



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

Call To Order

Roll Call

Agenda Approval

Presentations

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

Board Comments

Adjourn



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AGENDA CATEGORY: Presentations

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

BRIEF SUMMARY:

The Town is continuing work on the Unified Development Ordinance (UDO) Update Project with assistance from White Smith Cousino. The Board of Commissioners directed the project team to proceed with Module 4, consisting of updates to the Town's Subdivision Regulations and Flood Damage Prevention Ordinance. The draft regulations have since been reviewed by Town staff, the UDO Steering Committee, and legal counsel and made available for public review and comment through the project's Konveio website.

The draft Subdivision Regulations reorganize and modernize the Town's existing standards and establish clearer processes for minor and major subdivisions. Proposed changes also include updated open space requirements for larger residential subdivisions and new subdivision design standards for townhouse developments.

The draft Flood Damage Prevention Ordinance incorporates updates from the current North Carolina model ordinance for coastal communities and proposes local standards intended to further reduce flood risk. Among the proposed changes is an increase in the Town's freeboard requirement from one foot to two feet above the base flood elevation for new construction and substantial improvements.

Staff and the project consultants will present the draft regulations for joint review and discussion by the Board of Commissioners and Planning Board. Attached materials include both draft ordinances and written public comments received by Town staff or through Konveio during the Module 4 drafting and review period. The project team will also discuss options for the next phase of the UDO Update Project and seek direction from the Boards regarding the scope and sequencing of future work. A Community Conversation will be held immediately following the Joint Work Session to provide an additional opportunity for public discussion and feedback.

REQUESTED ACTION:

Review and discuss the draft Module 4 regulations and provide direction on any revisions.

Discuss options for the next phase of the UDO Update Project.

Provide direction to staff and the project consultant regarding the scope and sequencing of future work.

EXPECTED LENGTH OF PRESENTATION:

60 minutes

SUBMITTED BY:

Michelle Eitner, Town Planner



Article 5: Subdivision Regulations

Community Review Draft | August 10, 2026



Town of Beaufort, NC | Unified Development Ordinance

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Article 5: Subdivision Regulations

5.1. General Provisions

5.1.1. Purpose¹

- A. This Article regulates the subdivision of land within the Town's planning and development regulation jurisdiction for the:
1. Orderly growth and development of the Town;
 2. Coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; and
 3. Distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and general welfare.
- B. These subdivision regulations are adopted to:
1. Promote neighborhoods connected by a multi-modal transportation network, with limited cul-de-sacs;²
 2. Increase access to open space for residents;³
 3. Facilitate an orderly system for the design and layout of land;⁴
 4. Provide options for cluster subdivisions that limit the extent of infrastructure, such as streets, required to serve the development, thereby reducing development costs and contributing to the affordability of housing;⁵
 5. Facilitate adequate provision for water, sewerage, parks, and playgrounds; and
 6. Provide for the re-subdivision of land.

¹ Carries forward LDO Section 34.A.2, Purpose. The text in paragraph A is from N.C.G.S. § 160D-804(a).

² Added per input from the UDO Steering Committee.

³ New.

⁴ New.

⁵ New.

5.1.2. Applicability⁶

- A. **Generally.** This Article applies to every subdivision in the Town's planning and development regulation jurisdiction.
- B. **Land Suitability.** Land subject to flooding, improper drainage, or erosion, or that is for topographical or other reasons unsuitable for residential use, as determined by the Board of Commissioners, shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.
- C. **Solid Waste Fill Areas.**
 - 1. Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites unless the developer presents the written opinion and certification of a registered engineer or architect that:
 - (a) These areas are safe; and
 - (b) The construction of buildings and improvements in the area will not be affected by the previous use of these areas.
 - 2. This includes areas that have been used for the disposal of trash, demolition waste, and other waste materials.

5.1.3. Approval & Recordation Required⁷

- A. **Approval Required Prior to Subdivision.** A person must first secure approval from the Town as provided in this Article and **Article 7, Procedures**, prior to commencing or proceeding with a subdivision of land.
- B. **Subdivision Plats.**
 - 1. A plat must be prepared, approved, and recorded whenever a subdivision of land takes place.
 - 2. Prior to filing or recording a subdivision plat:

⁶ Carries forward LDO Sections 34.B.2, Jurisdiction, and 34.H.2, Suitability of Land. Removes 34.H.2.01, Prevention of Flood Damage since it is unnecessary.

⁷ Carries forward and reorganizes LDO Section 34.C, Plat Approval and Recordation, with revisions to state requirements in the positive (e.g., "all subdivisions must" vs. "no subdivisions shall") and remove reference to Town's planning and development regulation jurisdiction since Section 5.1.3 already addresses applicability.

