTABLISH AND CHECK ALL HORIZONTAL AND VERTICAL CONTROLS TO BE USED WITH THE PROJECT. IN ADDITION, THE CONTRACTOR IS TO COMPUTE THE LAYOUT OF THE ENTIRE SITE PLAN IN ADVANCE OF BEGINNING ANY WORK ASSOCIATED WITH THE SUBJECT PLANS. CONTRACTOR SHALL EMPLOY A PROFESSIONAL SURVEYOR TO PERFORM SITE IMPROVEMENT STAKEOUT(S).
4. ANY TIME WORK IS PERFORMED OFF-SITE OR WITHIN AN EXISTING EASEMENT, THE CONTRACTOR IS TO NOTIFY THE HOLDER OF SAID EASEMENT AS TO THE NATURE OF PROPOSED WORK, AND TO FOLLOW ANY GUIDELINES OR STANDARDS WHICH ARE ASSOCIATED WITH OR REFERENCED IN THE RECORDED EASEMENT.
5. THE CONTRACTOR SHALL SCHEDULE A PRECONSTRUCTION MEETING WITH THE TOWN OF BEAUFORT AND NOTIFY THE ENGINEER AT LEAST 48 HOURS PRIOR TO THE MEETING.

GENERAL NOTES:

1. THE BOUNDARY & WETLAND SURVEY HAS BEEN PROVIDED BY WITHERSRAVENEL, INC.
2. WETLAND DELINEATION BY LAND MANAGEMENT GROUP, INC. ENVIRONMENTAL CONSULTANTS, PO BOX 2522, WILMINGTON, NC 28402, TEL. (910) 452-0001. WETLAND LOCATION BY WITHERS RAVENEL, INC. USING TRIMBLE PRO XR GPS RECEIVER CAPABLE OF SUB-METER ACCURACY.
3. FEMA FLOOD DESIGNATIONS ON THIS PROPERTY TAKEN FROM FIRM PANEL #3720731600J, 3720731500J, 3720730600J, AND 3720730500J DATED JULY 16, 2003.
4. THERE ARE NO KNOWN U.S. LISTED DEPARTMENT OF INTERIOR'S NATIONAL REGISTER OF HISTORICAL PLACES, "HISTORICAL PROPERTY" PURSUANT TO G.S. CHAPTER 160A, ARTICLE 19, PART 3, OR A "HISTORIC DISTRICT" DESIGNATED BY A LOCAL ORDINANCE PURSUANT TO G.S. CHAPTER 160A-400.4 WITHIN THIS PROJECT.
5. REASONABLE CARE HAS BEEN EXERCISED IN SHOWING THE LOCATION OF EXISTING UTILITIES ON THE PLANS. THE EXACT LOCATION OF ALL EXISTING UTILITIES IS NOT KNOWN IN ALL CASES. THE CONTRACTOR SHALL EXPLORE THE AREA AHEAD OF DITCHING OPERATIONS BY OBSERVATIONS, ELECTRONIC DEVICES, HAND DIGGING AND BY PERSONAL CONTACT WITH THE UTILITY COMPANIES. IN ORDER TO LOCATE EXISTING UTILITIES IN ADVANCE OF TRENCHING OPERATIONS SO AS TO ELIMINATE OR MINIMIZE DAMAGE TO EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS RESULTING FROM ANY DAMAGE TO THE EXISTING UTILITY LINES INCLUDING LOSS OF UTILITY REVENUES. CONTRACTOR SHALL ARRANGE FOR TEMPORARY SUPPORT OF EXISTING UTILITIES, SUCH AS POLES, CONDUITS, FIBER OPTIC CABLES, TELEPHONE CABLES, WATER LINES, ETC.
6. CONTRACTOR SHALL COMPLY WITH THE LATEST REVISIONS AND INTERPRETATIONS OF THE DEPARTMENT OF LABOR SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION PROMULGATED UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT. CONTRACTOR SHALL PLAN AND CONSTRUCT WORK SO AS TO CAUSE MINIMUM INCONVENIENCE TO THE OWNER AND THE PUBLIC.
7. CONTRACTOR SHALL PLAN AND CONSTRUCT WORK SO AS TO CAUSE MINIMUM INCONVENIENCE TO THE OWNER AND THE PUBLIC. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN AT ALL TIMES DURING THE PROGRESS OR TEMPORARY SUSPENSION OF WORK, SUITABLE BARRIERS, FENCES, SIGNS OR OTHER ADEQUATE PROTECTION, INCLUDING FLAG MEN AND WATCHMEN AS NECESSARY TO INSURE THE SAFETY OF THE PUBLIC AS WELL AS THOSE ENGAGED IN THE CONSTRUCTION WORK. CONSTRUCTION SIGNING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "CONSTRUCTION AND MAINTENANCE OPERATIONS SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE NCDOT.
8. ALL MATERIAL CLEARED OR DEMOLISHED BY THE CONTRACTOR IN ORDER TO CONSTRUCT THE WORK SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE PROPERLY DISPOSED OF OFF-SITE OR BURNED IF PROPER PERMITS ARE RECEIVED.
9. ALL WORK BY THE CONTRACTOR SHALL BE WARRANTED BY THE CONTRACTOR FOR A PERIOD OF ONE YEAR AFTER THE OWNER ACCEPTS THE WORK.
10. CONTRACTOR SHALL CALL THE NORTH CAROLINA ONE-CALL CENTER AT 811 FOR ASSISTANCE IN LOCATING UTILITIES. THE CONTRACTOR SHALL CALL AT LEAST 72 HOURS PRIOR TO ANY DIGGING.
11. ANY BROKEN OR MISSING SIDEWALK PANELS, DRIVEWAY PANELS AND CURBING WITH BE REPLACED.
12. DURING CONSTRUCTION, COPIES OF NPDES AND SIMILAR MAINTENANCE REPORTS ARE TO BE SUBMITTED TO THE TOWN ON AT LEAST A QUARTERLY BASIS. AFTER PROJECT COMPLETION, THE HOMEOWNERS ASSOCIATION WILL TAKE RESPONSIBILITY OF SUBMITTING SUCH MAINTENANCE REPORTS TO THE TOWN.

DEMOLITION NOTES:

1. CONTRACTOR TO COORDINATE WITH THE OWNER TO PROPERLY MAINTAIN OR RELOCATE EXISTING SERVICE CONNECTIONS WHEN NECESSARY.
2. CONTRACTOR IS TO WALK THE SITE AND BECOME FAMILIAR WITH THE SCOPE OF DEMOLITION REQUIRED. ALL DEMOLITION WORK REQUIRED TO CONSTRUCT NEW SITE IMPROVEMENTS WILL BE PERFORMED BY THE CONTRACTOR AND WILL BE UNCLASSIFIED EXCAVATION.
3. DEMOLITION SHALL INCLUDE BUT IS NOT LIMITED TO THE EXCAVATION, HAULING AND OFFSITE DISPOSAL OF CONCRETE PADS, CONCRETE DITCHES, FOUNDATIONS, SLABS, STEPS, AND STRUCTURES; ABANDONED UTILITIES, BUILDINGS, PAVEMENTS AND ALL MATERIALS CLEARED AND STRIPPED TO THE EXTENT NECESSARY AS DIRECTED BY THE SOILS ENGINEER FOR THE INSTALLATION OF THE NEW IMPROVEMENTS AND WITHIN THE LIMITS OF CLEARING AND GRADING AND AS SHOWN ON THESE PLANS.
4. THE CONTRACTOR SHALL PROTECT ALL ADJACENT PROPERTY, STRUCTURES AND UTILITIES ON THE PROPERTY NOT TO BE DEMOLISHED. DAMAGE TO PROPERTIES OF OTHERS DUE TO THE CONTRACTOR'S ACTIVITIES SHALL BE REPLACED IN KIND BY THE CONTRACTOR AT NO COST TO OWNER.
5. ELECTRIC, TELEPHONE, SANITARY SEWER, WATER AND STORM SEWER UTILITIES THAT SERVICE OFF-SITE PROPERTIES SHALL BE MAINTAINED DURING THE CONSTRUCTION PROCESS BY THE CONTRACTOR.
6. EXISTING UTILITIES NOT INTENDED FOR DEMOLITION SHALL BE MAINTAINED, PROTECTED AND UNDISTURBED DURING DEMOLITION.
7. ALL EXISTING IMPROVEMENTS INDICATED OR REQUIRED TO BE DEMOLISHED SHALL INCLUDE REMOVAL FROM THE PROPERTY AND PROPER DISPOSAL.
8. CONTRACTOR SHALL COORDINATE RELOCATION OF ALL EXISTING OVER HEAD AND UNDERGROUND UTILITIES INCLUDING CABLE, GAS, TELEPHONE AND ELECTRIC AND ANY OTHER UTILITIES THROUGH THE SITE WITH THE RESPECTIVE COMPANIES.
9. PROVIDE SMOOTH SAW CUT OF EXISTING PAVEMENTS, CURBS AND GUTTERS AND SIDEWALKS TO BE DEMOLISHED.
10. ALL DEMOLITION WORK SHALL BE DONE IN STRICT ACCORDANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS AS WELL AS OSHA REGULATIONS.
11. INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS, BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATIONS OF THE MAINS BY DIGGING TEST PITS BY HAND.

STABILIZATION NOTES

1. SLOPES LEFT EXPOSED WILL, WITHIN 14 CALENDAR DAYS OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH GROUND COVER, DEVICES, OR STRUCTURES TO RESTRAIN EROSION.
2. ALL OTHER DISTURBED AREAS SHALL BE PLANTED OR OTHERWISE PROVIDED PERMANENT GROUND COVER WITHIN 14 WORKING DAYS FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT WHICHEVER PERIOD IS SHORTER.

SITE NOTES

1. ANY DISCREPANCY IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO START OF CONSTRUCTION. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS AND DIMENSIONS SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
2. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND R.O.W.'S PUBLIC OR PRIVATE, PRIOR TO WORKING IN THESE AREAS.
3. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
4. ACCESS TO UTILITIES, FIRE HYDRANTS, STREET LIGHTING, ETC., SHALL REMAIN UNDISTURBED, UNLESS COORDINATED WITH THE RESPECTIVE UTILITY.
5. DO NOT SCALE THIS DRAWING AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
6. THE GENERAL CONTRACTOR SHALL REMOVE ALL DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION.
7. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES.
8. CONTRACTOR SHALL MAINTAIN AN "AS-BUILT" SET OF DRAWINGS TO RECORD THE EXACT LOCATION OF ALL PIPING PRIOR TO CONCEALMENT. DRAWINGS SHALL BE GIVEN TO THE OWNER AND TOWN OF BEAUFORT UPON COMPLETION OF THE PROJECT WITH A COPY OF THE TRANSMITTAL LETTER TO THE ENGINEER.
9. IF DEPARTURES FROM THE SPECIFICATIONS OR DRAWINGS ARE DEEMED NECESSARY BY THE CONTRACTOR, DETAILS OF SUCH DEPARTURES AND REASONS THEREOF SHALL BE GIVEN TO THE OWNER AND TOWN OF BEAUFORT FOR REVIEW. NO DEPARTURES FROM THE CONTRACT DOCUMENT SHALL BE MADE WITHOUT THE PERMISSION OF THE OWNER AND TOWN OF BEAUFORT.
10. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT NO EXTRA COST HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE OTHER OBSTRUCTIONS OR FROM DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. CONTACT NORTH CAROLINA ONE CALL TOLL FREE 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NONSUBSCRIBING UTILITIES.
11. ALL PERMITS RELATIVE TO PROJECT MUST BE OBTAINED, PRIOR TO CONSTRUCTION
12. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY, AND LOCAL CODES.
13. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL INSPECTIONS, CERTIFICATIONS, EQUIPMENT, ETC., THAT MAY BE REQUIRED.
14. THE ENGINEER AND/OR OWNER DISCLAIM ANY ROLE IN THE CONSTRUCTION MEANS AND METHODS ASSOCIATED WITH THE PROJECT AS SET FORTH IN THESE PLANS.

EXISTING UTILITY NOTES:

1. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY THE ACTUAL LOCATION AND AVAILABILITY OF ALL EXISTING AND PROPOSED UTILITIES IN THE FIELD PRIOR TO GROUND BREAKING.
2. EXISTING UTILITIES AND STRUCTURES SHOWN, BOTH UNDERGROUND AND ABOVE GROUND ARE BASED ON A FIELD SURVEY AND THE BEST AVAILABLE RECORD DRAWINGS. THE CONTRACTOR SHALL FIELD VERIFY FIELD CONDITIONS PRIOR TO BEGINNING RELATED CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE IMMEDIATELY.

UTILITY CONTACTS:

1. CONTACT THE NORTH CAROLINA ONE CALL CENTER PRIOR TO DOING ANY DIGGING. 1-800-632-4949.

NOTICE REQUIRED:

1. ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY CONTRACT PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF SAID UTILITIES.
2. CONTRACTORS SHALL NOTIFY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATION AT LEAST THREE WORKING DAYS, BUT NOT MORE THAN TEN WORKING DAYS PRIOR TO ANY EXCAVATION OR DEMOLITION.

CONTACT "CAROLINA ONE CALL" AT
 1-800-632-4949
 EMERGENCY DIAL 911 POLICE - FIRE - RESCUE

UTILITY NOTES:

1. ALL UTILITY SERVICES, SUCH AS ELECTRIC POWER, CATV, GAS, AND TELEPHONE SHALL BE INSTALLED UNDERGROUND.
2. WATER AND SEWER SERVICES CAN NOT BE ACTIVATED ON NEW MAINS UNTIL THE ENGINEER'S CERTIFICATION AND AS-BUILTS ARE RECEIVED AND "FINAL APPROVAL" ISSUED BY THE PUBLIC WATER SUPPLY SECTION OF NCDEQ, AND "FINAL ENGINEERING CERTIFICATION" ISSUED BY DIVISION OF WATER QUALITY SECTION OF N.C.D.E.N.R.
3. IF CONTRACTOR DESIRES WATER FOR CONSTRUCTION, HE SHALL APPLY IN ADVANCE FOR THIS SERVICE AND MUST PROVIDE A REDUCED PRESSURE ZONE (RPZ) BACKFLOW PREVENTION DEVICE ON THE DEVELOPER'S SIDE OF THE WATER METER BOX.
4. WHEN PVC WATER MAINS AND SERVICES ARE PROPOSED, THE PIPES ARE TO BE MARKED WITH NO. 10 INSULATED COPPER WIRE INSTALLED AND STRAPPED TO THE PIPES WITH DUCT TAPE. THE INSULATED WIRE IS TO BE STRIPPED TO BARE WIRE AND SECURED TO ALL VALVES AND FITTINGS. THIS WIRE IS TO BE ACCESSIBLE IN ALL VALVE AND METER BOXES TO AID IN FUTURE LOCATION OF FACILITIES.
5. THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND PROTECTION OR EXISTING UTILITIES DURING CONSTRUCTION. DAMAGED ITEMS HALL BE REPAIRED TO AT LEAST THE QUALITY OR WORKMANSHIP FOUND IN THE ORIGINAL ITEM.
6. SOLID WASTE DISPOSAL TO BE SERVED BY TOWN, AND PROVIDED BY INDIVIDUAL WASTE BINS FOR EACH LOT.

TRAFFIC NOTES:

1. ANY BROKEN OR MISSING SIDEWALK PANELS AND/OR CURBING SHALL BE REPLACED.



THE BURDETT FAMILY TRUST
 8383 WEST DRY CREEK ROAD
 HEADBURG, CA 9544

SUBDIVISION PLANS FOR
DAVIS BAY SUBDIVISION
 FREEDOM PARK ROAD | BEAUFORT, NC 28516 | BEAUFORT



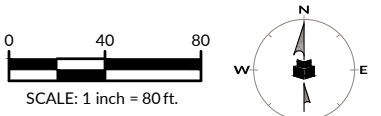
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WR Job No. DATE
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GENERAL NOTES

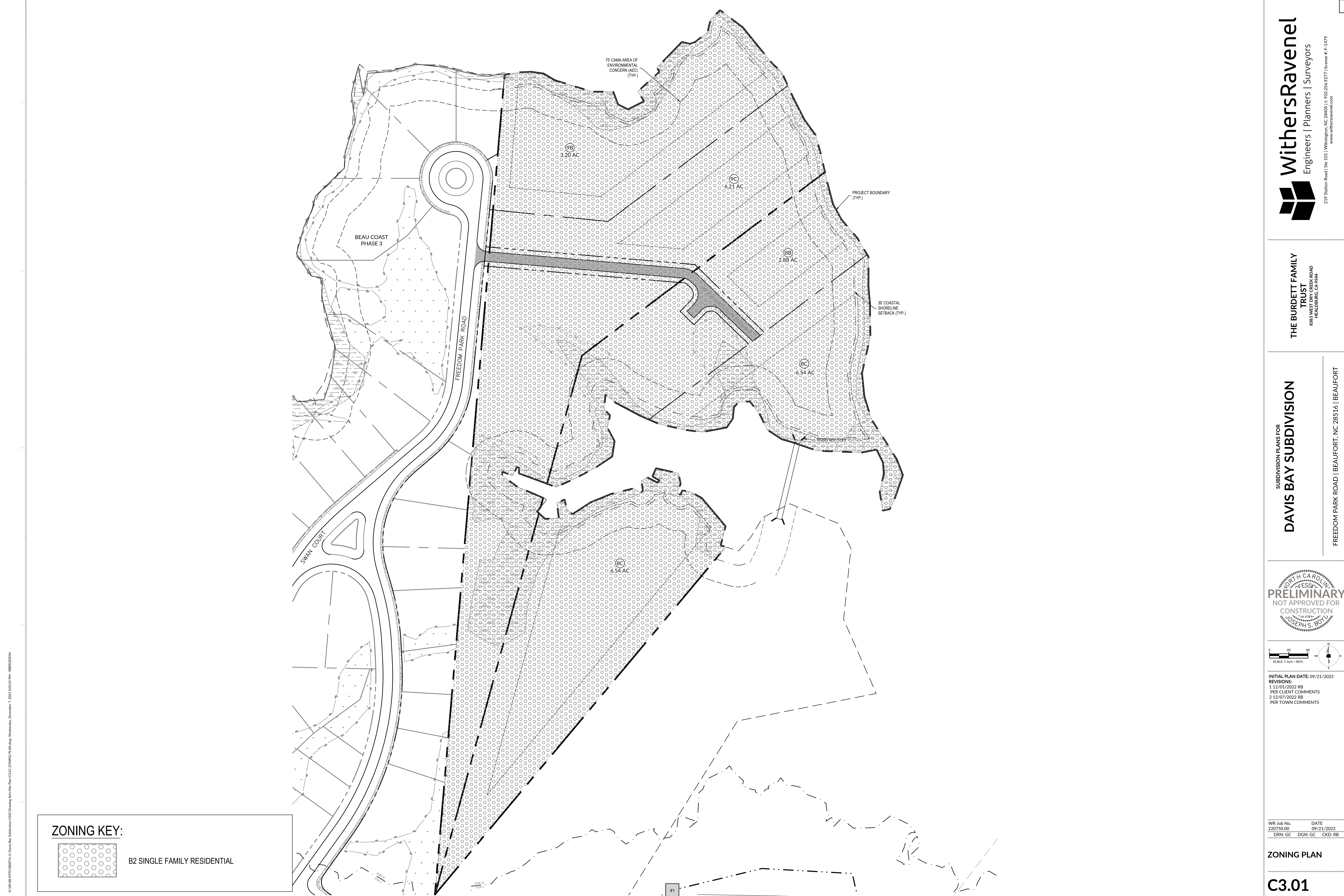
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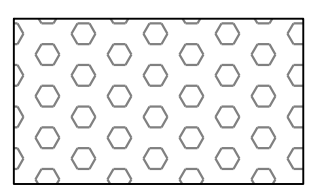


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 REVISIONS:
 1 12/01/2022 RB
 PER CLIENT COMMENTS
 2 12/07/2022 RB
 PER TOWN COMMENTS

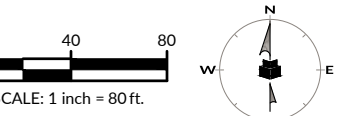
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 DRN: GC DGN: GC CKD: RB



ZONING KEY:



B2 SINGLE FAMILY RESIDENTIAL



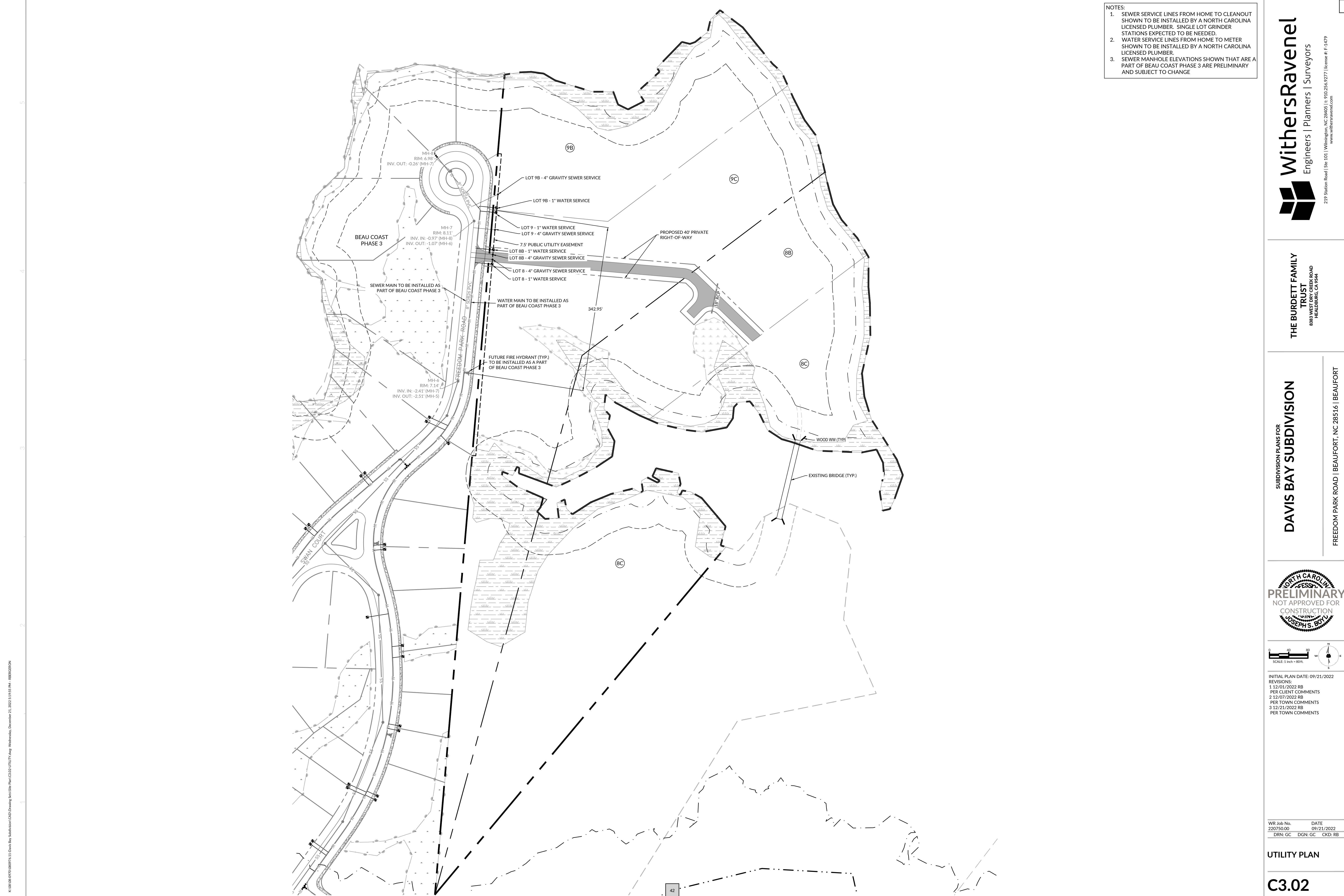
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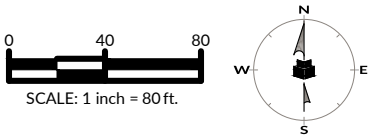
ZONING PLAN

C3.01

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- NOTES:
- SEWER SERVICE LINES FROM HOME TO CLEANOUT SHOWN TO BE INSTALLED BY A NORTH CAROLINA LICENSED PLUMBER. SINGLE LOT GRINDER STATIONS EXPECTED TO BE NEEDED.
 - WATER SERVICE LINES FROM HOME TO METER SHOWN TO BE INSTALLED BY A NORTH CAROLINA LICENSED PLUMBER.
 - SEWER MANHOLE ELEVATIONS SHOWN THAT ARE A PART OF BEAU COAST PHASE 3 ARE PRELIMINARY AND SUBJECT TO CHANGE



INITIAL PLAN DATE: 09/21/2022
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 PER CLIENT COMMENTS
 2 12/07/2022 RB
 PER TOWN COMMENTS
 3 12/21/2022 RB
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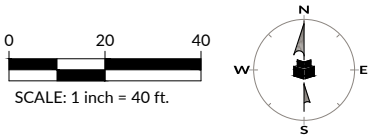
UTILITY PLAN

C3.02

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NOTES:
 1. EXISTING TOPOGRAPHY SHOWN IS DERIVED FROM GIS DATA AND SHOULD NOT BE CONSIDERED EXACT.



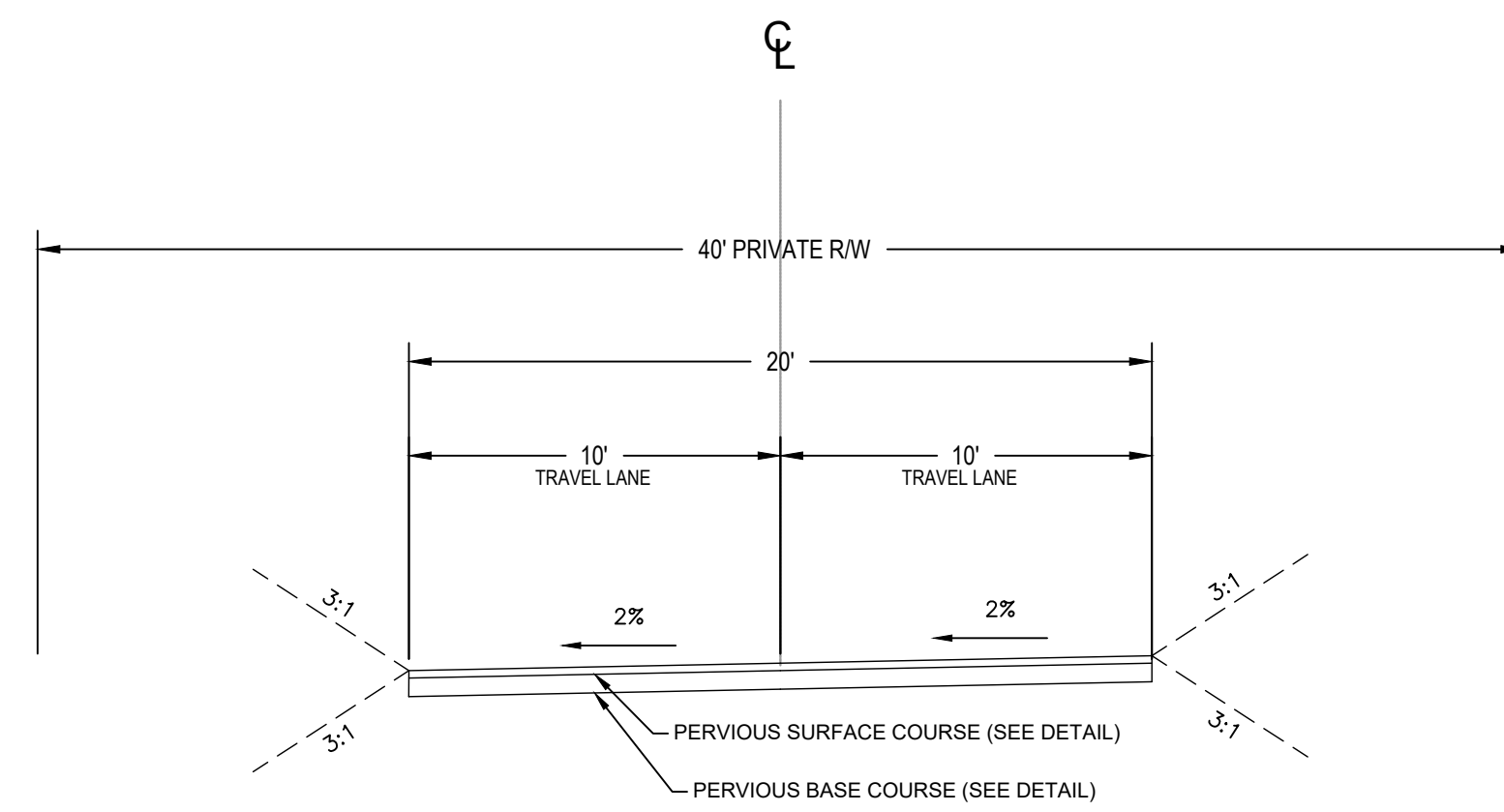
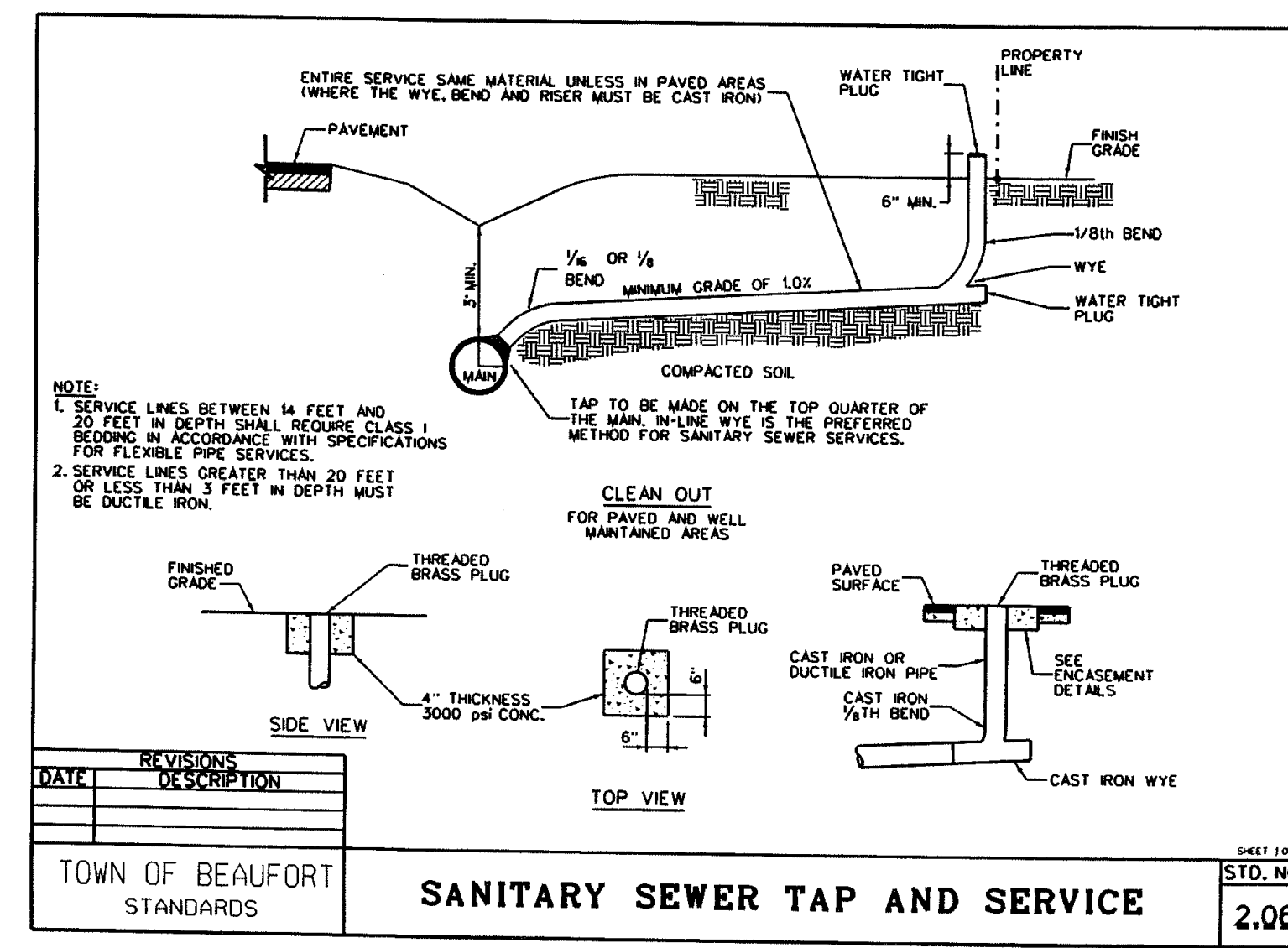
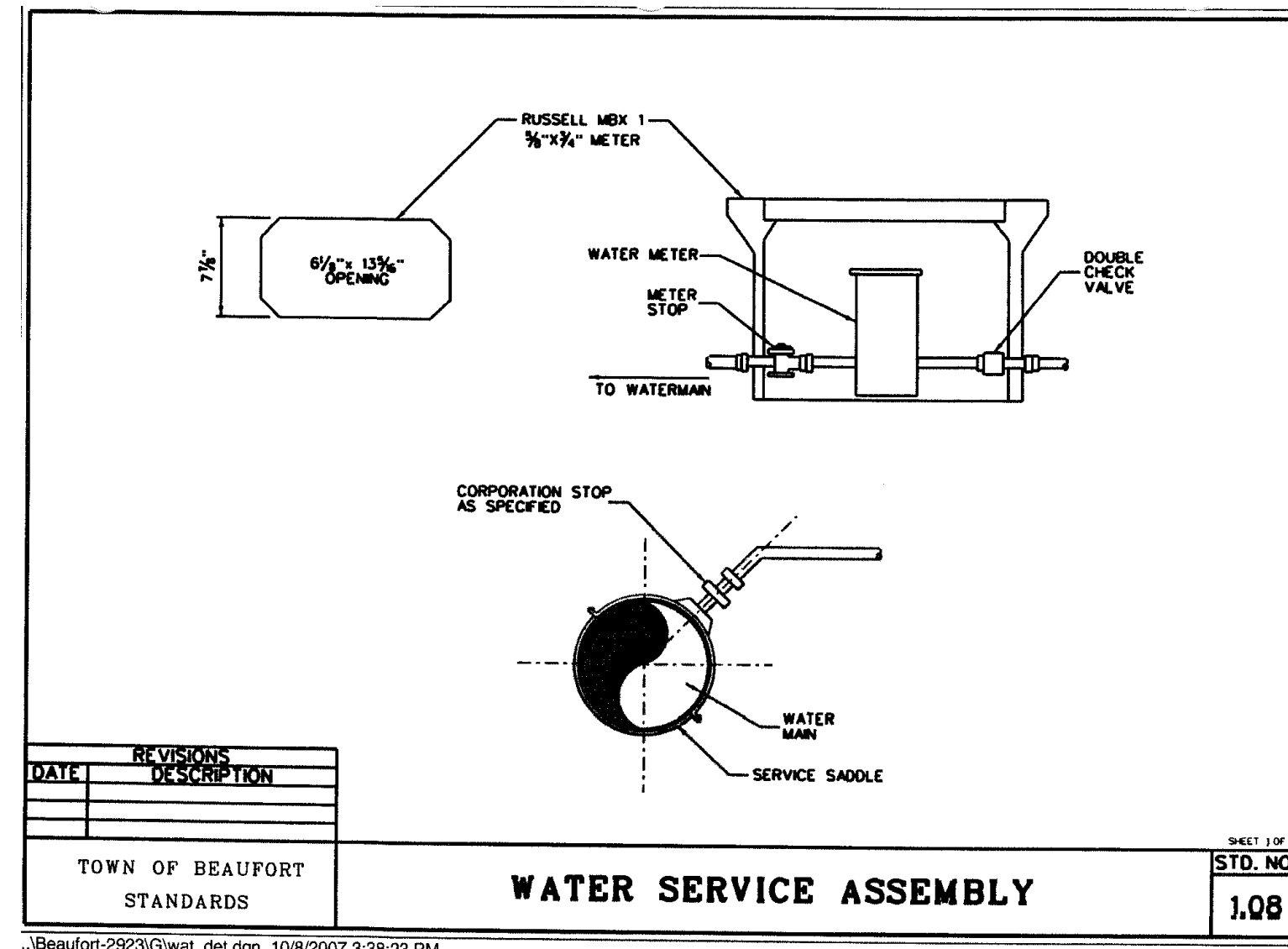
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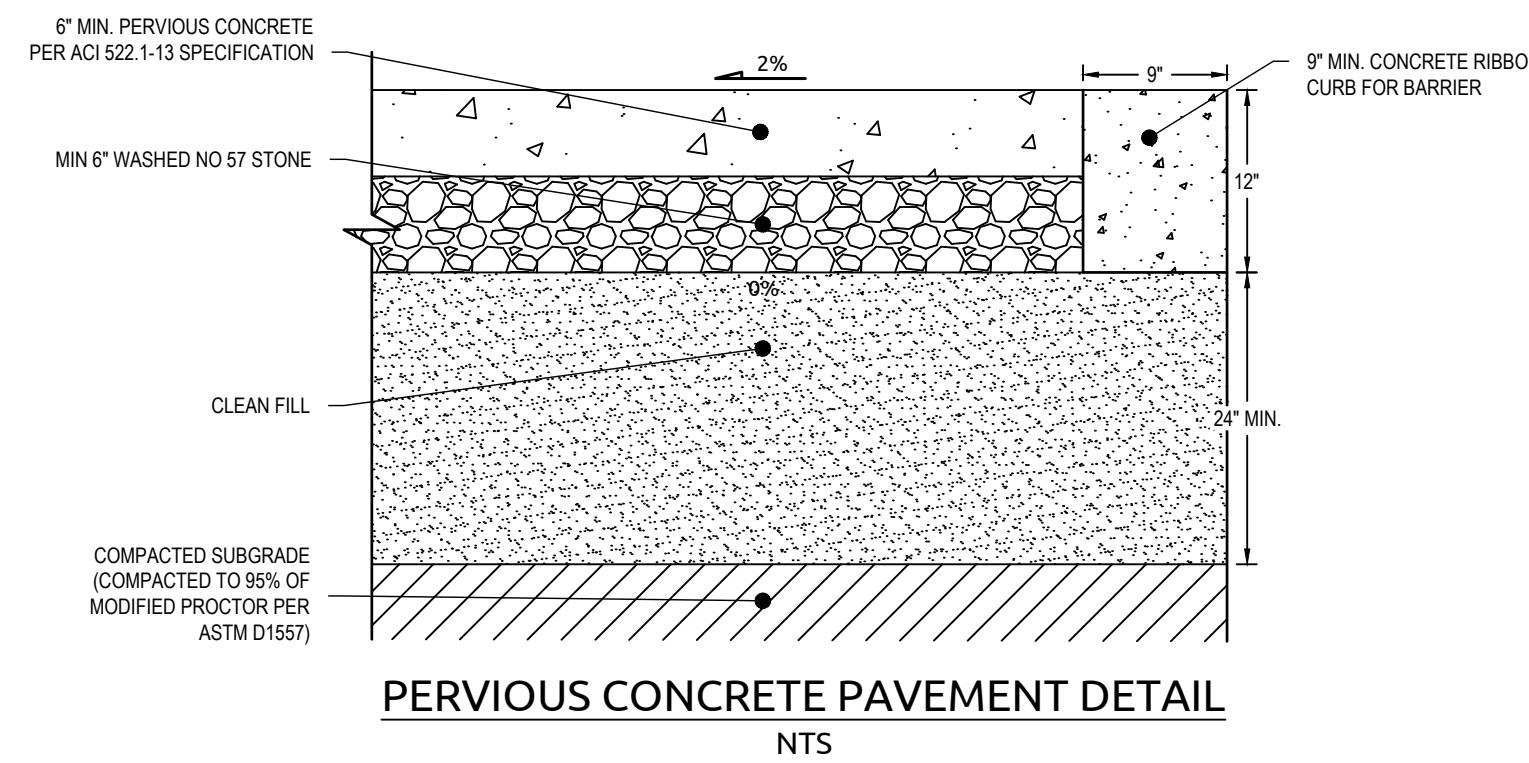
GRADING & DRAINAGE PLAN

C4.00

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40' PRIVATE RIGHT OF WAY
NTS



- ADDITIONAL NOTES:
- FOLLOW CONSTRUCTION SEQUENCE SPECIFIED BY NCDCE STORMWATER DESIGN MANUAL, C-5 PERMEABLE PAVEMENT.
 - MUST USE WASHED STONE TO PREVENT CLOGGING.
 - SLOPE OF SUBGRADE MAY NOT BE GREATER THAN 2%.
 - A MINIMUM OF 50 INCHES/HOUR PAVEMENT SURFACE INFILTRATION RATE MUST BE MAINTAINED.
 - ASTM C1701 STANDARD TEST METHOD FOR INFILTRATION RATE OF IN PLACE PERVIOUS CONCRETE RECOMMENDED.
 - FOLLOW MAINTENANCE REQUIREMENTS SPECIFIED BY NCDCE STORMWATER DESIGN MANUAL, SECTION C-5 PERMEABLE PAVEMENT.
 - SIGNAGE IS RECOMMENDED.
 - PERMEABLE PAVEMENT STRUCTURAL DESIGN BASED ON SOIL REPORT AND RECOMMENDATIONS, AND PERVIOUSPAVE V1.0 DESIGN SOFTWARE BY AMERICAN CONCRETE PAVEMENT ASSOCIATION (ACPA)

TYPICAL DETAILS NOTE:
THE TYPICAL DETAILS ON THIS SHEET WERE
DESIGNED AND PREPARED BY OTHERS.

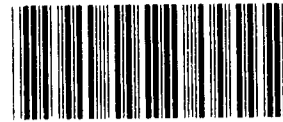


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2. 12/07/2022 RB
PER TOWN COMMENTS
3. 12/21/2022 RB
PER TOWN COMMENTS

WR Job No. DATE
220750.00 09/21/2022
DRN: GC DGN: GC CKD: RB

**SITE, WATER, &
SANITARY SEWER
DETAILS**

C6.00



FILE # 1640324

FOR REGISTRATION REGISTER OF DEEDS
Karen S Hardesty
Carteret County, NC
June 12, 2019 03:23:31 PM
ANNA ADMT 12 P
FEE: \$26 00
FILE # 1640324

✓ PREPARED BY: M. DOUGLAS GOINES, BESWICK & GOINES, PLLC, 911 ARENDELL STREET, MOREHEAD CITY, NC 28557
RETURN TO: M. DOUGLAS GOINES, BESWICK & GOINES, PLLC, 911 ARENDELL STREET, MOREHEAD CITY, NC 28557

**AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS,
RESTRICTIONS AND EASEMENTS
FOR
DAVIS BAY SUBDIVISION**

THIS AMENDED AND RESTATED PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS, dated of purpose of reference only this 10 day of June, 2019, for the lots in the Subdivision known as Davis Bay Subdivision, located in Carteret County, North Carolina, as shown on a plat thereof recorded in Plat Book 28, Page 889, Carteret County Registry, and

WHEREAS, the Declarant originally recorded the Declaration of Protective Covenants, Restrictions, and Easements for Davis Bay Subdivision in Deed Book 772, Page 172, Carteret County Registry;

WHEREAS, Declarant subsequently sold all lots in said Subdivision and relinquished control of the same to Davis Bay Subdivision Homeowners Association, Inc., and

WHEREAS, Davis Bay Subdivision Homeowners Association, Inc. subsequently recorded an Amendment to Restrictive Covenants for Davis Bay Subdivision in Deed Book 972, Page 372, Carteret County Registry; and

WHEREAS, Davis Bay Subdivision Homeowners Association, Inc. subsequently recorded a Modification of Protective Covenants for Davis Bay Subdivision in Deed Book 1293, Page 181, Carteret County Registry; and

WHEREAS, in accordance with North Carolina General Statute 55A-7-08, written ballots were submitted by the owners of all lots subjected to the Protective Covenants regarding the amendments and restatement of Protective Covenants set forth herein; and

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WHEREAS, Davis Bay Subdivision Homeowners Association, Inc., pursuant to Paragraph 9 of said Protective Covenants and with the approval of more than 67% of all current owners of Lots in said Subdivision does hereby amend and restate said Protective Covenants as follows:

1. **DESCRIPTION.** This Declaration shall run with the land and shall bind and insure to the benefit of the owner of each Lot within the Subdivision, and the property made subject to these Protective Covenants is all of the property shown on that Plat of Davis Bay Subdivision recorded in Map Book 28, Page 889, Carteret County Registry, as the same may be amended from time to time.

2. **ADDITIONAL PROPERTIES.** Declarant reserves the right to annex adjoining property which is now owned, or may be hereafter acquired or developed by Declarant, to the Subdivision, and to subject such additional property to the terms and provisions of these Protective Covenants without the consent of the members of the Association. Annexation provided for in this section shall become effective upon the filing by the Declarant of a supplemental or amended Declaration in the Office of the Register of Deeds of Carteret County.

3. **SINGLE FAMILY UTILIZATION.** These Protective Covenants restrict all numbered Lots within the Subdivision to be used only for single family residential purposes. No home or other structure constructed within the Subdivision will be utilized for commercial purposes, except that home offices shall be permitted as long as such offices do not induce traffic, require signage, or include retail space.

4. **BUILDING AND SITE RESTRICTIONS.** The Architectural Control Committee must give prior approval for the construction, reconstruction or any addition to any improvement or structure on any Lot, or any subdivision of any existing Lot, in accordance with the procedures described in Paragraph 5 of these Protective Covenants. Furthermore, the Architectural Control Committee must approve the removal of any hardwood tree of a size of four inches in diameter or greater, measured two feet above natural grade at the base of the tree. Pine trees may be removed without prior permission of the Architectural Control Committee, except that no general clear cutting of pines shall be allowed on any Lot (other than as necessary to construct approved improvements or structures) without prior approval of the Architectural Control Committee. In addition, the following restrictions shall apply:

(a) Any owner of a Lot existing at the time this Amended and Restated Protective Covenants are adopted and recorded may, but is not required to, subdivide his Lot to create two lots, after approval by the Architectural Control Committee using the same procedure as described in Paragraph 5 of these Amended and Restated Protective Covenants. Any Lot divided pursuant to this subsection may not be divided again. For any divided Lots created pursuant to this subsection, one divided lot shall bear the original Lot number and the suffix B, and the other divided Lot shall bear the original lot number and the suffix C. The minimum lot size is one acre.

(b) No more than one (1) single family house shall be allowed per Lot. No detached garage, carport, utility building, greenhouse, storage shed or other ancillary or

outbuilding shall be permitted unless architecturally compatible with the primary dwelling structure on the Lot. For any original Lot that remains undivided, a one (1) bedroom guest house may be constructed on said Lot, provided that approval is first obtained from Carteret County and the Carteret County Health Department for the construction of such structure. No guest house shall be used for rental purposes. No guest house shall be permitted on any Lot that is subdivided pursuant to this Paragraph 4.

(c) Unless specifically approved in writing by the Architectural Control Committee, all homes must be constructed substantially on site, and no modular home shall be located within the Subdivision and no homes constructed elsewhere shall be allowed to be conveyed into and located on a Lot within the Subdivision. No temporary structures shall be allowed. Construction of garages, guest homes or out buildings shall not be commenced until such time as construction of the primary residence on a Lot has been undertaken.

(d) The minimum square footage of heated, enclosed living space for each approved residential structure shall be 2000 square feet for all homes. Carports, garages, attics, porches, patios and decks shall not be considered heated, enclosed living space. No home shall contain more than four (4) bedrooms, inclusive of the bedroom contained in any guest house constructed on a Lot, unless specific prior approval is granted by the Carteret County Department of Health. No Lot has been approved by the Carteret County Department of Health for a septic waste treatment system servicing more than four bedrooms.

(e) No structure will be allowed within 20 feet of the Road or within 20 feet of any access easement, 50 feet of any side Lot line, 50 feet of any waterway, and 50 feet of any rear Lot line, unless alternatives are approved by the Board of Directors of the Association upon a showing by a Lot owner of hardship resulting from the configuration of wetlands on a Lot.

(f) The construction of bulkheads, piers and docks shall only be allowed after approval by the Architectural Control Committee and all applicable governmental permitting agencies, including the North Carolina Division of Coastal Management. No such structures will be allowed unless said structures are compatible with similar or proposed improvements on other Lots and after a finding that the construction of such structures will not unduly interfere with the riparian rights or reasonable property expectations of the owners of other Lots within the Subdivision. The type of construction utilized for bulkheads may be controlled by the Architectural Control Committee based on appearance, function and environmental engineering criteria. Declarant, by recordation of these Protective Covenants, makes no representation that a pier or dock constructed in accordance with the aforesaid provisions shall be sufficient to provide access to deep water. There is included as an appurtenant part of Lots 4 through 9 a non-contiguous tract of land designated on the Plat by the corresponding Lot number by the letter "A." The sole purpose and use of these portions of Lots shall be to construct docks or piers (one per Lot), which shall be used only for the benefit of the Lot owner, and his guests and invitees. No commercial use of such dock or pier shall be allowed. The portions of the Lots designated by "A" cannot be conveyed separately from the remaining portions of the Lot to which they are appurtenant again. If any of Lots 4 through 9 as shown on the Plat recorded in Plat Book 28, Page 889, Carteret County Registry are subdivided pursuant to this Paragraph 4, the deed of conveyance for the new divided Lot shall specify which new divided Lot, either suffix "B" or "C", shall have the appurtenant water access described above. Only one of the divided lots shall have the appurtenant

water access; it shall not be shared by Lots created by subdivision pursuant to this Paragraph 4. All improvements located on any Lot, including that portion of the Lot designated with "A", shall be maintained in a good and sightly condition at all times, by and at the sole expense of the owner of said Lot.