- (a) All subdivisions must be submitted to and approved by the Town as required by this Article and **Article 7, Procedures**; and
 - (b) The Town Manager and Town Clerk must certify this approval by signing the subdivision plat.
- 3. Pursuant to N.C.G.S. § 47-30.2:
 - (a) The review officer shall only certify a subdivision plat that has been approved in accordance with this Section; and
 - (b) The clerk of superior court must not order or direct the recording of a plat if the recording would conflict with this Section.
- C. Decisions on approval or denial of preliminary or Final Plats may be made only on the basis of standards explicitly set forth in these Subdivision Regulations.⁸

5.1.4. Compliance with Other Regulations

- A. **Soil Erosion and Sedimentation Control.** In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the developer must comply with all state and federal requirements pertaining to same and with any applicable local sediment control ordinances.⁹
- B. **Placement of Monuments.**¹⁰
 - 1. The Standards of Practice for Land Surveying in North Carolina, as adopted by the N.C. State Board of Examiners for Engineers and Surveyors under provisions of N.C.G.S. Chapter 89C, apply:
 - (a) When conducting surveys for subdivisions;
 - (b) To determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties;
 - (c) To determine the location, design, and material of monuments, markers, control corners, and property corner ties; and
 - (d) To determine other standards and procedures governing the practice of land surveying for subdivisions.

⁸ This sentence may be relocated to UDO Article 7: Administration & Procedures.

⁹ Carries forward LDO Section 34.H.6, Sedimentation Pollution Control.

¹⁰ Carries forward LDO Section 34.H.14, Placement of Monuments, an updates references to licensing board and related statute and administrative rules.

2. The Suburban Land Survey (Class B) criteria apply to all subdivisions in the Town's planning and development regulation jurisdiction except for commercial and industrial surveys.

5.1.5. Review by Other Agencies¹¹

The following agencies must be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

- A. The NCDOT District Engineer as to proposed state streets, state highways, and related drainage systems;
- B. The Carteret County Health Director or local public utility, as appropriate, as to proposed water or sewerage systems;
- C. The N.C. Department of Natural & Cultural Resources, Office of Archives and History, if the site includes a cultural resource area (see Section 5.5.6); and
- D. Any other agency or official required by state law or designated by the BOC.

5.2. Subdivision Standards

5.2.1. Subdivision Classification¹²

- A. **Generally.** Subdivisions are classified into the types listed below. The specific review procedure (see [Article 7, Procedures](#)) for the subdivision depends upon its classification.
 1. Minor subdivisions; and
 2. Major subdivisions.
- B. **Minor Subdivisions Defined.** Minor subdivisions:
 1. Result in five or fewer lots, including any residual portion of the parent parcel;
 2. Are located on an existing public street, with all lots having frontage along that street;
 3. Do not propose to create new public improvements; and

¹¹ Carries forward LDO Sections 34.F.3, Review by Other Agencies, and the notification requirement from 34.H.5, Historic Properties and Natural Assets. This Section may be relocated to Article 7, Procedures.

¹² Proposed here is to add minor subdivisions to streamline the approval process for small subdivisions. Article 7, Procedures, will establish an administrative (staff) review process.

4. Do not require a variance.
- C. **Major Subdivisions Defined.** Major subdivisions are any subdivision not classified as minor.

5.2.2. Subdivision Designs

- A. This Article establishes three types of subdivision design:
1. Conventional subdivision design;
 2. Cluster subdivision design; and
 3. Townhouse subdivision design.
- B. Conventional subdivision design may be used for residential and commercial subdivisions in any zoning district. Conventional subdivisions must comply with zoning district dimensional standards and all other applicable UDO standards.
- C. Cluster subdivision design may be used for residential subdivisions in any zoning district. Cluster subdivisions must comply with Section 5.5.9 and all other applicable UDO standards.
- D. Townhouse subdivision design is required for all new townhouse developments. Townhouse subdivisions must comply with Section 5.7 and all other applicable UDO standards.

5.2.3. Blocks¹³

- A. **Generally.** The lengths, widths, and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 2. Zoning requirements as to lot sizes and dimensions;
 3. Needs for vehicular and pedestrian circulation, control, and safety of street traffic;
 4. Limitations and opportunities of topography; and
 5. Convenient access to water areas.

¹³ Carries forward LDO Section 34.H.10, Design Standards for Blocks. Revises the block length standard from a minimum of 400 feet and a maximum of 1,320 feet to a maximum of eight times the district minimum lot width at the recommendation of the Steering Committee.

B. Block Length.

1. In all districts except R-20, the maximum block length is eight times the zoning district's minimum lot width. The R-20 District does not have a maximum.
2. The decision-making body may allow longer block lengths if necessary to accommodate natural features and land contours.