(g) The United States Army Corps of Engineers, in accordance with the provisions of the Clean Water Act enacted by the United States Congress, must issue permits prior to any site alteration of any area designated as a Section 404 wetland. Furthermore, the Department of Environmental Management of the State of North Carolina must also approve any such site alteration. Site alteration within these jurisdictional wetlands without a permit is a violation of state and federal law. Therefore, no Lot owner shall alter any area on a Lot delineated as a Section 404 jurisdictional wetlands without approval of the Architectural Control Committee and without specific permission and/or permits having been issued by the United States Army Corps of Engineers and the Department of Environmental Management of the State of North Carolina. LOT OWNERS ARE SPECIFICALLY CAUTIONED THAT, UNDER APPLICABLE LAW, JURISDICTIONAL WETLANDS NEED NOT BE OR APPEAR TO BE WET. Lot owners are also cautioned that the area of jurisdictional wetlands shown on the Plat is subject to change over time.

(h) Each Lot owner shall keep the grounds on his Lot and all structures located thereon in a clean, neat and sightly condition, and shall provide for the regular removal of all trash or refuse from the Lot.

(i) No animals, livestock or poultry of any kind shall be kept or maintained on any Lot or in any dwelling unless said animal is maintained as a domestic pet, and is not maintained for commercial purposes. All domestic pets must conform to all local laws and must not be a nuisance or cause damage to any property within the Subdivision. Non-commercial equine animals shall be specifically permitted.

(j) In order to comply with the North Carolina Coastal Stormwater Regulations enacted by the Department of Environmental Management of the State of North Carolina, no more than 104,980 square feet of any Lot shall be covered by impervious surfaces as defined by the Department of Environmental Management. Impervious surfaces include structures, paved surfaces, walkways, patios of brick, stone, slate and similar materials, and use of other materials that substantially negatively impact the ability of water to be assimilated into the soil. This provision of the Protective Covenants is intended to insure continued compliance with stormwater runoff regulations, and therefore this covenant may be enforced by the State of North Carolina, as well as any other party designated in Paragraph 7 hereunder. This provision, as well as all other provisions of the Protective Covenants, runs with the land and is binding on all persons owning any Lot as shown on the Plat.

5. **ARCHITECTURAL CONTROL COMMITTEE PROCEDURES.** At least thirty (30) days prior to the anticipated commencement of any landscaping or construction of any structure or improvement on any Lot, the owner of such Lot (or his duly appointed agent) shall submit to the Chairman of the Architectural Control Committee a plat of the Lot, which plat shall

show each Lot corner. There shall further be shown on each such plat the proposed location of all proposed and existing structures or improvements, including driveways, bulkheads, piers, patios, decks and walkways. There shall further be provided to the Architectural Control Committee sufficient building elevations and other site plans, including a statement of exterior building materials and proposed exterior colors, to allow the Architectural Control Committee to appropriately and accurately evaluate what is proposed for construction on the Lot. The plat shall be professionally prepared, but there shall be no requirement that it be prepared by a registered surveyor or licensed architect. There shall be submitted two (2) copies of all information required to be submitted.

Within thirty (30) days after receipt of all required information, the Architectural Control Committee shall submit in writing to the owner of the Lot whether or not the requested improvements and landscape plan are approved. Unless a response is given by the Architectural Control Committee within thirty (30) days, the plan shall be deemed approved. The response of the Association may be an approval, a denial, an approval with conditions or a request for additional information. A request for additional information shall be deemed a determination that the information submitted was inadequate, and the thirty (30) day time for response shall only commence upon receipt of the requested additional information. If approval with conditions is granted, and construction then begins, the construction shall be deemed acceptance by the owner of the Lot of the conditions imposed. Nothing shall prohibit the owner of a Lot from leaving portions of his Lot in a natural condition.

The Architectural Control Committee shall approve the plans as submitted, if all required information is submitted, and the following affirmative findings are made by the Architectural Control Committee:

- (a) that the improvements sought to be constructed will not have negative economic impact on any other Lot within the Subdivision;
- (b) that all required specific building standards and other conditions contained within the Protective Covenants and other applicable legal documents have been complied with;
- (c) that the improvements are architecturally compatible with proposed or constructed improvements on other Lots within the Subdivision; and
- (d) that the natural features of the Lot have been retained to the maximum extent feasible.

Following assignment of architectural review authority from Declarant to the Association, any owner of any Lot disagreeing with the finding of the Architectural Control Committee may appeal the decision to the Board of Directors of the Association by giving written notice of appeal to the President of the Association within fifteen (15) days following receipt of notice of denial. The Board of Directors of the Association shall then review the plans, giving the Chairman of the Architectural Control Committee the opportunity to present to the Board of Directors of the Association specific reasons why the plans were denied, in the presence of the owner of the Lot or his agent, and the owner of the Lot or his agent may present information challenging the findings

of the Architectural Control Committee. The decision of the Architectural Control Committee shall only be overridden by unanimous vote of the Board of Directors of the Association.

All notices required to be given herein shall be given in writing, hand-delivered or mailed postage prepaid, return receipt requested, and the Architectural Control Committee shall be obligated to specify the particular grounds upon which denial of any application is founded. One set of plans, denoted as approved (or approved with specified conditions) shall be retained by the Architectural Control Committee and the other shall be returned to the applicant.

6. **ASSOCIATION.** The owner or owners of every Lot shall be a voting member of the Association. Two votes shall be allowed per original Lots 1 through 9. In the event one of the original Lots 1-9 is subdivided in accordance with the provisions of Paragraph 4 above, each new lot so created shall be allowed one vote. To the extent that there is more than one owner of any one Lot, whether subdivided or not, said owners shall determine among themselves, and designate, one voting member, which voting member shall cast the vote(s) allocated to said Lot. If the owners cannot agree among themselves, the Board of Directors of the Association shall determine and designate a voting member from among the owners of the Lot.

The Association shall be governed by a Board of Directors, selected in accordance with the By-Laws of the Association, and the Association shall operate and do business in accordance with the terms of its By-Laws.

Access to the Subdivision is provided by a sixty foot access easement ("Access Easement") crossing the lands of Atlantic Veneer Company, and connecting the Subdivision to Lennoxville Point Road. The Association shall maintain in good and usable condition the Access Easement. The Access Easement joins within the Subdivision a sixty foot right-of-way, which right-of-way is herein referred to as the "Road". The Road connects and transverses Lots 1 through 7. The Association shall maintain the Road in good and functional condition. Declarant shall cause electric and telephone utilities to be installed in the Road, and shall cause the Road to be paved.

Access to any Lot may be obtained by the owner(s) of that Lot from adjoining property other than Davis Bay Drive. However, such access must be in the nature of a driveway and shall not be a through street.

There is shown on the Plat a twenty foot sewer easement across Lots 5 and 6, connecting the Road to an area designated as Sewer Treatment Area. This Sewer Treatment Area may be utilized as more fully set out hereinafter to provide either primary septic sewage treatment for the benefit of two named Lots in the Subdivision, or as replacement area for systems constructed on such Lots. All cost of maintenance of any of the distribution, treatment or disposal systems constructed within the Sewer Easement or the Sewer Treatment Area shall be borne by those actually making utilization of such areas for septic sewage treatment or disposal. The owners of Lots 6 and 7 may make any use of those reserved areas not inconsistent with the primary purpose thereof.

There is also reserved a fifty foot right-of-way crossing Lot 2 and joining Lot 3 to the Road. The only access currently allowed to Lots 2 and 3 is across said right-of-way. The owners of Lots 2 and 3 shall maintain said right-of-way, at their own expense, and shall be equally responsible for the cost thereof. Declarant shall not be obligated to provide any improvements within such right-of-way. Nothing shall prohibit the owner of Lot 2 or the owner of Lot 3 from procuring permits necessary to fill wetlands to allow other access to either of such Lots, or from constructing a bridge to provide access to either of said Lots. The Declarant makes no warranty or representation that such permits can be procured. Should the owner of Lot 3 procure such approvals, and provide access to Lot 3 directly from the Road, said owner may relieve himself of maintenance obligations from said access easement by recording in the office of the Register of Deeds of Carteret County a withdrawal of his right (and the right of his successors and assigns) to utilize said access easement for any purpose.

There is no access provided to Lots 8 and 9 at the time of the recording of this Plat. It is the intent of Declarant, assuming permits can be procured allowing construction thereof, to construct a bridge across wetlands, connecting the Road to Lots 8 and 9. There is herein reserved an easement across Lot 8 for the purpose of providing access to Lot 9, which easement shall be fifty feet in width, and which easement shall be located at the discretion of Declarant, but not so as to limit the reasonable utilization of Lot 8 for building purposes. The conveyance of Lot 8, when made, shall specify the location of said easement, which easement cannot then be relocated without the permission of the owner of Lot 8. Once constructed, the cost of maintenance of said bridge, and all access easements, shall be borne equally by the owners of Lots 8 and 9, and the owners of Lots 8 and 9 shall have an affirmative obligation to bear such maintenance cost.

The Association shall have the responsibility of maintaining a sightly appearance along the Access Easement and along the Road. Those entitled to utilize or receiving benefit from any of the other easements named herein shall maintain such easements in a good, functional and sightly condition.

The Association shall have the obligation to provide for itself and for the benefit of the owner of each Lot all necessary professional services to promote the proper maintenance of all roads, driveways and access easements, and to provide a smooth, proper and legal administration of the Association. These services may include services of an engineer, lawyer, accountant or other professional. The Association is specifically authorized to provide such other incidental services for the benefit of the Subdivision and in the management of the Association as deemed reasonably necessary by the Board of Directors of the Association. The Association shall maintain all insurance coverage it believes desirable, including, but not limited to officers and directors liability insurance, general liability insurance, workmen's compensation insurance and casualty insurance.

The Association shall have the optional authority to provide any service to the Lots it believes desirable, including, but not limited to cable television, waste collection or utility service. Such services may be provided by the Association directly, by a subsidiary owned by the Association or by contract with a third party. Assessments may be collected to pay for the provision of such services.

In order to fund its obligations, the owner of every Lot is obligated and bound, whether or not expressly stated in any instrument of conveyance, to pay the Association the following:

- (a) annual charges or dues; and
- (b) special assessments.

All such assessments, charges, and dues, together with any interest thereon, shall be a charge on the lands and shall be a continuing lien upon the Lot against which assessments are made. Liens shall be perfected in the manner of a mechanics or materialmens lien under North Carolina General Statutes, and any lien for dues unpaid shall be filed within nine (9) months after the due date of the payment of such assessment. The due date shall be the first day of the fiscal year of the Association, as to annual dues; and the date established for payment of a special assessment, as more fully set out hereinafter. Any such lien may be enforced in the manner of a deed of trust with power of sale, as allowed by North Carolina General Statutes, through a foreclosure proceeding. This instrument shall be deemed to give to the President of the Association said power of sale. To the extent that the owner of any Lot has an obligation to maintain any easement or improvement as contained herein, and fails to do so after receiving written notice from the Association, or in the event said owner fails to contribute his required pro rata cost of such improvement, the Association may collect such charge, or may cause such maintenance or upkeep to be provided, at the expense of the owner of said Lot, and may collect its expenses in doing so, plus a fifteen percent administrative fee, from the defaulting owner, which may be collected in the nature of a special assessment as more fully set out herein.

Annual assessments shall be in an amount determined by a majority vote of the Directors of the Association. Annual charges, dues, or special assessment shall be divided into 18 shares. For any original Lot 1 through 9 which remains undivided, each undivided Lot shall pay two shares of annual charges, dues, or special assessments. For any original Lot 1 through 9 which is later divided pursuant to Paragraph 4 above, each new lot so created shall pay one share of annual charges, dues, or special assessments. The fiscal year of the Association shall be the calendar year; dues for the first year of the Association, prorated by date of closing, shall be payable to the Association as closing. Declarant shall pay dues for all unsold Lots beginning on the first day of the year following the first conveyance of a Lot. Beginning with January 1 of the year following issuance of a building permit for construction of a home on a Lot, the dues for each such Lot for which a building permit for construction of a home has been issued shall be twice the then determined assessment for each unimproved Lot. No amendment to these Protective Covenants, unless approved by Declarant and all owners of Lots within the Subdivision, shall alter the ratio of dues paid by the Owner of an unimproved Lot compared to the dues paid by an owner of an improved Lot. No assessment shall be paid relating to Lots 8 or 9, however, until such time as the access bridge as above set out has been completed, and the first of said two Lots has been conveyed.

Notwithstanding any provisions of these Protective Covenants, including this Paragraph 6, the Board of Directors shall have authority to levy any special assessment against any or all of the Lots within the Subdivision if, in the sole discretion of said Directors, the assessment is reasonably required to protect properties impacted in case of any emergency, such as a storm

causing severe erosion. In such event, the Directors shall give written notice to the members so affected as promptly as possible after the determination of said assessment and the action shall be binding as though ratified by the requisite vote of the owners of Lots. All other special assessments must be approved by a majority of the owners of all the Lots, and such assessments shall be equally assessed against each Lot.

7. **ENFORCEMENT.** These Protective Covenants, including any amendment hereto, may be enforced by any individual Lot owner; by the Association, upon action by its Board of Directors; or by Declarant, as long as Declarant owns any Lot within the Subdivision. Appropriate remedies shall include, but not be limited to, specific performance. In any action to enforce these Protective Covenants, including any action to collect assessments, either regular or special, or to foreclose upon any real property for payment of such assessment, all costs associated with said collection, including court costs and reasonable attorney's fees, shall be collected as an additional assessment. In addition, interest at the rate of twelve percent (12%) per annum shall be collected from the due date of any assessment, until the assessment is paid in full.

8. **SETBACKS.** All setback and building restriction areas, and allowable building areas, as shown on the Plat of the Subdivision, shall be incorporated herein by reference.

9. **AMENDMENTS.** These Protective Covenants shall continue in full force and effect until 12:00 noon on January 1, 2030, at which time it shall automatically extend for additional successive periods of ten (10) years, unless a document terminating or modifying these Protective Covenants is recorded prior to any renewal date in the office of the Register of Deeds of Carteret County which amendment shall require approval of the owners of sixty-seven percent (67%) of the Lots subjected to these Protective Covenants (including any amendments hereto).

10. **BINDING EFFECT.** All covenants, restrictions, reservations, easements and privileges contained herein shall run with the land and the grantee, by accepting any deed to any portion of such land described herein, accepts the same subject to these Protective Covenants and its terms and conditions and agrees for himself, his heirs, successors and assigns, to be fully bound by each and all of the terms and conditions of these Protective Covenants, jointly, separately, and severally.

11. **RESERVATION OF RIGHTS.** Declarant hereby reserves the right to utilize all roads and easements within the Subdivision for purposes of ingress and egress to Lots within such Subdivision owned by it, for purposes of providing access to other contiguous properties owned by it. This right shall be assignable by Declarant to successors in interest to it of other contiguous properties. Any utility easements reserved as shown on any recorded plat (and all roads and easements shown on the Plat shall be deemed for this purpose a utility easement) shall be available for utilization by Declarant, authorized utility companies, or by the owner of any Lot within Davis Bay Subdivision, for purposes of providing utility services or necessary drainage, but only upon approval of the Association given by its Board of Directors.

12. **UTILITY EASEMENT.** There is hereby reserved for the benefit of the

Association and the owner of each Lot within the Subdivision a utility, drainage and maintenance easement running parallel to the Road a width of ten feet. There is further reserved an additional easement for purposes of locating off site sewage disposal facilities for the benefit of Lots 2 and 3, as more fully described hereinbefore, and as is shown on the Plat. There is reserved, and shown on the Plat, a thirty foot utility easement running along the south boundary of Lots 2, 3, 4, 5 and 6. Said easement (ten feet in width) then runs along the joint property line of Lots 1 and 2, until such time as it connects to the right-of-way and sewer easement, may be utilized for installation of electrical service to the lots shown on the Plat, and no owner will take any action to interfere with such service, whether above ground or below ground.

13. **MINOR AMENDMENT.** Declarant, their successors or assigns, shall be allowed to amend these Protective Covenants, notwithstanding any other provision contained herein, and without joinder of any other party, for the purpose of correcting any discovered error contained herein, clarifying any ambiguity contained herein, or adding or deleting any incidental provisions deemed in the sole discretion of Declarant to be in the best interest of the Subdivision, and the owners therein. This right may be exercised, and shall be effective, only upon the recordation of a "Corrected Declaration" in the office of the Register of Deeds of Carteret County, which Corrected Declaration shall specifically reference this document, and the provision impacted.

14. **RULES.** The Board of Directors may from time to time establish rules for use of any property within the Subdivision in order to protect the value of Lots, the aesthetic qualities of the Subdivision and the tranquility of the owners of Lots. Said rules may include, but are not limited to, reasonable restrictions on pets, rental use of homes, and parking of cars, trailers, boats, campers and other vehicles on Lots, easement and the Road. All such rules shall be effective after written notice of adoption is mailed to the record owners of all Lots. All such rules shall be enforceable as though set out within these Protective Covenants.

15. **DECLARANT CONTROL.** Notwithstanding any other provision contained herein or in the By-Laws of the Association, Declarant shall elect all directors of the Association and shall act as the Architectural Control Committee until the earlier of the following:

- (a) Assignment of such rights to the Association;
- (b) Sale of five (5) Lots; or
- (c) December 31, 2000.

16. **WAIVER.** The owner of each of the Lots, which Lots include an appurtenant part thereof designated by "A", hereby agree to waive any sideline setbacks relating to the utilization of any portion of any of the Lots designated "A" as setbacks relate to the construction of a dock or pier thereon, it being understood and agreed that there may be constructed on any portion of any Lot following by "A" a dock or pier which may be constructed up to and within one foot of the property line thereof. Nothing contained herein shall be deemed a waiver of the setback for construction of a dock on Lots 1, 2 or 3.

17. **PRIOR AMENDMENTS SUPERSEDED.** The Amendment to Restrictive Covenants recorded in Deed Book 972, Page 372 and the Modification of Protective Covenants for Davis Bay Subdivision recorded in Deed Book 1293, Page 181, Carteret County Registry are superseded and replaced by this Amended and Restated Protective Covenants, Restrictions and Easements and shall have no further effect.

IN WITNESS WHEREOF, the undersigned have executed this Amended and Restated Protective Covenants, Restrictions and Easements and caused the same to be recorded in the Register of Deeds for Carteret County, North Carolina, this 12 day of JUNE 2019.

DAVIS BAY SUBDIVISION HOMEOWNERS ASSOCIATION, INC.

BY: [Signature] (SEAL)
ROBERT GARRISON, PRESIDENT

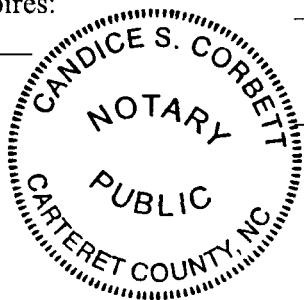
BY: [Signature] (SEAL)
REINALDO VALLECILLO, SECRETARY

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

I, Candice S. Corbett, a Notary Public in and for said County and State do hereby certify that ROBERT GARRISON, President of Davis Bay Subdivision Homeowners Association, Inc., a North Carolina Non-Profit Corporation, personally appeared before me this date and acknowledged the due execution of the foregoing instrument for the purposes and intents therein expressed.

Witness my hand and official seal, this the 12 day of JUNE, 2019.

My Commission Expires:
4.17.21



Candice S. Corbett
Notary Public

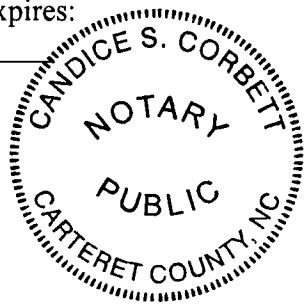
Candice S. Corbett
Printed Name of Notary

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

I, Candice S. Corbett, a Notary Public in and for said County and State do hereby certify that REINALDO VALLECILLO, Secretary of Davis Bay Subdivision Homeowners Association, Inc., a North Carolina Non-Profit Corporation personally appeared before me this date and acknowledged the due execution of the foregoing instrument for the purposes and intents therein expressed.

Witness my hand and official seal, this the 12 day of June, 2019.

My Commission Expires:
4.17.21



Candice S. Corbett
Notary Public

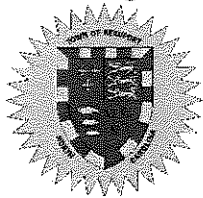
Candice S. Corbett
Printed Name of Notary

Kyle Garner

From: Greg Meshaw
Sent: Thursday, December 22, 2022 9:56 AM
To: Boyd, Joseph
Cc: Kyle Garner; Mizelle, Don; Eddy Myers; Tony Ray; Arey Grady
Subject: RE: Davis Bay-Updated Site Plans
Attachments: davis bay letter to Grady.docx

Joe:
Thank you for your responses to my comments and questions. With the responses and the submission of the revised drawing set and culvert calculations, I have no objection to the project moving forward from an Engineering-Public Utilities-Public Works perspective. I will leave the comments regarding the letter concerning "the public access wording in the Subdivision Ordinance" to the Town's attorney who I have set as an additional recipient of this email.

Merry Christmas!
Gregory K. Meshaw, PE
Town Engineer



Town of Beaufort
701 Front St • PO Box 390 • Beaufort, NC 28516
Tel. no. (252) 528-8769
g.meshaw@beaufortnc.org

KENNETH M. KIRKMAN

ATTORNEY AT LAW

503 W. THURMAN ROAD
NEW BERN, NORTH CAROLINA 28562
Phone: 910.232.8038 Fax: 252.634.9900
E-Mail: kenkbhisland@hotmail.com

December 16, 2022

Mr. Arie Grady
244-A Craven St.
New Bern, NC 28560

Re: Davis Bay Subdivision

Dr. Arie:

I have been engaged by the owners of lots 8 and 9 in Davis Bay Subdivision to assist them in what, surprisingly, has been a difficult process to simply resubdivide two lots into four lots, in accordance with the authorization contained in the covenants encumbering the property. It is my understanding that the application was tabled by the planning board earlier this week, in large part because of concerns expressed about the meaning and applicability of Section 13 of the Beaufort subdivision ordinance. Candidly, I find that somewhat hard to fathom.

In my many years of representing both towns and property owners, I don't believe I have ever run into an ordinance more poorly drafted and then, apparently, ignored. I am confident no lawyer drafted it. The heading of the ordinance (Design Standards for Docks?) appears to have little if any relevance to the text. The text is at best ambiguous and more likely contains contradictory provisions. On top of that, a cursory look shows at least 18 "water front" subdivisions under Beaufort jurisdiction that seem not to incorporate any interpretation of it, regardless of how one guesses what water means (it is undefined as best I can tell). I am quite confident that provision of the ordinance would never be enforced judicially.

Aside from that, I believe the best reading of it is a very poor attempt to require subdivisions of property with "water" frontage to provide access to lots within the subdivision that do not have frontage. In the case at hand, all four lots have frontage, so that the ordinance would have no applicability even in the highly unlikely event it was deemed consistently enforced and unambiguous. I note it also makes no intent to differentiate between a 3-lot subdivision and a 300-lot subdivision, which would create lots of practical problems. I cannot imagine the Town wants to open this can or worms or spend money in a futile attempt to enforce it.

I provide this to you with the expectation that you will be asked to give to the board your opinion as to the enforceability of the ordinance. Please provide this letter to the board chair or others that you believe appropriate. Thanks in advance for your attention. Please call me so we can discuss this issue if you think I am missing something that would alter my thinking.

Have a great holiday.

Kenneth M. Kirkman
via email and standard mail



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM Monday, January 9, 2023**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Acceptance of Public Improvements
Beau Coast Subdivision, Phases 1A, 1B, 2A and 2B

BRIEF SUMMARY:

Blue Treasure LLC, a limited liability company organized and existing by virtue of the laws of the State of North Carolina has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phases 1A, 1B, 2A and 2B of the Beau Coast subdivision. Construction of these improvements has been observed by both Blue Treasure’s engineer and Town Utilities staff on a periodic basis. Additionally, a list of items requiring completion and correction associated with some of the improvements being proposed for dedication has been satisfactorily addressed.

Given the proposed dedication of the public improvements, Town staff is asking the Board to consider accepting the improvements by resolution. Such acceptance is authorized by G.S. 160A-374 which authorizes any Town Board to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction.

REQUESTED ACTION:

Consider adopting the resolution accepting certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phases 1A, 1B, 2A and 2B of the Beau Coast subdivision.

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Greg Meshaw, PE, Town Engineer

BUDGET AMENDMENT REQUIRED:

No



**RESOLUTION ACCEPTING THE DEDICATION OF PUBLIC IMPROVEMENTS
RESOLUTION NO. 23-_____**

WHEREAS, G.S. 160D-806 authorizes any Town Board to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, **Blue Treasure LLC**, a limited liability company organized and existing by virtue of the laws of the State of North Carolina (hereinafter “Grantor”), has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements related thereto within Phases 1A, 1B, 2A and 2B of the Beau Coast subdivision (the “Subdivision”) (collectively, the “Public Improvements”); and

WHEREAS, Grantor, as a condition of approval of the Final Plats for the different phases, posted four letters of credit (collectively, the “Letters of Credit”) in the amounts of \$2,084,758.67 in 2018 for Phase 1A, \$92,625.80 in 2018 for Phase 1B, \$1,570,694.00 in 2019 for Phase 2A and \$331,105.00 in 2020 for Phase 2B to guarantee the completion of the Public Improvements; and

WHEREAS, the **Town of Beaufort** Board of Commissioners during their March 11, 2019 regular meeting voted to accept sewer lines, sewer pump stations, storm water systems, ditches, swales, water lines, pipes and any attachments or appurtenances reasonably related thereto located within Phases 1A and 1B of the Subdivision while also specifically excluding stormwater or retention ponds; and

WHEREAS, construction of the additional Public Improvements listed herein have been completed to the standards and specifications of the **Town of Beaufort**; and

WHEREAS, the **Town of Beaufort** desires to accept the dedication of the Public Improvements listed herein; and

WHEREAS, the Town of Beaufort desires to release Blue Treasure from its completion guaranties associated with the Public Improvements in Phase 1A, 1B and 2A of the Subdivision, with the understanding that the Letters of Credit will be used to guarantee Blue Treasure’s completion of the public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto in Phase 2B of the Subdivision that are not part of this dedication or are not yet completed plus the sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements to be constructed and established in Phase 2B of the Subdivision, Phase 5 of the Subdivision, and the Beau Coast West subdivision.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) That Town of Beaufort, accepts the dedication as described as follows:
 - a) All public street rights-of-way for Beau Coast Phase 1A, consisting of 5.141 acres and containing approximately 223,939 square feet, as more particularly shown on the subdivision map recorded

in Map Book 33, Page 505 of the Carteret County Register of Deeds;

- b) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 1A exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;
- c) All public street rights-of-way for Beau Coast Phase 1B, consisting of 2.036 acres and containing approximately 88,690 square feet, as more particularly shown on the subdivision map recorded in Map Book 33, Page 686 of the Carteret County Register of Deeds;
- d) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 1B exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;
- e) All public street rights-of-way (consisting of 4.998 acres and containing approximately 217,718 square feet) and public utility easements and combined public utility and drainage easements for Beau Coast Phase 2A, all as more particularly shown on the subdivision map recorded in Map Book 33, Page 851 of the Carteret County Register of Deeds;
- f) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 2A exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;
- g) Approximately 1,334 liner feet of 6-inch diameter water mains, approximately 3,175 linear feet of 8-inch diameter water mains, a 225 gallons per minute rated sewer pump station, approximately 2,100 linear feet of 6-inch diameter sewer force main, and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast Phase 2A as shown on the following drawings prepared by the engineering firm of WithersRavenel –
 - i) “Sewer Record Drawings for MH-500 to MH-506 within Beau Coast Phase 2” bearing the seal dated May 24, 2019 signed by a North Carolina Professional Engineer,
 - ii) “Water & Sewer Record Drawings for Beau Coast Phase 2A” bearing the seal dated June 12, 2020 signed by a North Carolina Professional Engineer,
 - iii) “Water & Sewer Record Drawings for Beau Coast Phase 2A Section B” bearing the seal dated August 10, 2020 signed by a North Carolina Professional Engineer;
- h) All public street rights-of-way (consisting of consisting of 3.397 acres and containing approximately 147,989 square feet) and rights-of-way, public utility easements, drainage easements and joint utility and drainage easements for Beau Coast Phase 2B, all as more particularly shown on the subdivision map recorded in Map Book 34, Page 43 of the Carteret County Register of Deeds;
- i) Approximately 176 linear feet of 2-inch diameter water mains, 1,945 liner feet of 6-inch diameter water mains, approximately 728 linear feet of 8-inch diameter water mains, and related appurtenances located within Beau Coast Phase 2B as shown on the following drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beau Coast Phase 2B” bearing the signed seal of a North Carolina Professional Engineer dated September 15, 2020.

- 2) Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town (including previous acceptance, if any, of dedications of public right of ways), or as provided by the laws of the State of North Carolina. Lands or facilities not herein expressly accepted by Town shall remain the responsibility of Blue Treasure, LLC, any owners' association pertaining to the phases of Beau Coast herein referenced, and/or present and future owners of any land located within said phases.
- 3) Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution and subsequent execution and delivery by Grantor of the executed bill of sale and a deed of conveyance, in such form as may be acceptable to Town Engineer and Town's legal counsel.

Adopted by the Town of Beaufort Board of Commissioners this 9th day of January 2023.

Elizabeth Lewis
Clerk to the Board

Sharon Harker
Mayor/Chairperson of Council/Board

Clerk to the Board (Signature)

Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 9th day of January, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of January 2023.

Elizabeth Lewis, Town Clerk (Signature)

(Seal)

NORTH CAROLINA

BILL OF SALE

CARTERET COUNTY

THIS BILL OF SALE, made this ____ day of _____, 2023, by and between **BLUE TREASURE LLC**, a limited liability company organized and existing by virtue of the laws of the State of North Carolina (hereinafter “Grantor”); and **TOWN OF BEAUFORT**, a municipal corporation of the State of North Carolina (hereinafter “Grantee”).

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid, the receipt of which is hereby acknowledged, has bargained and sold and, by these presents, does bargain, sell, and convey unto the said Grantee, its successors and assigns, certain personal property more particularly described as follows:

SEE EXHIBIT “A”

TO HAVE AND TO HOLD said personal property to it, the said Grantee, its successors and assigns, in fee.

AND FURTHER that Grantor warrants that Grantor is seized of said personal property in fee and has the right to convey the same in fee.

AND the said Grantor covenants that it is seized of said personal property in fee and has the right to convey the same in fee, and that it will warrant and defend the title thereto against the lawful claims of all persons claiming by, under and through Grantor.

[The remainder of this page is left blank. Signature page immediately follows.]

IN TESTIMONY WHEREOF, the Grantor has executed this instrument in such form as to be binding, this the day and year first above written.

BLUE TREASURE LLC

By: _____

Name: _____

Title: Manager

ACKNOWLEDGEMENT

The undersigned Notary Public does hereby certify that _____ personally appeared before such Notary Public this day in the State of North Carolina and County of _____ and acknowledged (i) that he is the Manager of **BLUE TREASURE LLC**, a North Carolina limited liability company and (ii) that by authority duly given and as the act of such limited liability company, he signed the foregoing instrument in the name of such limited liability company on such limited liability company's behalf as its act and deed.

WITNESS my hand and notarial seal, this _____ day of _____, 2023.

My Commission Expires:

NOTARY PUBLIC

NOTARY SEAL/STAMP MUST APPEAR
LEGIBLY IN BOX TO RIGHT

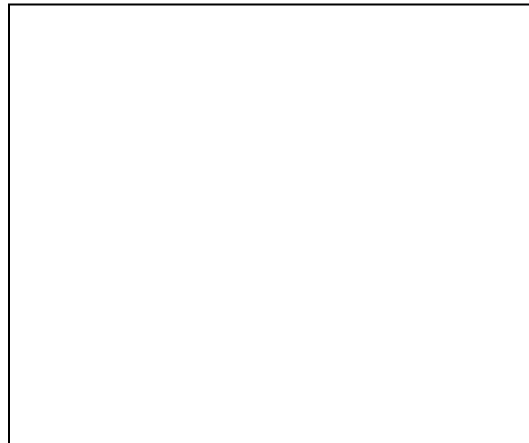


EXHIBIT “A”

Description of Personal Property

- 1) The Grantee accepts all right, title and interest of Grantor in and to:
 - a) All public street rights-of-way for Beau Coast Phase 1A, consisting of 5.141 acres and containing approximately 223,939 square feet, as more particularly shown on the subdivision map recorded in Map Book 33, Page 505 of the Carteret County Register of Deeds;
 - b) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 1A exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;
 - c) All public street rights-of-way for Beau Coast Phase 1B, consisting of 2.036 acres and containing approximately 88,690 square feet, as more particularly shown on the subdivision map recorded in Map Book 33, Page 686 of the Carteret County Register of Deeds;
 - d) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 1B exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;
 - e) All public street rights-of-way consisting of 4.998 acres and containing approximately 217,718 square feet, public utility easements and combined public utility and drainage easements for Beau Coast Phase 2A, all as more particularly shown on the subdivision map recorded in Map Book 33, Page 851 of the Carteret County Register of Deeds;
 - f) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 2A exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;
 - g) Approximately 1,334 liner feet of 6-inch diameter water mains, approximately 3,175 linear feet of 8-inch diameter water mains, a 225 gallons per minute rated sewer pump station, approximately 2,100 linear feet of 6-inch diameter sewer force main, and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast Phase 2A as shown on the following drawings prepared by the engineering firm of WithersRavenel –
 - i) “Sewer Record Drawings for MH-500 to MH-506 within Beau Coast Phase 2” bearing the seal dated May 24, 2019 signed by a North Carolina Professional Engineer,

- ii) “Water & Sewer Record Drawings for Beau Coast Phase 2A” bearing the seal dated June 12, 2020 signed by a North Carolina Professional Engineer,
 - iii) “Water & Sewer Record Drawings for Beau Coast Phase 2A Section B” bearing the seal dated August 10, 2021 signed by a North Carolina Professional Engineer;
 - h) All public street rights-of-way consisting of 3.397 acres and containing approximately 147,989 square feet, public utility easements, drainage easements and joint utility and drainage easements for Beau Coast Phase 2B, all as more particularly shown on the subdivision map recorded in Map Book 34, Page 43 of the Carteret County Register of Deeds;
 - i) Approximately 176 linear feet of 2-inch diameter water mains, 1,945 linear feet of 6-inch diameter water mains, approximately 728 linear feet of 8-inch diameter water mains, and related appurtenances located within Beau Coast Phase 2B as shown on the following drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beau Coast Phase 2B” bearing the signed seal of a North Carolina Professional Engineer dated September 15, 2020.
- 2) Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town (including previous acceptance, if any, of dedications of public right of ways), or as provided by the laws of the State of North Carolina. Lands or facilities not herein expressly accepted by Town shall remain the responsibility of Blue Treasure, LLC, any owners’ association pertaining to the phases of Beau Coast herein referenced, and/or present and future owners of any land located within said phases.
- 3) Acceptance of the dedications named in herein by the Grantee shall be effective upon adoption of the “Resolution Accepting the Dedication of Public Improvements RESOLUTION NO. 23-___” by the Town of Beaufort Board of Commissioners and subsequent execution and delivery by Grantor of the executed bill of sale and a deed of conveyance, in such form as may be acceptable to Town Engineer and Town’s legal counsel.



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM – Monday, Jan. 9, 2023**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Mardi Gras

BRIEF SUMMARY:

The BDA has submitted an event application to host their annual Mardi Gras event on Saturday, Feb. 11 in downtown Beaufort. The coordinator for this event is Liz Kopf.

The BDA anticipates 1,000 -2,000 people to attend the event. The event includes a parade, the closure of Middle Lane and the Craven Street parking lot for the day and vendors positioned along Middle Lane. The applicant also requests an alcohol waiver for Middle Lane. The proposed event is from 1-5 p.m. with setup beginning at 8 a.m. and ending by 7 p.m. Middle Lane will be closed from 6 a.m. until 8 p.m. the day of February 11.

Additional road closure requests include Turner, Front and Craven Streets. These roads will be closed for approximately 45 minutes during the Mardi Gras parade. The parade is anticipated to begin at 3 p.m. with line up at the Beaufort Historic grounds and to be complete by 3:30 p.m.

Due to the alcohol requirement two officers will be required to be present for the duration of the event.

The Town’s Emergency Services Departments have reviewed the application and do not have any issues. The application submitted by Liz Kopf on behalf of the BDA is consistent with events in the past.

REQUESTED ACTION: Consider approval or denial.

EXPECTED LENGTH OF PRESENTATION: 5 minutes

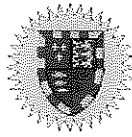
SUBMITTED BY: Rachel Johnson, Events Coordinator

BUDGET AMENDMENT REQUIRED: No

Date Application Received:

12/12/22

Permit Number:



TOWN of
BEAUFORT
NORTH CAROLINA

APPLICATION FOR SPECIAL EVENT PERMIT

Please return completed application form with permit fee and paperwork to:

Events Coordinator, Town of Beaufort

701 Front Street

P.O. Box 390

Beaufort, NC 28516

Phone: (252) 728-2141 Email: r.johnson@beaufortnc.org

Applications submitted late or incomplete may not receive approval and may not be issued a permit.

EVENT BASICS

Event Name: Mardi Gras on Middle Lane

Location of Event Site: Middle Lane

(If more than one site is being requested please be specific and list each one individually below)

Run by: Beaufort Business Association

Applicant (Organizer) Name: Liz Kopf Contact # 252-728-7446

Day of Event Contact #: Liz Kopf - 252-728-7446 Email: lizkopf@gmail.com

Type of Event:

- Festival
- Parade - Walking Parade - Golf Carts only
- 5K Race
- 10K Race

RECEIVED

DEC 12 2022

81

- Music Event
- Other _____

Actual Event Date(s): February 11 Time of Event: 1 pm - 5 pm
 Set-Up Date: February 11 Start Time: 8 am
 Tear Down Date: February 11 End Time: 7 pm
 Estimated Attendance: 1,000 - 2,000 Admission Fees: Free

Event Description:
Street Festival on Middle Lane - Food Vendors, Live Music, Beer & Wine Sales, Children's Activities, Foot Parade of Krewe's (Parade is Middle Lane to Craven to Front to Turner Back to Middle Lane)

ORGANIZER/APPLICANT INFORMATION

Name of Organization: Beaufort Business Association
 Primary Contact Person: Liz Kopf
 Mailing Address: 805 Broad St. Beaufort, NC 28516
 Email: lizkopf@gmail.com
 Daytime Phone #: 252-728-7446 Cell Phone #: 252-728-7446
 Alternate Contact Person: Susan Sanders Phone #: 252-241-4485
 Is your group a non-profit organization? yes If yes, please provide documentation with your application.

SITE PLAN

Site Plan Attached

- Yes
- No

(If you need help, please set up a meeting with the Town of Beaufort's Events Coordinator)

A detailed site plan must be included with your event application. The following, should they be relevant, must be included in your Site Plan.

- Location of all tents and temporary structures
- Location of requested barricades and road closures
- Emergency exits
- Fire extinguishers, propane storage
- Location of command post, medical & first aid station, emergency vehicle access points and all exits and entrances (both emergency and for the public)
- Fencing, staging, bleachers, stages, inflatables, etc.
- Food/refreshment tent vendors, refreshment tents
- Food Trucks
- Location of Restrooms
- 5K/10K race routes

If the Site Plan is not submitted with the event application, the deadline is 45 days before the event, otherwise a permit will not be issued.

PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

- East Parking Lot
- West Parking Lot
- Craven Street Parking
- Middle Lane
- John Newton Park
- Lynn Eury Park
- Grayden Paul Park
- Topsail Marine Park
- Other Please list: _____

Specific Requirements: (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule. (Trash/Recycling Carts: \$10 each, Electricity: \$50)

8 trash cans

4 recycling bins

Assistance with road closure starting at 3pm. Parade lasts approximately 30 minutes.

OTHER EVENT DETAILS

Please provide the name and contact information of all outside companies who are providing services during your event. IE: Tent Rentals, Inflatable Rentals, Port-A-Pottie Rentals, etc.

Country Aire Rental - Stage
Advanced Portable Toilets - Port-A-John

Will there be canon/re-enactment fire during your event? No If yes, please coordinate with the Beaufort Fire Department for safety procedures.

ALCOHOL

Alcohol at the event YES NO Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of \$50 per hour for the duration. (The Police Chief will review the application for exceptions.) All local, state and Federal laws must be adhered to.

I/we have read, understand and will comply with the rules outlined by the Town of Beaufort in the Town Code of Ordinances as well as in the Event Procedures.

x [Signature] (Applicant's Signature)

* Please note we are asking for the town to allow alcohol consumption on Middle Lane - as in prior years.

ROAD CLOSURES

Does your event require a road closure? YES NO

Please provide specifics below:

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
Middle Lane	8 am	1 pm	5 pm	5 pm - 7 pm
Front Creeven Turner	3:00 - 3:30 - parade time			

If a road closure has any impact on area businesses and/or residents, the applicant will be required to inform all residents and/or businesses in the area of the road closure, by letter or hand-delivered flyer at least 14 days in advance of the event, of the particulars of the approved temporary road closure and any detour route available.

Emergency Vehicle Access Requirements: A road may be closed to regular traffic during an event, but an unobstructed fire lane must be left open at all times for emergency vehicles.

PARKING/PARKING LOTS

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is \$18 per day per space in the East & West parking lots and \$9 per on street parking space per day for special event closure during Pay-To-Park season).

Please list all parking lots and spaces you are requesting. Spaces are numbered so please be specific. Also please note that parking space closures MUST be approved by the Board of Commissioners. Event organizers are not permitted to acquire additional spaces without Town permission prior to an event.

Please list off-site Parking Location for Vendors & Event Staff: A letter of permission is required for the use of private property per the event procedures. Please include this with your event application.

Bicycle Parking: Yes _____ No _____

Additional Handicap Parking: Yes _____ No _____ Location: _____

Event Parking: (Please outline your plan for day of parking for event attendees. Please include parking lot locations and the name/contact information for any shuttle/trolley service):

PARADE/WALK INFORMATION

Parade Assembly Area: BHA Grounds Time: 2:30
Parade Dismissal Area: Middle Lane Time: 3:30
Parade Start Time: 3 pm

EMERGENCY MANAGEMENT

Route Map Attached: YES _____ NO (Please note a route map is required)

Designated Emergency personal/liaison (onsite): Liz Kopf

Cell #: 252-728-7446 Other Contact: Susan Sanders - 252-241-4485

How will your event staff react to severe weather?

Event will be called off in the event of severe weather. Announcements will be made on PA system.

How will you alert visitors to the event to evacuate the site? (If multiple sites are being requested, a plan must be submitted for each location)

Important announcements will be made on PA system.

RISK ASSESSMENT

It is important for Event Organizers to identify risks and hazards associated with their event and know how to prevent these risks. Please identify possible risks for your event and list below (weather, food, fire, etc.) Please provide details.

Severe weather - Event Cancellation
Food - All vendors must comply with Health Code & be properly permitted to participate.

What training will you provide to your volunteers/staff/participants regarding emergencies?

Pre-event meeting to discuss emergency protocol.
Proper training of volunteers with ABC code.
The majority of our volunteers have extensive experience.

TENTS

Will you have tents at your event? YES NO

Please list the tent sizes:

10 x 10 small pop-up tents only

If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit. There is a \$50 fee. Please contact Tammy Turek at (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

FOOD

Will there be food served at your event? YES NO

If yes, please provide a detailed list of all food vendors.

We will have a list of vendors in Janey.

If yes, have you contacted the Carteret County Health Department to set up inspections? YES NO

All food vendors must have proper licensing, inspections, etc.

VENDORS

Will there be vendors selling items at your event? Yes No

Please note vendors are only permitted to sell during the event hours listed on this application. Any vendor selling before or after the listed hours is in violation and subject to being shut-down.

All vendors must have proper certifications and licenses. They must display the required state sales and use tax information and the event organizer must keep all of this information on file pursuant to North Carolina State laws.

CHECKLIST

Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

- Tent Permit
- Detailed Site Plan
- Detailed Route Map (Parade/5K/10K)
- Map of Road Closures
- ABC Permit
- Health Inspection Documentation
- Insurance
- Non-profit documentation
- Private property parking permission letter
- List of food vendors
- List of vendors
- Application Fee
- Application Signature

I/We the event organizer Liz Kopf, on behalf of Beaufort Business Association the party requesting the use of the Town of Beaufort facilities noted in the above application do hereby hold and save harmless and agree to indemnify the Town of Beaufort and its elected officials, directors, officers, employees, servants, agents, contractors and their respective heirs, executors, successors with respect to any and all liability, actions, debts, suits, demands, costs, damages and expenses whatsoever arising wither directly or indirectly as a result of the use of the Town of Beaufort's facilities, park, road or other and in accordance with the provisions contained in this policy. I/We have read and understand this application, the event procedures and the requirements placed upon this applicant and organization. I agree to abide by the Town of Beaufort rules, regulations and ordinances.