C. Block Width. Blocks must have sufficient width to allow two tiers of lots of minimum depth except where single-tier lots are required to separate residential development from vehicular through traffic or another type of use or when abutting a water area.**D. Mid-Block Pedestrian Connections.** One paved multi-use path through the approximate middle of the block is required for each block that exceeds 600 feet in length.¹⁴**5.2.4. Lots¹⁵**

- A. Generally.** The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Street Frontage Required.** All lots must front on a public or private street. Access easements to existing landlocked lots may be established as provided in Section 5.2.5.C, Access Easements.
- C. Subdivisions Subject to Zoning Ordinance District Regulations.** Lots must conform to all dimensional standards required by the applicable zoning district.
- D. Large Tracts or Parcels.** Where land is subdivided into larger parcels than ordinary building lots, such parcels should be so arranged as to allow for the opening of future streets and logical further re-subdivision.
- E. Flag Lots.¹⁶**

¹⁴ The UDO Steering Committee suggested there should be a mid-block pedestrian connection at least every 400 feet. With a maximum block length of eight lot widths, the longest a block could be (based on current minimum lot widths in the districts that allow residential and the proposed exemption for R-20) is 640 feet (in the TCA District). This would effectively require mid-block connections in TCA only, since blocks in the R-8, R-8A, R-8MH, RC-5, and RS-5 can be a maximum of 400 feet or 480 feet, depending on the district.

¹⁵ Carries forward LDO Section 34.H.11, Design Standards for Lots. Simplifies and streamlines language pertaining to flag lots.

¹⁶ Removes reference to R-15 zoning district since the district no longer exists. Adds a vertical clearance requirement for the access corridor consistent with Building Code requirements for fire apparatus access roads. Removes setback standards for flag lots since they are the same as the R-20 District.

1. Flag lots may be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance that makes traditional lot design unfeasible. Therefore, flag lots should be judiciously approved.
2. Flag lots are allowed only in the R-20 district if they conform to the following standards:
 - (a) The access corridor (the “flagpole”) must be at least 20 feet in width with at least 13 feet, six inches unobstructed vertical clearance;
 - (b) The maximum length of the access corridor is 400 feet;
 - (c) The access corridor shall not be included in the minimum lot area, width, or depth calculations or be used to provide off-street parking;
 - (d) The access corridor must be part of the flag lot and not simply an access easement across another lot;
 - (e) The lot line at the end of the access corridor lying generally parallel to the street to which the access corridor connects is considered the front lot line for setback and yard purposes.
 - (f) When a flag lot is created from an existing lot of record, any existing structure shall not be made nonconforming as to setbacks as a result of the creation of the new lot;
 - (g) Adequate lot area must exist to permit a vehicular turnaround that enables vehicles to exit the flag lot by driving straight onto the street rather than backing onto the street;
 - (h) Where public water is available, any building on the flag lot must be within 1,000 feet of a fire hydrant measured along the access street and access corridor of the lot; and
 - (i) Re-subdivision of a flag lot is prohibited unless each new lot created by the subdivision meets or exceeds the standards for a flag lot, and any structure on the original flag lot is not rendered nonconforming by the re-subdivision.

5.2.5. Easements¹⁷

- A. **Utility Easements.** Easements for underground or aboveground utilities must be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least 10 feet in width.
- B. **Drainage Easements.** Where a subdivision is traversed by a stream or drainage way, an easement must be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.
- C. **Access Easements.** Access easements may be established for existing lots of record that do not have direct street access.¹⁸

5.2.6. Landscaping & Tree Preservation

- A. **Landscaping.**
 - 1. Off-street parking areas and amenity areas must be landscaped in accordance with [Section 4.3, Landscaping & Tree Preservation](#).
 - 2. Any landscaping installed at subdivision entrances and in amenity areas or other common areas must comply with 4.3.13, Planting Standards.
- B. **Tree Preservation.** All subdivisions are subject to the tree preservation standards in [Section 4.3.11](#).

5.3. Required Improvements

5.3.1. Summary of Required Improvements¹⁹

- A. **Required Improvements.**
 - 1. Developers must install improvements as specified in this Section prior to submittal of the Final Plat application unless the developer posts a performance guarantee as allowed by Section 5.8.

¹⁷ Carries forward LDO Section 34.H.12, Design Standards for Easements. Removes Section 12.03, Buffer Strips, since there are no criteria identifying when the Planning Board should apply this buffer, and buffer requirements are already addressed in Section 4.33, Buffers & Screening.

¹⁸ Carries forward a portion of LDO Section 34.H.11, Design Standards for Lots, Paragraph 11.04.04 (related to flag lots).