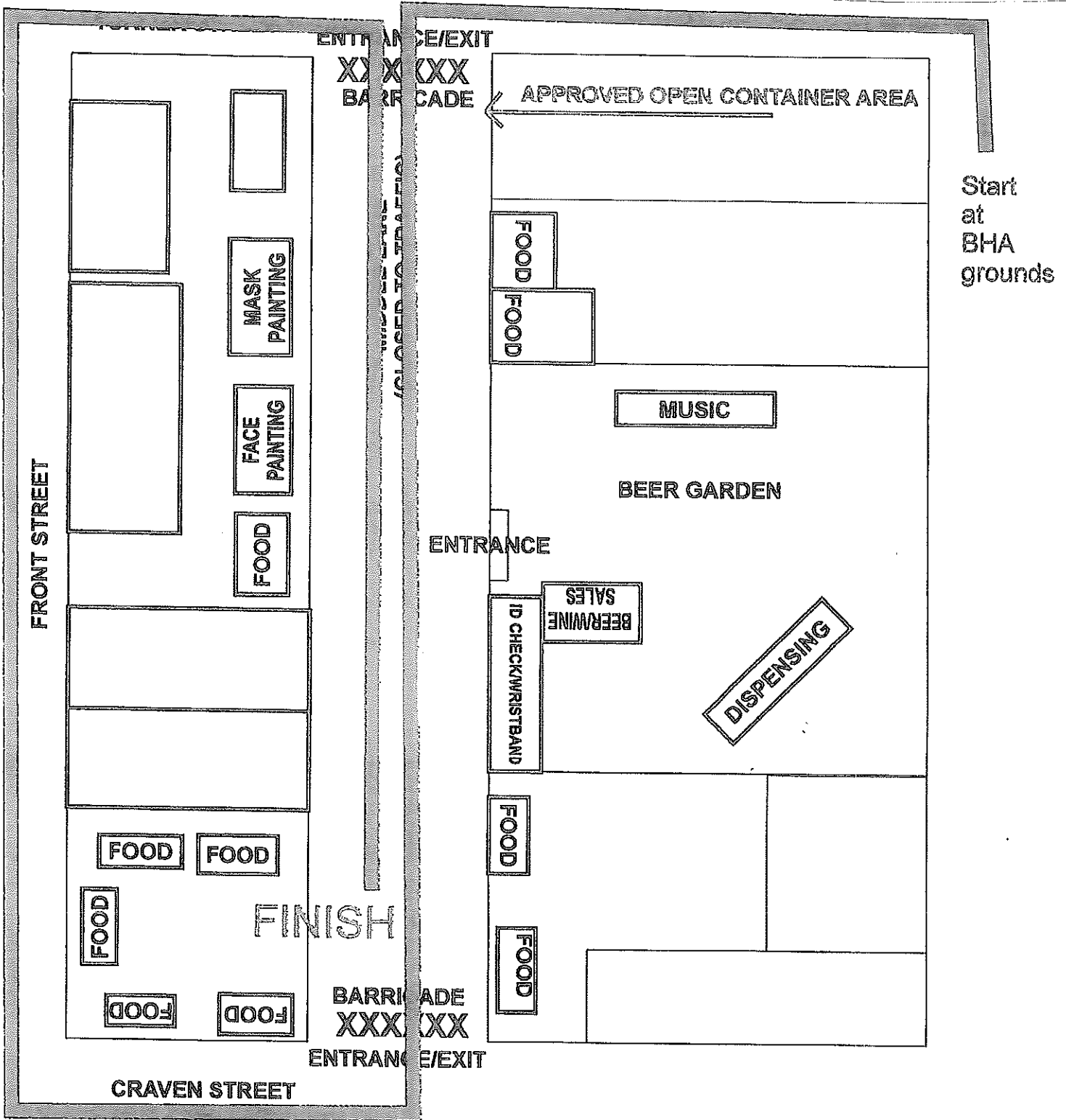
Applicant's Signature Elizabeth Kopf Date 12/8/22

Internal Use Only

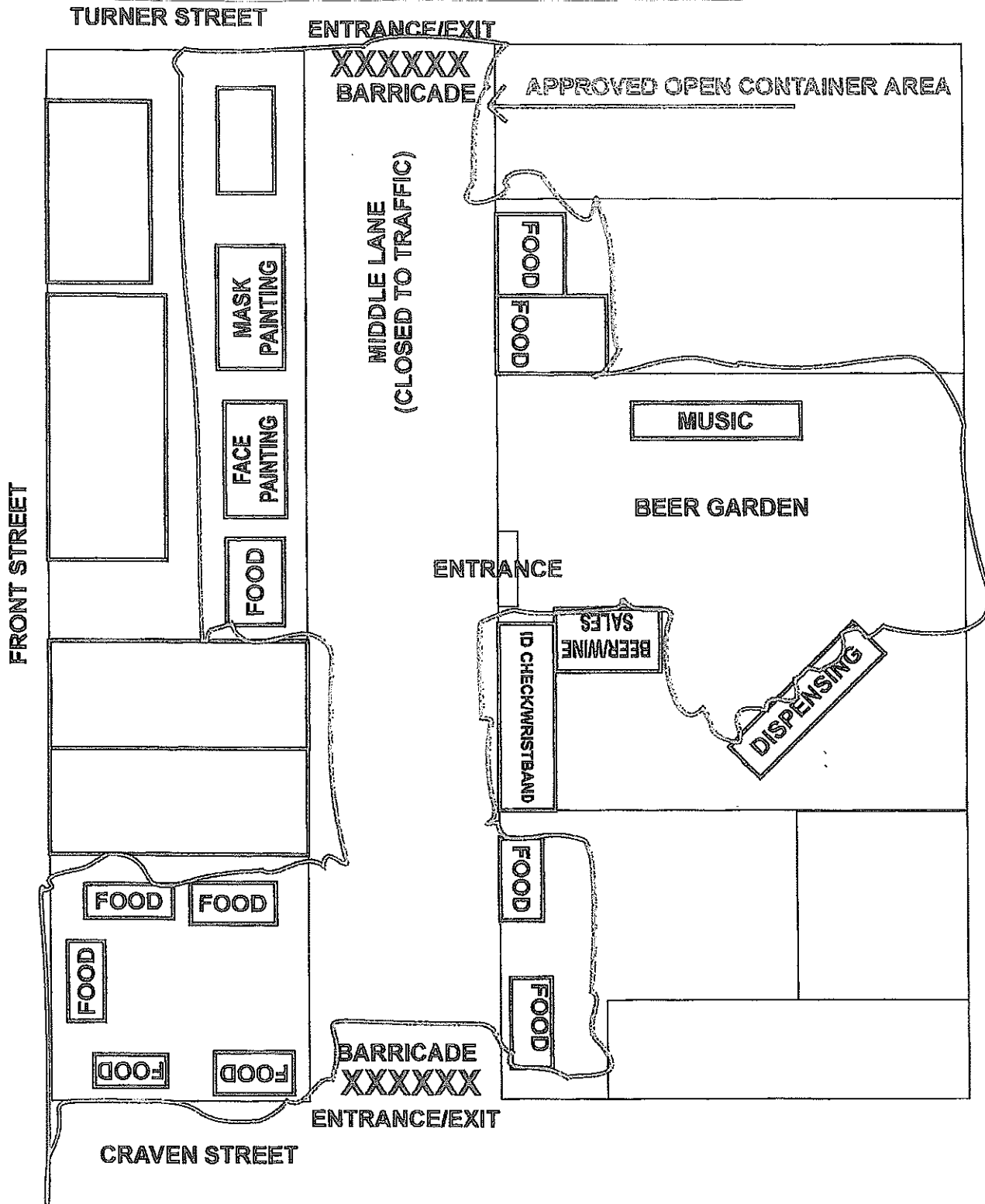
Permission is granted to the applicant and/or sponsoring organization to use the streets/facilities/parks as listed in the application for the special event described.

Permit Issue Date: _____
 Authorized Signature: _____

Insurance Certificate: Yes ___ No ___
 Permit Fee: Yes ___ No ___
 BOC Approval Date: _____
 Police Chief Approval: _____
 Fire Chief Approval: _____



Beaufort Development Association
 PO Box 56
 Beaufort, NC 28516





Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM – Monday, January 9, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: FY 2023 Budget Amendment 6

BRIEF SUMMARY:

General Fund

This amendment requests the appropriation of fund balance, \$12,845, for additional work by Stewart on the CAMA plan. The amount covers the September- December invoices, the requested rework, and a small contingency.

REQUESTED ACTION:

Consider approving FY 2023 Budget Amendment #6

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Christi Wood – Finance Director

BUDGET AMENDMENT REQUIRED:

Yes



**TOWN OF BEAUFORT
FY 2023 BUDGET AMENDMENT #6**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2023 Budget through Ordinance on June 27, 2022, and

WHEREAS, the Board of Commissioners recognizes that periodic modifications to the estimated revenues and expenditures for the fiscal year may be necessary for fiscal management purposes and to implement decisions of the Board of Commissioners;

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2023 Budget as follows:

SECTION I: GENERAL FUND

This amendment requests the appropriation of fund balance for \$12,845, for additional work by Stewart on the CAMA plan. The amount covers the September- December invoices, the requested rework, and a small contingency.

A. REVENUE

<u>INCREASE</u>	
APPROPRIATED FUND BALANCE	\$ 12,845
TOTAL INCREASE	\$ 12,845

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

<u>INCREASE</u>	
PLANNING.....	\$ 12,845
TOTAL INCREASE	\$ 12,845

SECTION V: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer to be kept on file for their direction in the disbursement of funds.

Adopted this 9th day of January, 2023

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon Harker
Mayor



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners

Regular Meeting

6:00 PM Monday, January 9, 2023

Train Depot, 614 Broad Street

Beaufort, NC 28516

AGENDA CATEGORY: Public Hearing
SUBJECT: Case #22-24 Rezoning from R-20 to IW - 457 Hwy 101

BRIEF SUMMARY:

After tabling the request at their November meeting and requesting additional information, the Planning Board at their December meeting, after some discussion, recommended unanimously to the Board for Commissioners to rezone 457 Highway 101 from R-20 to IW (Industrial Warehouse).

REQUESTED ACTION:

- Conduct Public Hearing
- Decision on Proposed Rezoning
- Provide CAMA Consistency Statement

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Kyle Garner
Planning Director

BUDGET AMENDMENT REQUIRED:

N/A



Staff Report

To: Mayor & Board of Commissioners
From: Kyle Garner

Date: 12/20/2022
Meeting Date: 1/9/2023

Case Number 22-18

Summary of Request: Rezone 457 NC Highway 101 (2.14 acres) from R-20 to I-W

Background

Location(s) & PIN 730601479303000

Owners James Johner / 457 NC 101 Investments LLC
Applicant Same as Owner

Current Zoning R-20

Lot(s) Size & Conformity Status 93,218 ft² (2.14 acres) - Conforming

Existing Land Use Residential

Adjoining Land Use & Zoning
North Industrial – County Airport
South R-20 – Single Family Residential
East R-20 – Single Family Residential
West Industrial – County Airport

Special Flood Hazard Area Yes No Small sliver of parcel in SFHA

Public Utilities
 Water Available Not Available (currently)
 Sewer Available Not Available (currently)

Additional Information See Staff Comments

Requested Action Conduct Public Hearing and Decision on Request to:

- Approve the request;
- Recommend another zoning district
- Decision on consistency with Land Use
- Deny the request; or

Staff Comments

- The property is in the Town’s Extraterritorial Jurisdiction.
- The property is approximately 93,218 square feet (2.14 acres)
- The adjacent industrial land uses are consistent with this rezoning request
- If the zoning is changed, the current residential use would have to become a compliant commercial use
- **At their December 19, 2022, meeting the Planning Board voted unanimously to recommend approval of the rezoning request.**

CAMA Core Land Use Plan – Future Land Use Classifications

Current: Low Density Residential (corresponding to zone R-20)

The Low Density Residential classification is intended to delineate lands where the predominant land use is low density detached residences. The residential density within this classification is generally 2 or less dwelling units per acre. The minimum lot size is 20,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Single-family detached residences are the predominant types of dwellings within these areas. Manufactured homes on individual lots are also dwelling types found within this classification. Land uses with Low Density Residential-designated areas are generally compatible with the R-20 Single-Family Residential Zoning District. Public water service is widely available throughout the Low Density Residential-classified areas. Public sewer service is generally not available within this classification.

Proposed: Industrial Classification (corresponding to zone I-W)

The industrial classification encompasses approximately 0.2 square miles (135 acres) or about 2.8 percent of the planning jurisdiction. The properties classified as industrial are along Lennoxville Road at Carteret Avenue in south central Beaufort and along the east side of NC Highway 101 directly across from the airport property.

The industrial classification is intended to delineate lands that can accommodate industrial and manufacturing establishments. Some heavy commercial uses as well as services and businesses which support industrial land uses are also appropriate land uses within the industrial classification. The minimum lot size typically is 8,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Maximum floor area ratios range from 0.36 to 0.57. Land uses within the Industrial-designated areas are generally compatible with the L-I, Light Industrial and the I-W, Industrial Warehouse Zoning Districts. Public water and sewer service is needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volumes are necessary to support the intensity of development expected within the Industrial Classification.

The industrial areas are expected to accommodate the majority of the future industrial growth projected for the planning period. Critical factors that will determine the development potential of these industrial-classified areas include market demand and the provision of the necessary support infrastructure (particularly public water and sewer utilities). Consequently, the development potential of the majority of the lands within the industrial areas may be more long-term than short-term.

The Town’s goals and policies support the use of land in industrial-classified areas for a wide variety of manufacturing and heavy commercial services uses where adequate public utilities and streets are available or can be upgraded to support the intensity of development encouraged in this classification. Public and institutional land uses as well as commercial services that support and that are compatible with this type of industrial development are also encouraged. Industrial-classified areas may include

certain land uses which, due to their nature and characteristics, have potential adverse impacts on surrounding land use types. Consequently, the Town’s objective is to ensure the compatible location of industrial land uses and to require the necessary measures to mitigate any adverse impacts.

Additional Information

The current R-20 Residential District Standards

Minimum Lot Size	20,000 Square Feet
Minimum Lot Width	100 Feet
Maximum Building Height	40 Feet

Interior Lot Setbacks

Front	30 Feet
Rear	25 Feet
Side	15 Feet

No Maximum Impervious Surface Coverage Requirement

The requested I-W Standards –

Minimum Lot Size	8,000 Square Feet	Setbacks
Minimum Lot Width	80 Feet	Front 20 Feet
Maximum Building Height	40 Feet	Rear 20 Feet
		Side 15 Feet

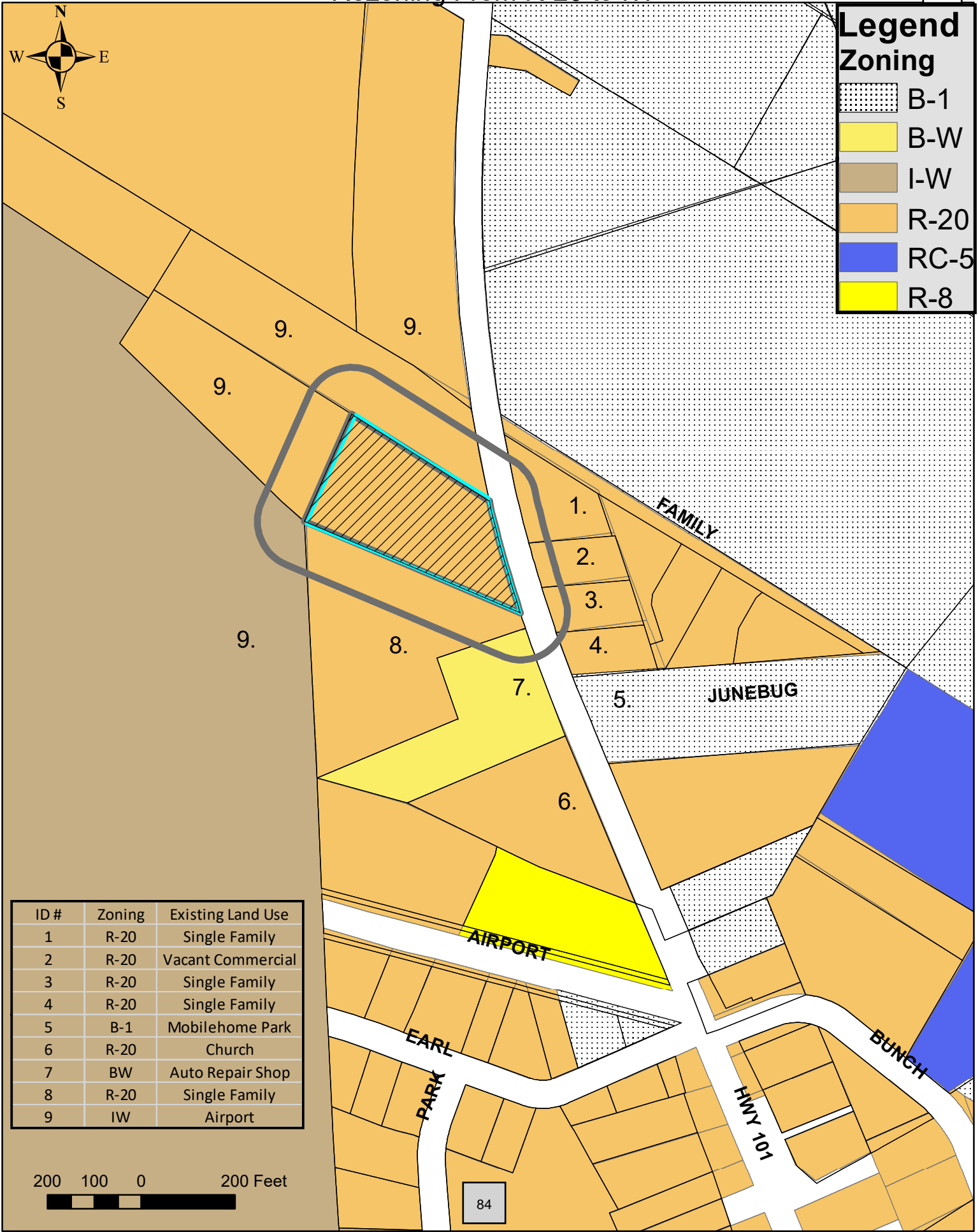
Attachments:

- Attachment B - Zoning & Existing Land Use Map
- Attachment C – Future Land Use Map
- Attachment D - Owners Within 100’feet
- Attachment E – Application & Information
- Attachment F – Property Survey
- Attachment G – R-2 & IW Use Information
- Attachment H - Aerial Photo
- Attachment I - Ordinance

Zoning & Existing Land Use Map - Case # 22-24 - 457 HWY. 101

Rezoning From R-20 to IW

1.



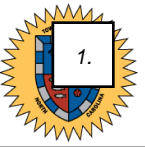
Legend	
Zoning	
	B-1
	B-W
	I-W
	R-20
	RC-5
	R-8

ID #	Zoning	Existing Land Use
1	R-20	Single Family
2	R-20	Vacant Commercial
3	R-20	Single Family
4	R-20	Single Family
5	B-1	Mobilehome Park
6	R-20	Church
7	BW	Auto Repair Shop
8	R-20	Single Family
9	IW	Airport

















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457 NC HIGHWAY 101 FUTURE LAND USE MAP

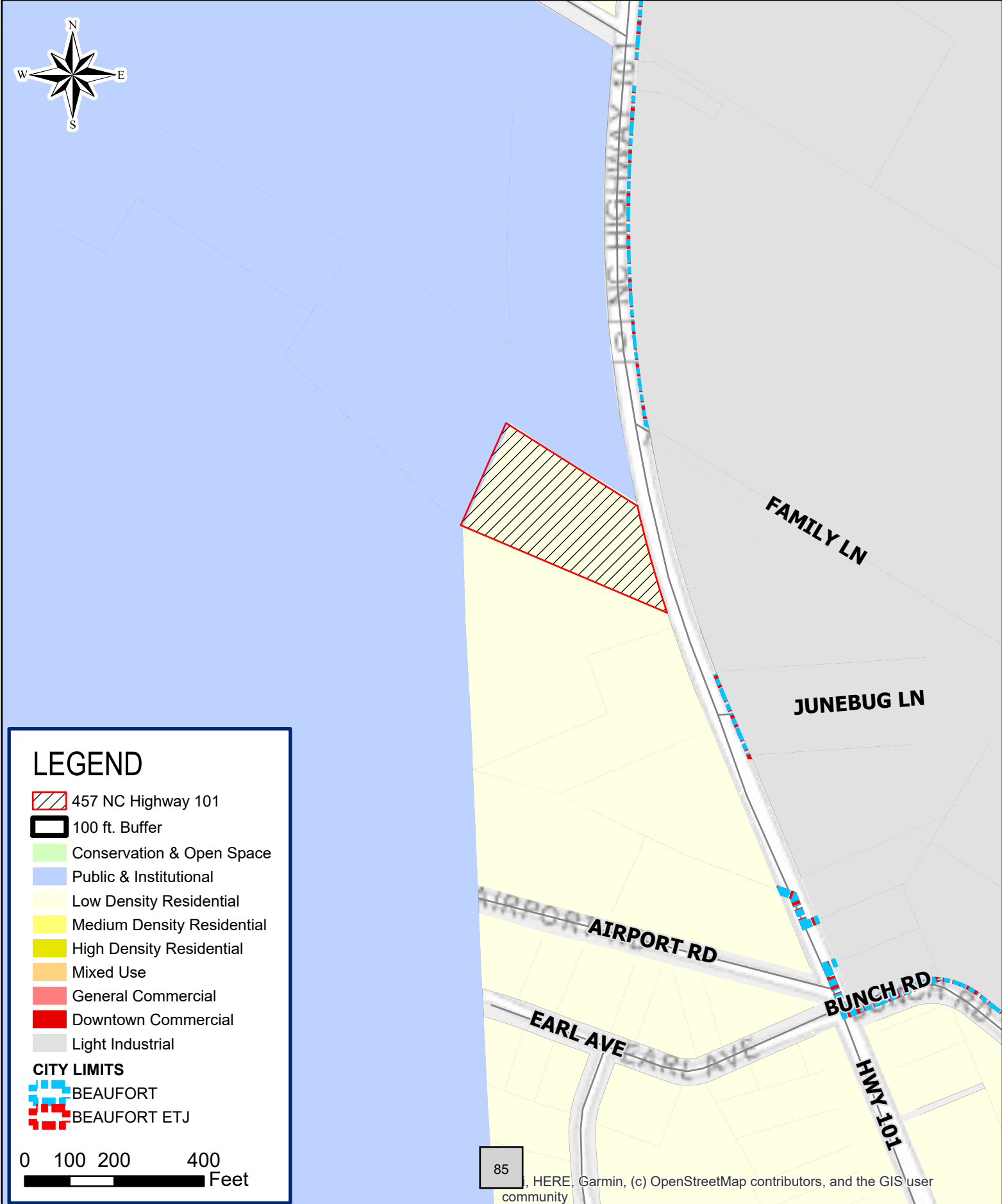


LEGEND

-  457 NC Highway 101
-  100 ft. Buffer
-  Conservation & Open Space
-  Public & Institutional
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Mixed Use
-  General Commercial
-  Downtown Commercial
-  Light Industrial
- CITY LIMITS**
-  BEAUFORT
-  BEAUFORT ETJ

0 100 200 400
 Feet

85



Name	Address
MICHAEL J SMITH AIRPORT	463 HIGHWAY 101
CULPEPPER,SHARON JENKINS	445 HIGHWAY 101
YARBOROUGH,PHILLIP E ETAL ADAM	427 HIGHWAY 101
COLE,EDGAR EARL	436 HIGHWAY 101
BRADDY,JEREMY SCOTT ETAL	442 HIGHWAY 101
GILLIKIN,GLORIA B	450 HIGHWAY 101
GILLIKIN,GLORIA B	458 HIGHWAY 101



Town of Beaufort
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2141 • 252-728-3982 fax
www.beaufortnc.org

**APPLICATION FOR AN AMENDMENT TO THE
BEAUFORT ZONING MAP**

Instructions:

Please complete the application below, include all the required attachments and the **\$300.00** for **Rezoning request with no Land Use Plan Change** or **\$400.00** for **Rezoning Request with Land Use Plan Change** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed and **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: James Johner
Applicant Address: 123 Queen Annes Lane Beaufort, NC 28516
Phone Number: 2526319435 Email: jimmy@carteretmarine.COM

Property Owner Name: 457 NC 101 Investments LLC
Address of Property Owner: 123 Queen Annes Lane Beaufort, NC 28516
Phone Number: 2526319435 Email: _____

PROPERTY INFORMATION

Property Address: 457 NC 101 Beaufort NC 28516
15-Digit PIN: 730601479303000 Lot/Block Number: _____

Size of Property (in square feet or acres): 2.14 ACRES

Current Zoning: R-20 Requested Zoning: I-W

Current Use of Property: Residential Vacant Commercial Other: _____

Applicant Signature: [Signature] Date of Applicant's Signature: 10/31/2022

Property Owner Signature (if different than applicant): [Signature] Date of Owner's Signature: 10/31/2022

An application fee of **\$300.00** for **Rezoning request with no Land Use Plan Change** or **\$400.00** for **Rezoning Request with Land Use Plan Change**, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.

Please refer to the *Land Development Ordinance, Section 3* and all other pertinent sections for the information required to accompany this application.

**REQUIRED ATTACHMENTS FOR AN AMENDMENT TO THE
BEAUFORT ZONING MAP**

Please provide the following as attachments to the zoning map amendment form:

1. A statement as to whether or not the proposed zoning amendment is consistent with the Beaufort Land Use Plan.
2. A statement as to how the zoning amendment will promote the public health, safety or general welfare of the Town of Beaufort.
3. Proof of ownership (For example: a copy of the deed or city tax statement).

If a property is owned by more than one individual or if multiple properties under different ownership are applying under one request, attach a statement and signatures indicating that all owners have given consent to request the zoning change.

4. An area map of property to scale which includes:
 - North Arrow;
 - All Property lines and accurate property line dimensions;
 - Adjacent streets and names;
 - Location of all easements;
 - Location of all structures;
 - Zoning classifications of all abutting properties.
5. Please submit one digital/electronic copy of any drawings or plans associated with the amendment. At least one paper copy of the drawings or plans should also be submitted.
6. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requested to be rezoned (notification of adjacent property owners by the Town is required by North Carolina law).

**THE COMPLETE APPLICATION WITH SUPPORTING
DOCUMENTATION IS DUE TO TOWN STAFF AT LEAST 15 WORKING
DAYS PRIOR TO A SCHEDULED PLANNING BOARD MEETING.**

The Town's website is www.beaufortnc.org.

OFFICE USE ONLY

Revised 08/2020

Received by: _____

Reviewed for Completeness By: _____

Date: _____

Date Deemed Complete and Accepted: _____

To Whom It May Concern,

This letter is in regards to the property located at 457 NC 101 in Beaufort, NC 28516. The rezoning request of property is currently not consistent with the adopted "Town of Beaufort Core Land Use Plan, Adopted by the Beaufort Town Board on Dec 11, 2006". However, the property is adjacent to both industrial properties and the Michael J Smith Airport, and in addition the property is located in a future industrial/commercial area proposed in the "Future Core Land Use Plan".

The proposed zoning will promote additional business opportunities in an industrial setting as described in the Towns Future Land Use Map detailed in Beaufort's most recently proposed comprehensive Plan. Also, as beaufort currently lacks warehousing space for future business expansion this area will aid in a much needed sector for both industrial and commercial use.

SOSID: 2384612
Date Filed: 3/28/2022 12:40:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2022 087 05165

State of North Carolina
Department of the Secretary of State

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

- The name of the limited liability company is: 457 NC 101 Investments LLC
(See Item 1 of the Instructions for appropriate entity designation)
- The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) **Note: This document must be signed by all persons listed.**

Name	Business Address	Capacity
<u>James Johner</u>	<u>- 123 Queen Annes Lane Beaufort NC, 28516-7771 United States</u>	<input checked="" type="checkbox"/> Member <input checked="" type="checkbox"/> Organizer
_____	_____	<input type="checkbox"/> Member <input type="checkbox"/> Organizer
_____	_____	<input type="checkbox"/> Member <input type="checkbox"/> Organizer

3. The name of the initial registered agent is: James Johner

4. The street address and county of the initial registered agent office of the limited liability company is:

Number and Street 123 Queen Annes Lane
City Beaufort State: NC ZipCode: 28516-7771 County: Carteret

5. The mailing address, if different from the street address, of the initial registered agent office is:

Number and Street _____
City _____ State: NC ZipCode: _____ County: _____

6. Principal office information: (Select either a or b.)

a. The limited liability company has a principal office.

The principal office telephone number: _____

The street address and county of the principal office of the limited liability company is:

Number and Street: _____
City: _____ State: _____ Zip Code: _____ County: _____

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: _____

City: _____ State: _____ Zip Code: _____ County: _____

b. The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. **(Optional):** Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.

Name	Title	Business Address

9. **(Optional):** Please provide a business e-mail address: Privacy Redaction
The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the 28th day of March, 2022.

James Johner

Signature

James Johner Member/Organizer

Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

Signature

Signature

Type or Print Name and Title

Type or Print Name and Title

NOTE:

1. Filing fee is \$125. This document must be filed with the Secretary of State.

FOR REGISTRATION REGISTER OF DEEDS

Karen S. Hardesty

Carteret County, NC

April 21, 2022 4:43:40 PM

DEED # Pages: 4

Fee: \$26.00

NC Revenue Stamp: \$564.00

FILE # 1764463

Karen S. Hardesty

Prepared by: Ryan S. Renfrow, Attorney at Law [WITHOUT SEARCH OR EXAMINATION OF TITLE]
Return to: Debra Whaley, Attorney at Law, 301 Commerce Avenue, Suite 102, Morehead City, NC 28557

Excise Tax: \$564.00

Parcel ID No.: 730601479303000

Brief Legal Description: ACREAGE NC HIGHWAY 101, BEAUFORT

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29 day of March, 2022, by and between:

Francesco Grassi (a/k/a Frank Grassi) and spouse, Jennifer G. Grassi (a/k/a Jennifer Grassi)

2004 Farmstead Court, Morehead City, NC 28557

(hereinafter referred to as Grantor);

AND

**457 NC 101 Investments LLC,
a North Carolina Limited Liability Company**

123 Queen Annes Lane, Beaufort, NC 28516

(hereinafter referred to as Grantee).

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

That Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Beaufort Township, Carteret County, North Carolina, and more particularly described as:

This being the same property previously conveyed to Grantor by deed recorded in Book 1390, Page 380 (Instrument No. 1390380), Carteret County Registry.

This conveyance _____ is or X is not the primary residence of Grantor.

A map showing the herein described property is recorded in Map Book _____, Page _____ (Instrument No. N/A), Carteret County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated:

- Any easements, covenants, rights of way, or restrictions of record; and
- Ad Valorem taxes for the year 2022.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in their names, the day and year first above written.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURES PAGE(S) TO FOLLOW]

Francesco Grassi (SEAL)
FRANCESCO GRASSI

Jennifer G. Grassi (SEAL)
JENNIFER G. GRASSI

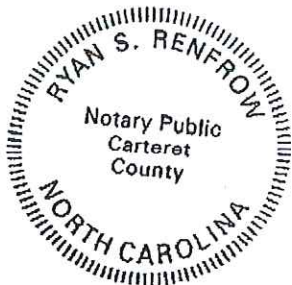
STATE OF North Carolina

COUNTY OF Carteret

I, Ryan S. Renfrow, a Notary Public of the County and State aforesaid do hereby certify that FRANCESCO GRASSI and JENNIFER G. GRASSI personally came before me this day and they acknowledged the due execution of the foregoing instrument for the purposes expressed therein.

Witness my hand and Notarial stamp or seal this 29th day of March, 2022.

My commission expires: 10/4/2025



(SEAL)

[Signature]
Notary Public

Ryan S. Renfrow
Printed Name of Notary

Exhibit "A"

Legal Description

ALL THAT certain lot or parcel of land situated in the Township of Beaufort, Carteret County, North Carolina and being more particularly described as follows:

BEGINNING at an iron pipe in the west right-of-way line of NCSR 101 (NC Highway 101), the northeast corner of the now or formerly James Walker property, and running thence from said point of beginning N 63-39-03 W 505.60 feet to an iron pipe in the southeast corner of that tract obtained by Beaufort-Morehead City Airport Authority and Carteret County by that Consent Judgment in 87-CVS-155; running thence N 25-30 E 244.39 feet to an iron pipe; running thence S 56-00-53 E 351.64 feet to an iron pipe in the west right-of-way line of NCSR 101 (NC Highway 101); and running thence along said right-of-way S 12-45-56 E, a chord distance of 254.73 feet to the point of beginning.

For deed reference, see Book 657, Page 190, Carteret County Registry.

Property address: 457 NC Highway 101, Beaufort, NC 28516

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

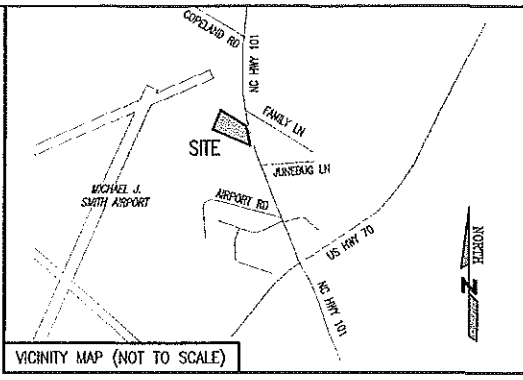
FILED FOR REGISTRATION AT _____ AM / PM O'CLOCK
THIS _____ DAY OF _____ 2022.
PLAT CABINET _____ SLIDE _____

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

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

REVIEW OFFICER _____ DATE _____

MAY 03 2011
Z
RECORDS



LEGEND

- o EMN = EXISTING MAG NAIL
- o EIP = EXISTING IRON PIPE
- o EIR = EXISTING IRON ROD
- o = NO POINT SET
- o IRS = IRON ROD SET
- o EBD = EXISTING BRASS DISK
- o -> UTILITY POLE AND GUY WIRE
- o LIGHT POLE
- o WM WATER METER
- o WATER VALVE

ABBREVIATIONS

- R/W = RIGHT-OF-WAY
- C/L = CENTERLINE
- P/L = PROPERTY LINE
- EX = EXISTING
- EL = ELEVATION
- WM = WATER METER BOX
- DB = DEED BOOK
- PG = PAGE
- EOP = EDGE OF PAVEMENT
- NIS = NOT TO SCALE
- N/F = NOW OR FORMERLY
- SF = SQUARE FEET
- PL = PLAT
- SL = SLIDE
- OHE = OVERHEAD ELECTRICAL LINE
- BFE = BASE FLOOD ELEVATION
- TPED = TELEPHONE PEDESTAL
- FFE = FINISHED FLOOR ELEVATION

LINE LEGEND

- SURVEYED PROPERTY BOUNDARY
- - - UNSURVEYED/ADJOINING PROPERTY
- ROAD RIGHT-OF-WAY

I, JOSEPH C. AVOLIS, PE, PLS., CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS CONTROL SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A
- POSITIONAL ACCURACY: HORIZONTAL: 0.038'
- VERTICAL: 0.020'
- TYPE OF GPS FIELD PROCEDURE: NC CORS NETWORK VRS
- DATE(S) OF SURVEY: APRIL 18, 2022
- DATUM/EPOCH: NAD83 & NAVD88
- PUBLISHED/FIXED-CONTROL USE: NC CORS VRS
- GEOID MODEL: GEOID 2012B
- COMBINED GRID FACTOR(S): 0.99991828
- UNITS: US SURVEY FEET

THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

ALL DISTANCES ARE GROUND. ALL COORDINATES ARE GRID.

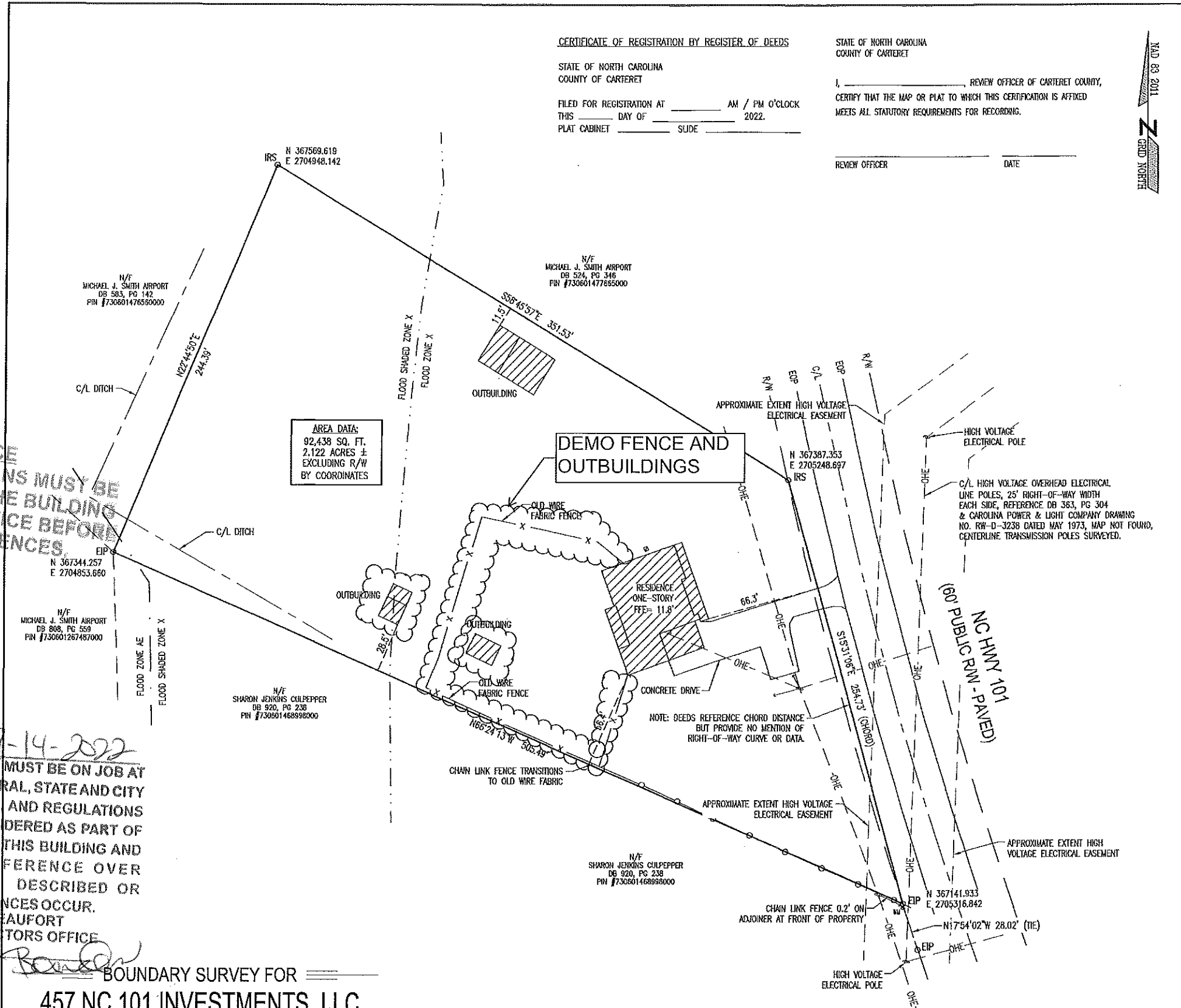
I, JOSEPH C. AVOLIS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (REFERENCE DEED BOOK 1380, PAGE 380; MAP BOOK _____, PAGE _____); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 18th DAY OF APRIL, 2022.

PROFESSIONAL LAND SURVEYOR
L-5308
LICENSE NUMBER

SHEET 1 OF 1

AVOLIS ENGINEERING, P.A.
FIRM LICENSE NO. C-0706
P.O. BOX 15564
NEW BERN, NC 28561
(252) 633-0068
joe@avoliseng.com

JOSEPH C. AVOLIS, PE, PLS L-5308 PROJECT NO. 22030



AREA DATA:
92,438 SQ. FT.
2.122 ACRES ±
EXCLUDING R/W
BY COORDINATES

DEMO FENCE AND
OUTBUILDINGS

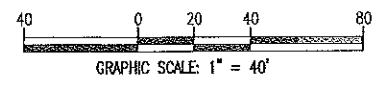
NOTE: DEEDS REFERENCE CHORD DISTANCE
BUT PROVIDE NO MENTION OF
RIGHT-OF-WAY CURVE OR DATA.

FLOOD PLAN STATEMENT

THE FRONT PORTION OF THE PROPERTY IS LOCATED IN FLOOD ZONE X (MINIMAL FLOOD RISK), THE MIDDLE PORTION OF THE PROPERTY IS LOCATED IN FLOOD ZONE SHADED X (0.2% ANNUAL FLOOD HAZARD), THE SOUTHWEST CORNER OF THE PROPERTY IS LOCATED IN FLOOD ZONE AE (BASE FLOOD ELEVATION=6.0 FEET), ALL AS SHOWN ON THE MAP. REFERENCE FEDERAL EMERGENCY MANAGEMENT AGENCY DIGITAL MAP NUMBER 3720730600J, EFFECTIVE JULY 16, 2003.

NOTE:

RECOMMEND CONSULT WITH NCDOT AND MICHAEL J. SMITH AIRPORT REGARDING PROPOSED NC HWY 101 RIGHT-OF-WAY MODIFICATIONS AND ROADWAY CONVERSION TO CUL-DE-SAC. CONSULT WITH AIRPORT REGARDING HEIGHT RESTRICTIONS AS DESCRIBED IN DB 449, PG 298.



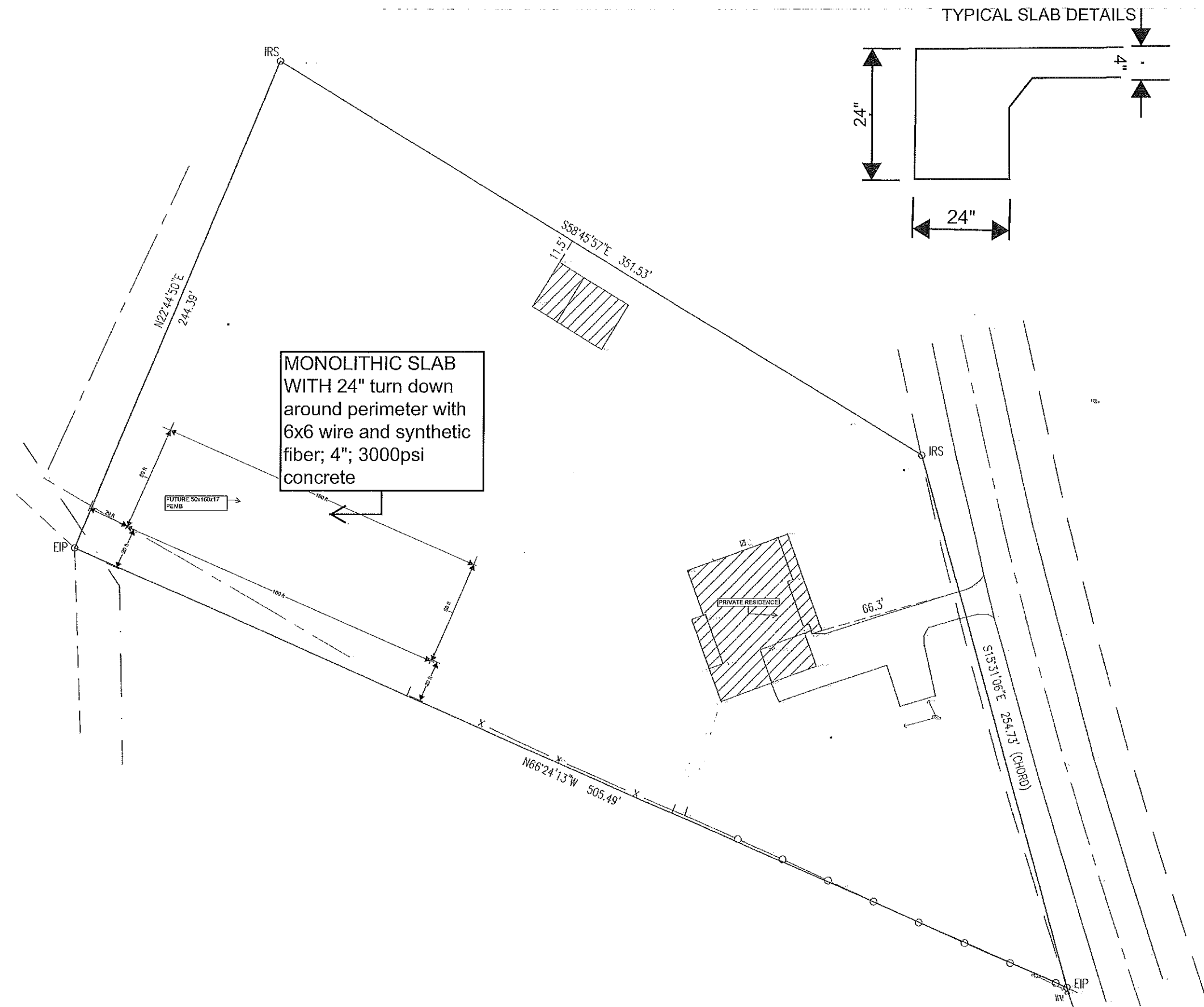
NOTICE
CHANGES IN PLANS MUST BE
APPROVED BY THE BUILDING
INSPECTOR'S OFFICE BEFORE
WORK COMMENCES.

APPROVED DATE 7-14-2022
PLANS FOR THIS JOB MUST BE ON JOB AT ALL TIMES. ALL FEDERAL, STATE AND CITY CODES, ORDINANCES, AND REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PREFERENCE OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED WHERE VARIANCES OCCUR.
TOWN OF BEAUFORT
BUILDING INSPECTOR'S OFFICE
Johnnie B...

BOUNDARY SURVEY FOR
457 NC 101 INVESTMENTS, LLC
OWNER: FRANK & JENNIFER GRASSI ET UX

SITE ADDRESS: 457 NC HWY 101, BEAUFORT
CARTERET COUNTY
TAX PARCEL PIN #: 730601479303000
COVERING DEED: DB 1390, PG 380
HISTORICAL DEEDS: DB 857, PG 190; DB 439, PG 002
PLAT REFERENCE: NONE
SURVEY DATE: APRIL 18, 2022 SCALE: 1" = 40'

R22-00433



SECTION 7 Residential Zoning Districts

A) R-20 Residential Single-Family District.

This residential district is intended to maintain a compatible mixture of single-family residential and bona fide farm uses with a density of two families per acre in accordance with the North Carolina State Board of Health recommendations for residential areas without public water and public sewer, and to prevent the development of blight and slum conditions.

1) Minimum Lot Size.

All lots in this district shall be a minimum of twenty thousand square feet (20,000 ft²).

2) Minimum Lot Width.

All lots in the R-20 district shall have a minimum lot width of one hundred feet (100') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 7-1 Interior Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-20	30 feet	25 feet	15 feet	40 feet

Table 7-2 Corner Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-20	30 feet	30 feet	25 feet	15 feet	40 feet

Table 7-3 Double Frontage Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-20	30 feet	25 feet	15 feet	40 feet

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

Agritourism
Antenna Co-Location on Existing Tower

Aquaculture
Assisted Living
Athletic Field, Public

Land Development Ordinance for the Town of Beaufort

Athletic Field, Private
 Carport
 Club, Lodge, or Hall
 Community Garden
 Dock
 Dwelling, Single-Family
 Farming, General
 Forestry
 Garage, Private Detached
 Government/Non-Profit Owned/
 Operated Facilities & Services
 Group Home
 Home Occupation
 Manufactured Home
 Neighborhood Recreation Center
 Indoor/Outdoor, Private

Neighborhood Recreation Center,
 Public
 Nursing Home
 Park, Public
 Produce Stand/Farmers' Market
 Public Utility Facility
 Religious Institution
 Resource Conservation Area
 Satellite Dish Antenna
 Shed
 Swimming Pool (Personal Use)
 Temporary Construction Trailer
 Utility Minor
 Vehicle Charging Station

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

Accessory Dwelling Unit
 Bed & Breakfast
 Boat Sales/Rentals
 Cemetery/Graveyard
 Concealed (Stealth) Antennae &
 Towers
 Day Care/Child Care Home
 Dry Boat Storage
 Golf Course, Privately Owned
 Golf Driving Range
 Kennel, Indoor Operation Only

Kennel, Indoor /Outdoor Operation
 Marina
 Museum
 Office: Small Business
 Other Free Standing Towers
 Outdoor Amphitheater, Public
 Preschool
 Public Safety Station
 School, K-12
 School, Post-Secondary
 Utility Facility

F) I-W Industrial Warehouse District.

This district is established to provide for industries which generally require specially selected locations in the community. The requirements provide for adequate parking and for screening/buffering from adjacent residential districts to insure reasonable standards of community safety and acceptability consistent with advanced industrial practices.

1) Minimum Lot Size.

All lots in the I-W district shall be a minimum of eight thousand square feet (8,000 ft²).

2) Minimum Lot Width.

All lots in the I-W district shall have a minimum lot width of eighty feet (80') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 9-8 Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
I-W	20 feet	20 feet	15 feet	40 feet

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

- | | |
|--|--|
| Antenna Co-Location on Existing Towers | Heavy Vehicle Repair |
| Aquaculture | Kennel, Indoor Operation Only |
| Athletic Field, Public | Kennel, Indoor/Outdoor Operation |
| Boat Sales/Rentals | Manufacturing, Light |
| Car Wash | Mini-Storage |
| Club, Lodge, or Hall | Motor Vehicle Sales/Rentals |
| Community Garden | Neighborhood Recreation Center, Public |
| Concealed (Stealth) Antennae & Towers | Office: Business, Professional, or Medical |
| Dock | Other Building Mounted Antennae & Towers |
| Dry Boat Storage | Outdoor Retail Display/Sales |
| Farming, General | Outdoor Storage |
| General Industrial Service | Park, Public |
| Governmental/Non-Profit Owned/Operated Facilities & Services | Parking Lot |
| Heavy Equipment Sales/Rentals | Parking Structure |

Land Development Ordinance for the Town of Beaufort

Personal Service Establishment
 Public Safety Station
 Public Utility Facility
 Religious Institution
 Resource Conservation Area
 Satellite Dish Antenna
 Signs, Commercial Free-Standing
 Temporary Construction Trailer

Towing & Vehicle Service
 Transportation Facility
 Utility Minor
 Vehicle Charging Station
 Vehicle Service
 Warehousing and Distribution
 Establishment
 Wholesale Establishment

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

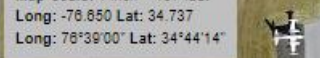
Adult Entertainment
 Adult-Oriented Retail Establishment
 Airport/Landing Strip
 Commercial Indoor Recreation
 Facility
 Commercial Outdoor Amphitheater
 Commercial Waterfront Facility
 Commercial, Outdoor Recreation
 Facility
 Gas/Service Station
 Golf Driving Range
 Hazardous Material Storage
 Other Freestanding Towers

Recycling and Salvage Operation
 School, Post-Secondary
 Marina
 Microbrewery
 Microdistillery
 Tavern/Bar/Pub with Indoor
 Operation
 Tavern/Bar/Pub with Outdoor
 Operation
 Theater, Large
 Theater, Small
 Utility Facility



Map Scale: 1 inch = 167 feet
Long: -78.850 Lat: 34.737
Long: 78°39'00" Lat: 34°44'14"

103





**BEAUFORT BOARD OF COMMISSIONERS
AN ORDINANCE TO REZONE
457 NC Hwy. 101 FROM R-20 to IW
ORDINANCE NO. 23-**

Applicant: James Johner
Location: 457 NC Hwy. 101
Parcel ID: 730601479303000
Lot Size: 2.14 acres
Existing District: R-20 Residential Single-Family District
Meeting Date: January 9, 2023
Requested District: IW (Industrial Warehouse District)

WHEREAS, Mr. James Johner has submitted a request to rezone the above referenced property to IW; and

WHEREAS, the Beaufort Planning Board has convened to consider and prepare a recommendation and consistency statement on the request at its meeting on December 19, 2022, at which time the Planning Board recommended approval of the request; and

WHEREAS, the Beaufort Board of Commissioners conducted a public hearing on January 9, 2023, at which time the applicant and/or applicant’s representative was given the opportunity to present arguments, and Town staff was given the opportunity to comment on the application; and

WHEREAS, the Town Board of Commissioners has made the following findings and conclusions:

1. The request is consistent with surrounding land use patterns and zoning in the area.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Commissioners on the basis of the foregoing findings and conclusions that the request to rezone 457 NC Hwy. 101 is approved and the Town’s Zoning Map is amended accordingly.