¹⁹ Carries forward the table in LDO Section 34.H.1, General. Revises to specify improvements by subdivision type. Combines “central water and hydrants” and “public sewer” as “Water & Sewer Systems (including Fire Hydrants).”

2. Table 5.3.1-1 summarizes the types of improvements required by subdivision type. Specific applicability is described in the particular section related to the improvement.

B. Optional Improvements.

1. Street lighting and street trees are optional if the subdivision is located in the R-20, R-8, R-8A, and R-8MH districts.
2. Curb and gutter are optional if the subdivision is located in the R-20 District.

Table 5.3.1-1: Required Improvements by Subdivision Type

Required Improvement	Section	Minor Subdivision	Major Subdivision
Boat Ramps & Docks	5.3.3		✓
Curb & Gutter	5.3.4	✓	✓
Drainage	5.3.5	✓	✓
Graded Streets & Lots		✓	✓
Open Space	5.5		✓
Paved Streets		✓	✓
Pedestrian & Bicycle Facilities	5.3.7	✓	✓
Street Lighting	5.3.8	✓	✓
Street Trees	5.3.9	✓	✓
Underground Power Lines	5.3.10	✓	✓
Water & Sewer Systems (possibly including Fire Hydrants)	5.3.11	✓	✓
Oversized Improvements	5.3.12	As needed	As needed

Key: ✓ = Improvement is required | [blank cell] = Improvement is optional

5.3.2. Construction & Design Standards²⁰

The Town of Beaufort *Manual for Design and Construction Streets, Water and Wastewater Systems* specifies the required construction and design standards.

5.3.3. Boat Ramps & Docks²¹

- A. **Purpose.** The purpose of these facilities is to provide all lot owners in the subdivision with direct access to the water.
- B. **Applicability.** This Section applies to all major subdivisions adjoining a creek, river, or similar water area.
- C. **Standards.**
 - 1. The water access must include boat docks or boat launching ramps at least every one-quarter mile along the shoreline of the subdivision.
 - 2. Such facilities must meet the lot area requirements, off-street parking requirements, and other applicable regulations established by this UDO, and must be directly accessible by a State- or Town-maintained street.
- D. **Existing Public Dock or Ramp.** Where a public boat dock or launching ramp is provided by the state, county, or other agency within or contiguous to the area to be subdivided, such facility may count toward meeting the requirements of this Section.

5.3.4. Curb & Gutter²²

- A. In major subdivisions:
 - 1. All streets abutting lots averaging 12,000 square feet or less in area must have curbs and gutters constructed to [NCDOT standards](#).
 - 2. The decision-making body may require curbs and gutters on streets abutting larger lots if it is deemed appropriate for the control of surface drainage and/or to facilitate street cleaning and maintenance.

²⁰ Carries forward the first sentence of LDO Section 34.H.1, General.

²¹ Carries forward and reorganizes LDO Section 34.H.13, Design Standards for Boat Launching Ramps and Docks. Clarifies there must be an access point *at least* every one-quarter mile.

²² Generally carries forward the requirement LDO Section 34(H)(1). Revises the curb and gutter standards in LDO Section 34(H), subsection 9.10.01, to conform with N.C.G.S. [§ 160D-804\(k\)](#). Adds requirement for curb and gutter in minor subdivisions if the adjacent street has curb and gutter.

- B. In minor subdivisions, the developer must install curb and gutter if the existing street has curb and gutter, but it is not present on the portion of the street adjacent to the proposed lots.
- C. In major or minor subdivisions with frontage on a freeway, expressway, boulevard, or multilane undivided major thoroughfare, as identified in the [Carteret County CTP](#), swales are allowed instead of curb and gutter.

5.3.5. Drainage²³

- A. The developer must provide an adequate drainage system for the proper drainage of all surface water.
- B. The stormwater drainage system must meet all requirements in Town Code [Chapter 54, Stormwater](#), and the following standards:
 - 1. Surface water shall not be channeled or directed into a sanitary sewer;
 - 2. Where feasible, the developer must connect to an existing stormwater drainage system;
 - 3. Where an existing stormwater drainage system cannot feasibly be extended to the subdivision, a surface drainage system must be designed to protect the proposed subdivision from water damage;
 - 4. Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding; and
 - 5. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each 300 feet of horizontal distance.

5.3.6. Driveways

All driveways that abut a public right-of-way must meet the specifications in the [NCDOT Roadway Design Manual](#), including the minimum separation distance.

²³ Carries forward LDO Section 34.H.7, Storm Water Drainage, except section 7.06, which is relocated to [Section 5.25](#). Deletes “the design of such a system shall be subject to the approval of the Planning Board and BOC” since the standards in this Section and in the Town’s stormwater ordinance are not discretionary. Revises text to state requirements in the positive (e.g., “surface water shall not...” vs. “no surface water shall...”).

5.3.7. Pedestrian & Bicycle Facilities²⁴

A. Purpose.

1. These regulations are intended to promote walking, safe routes to school, and other forms of non-motorized transportation to allow citizens to reap significant social, environmental, and health benefits that are not often available in auto-oriented places.
2. This will be achieved by ensuring safe, convenient, and comfortable trails, sidewalks, and multi-use paths that provide opportunities for exercise and socialization and give children and others who do not or choose not to drive mobility options.

B. Applicability. This section applies to:

1. Major subdivisions; and
2. Minor subdivisions when:
 - (a) The street adjacent to the minor subdivision lots has an existing sidewalk that does not extend in front of the proposed lots; or
 - (b) A pedestrian or bicycle facility is shown on the street adjacent to the minor subdivision lots in the Carteret County [Comprehensive Transportation Plan](#) and the Town of Beaufort [Bicycle & Pedestrian Master Plan](#).

C. Exemptions. Pedestrian and bicycle facilities are not required when:

1. The Planning Director determines an existing adjacent multi-use path provides a superior level of pedestrian and bicycle connectivity; and/or
2. The proposed subdivision will occur on a lot that was a part of a subdivision previously approved by Carteret County prior to expansion of the ETJ and that was not designed to accommodate pedestrian or bicycle facilities due to road ditches or other such situations.

D. Pedestrian & Bicycle Facilities Defined. Pedestrian and bicycle facilities include:

1. Sidewalks;
2. Bike lanes; and

²⁴ Carries forward and reorganizes LDO Section 17, Bicycle and Pedestrian Facilities. Adds long-term maintenance provisions. Simplifies language.

3. Multi-use paths, which include sidepaths (in the street right-of-way), greenway trails (within natural corridors), and other paved facilities built for both bicycle and pedestrian traffic.²⁵
- E. **Timing of Improvements.** Pedestrian and bicycle facilities must be installed prior to Final Plat approval unless they are included in a performance guarantee (see Section 5.8).
- F. **Required Locations.**
1. Sidewalks or sidepaths must be constructed within the right-of-way on all new streets in accordance with Table 5.3.7-1: Sidewalk Requirements.²⁶
 - (a) Sidewalks and sidepaths must be separated from the adjacent vehicular travel lane by a landscape strip at least four feet in width.
 - (b) On streets with drainage swales or ditches, the sidewalk or sidepath must be located between the swale and the edge of the right-of-way rather than between the vehicular travel lane and the swale or ditch.

Table 5.3.7-1: Sidewalk Requirements

Lot Size (avg)	Sidewalk Requirement
> 12,000 sf	One side
≤ 12,000 sf	Both sides

Key: avg = average | sf = square feet

2. On a cul-de-sac, the sidewalk or sidepath must extend around the entire cul-de-sac. If a sidewalk is required on only one side of an intersecting street, a crosswalk must be provided where the cul-de-sac sidewalk or sidepath terminates.
3. On a cul-de-sac, a multi-use path at least 10 feet in width must be provided from the cul-de-sac to an adjacent cul-de-sac, street, open space, or adjacent development.
4. In addition, pedestrian and bicycle facilities must be provided in the locations shown in the Carteret County [Comprehensive Transportation Plan](#) and the Town of Beaufort [Bicycle & Pedestrian Master Plan](#).

²⁵ This definition is from [WalkBikeNC](#), North Carolina's Bicycle and Pedestrian Plan (p. 6-12).

²⁶ This expands current requirements. The current LDO only requires sidewalks on one side of the street in subdivisions with 10,000+ square foot lots.

5. Where, in the opinion of the Board of Commissioners, it is necessary to provide for pedestrian access to an adjoining property, a proposed pedestrian facility must be extended to the boundary of such property.

G. Pedestrian Crosswalks.²⁷

1. *Crosswalks Required.* A marked crosswalk must be provided where:
 - (a) A sidewalk or sidepath crosses a street at a location other than a street intersection;
 - (b) A sidewalk or sidepath terminates at a street and an off-street pedestrian facility continues on the opposite side of the street;
 - (c) A greenway, multi-use path, or other off-street pedestrian facility crosses a subdivision street; or
 - (d) A sidewalk, sidepath, greenway, multi-use path, or other pedestrian facility directly connects to a neighborhood commercial area, school, public recreation facility, transit stop, or other public or civic destination.
2. *Crosswalk Design.* All required crosswalks must include high-visibility pavement markings and accessible curb ramps or other accessible connections.
3. *Enhanced Crossings.* Where a crosswalk is required by this section, an enhanced crossing treatment must be provided when:
 - (a) The street has a posted or design speed of 30 miles per hour or greater;
 - (b) The crossing directly connects the pedestrian facility to a neighborhood commercial area, school, public recreation facility, transit stop, or other public or civic destination;
 - (c) The crossing is part of a continuous pedestrian route identified on the Carteret County [Comprehensive Transportation Plan](#) or the Town of Beaufort [Bicycle & Pedestrian Master Plan](#); or
 - (d) The street configuration or other site conditions create a heightened risk to pedestrians.