Enacted on motion of Commissioner _____ and carried on a vote of ___ in favor and ___ against.

This, the 9th day of January 2023

TOWN OF BEAUFORT

Sharon Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM Monday, January 9, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Public Hearing
SUBJECT: Zoning Text Amendment - Section 2-H-4 (General Provisions Residential Zones – Docks and Piers in Certain Areas of R-8, R-8A & RS-5)

BRIEF SUMMARY:

Ms. Martha Harrell has submitted a Text Amendment request to modify Section 2-H-4 of the Land Development Ordinance to allow roofs over docks. Included in the proposed amendment are standards that the area under the roof cannot exceed four hundred square feet in area, be enclosed and may only be at a maximum height of sixteen feet above the decking of the dock.

At their December 19, 2022, meeting the Planning Board unanimously recommended denial of the zoning text amendment based on safety concerns and preservation of the aesthetics of Beaufort’s waterway vistas.

REQUESTED ACTION:

Conduct Public Hearing
Decision on proposed text amendment

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kyle Garner, AICP
Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A

PLANNING BOARD STAFF REPORT

BOARD ACTION REQUEST

Case No.: 22-25

TO: Mayor & Board of Commissioners
FROM: Kyle Garner, Planning Director
DATE: December 20, 2022
RE: LDO Text Amendment Modifying Section 2-H-4 (General Provisions Residential Zones – Docks and Piers in Certain Areas of R-8, R-8A & RS-5)

Background

Ms. Martha Harrell has submitted a Text Amendment request to modify Section 2-H-4 of the Land Development Ordinance to allow roofs over docks. Included in the proposed amendment are standards that the area under the roof cannot exceed four hundred square feet in area, be enclosed and may only be at a maximum height of sixteen feet above the decking of the dock.

In the prior Zoning Ordinance adopted in 1998 the same provision for not permitting roofs was included in the text (See 1998 Ordinance Excerpt).

The applicant has further researched their position as to compliance with the existing CAMA Land Use Plan with the Division of Coastal Management which it appears there is not a conflict with that document.

If approved this amendment would apply to all residential properties in the R-8, R8-A and RS-5 that have direct access to the water or through riparian areas. The staff has provided a map showing approximately 139 properties affected.

Staff has included “Draft” text language which shows text to be added as **bold highlighted** and that to be removed shown with ~~strikethrough~~.

After conducting a Public Hearing at their December 19, 2022, meeting, the Planning Board unanimously recommended denial of the text amendment based on a concern of safety and to preserve the aesthetics of the Beaufort vista.

Action Needed:

- Conduct a Public Hearing on the proposed text amendment.
- To modify the Ordinance as requested; to change the modification to other language; or to deny changing the Ordinance

Attachments:

- Section 2-H-4 of the LDO
- 1998 Ordinance Excerpt
- Map of Properties Applied Too (139 Properties +-)
- Applicants Information

Agenda Item Prepared By:

Section 2 General Provisions for Residential Zones

H) *Docks and Piers in Certain Areas of R-8, R-8A, and RS-5 Zoning Districts.*

Within the Regulated Area:

- 1) Only one residential boat dock per riparian lot is permitted. No other structure below the high-water mark is permitted.
- 2) Residential boat docks may contain boat slips subject to the following limitations:
 - a) No more than four boat slips per riparian lot with a single-family dwelling located on such lot.
 - b) No more than two boat slips per riparian lot on which there is no dwelling.
 - c) No more than two boat slips per dwelling unit on riparian lots used for multi-family dwellings, whether the multi-family dwellings are conforming or not.
- 3) Residential boat docks may not include any living quarters.
- 4) Residential boat docks may ~~not include any structures with roofs or overhead features designed to shield from rain, sun, or weather~~ include roofs over permitted platform areas not to exceed four hundred square feet. The area under the roof shall not be enclosed or allow for second story use. The height of the roof shall not exceed more than a height of sixteen feet above the decking of the dock.
- 5) Residential boat docks shall be approved and constructed in accordance with the provisions of CAMA and all regulations promulgated there under, and all other applicable state, federal, or local land use laws or regulations.
- 6) Residential boat docks shall be used only for personal non-commercial purposes.
- 7) Nothing in this section shall prohibit a property owner within these specific zoning districts from leasing boat slips located upon a residential boat dock; however, no person, including an owner or tenant, may conduct commerce there from and no commercial boats may be moored to a residential boat dock (excluding boats with commercial net licenses used only by the property owner thereof).
- 8) This section does not permit the creation of additional nonconforming riparian lots. The existing nonconforming lots are not made conforming by the adoption of this section.

DRAFT ORDINANCE 23-0

AN ORDINANCE TO MODIFY THE Town of Beaufort *Land Development Ordinance (LDO)*, specifically Section 2-H-4 (General Provisions Residential Zones – Docks and Piers in Certain Areas of R-8, R-8A & RS-5)

WHEREAS the Beaufort Land Development Ordinance contains regulations which establish the development of land within the Town of Beaufort and its Extraterritorial Jurisdiction; and

WHEREAS, the Beaufort Planning Board has reviewed these ordinance text amendments and unanimously recommended its denial; and

WHEREAS the Board of Commissioners determines that the public interest will be served by adopting the following text amendments to modify text as it relates to these items.

NOW THEREFORE be it ordained by the Board of Commissioners of the Town of Beaufort as follows:

The Town of Beaufort LDO is amended as follows:

Section 2 General Provisions for Residential Zones

H) Docks and Piers in Certain Areas of R-8, R-8A, and RS-5 Zoning Districts.

Within the Regulated Area:

- 1) Only one residential boat dock per riparian lot is permitted. No other structure below the high-water mark is permitted.
- 2) Residential boat docks may contain boat slips subject to the following limitations:
 - a) No more than four boat slips per riparian lot with a single-family dwelling located on such lot.
 - b) No more than two boat slips per riparian lot on which there is no dwelling.
 - c) No more than two boat slips per dwelling unit on riparian lots used for multi-family dwellings, whether the multi-family dwellings are conforming or not.
- 3) Residential boat docks may not include any living quarters.
- 4) Residential boat docks may include roofs over permitted platform area not to exceed four hundred square feet. The area under the roof shall not be enclosed or allow for second story use. The height of the roof shall not exceed more than a height of sixteen feet above the decking of the dock.
- 5) Residential boat docks shall be approved and constructed in accordance with the provisions of CAMA and all regulations promulgated there under, and all other applicable state, federal, or local land use laws or regulations.
- 6) Residential boat docks shall be used only for personal non-commercial purposes.
- 7) Nothing in this section shall prohibit a property owner within these specific zoning districts from leasing boat slips located upon a residential boat dock; however, no person, including an owner or tenant, may conduct commerce there from and no commercial boats may be moored to a residential boat dock (excluding boats with commercial net licenses used only by the property owner thereof).
- 8) This section does not permit the creation of additional nonconforming riparian lots. The existing nonconforming lots are not made conforming by the adoption of this section

Enacted on motion of Commissioner ---- and carried on a vote of in favor and 0 against.

This, the 9th day of January 2023.

TOWN OF BEAUFORT

By: _____
Mayor

Attest:

_____ Town Clerk

**TOWN OF BEAUFORT
PLANNING BOARD**

A STATEMENT OF CONSISTENCY ADVISING THAT PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ARE NOT IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS, INCLUDING THE CORE LAND USE PLAN; ARE NOT REASONABLE. AND ARE NOT IN PUBLIC INTEREST.

WHEREAS, the North Carolina General Assembly has given the Town of Beaufort (“Town”) the authority to adopt and amend zoning and development regulation ordinances for the purpose of promoting the health, safety, morals, and general welfare of its citizens.

WHEREAS N.C.G.S. §160A-383 requires the Town of Beaufort Planning Board (“Board”) to advise the Town of Beaufort Board of Commissioners by written statement describing whether the proposed amendments to the Town’s Land Development Ordinance (“Ordinance”) are consistent with all officially adopted plans, including the comprehensive land use plan.

WHEREAS, the Board has in fact met to consider and evaluate the proposed amendments to the Ordinance.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Planning Board finds that the proposed amendments to the Ordinance are **not** in accordance with all officially adopted Town plans based on **concerns of safety and to preserve the aesthetics of the Beaufort vista**, and therefore recommends denial of the text amendment by the Board of Commissioners.

This Resolution is effective upon its adoption this 19th day of December, 2022.

**TOWN OF BEAUFORT
PLANNING BOARD**

_____, Chairman

ATTEST:

_____, Secretary

Land Development Ordinance for the Town of Beaufort

- 1) The encroachment may be maintained, repaired and replaced *in situ* but may not be enlarged in any dimension, except, however, if a building is being raised to comply with FEMA flood elevations, the encroachment may be raised accordingly.
- 2) The zoning administrator and building inspector are authorized to permit maintenance, repair and replacement of the encroaching feature.
- 3) No estate in a street right-of-way is being granted in this section and the license is revocable at the will of the Town.
- 4) If an encroachment is removed and not replaced within one year, the license granted herein is revoked and will not be restored without action of the Board of Commissioners (BOC).

E) *Recreational Vehicles.*

Recreational vehicles may be stored on any lot in any residential zoning district provided they are not stored in the required setback for front yards. Recreational vehicles, while being stored in this area, cannot be used for sleeping, utility, office, material storage, etc.

F) *Accessory Buildings.*

Accessory buildings shall be subject to the following regulations:

- 1) An accessory building which is more than sixteen feet (16') in height or which is structurally attached to the principal building shall comply with all the zoning restrictions applicable to the principal building.
- 2) An accessory building no more than sixteen feet (16') in height may occupy not more than twenty-five percent (25%) of the area of a required rear yard if no part of such accessory building is less than five feet (5') from the rear and side lot lines.
- 3) An accessory building no more than sixteen feet (16') in height may be erected on any interior lot in either required side yard and on a corner lot in the required side yard not abutting the street if no part of such accessory building is less than five feet (5') from a side lot line.
- 4) An accessory building in the required rear yard of a corner lot shall not project beyond or nearer to the street than the front setback line, as extended, of the lot adjacent to thereto and whose front yard abuts thereon.

G) *Swimming Pools, Hot Tubs or Spas.*

Private swimming pools, hot tubs, or spas are permitted as accessory uses in any residential district. No private swimming pool, hot tub, or spa in a residential district shall operate as a business.

H) *Docks and Piers in Certain Areas of R-8, R-8A, and RS-5 Zoning Districts.*

Within the Regulated Area:

- 1) Only one residential boat dock per riparian lot is permitted. No other structure below the high water mark is permitted.
- 2) Residential boat docks may contain boat slips subject to the following limitations:

Land Development Ordinance for the Town of Beaufort

- a) No more than four boat slips per riparian lot with a single-family dwelling located on such lot.
 - b) No more than two boat slips per riparian lot on which there is no dwelling.
 - c) No more than two boat slips per dwelling unit on riparian lots used for multi-family dwellings, whether the multi-family dwellings are conforming or not.
- 3) Residential boat docks may not include any living quarters.
 - 4) Residential boat docks may not include any structures with roofs or overhead features designed to shield from rain, sun, or weather.
 - 5) Residential boat docks shall be approved and constructed in accordance with the provisions of CAMA and all regulations promulgated there under, and all other applicable state, federal, or local land use laws or regulations.
 - 6) Residential boat docks shall be used only for personal non-commercial purposes.
 - 7) Nothing in this section shall prohibit a property owner within these specific zoning districts from leasing boat slips located upon a residential boat dock; however, no person, including an owner or tenant, may conduct commerce there from and no commercial boats may be moored to a residential boat dock (excluding boats with commercial net licenses used only by the property owner thereof).
 - 8) This section does not permit the creation of additional nonconforming riparian lots. The existing nonconforming lots are not made conforming by the adoption of this section.
- I) ***Approval of Plats.***
No proposed subdivision plat shall hereafter be approved unless the lots shown on such plat comply with the lot width and area requirements of the applicable district.

7.2 Docks and Piers in Certain Areas of R-8 and R-8A Zoning Districts.

(a) Definitions

- (1) *Regulated Area* - Properties, and adjacent riparian waters, in or adjacent to the R-8 and R-8A zoning districts on the south side of Front Street and along the east side of Gallant's Channel from Taylor's Creek to the north right of way line of Ann Street.
- (2) *Residential Boat Dock* - A fixed structure (including floating -platforms attached to pilings) in or extending into riparian waters providing for, the docking or mooring of boats as herein provided, or for swimming, fishing, or viewing nature, which structure is primarily intended for the private personal use of the owner(s) or occupant(s) of the residential dwelling(s) located on a Riparian Lot. Appurtenant pilings are included - as a part of a Residential Boat Dock. "Pier" is another term for "Residential Boat Dock."
- (3) *Riparian Lot* - A parcel of land adjacent to the waters of Taylor's Creek or Gallant's Channel. that either meets all requirements of an approved zoning lot or exists as a non-conforming lot. "Riparian Lot" shall also be deemed to include the lot directly across Front Street when, and as long as, such lot is owned by the same person as the Riparian Lot.
- (4) *Boat Slip* - An area of a Residential Boat Dock designed for the mooring of a boat. Characteristics of a Boat Slip may include pilings, finger piers, or other devices used to moor a boat.

(b) Standards and Restrictions.

Within the Regulated Area:

- (1) Only one Residential Boat Dock per Riparian Lot is permitted. No Other structure below the high water mark is permitted.
- (2) Residential Boat Docks may contain Boat Slips subject to the following limitations:
 - a. No more than four Boat Slips per Riparian Lot with a single family dwelling located on such lot.
 - b. No more than two Boat Slips per Riparian Lot on which there is no dwelling.
 - c. No more than two Boat Slips per dwelling unit on Riparian Lots used for multifamily dwellings (whether the multifamily dwellings are conforming or non-conforming).
- (3) Residential Boat Docks may not include any living quarters.
- (4) Residential Boat Docks may not include any structures with roofs or overhead features designed to shield from rain, sun or weather.
- (5) Residential Boat Docks shall be approved and constructed in accordance with the provisions of the Coastal Area Management Act and all regulations promulgated there under, and all other applicable state, federal, or local land use laws or regulations.
- (6) Residential Boat Docks shall be used only for personal non-commercial purposes.
- (7) Nothing in this section shall prohibit an owner from leasing Boat Slips located upon a Residential Boat Dock; however, no person, including an owner or tenant may conduct commerce therefrom and no commercial boats may be moored to a Residential Boat Dock (excluding boats with commercial net licenses used only by the owner thereof).

(c) Prohibition of Further Division. This section does not permit the creation of additional non-conforming Riparian Lots. Existing non-conforming lots are not made conforming by the adoption of this section.

7.3 Airport Overlay District Provisions

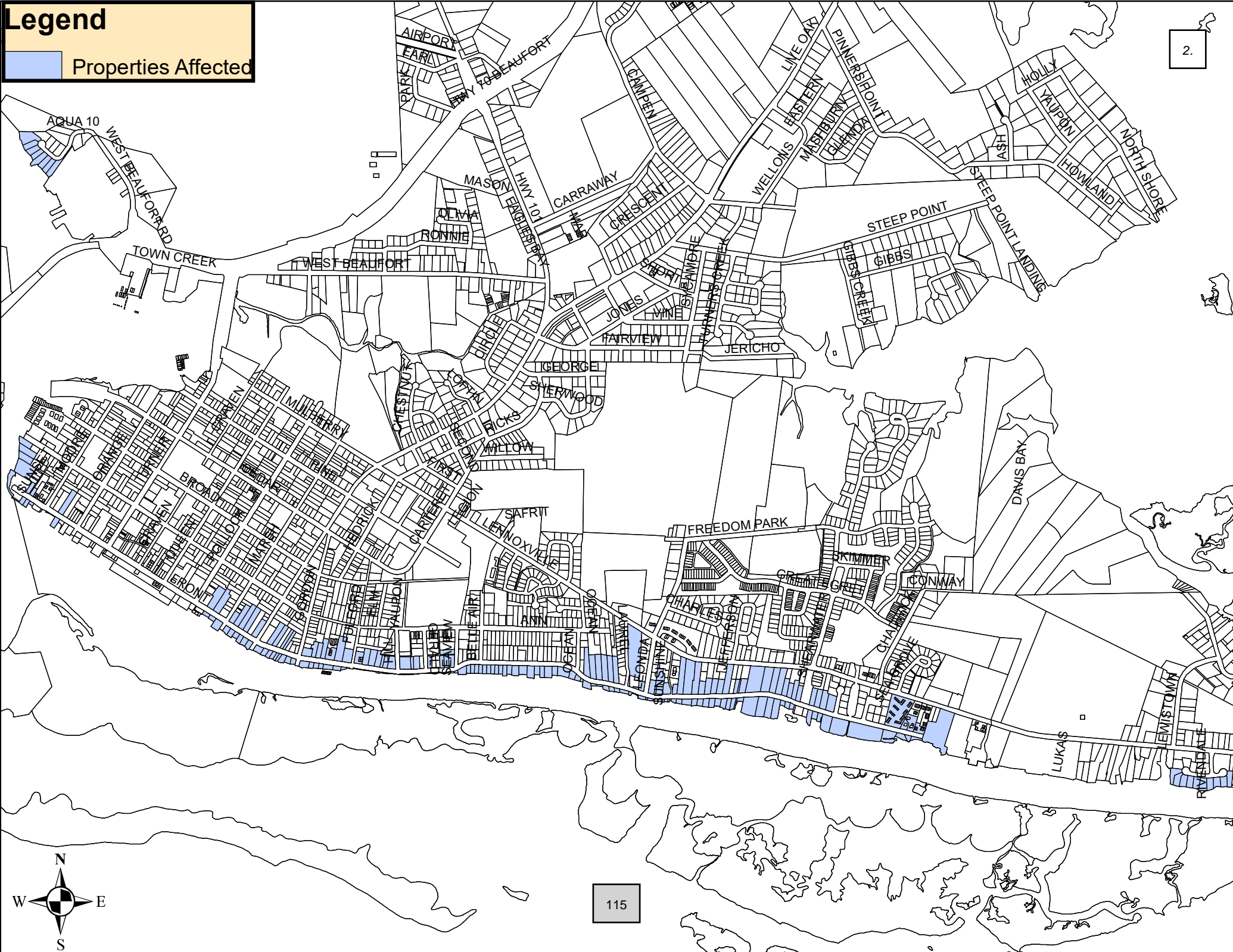
(a) Purpose

The intent of the Airport Overlay District is to reduce high density development in zones with high aircraft crash probabilities where a crash could result in catastrophic loss of life and to encourage development which is compatible with airport use characteristics within the intent and purpose of the zoning. The intent is also to provide public notice on the Carteret County land records indicating the properties that may be impacted by airport noise and vibrations.

(b) Applicability

Legend

Properties Affected





Town of Beaufort
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2141 • 252-728-3982 fax
www.beaufortnc.org

**APPLICATION FOR AN AMENDMENT TO THE
BEAUFORT ZONING MAP**

Instructions:

Please complete the application below, include all the required attachments and the **\$300.00 for Rezoning request with no Land Use Plan Change** or **\$400.00 for Rezoning Request with Land Use Plan Change** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed and **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: Martha Harrell

Applicant Address: 909 Front Street

Phone Number: (910) 624-8842 Email: manharrell@gmail.com

Property Owner Name: Same

Address of Property Owner: _____

Phone Number: _____ Email: Charve11@Harrellsauto.com

PROPERTY INFORMATION

Property Address: 909 Front Street

15-Digit PIN: 730506393073000 Lot/Block Number: _____

Size of Property (in square feet or acres): 0.441 ac

Current Zoning: R8 **Requested Zoning:** Text Amendment

Current Use of Property: Residential Vacant Commercial Other: _____

Martha Harrell
Applicant Signature

11-28-22
Date of Applicant's Signature

Martha M. Harrell
Property Owner Signature (if different than applicant)

11-27-22
Date of Owner's Signature

An application fee of **\$300.00 for Rezoning request with no Land Use Plan Change** or **\$400.00 for Rezoning Request with Land Use Plan Change**, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.

Narrative

Mrs. Martha Harrell who resides at 909 Front Street in Beaufort has expressed interest in constructing a roof over her existing dock platform in Taylors Creek. This area is currently zoned R8. The Land Development Ordinance for the Town of Beaufort, SECTION 2-General Provisions for Residential Zones (H)(4) states; **Residential boat docks may not include any structures with roofs or overhead features designed to shield from rain, sun, or weather.**

North Carolina Coastal Management rules do allow for this type of development with conditions. Their rule, 15A NCAC .1205(n) reads; **Piers and docking facilities shall be single story. They may be roofed but shall not allow second story use.** Coastal Management rules also restrict the size to 400 sq ft and require that a covered structure not be enclosed. Rachel Love-Adrick, District Planner for the NC Division of Coastal Management, has written a statement that this activity is consistent with the Beaufort Land Use Plan.

The Harrell family would like the Town of Beaufort to consider a text amendment to this ordinance. They ask that the ordinance be rewritten to read; **4) Residential boat docks may include roofs over permitted platform area not to exceed 400 sq ft. The roof shall not be enclosed or allow for second story use. The height of the roof shall extend more than 16' above the decking of the dock.** A conceptual drawing of the dock at 909 Front Street is included for your review. Thanks for your consideration.

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



MEMORANDUM

TO: Ryan Davenport

FROM: Rachel Love-Adrick, District Planner
Division of Coastal Management *Rya*

SUBJECT: Town of Beaufort LUP - covered platforms policies

DATE: November 18, 2022

As requested I have reviewed the Town of Beaufort’s Core Land Use Plan (LUP) for policies related to covered platforms. The town’s LUP was certified by the Coastal Resources Commission on January 26, 2007. The word “covered platforms” does not appear anywhere in the plan, nor did I identify any policies that prohibit “covered platforms”.



N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM
CERTIFIED MAIL · RETURN RECEIPT REQUESTED or HAND DELIVERY

(Top portion to be completed by owner or their agent)

Name of Property Owner: Martha M. Harrell

Address of Property: 909 Front St. Beaufort, NC 28516

Mailing Address of Owner: 909 Front St. Beaufort, NC 28516

Owner's email: mamharrell@gmail.com Owner's Phone#: 910-624-0335

Agent's Name: Charles Harrell Agent Phone#: 910-624-8842

Agent's Email: Charne11@harrellsauto.com

ADJACENT RIPARIAN PROPERTY OWNER'S CERTIFICATION
(Bottom portion to be completed by the Adjacent Property Owner)

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me, as shown on the attached drawing, the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

I DO NOT have objections to this proposal. I DO have objections to this proposal.

If you have objections to what is being proposed, you must notify the N.C. Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Correspondence should be mailed to 400 Commerce Ave., Morehead City, NC 28557. DCM representatives can also be contacted at (252) 808-2808. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that any proposed pier, dock, mooring pilings, boat ramp, breakwater, boathouse, lift, or groin must be set back a minimum distance of 15' from my area of riparian access unless waived by me (this does not apply to bulkheads or riprap revetments). (If you wish to waive the setback, you must sign the appropriate blank below.)

I DO wish to waive some/all of the 15' setback

John Kincheloe
Signature of Adjacent Riparian Property Owner

-OR-

I do not wish to waive the 15' setback requirement (initial the blank) _____

Signature of Adjacent Riparian Property Owner: John Kincheloe

Typed/Printed name of ARPO: John Kincheloe

Mailing Address of ARPO: 105 Milby Ct

ARPO's email: JKinch@msn.com ARPO's Phone#: 252 252 904 4593

Date: 11/21/2022 *waiver is valid for up to one year from ARPO's Signature*

Revised July 2021

N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM
CERTIFIED MAIL · RETURN RECEIPT REQUESTED or HAND DELIVERY

(Top portion to be completed by owner or their agent)

Name of Property Owner: Martha M. Harrell
Address of Property: 909 Front St Beaufort, NC 28516
Mailing Address of Owner: 909 Front St. Beaufort, NC. 28516
Owner's email: mamharrell@gmail.com Owner's Phone#: 910-624-0335
Agent's Name: Charles Harrell Agent Phone#: 910-624-6842
Agent's Email: charrell@Harrellsauto.com

ADJACENT RIPARIAN PROPERTY OWNER'S CERTIFICATION
(Bottom portion to be completed by the Adjacent Property Owner)

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me, as shown on the attached drawing, the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

SBW I DO NOT have objections to this proposal. _____ I DO have objections to this proposal.