²⁷ This new section replaces the provisions for pedestrian crosswalks in LDO Section 34.H.10, Design Standards for Blocks, Subsection 10.04. The UDO Steering Committee recommended inclusion of standards that focus on pedestrian safety and provide options for compliance.

4. *Enhanced Crossing Treatments.* An enhanced pedestrian crossing must include at least one of the following:
 - (a) A raised crosswalk or other raised traffic-calming treatment;
 - (b) A pedestrian refuge island or other protected crossing area;
 - (c) A pedestrian-activated warning device, such as a rectangular rapid-flashing beacon; or
 - (d) Another treatment that provides an equivalent or greater level of pedestrian safety and complies with applicable NCDOT and Manual on Uniform Traffic Control Devices requirements.

H. **Design and Construction Standards.**

1. The construction of pedestrian and bicycle facilities must comply with:
 - (a) All the applicable requirements of the Town's Manual for Design and Construction of Streets, Water and Wastewater Systems;
 - (b) AASHTO's [*Guide for the Development of Bicycle Facilities*](#);
 - (c) AASHTO's [*Guide for the Planning, Design, and Operation of Pedestrian Facilities*](#);
 - (d) NCDOT [*Bicycle and Pedestrian Design Guidance*](#);
 - (e) The applicable standards of this Section; and
 - (f) Any/all other adopted Town ordinances, policies, and plans.
2. Bicycle and pedestrian facilities must connect with existing or planned facilities at property boundaries.
3. Sidewalks must be at least five feet²⁸ wide and shall consist of a minimum thickness of four inches of reinforced concrete.²⁹

²⁸ Proposes to increase the minimum sidewalk width from four feet to five feet. The [NCDOT Roadway Design Manual](#) specifies five feet as a "desirable" sidewalk width in residential areas and a minimum width in commercial areas and for school routes.

²⁹ Carries forward a portion of LDO Section 34.H.3, Sidewalks.

4. Multi-use paths³⁰ must be at least 10 feet³¹ wide and constructed of concrete, asphalt, brick, textured pavers, or a combination of these materials.
5. Except in areas where asphalt, brick, or pavers are used, all public bicycle and pedestrian facilities shall maintain a brushed concrete finish for safety.

I. Maintenance Standards.³²

1. The property owner, homeowners' association, property owners' association, or other responsible entity identified on the approved Final Plat must maintain all private pedestrian and bicycle facilities in a condition that is safe, accessible, and functional.
2. Required maintenance includes, but is not limited to:
 - (a) Repair of surface deterioration, cracking, heaving, settlement, or ponding;
 - (b) Removal of vegetation or debris that obstructs the facility;
 - (c) Maintenance of signs, pavement markings, and wayfinding elements; and
 - (d) Upkeep of lighting, railings, and other safety infrastructure associated with the facility.
3. Prior to Final Plat approval the developer must execute a maintenance agreement in a form acceptable to the Town Attorney and record it with the Carteret County Register of Deeds. The agreement must identify the responsible party, describe the facilities subject to maintenance, and specify the maintenance standards required by this Section.
4. Where a homeowners' association or property owners' association is established to own or maintain common areas that include pedestrian or bicycle facilities, the association's governing documents must expressly assign maintenance responsibility for those facilities. Evidence of such assignment must be submitted with the maintenance agreement required by Paragraph 3 above.

³⁰ Revises from "bicycle facilities."

³¹ Proposes to increase the minimum width of a multi-use path from eight feet to 10 feet. The [NCDOT Roadway Design Manual](#) specifies a minimum width of 10 feet for shared-use paths, sidepaths, and greenways with eight feet allowed in constrained areas, such as bridges.

³² These standards are new and intended to ensure perpetual maintenance of pedestrian and bicycle facilities located outside the public right-of-way.

J. Flexibility in Administration Required.

1. The BOC recognizes that, as a result of the particularities of any given subdivision, the inflexible application of Section 5.3.7.H, Design and Construction Standards, may result in a subdivision with either insufficient facilities or one that cannot reasonably comply with the standards in this Section. In addition, there may be other suitable construction methods or materials available as technology advances.
2. Therefore, the Planning Director, after consultation with the Director of the Town's Public Works Department, may accept or require alternate designs, construction methods, or materials not specifically prescribed herein. Whenever such flexibility is utilized, the reasons and specific conditions which are imposed must be documented. In addition, the Planning Director may impose specific conditions when granting flexibility.

5.3.8. Street Lighting³³

- A. **Purpose.** The purpose of these standards is to ensure the safety of motorists and pedestrians while not adversely affecting land uses or adjacent properties.
- B. **Street Lighting Plan Required.** The developer must submit a street lighting plan in conjunction with the Preliminary Plat application.
- C. **Standards.** All proposed lighting, including decorative street lighting, must:
 1. Consist of fully shielded LED luminaires;
 2. Have a total light output of 10,000 lumens or less;
 3. Emit a maximum of 2% of the luminaire's total output between 80 and 90 degrees above nadir and a maximum of 35% of the luminaire's total output between 60 and 80 degrees above nadir;
 4. Have a vertical angle of maximum luminous intensity (candelas) no higher than 68 degrees above nadir;
 5. Have a correlated color temperature of 3,000 Kelvin (3000K) or lower, with tolerance within the ANSI standard C78.377 for LED sources;
 6. Be provided by the current utility provider; and
 7. Be spaced at intervals of at least one light every 400 feet.

³³ Carries forward LDO Section 34.H.18, Street Lighting. Simplifies the text. Adds standards recommended by [DarkSky International's Luminaires Program Guidelines](#) (see Section 2.3, DarkSky Pedestrian Comfort Luminaire Criteria).

- D. **Decorative Street Lighting.** The use of decorative street poles and lights may be allowed by the Town's decision-making body; however, the homeowners' or property owners' association will be responsible for the total expense of installation, operation, maintenance, and repair thereafter.

5.3.9. Street Trees

Street trees are required in major and minor subdivisions and must conform with [Section 4.3.9, Street Trees](#).³⁴

5.3.10. Underground Power Lines³⁵

- A. Power lines must be placed underground in the subdivision types specified in Table 5.3.1-1: Required Improvements by Subdivision Type, except when:
1. The power lines existed above ground at the time of first approval of a plat by the Town, whether or not the power lines are subsequently relocated during construction of the subdivision; or
 2. The power lines are located outside the boundaries of the parcel of land that contains the subdivision.
- B. The service connection from an existing above-ground line to a new structure must be installed underground where feasible.

5.3.11. Water & Sewer Systems³⁶

- A. The Preliminary Plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.
- B. Where the system will be connected to a system owned and operated by a governmental entity but will not be constructed by such governmental entity, the Preliminary Plat must be accompanied by a complete set of construction plans for the proposed system, prepared by a registered engineer, and approved by the

³⁴ The UDO Steering Committee reviewed a draft of [Section 4.3, Landscaping & Tree Preservation](#), in October 2025. The Committee discussed street tree requirements and questioned whether they are appropriate based on limited right-of-way, NCDOT opposition to street trees, owner concerns for unobstructed views, and maintenance responsibility. The Committee also discussed street trees in the context of subdivisions (June 2026) and suggested the UDO require them in both major and minor subdivisions. The Committee also suggested that adjacent lot owners should be responsible for maintenance, which is reflected in draft Section 4.3.9.

³⁵ Carries forward LDO Section 34.H.19, Power Lines. Adds cross-reference to the summary table of required improvements.

³⁶ Carries forward and slightly reorganizes LDO Section 34.H.8, Water and Sewerage Systems, except for Section 8.02 which is proposed for deletion. It is unclear what Section 8.02 refers to. Also, clarifies the "water and fire departments" are Town departments and that these departments must (rather than "should") approve hydrant locations and main size.

engineer of the public sewer system or public water system and the appropriate state agency.

- C. Water and sewer lines should be installed in the street rights-of-way where possible.
- D. Water supply systems must be approved by the Town's Water Division and Fire Department as to location of hydrants and size of mains as required by the North Carolina Fire Code. All mains must be:
 - 1. At least eight inches inside diameter; and
 - 2. Laid out so as to create a complete circuit, with no dead-end lines in excess of 300 feet. A blowout shall be placed at the dead-end.
- E. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Carteret County Health Department must be submitted with the Preliminary Plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.
 - 1. The statement from the Health Department must be based upon a field investigation.
 - 2. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one per acre) to determine the absorption capacity of the soil and test holes at least six feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

5.3.12. Oversized Improvements³⁷

The Town may require installation of certain oversized facilities, such as water mains in excess of eight-inch diameter, when it is in the interest of future development. The Town shall pay for the portion of the improvement that exceeds the standards set forth in this Article.

5.3.13. Construction Procedures³⁸

- A. **Commencement.** Construction or installation of improvements shall not commence in a proposed subdivision until:

³⁷ Carries forward LDO Section 34.H.16, Oversized Improvements.