If you have objections to what is being proposed, you must notify the N.C. Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Correspondence should be mailed to 400 Commerce Ave., Morehead City, NC 28557. DCM representatives can also be contacted at (252) 808-2808. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that any proposed pier, dock, mooring pilings, boat ramp, breakwater, boathouse, lift, or groin must be set back a minimum distance of 15' from my area of riparian access unless waived by me (this does not apply to bulkheads or riprap revetments). (If you wish to waive the setback, you **must sign** the appropriate blank below.)

I DO wish to waive some/all of the 15' setback

Steph B Wagner
Signature of Adjacent Riparian Property Owner

-OR-

I do not wish to waive the 15' setback requirement (initial the blank) _____

Signature of Adjacent Riparian Property Owner: _____

Typed/Printed name of ARPO: _____

Mailing Address of ARPO: _____

ARPO's email: _____ ARPO's Phone#: _____

Date: _____ *waiver is valid for up to one year from ARPO's Signature*

Revised July 2021

Untitled Map

Write a description for your map.

Legend 2.

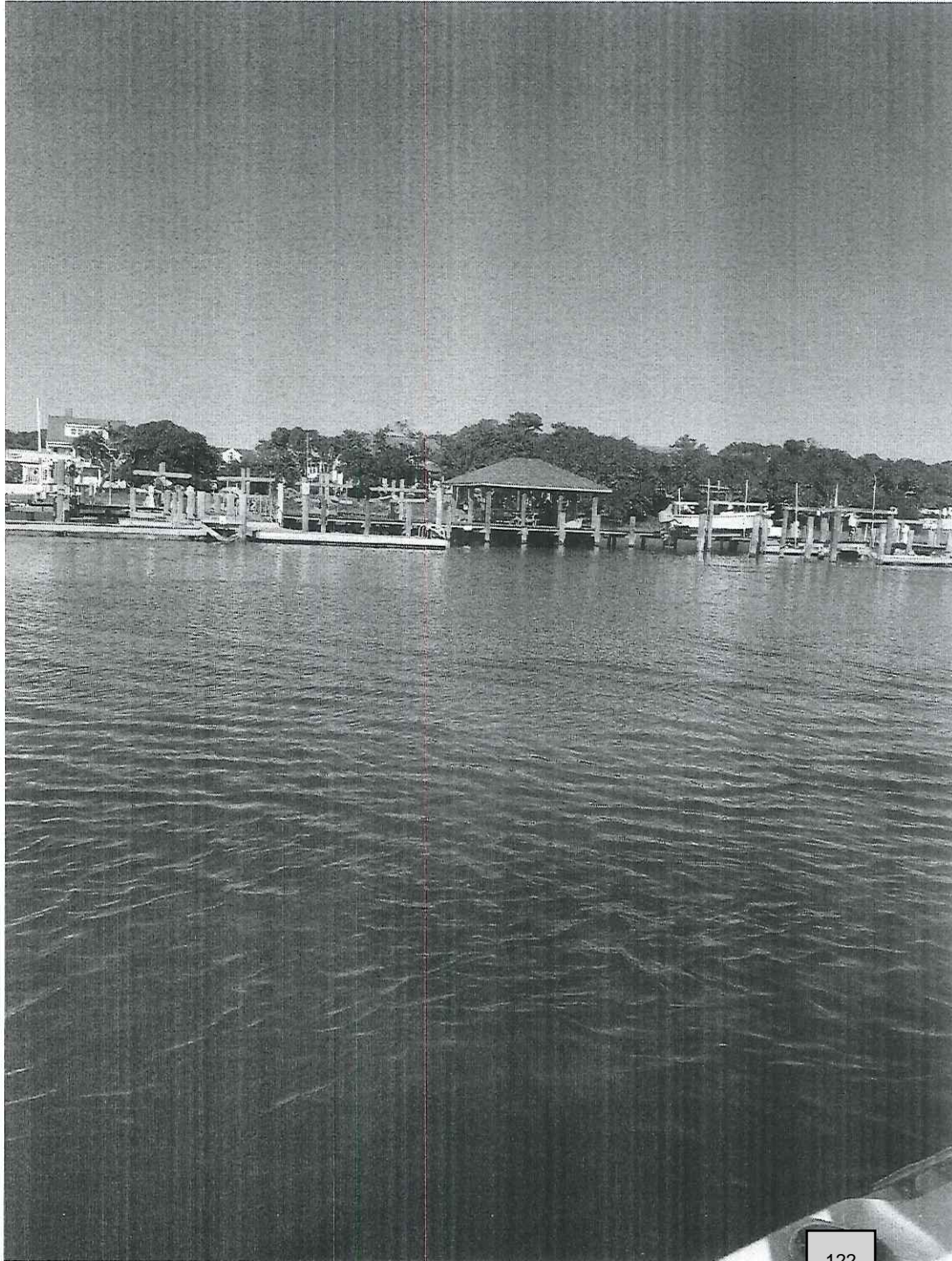


Google Earth

© 2022 Google

121

7.09 ft



Untitled Map

Write a description for your map.

Legend 2.



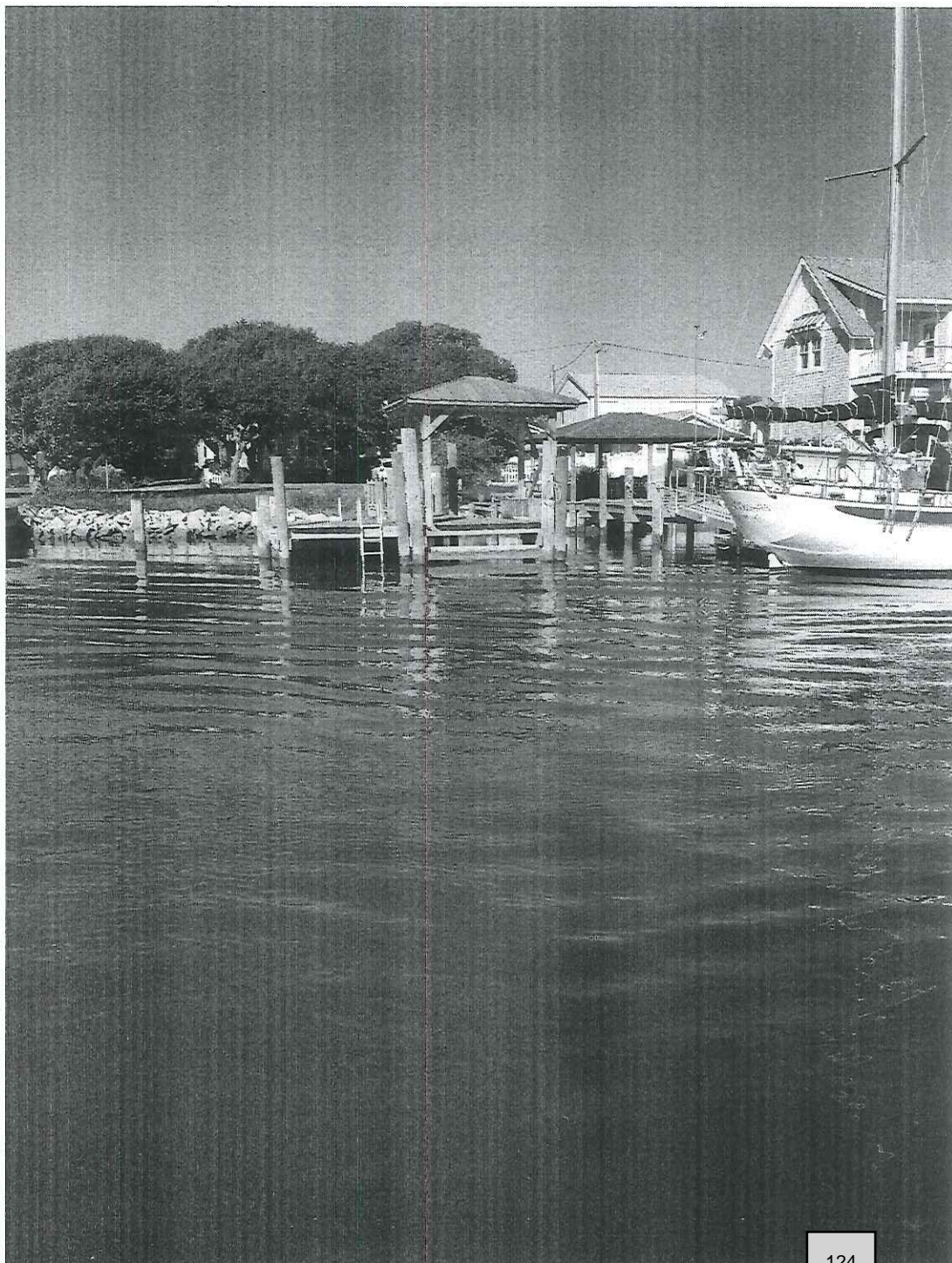
Google Earth

© 2022 Google

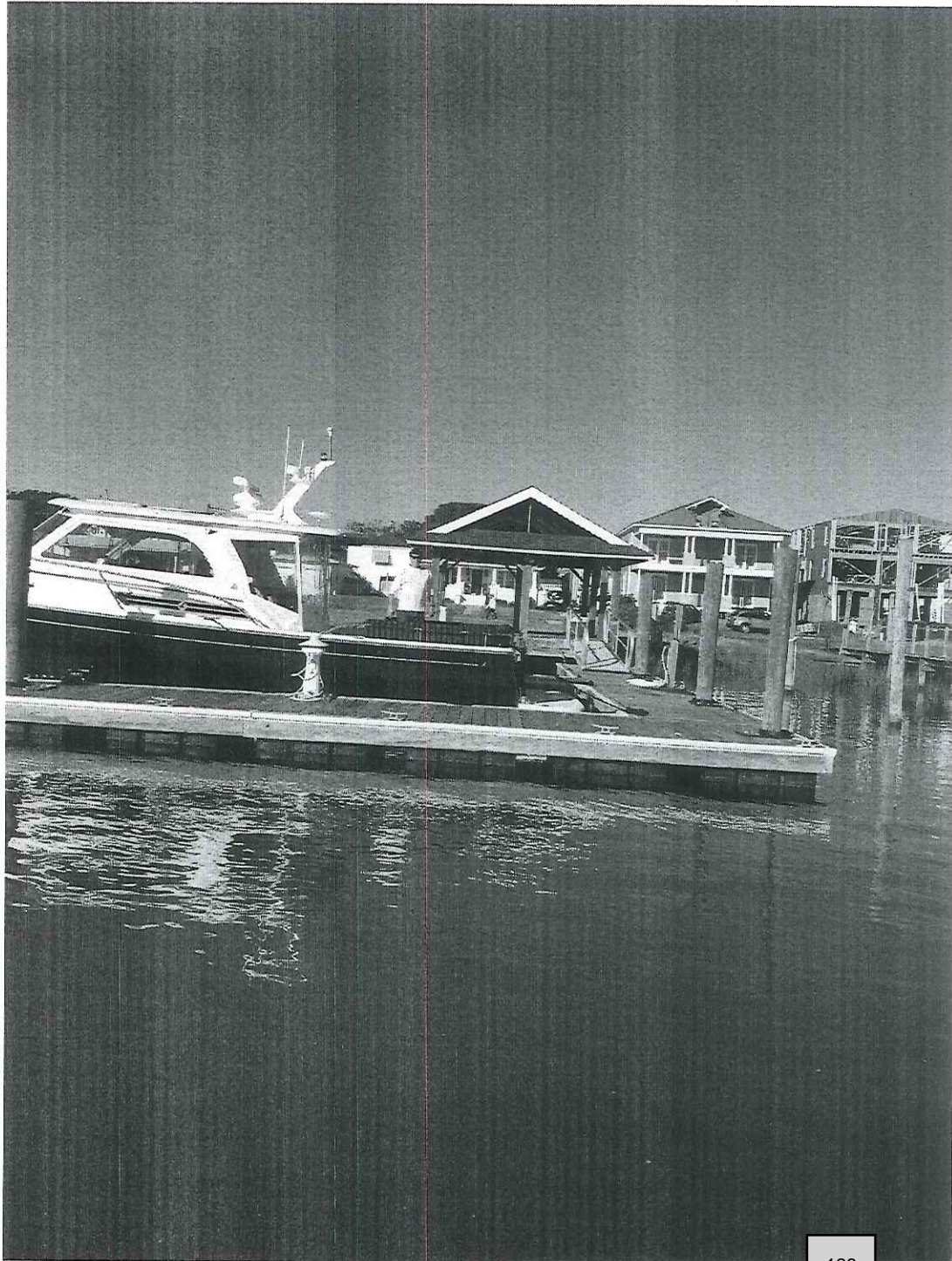
123

6.09 ft



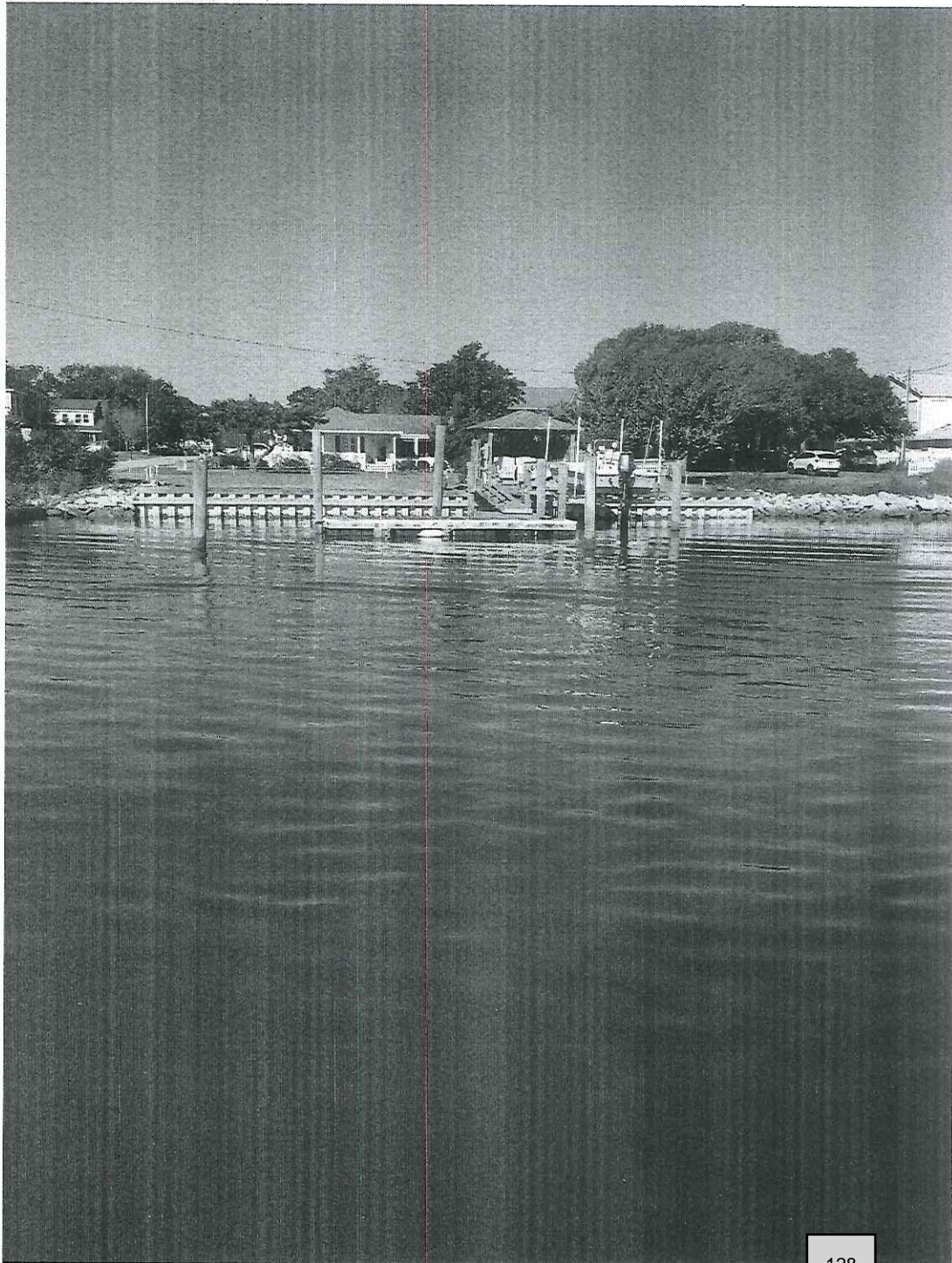








127



Untitled Map

Write a description for your map.

Legend 2.



Google Earth



Untitled Map

Write a description for your map.

Legend 2.



Google Earth

© 2022 Google

130

5.04 ft



Untitled Map

Write a description for your map.

Legend 2.



Google Earth

131

90 ft



Untitled Map

Write a description for your map.

Leg 2.



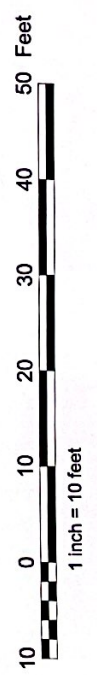
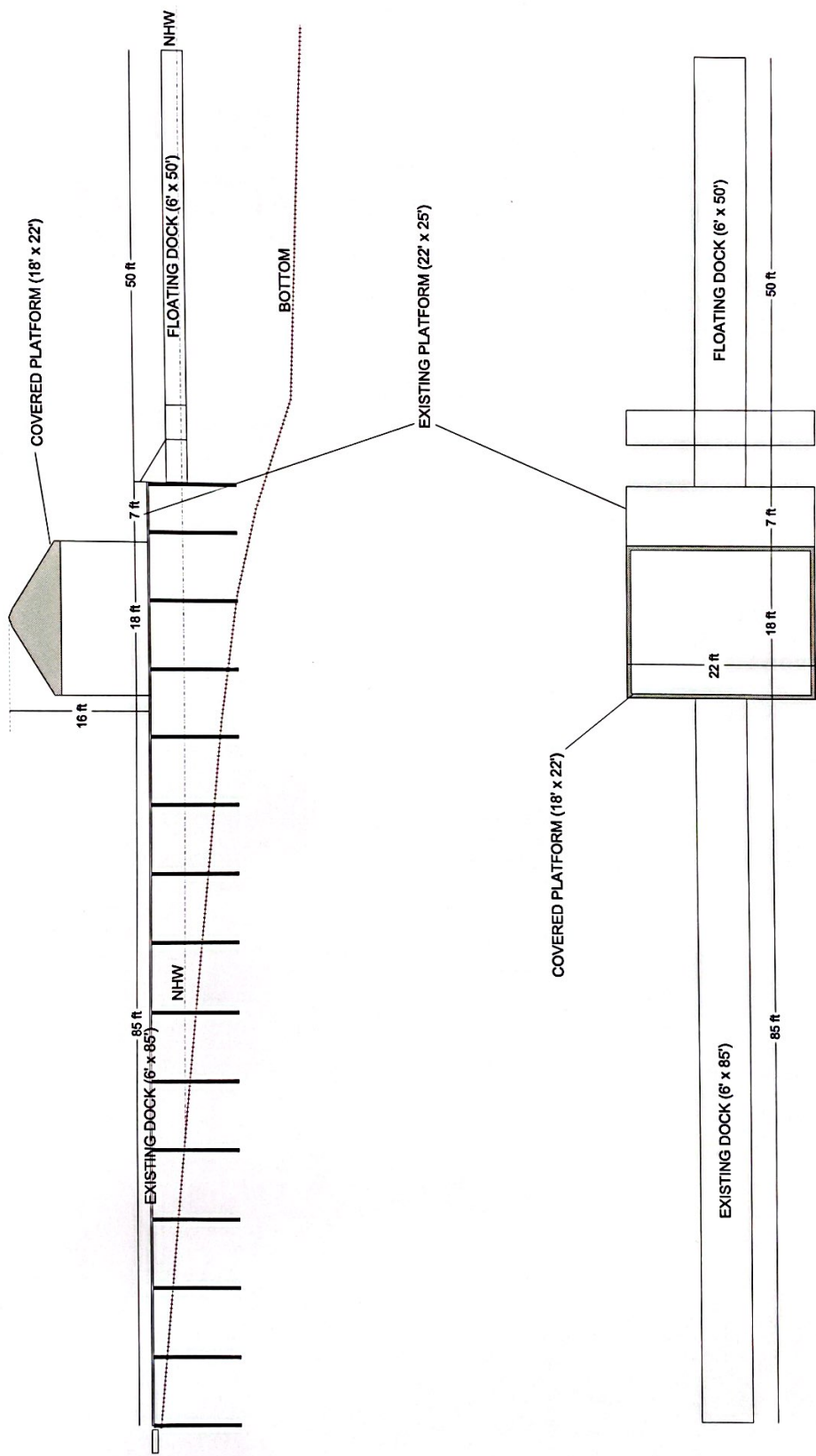
Google Earth

© 2022 Google

132

5.65 ft





Elisabeth “Beth” Blake Arrington
901 Front St
Beaufort, NC 28516
bethblakearrington@gmail.com
252-725-2158
Dec. 15, 2022

Dear Beaufort Planning Board member,
I’m writing to register my opposition to the proposed **LDO Text Amendment Modifying** Section 2-H-4 (General Provisions Residential Zones – Docks and Piers in Certain Areas of R-8, R-8A & RS-5) set for public hearing Dec. 19, 2022, before your board. I would attend in person. However, I am at Kadena Air Base in Okinawa, Japan, assisting my daughter, who is in the U.S. Air Force, and her family until the new year.

I own the property at 901 Front St. and the waterfront lot on the south side of Front Street, as well. So not only do I have standing as a Beaufort landowner, resident, and taxpayer but as a nearby property owner to the subject applicants, the Harrells.

My opposition is as follows.

1. The subject request to change the entire LDO will impact 139 properties allowing property owners to put hardened roof structures over their docks, restricting vistas at a time multiple committees and plans, including the Beaufort Harbor and Waterways Advisory Committee is trying to open vistas and greenspace. Front Street is a huge draw for tourism, and the town should be working for consistency in its approaches to public viewing of the Rachel Carson National Estuary.
2. The subject request poses a substantial hazard risk. Roof structures are attached to docks and piers, all of which can pose storm damage risks to properties along the entire stretch of Front Street, as witnessed by debris during past storms. There is no requirement in this LDO change to put in an entirely new dock or piers nor any requirement for professional engineering certification. As such, there is no guarantee as to the integrity of the existing dock/pier system. And storm damage can result from more than just hurricanes, but other weather events. In addition, the town has expressed concerns in other documents about docks and piers and the resulting storm debris that threatens the waterways and property. There is the continuing threat of sea level rise and the impacts on structures and property. Again, the town should be working for consistency in its studies, ordinances, and policies.
3. Other structures were grandfathered, as in the two shown between the Harrells’ property and the one near Gordon Street in the photos that accompany the application and Ms. Faye Styron’s property, which was her family home initially until the house was built across the street. If others shown are new construction, then they are nonpermitted uses, and should have been removed. Any lack of enforcement should not be an excuse for opening more than 100 properties for blanket permission for hardened roof structures along the entire stretch of Front Street.
4. CAMA consistency. The town states in the application package that the applicant researched their position with the “existing” CAMA Land-Use Plan with DCM “which it

appears there is not a conflict with that document.” Beaufort now has a new document as a direct result of town board action this month awaiting DCM certification. So is the text amendment consistent with that plan? And the Nov. 18, 2022, letter from the district planner merely states the words “covered platforms” do not appear anywhere in the plan, nor did she identify any policies that prohibit “covered platforms.” A lack of text reference is not the same as “no conflict.” The former plan did not need to mention covered platforms because they were NOT PERMITTED in the LDO.

5. Notification of riparian rights. The CAMA permit application shows no opposition from the property owner to the east. Please note that property owner does not reside in Beaufort. There is no residential structure on his land nor any docks or piers on Front Street that could sustain damage. There is no signature date for the property owner to the west. Perhaps an oversight? And when I contacted that person, he did not know that an LDO text amendment was proposed. The adjacent landowners’ “no opposition” was to a specific project, not the LDO text amendment.
6. Property owners are putting up fabric awnings to shield from the elements. Those awnings can be removed prior to storms or high wind incidents, unlike hardened structures.

Again, I express my opposition and request that you consider the points I have raised in this letter and vote not to recommend the LDO text amendment request.

Respectfully submitted,

Elisabeth “Beth” Blake Arrington



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM Monday, January 9, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Public Hearing
SUBJECT: Amending the Charter of the Town of Beaufort

REQUESTED ACTION:

Conduct a Public Hearing on the question of amending the Charter of the Town of Beaufort, any subsequent Amendments thereto, and the Town Code of Ordinances to change the term of the Mayor from 2 to 4 years, pursuant to N.C. Gen. Stat. §§ 160A-101 and 102, effective beginning with the 2023 mayoral election.

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:

No