³⁸ Carries forward LDO Section 34.H.15, Construction Procedures, except Subsection 15.06, Existing Flora, as those provision are better addressed through the revised landscaping and tree preservation regulations in Article 4. Revises to state requirements in the positive ("construction shall not..." vs. "no

1. The Preliminary Plat has been approved; and
 2. All plans and specifications have been approved by the appropriate authorities.
- B. **Permits.** Building or other permits shall not be issued for erection of a structure on any lot of record at the time of adoption of these Subdivision Regulations until all the requirements of these Subdivision Regulations have been met.
- C. **Access.** The Planning Director shall have access to premises and structures during reasonable hours to make any inspections they deem necessary to ensure compliance with this Ordinance.
- D. **Inspection.** The developer, prior to commencing any work within the subdivision, shall make arrangements with the Planning Director to provide for adequate inspection.
- E. **Erosion Control.** The developer shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected. The developer must maintain erosion control measures throughout the construction process.
- F. **Construction Area.** At any given time, construction must be confined to the smallest practical area and for the shortest practical period of time.

5.3.14. Acceptance of Improvements³⁹

- A. The approval of a plat does not constitute the acceptance by the Town or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the BOC may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within the Town's planning and development regulation jurisdiction.
- B. Prior to the BOC's formal acceptance of the improvements, the developer must submit:
1. An as-built survey of all improvements for review by the Town Engineer;
 2. A formal instrument of conveyance for all improvements for review by the Town Attorney.

construction shall..."). Clarifies in paragraph E that erosion control measures must be maintained throughout construction per UDO Steering Committee input.

³⁹ Carries forward LDO Section 34.D.3, Acceptance of Improvements, with minor edits to simplify the language in the first and third sentences (paragraphs A and C). Paragraphs A and C are from N.C.G.S. § 160D-806.

- C. Acceptance of dedication of lands or facilities located within the Town's planning and development regulation jurisdiction but outside its corporate limits shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility. The Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

5.3.15. Maintenance of Privately-Owned Improvements⁴⁰

When any of the improvements required by this Section are to remain privately owned and maintained:

- A. The Final Plat must include a note to this effect; and
- B. The developer must record a deed restriction that includes:
1. A statement allocating maintenance responsibilities and establishing guidelines for the maintenance of the improvements;
 2. Cost estimates for all maintenance, operation, and insurance needs, if any, for the required improvements, as well as a plan that outlines the means by which funds will be obtained for such expenses; and
 3. Criteria for enforcement of the maintenance plan.

5.4. Streets⁴¹

5.4.1. Conformance with Comprehensive Transportation Plan ⁴²

Where a proposed subdivision includes any part of a new or widened street identified in the [Carteret County Comprehensive Transportation Plan](#) ("CTP"), the developer must plat such part of the street in the location shown in the CTP and at the width specified in Section 5.4.12, Right-of-Way Widths.

⁴⁰ These provisions are new and intended to ensure the long-term maintenance of required improvements.

⁴¹ Carries forward LDO Section 1.X, Density Credits or Severable Development Rights, and portions of LDO Section 34.H.9, Streets. Proposes to relocate technical standards in Sections 34.H.9.10.01, 9.11, 9.12, 9.13, 9.14, 9.18, 9.19, and 9.20 to the Town's *Manual for Design and Construction of Streets, Water and Wastewater Systems*.

⁴² Carries forward LDO Section 34.F.1, Thoroughfare Plans. Proposes to delete a similar section, 34.F.2, School Plans. There are relatively new elementary and middle schools that will likely be sufficient to serve the student population for the near future because the population of school age children in the town is declining.

5.4.2. Conformance with NCDOT Policies

The design of all streets within the Town shall be in accordance with applicable North Carolina Department of Transportation (NCDOT) policies.

5.4.3. Conformance with Town Specifications

All streets must comply with the standards in this Section and the technical standards in the Town's *Manual for Design and Construction of Streets, Water and Wastewater Systems*, except that pavement design standards must conform with NCDOT requirements.⁴³

5.4.4. Density Credits or Severable Development Rights

- A. Density credits or severable development rights for dedicated rights-of-way shall be provided to a developer pursuant to N.C.G.S. [§ 136-66.10](#) or [§ 136-66.11](#).
- B. The Town reserves the right to determine whether density credits or severable development rights shall be provided in any particular case.

5.4.5. Subdivision Street Disclosure Statement

- A. In accordance with N.C.G.S. [§ 136-102.6\(b\)](#), all streets shown on the Final Plat must be designated either "public" or "private."
- B. Designation as "public" is to be conclusively presumed an offer of dedication to the public.
- C. Plats showing private streets must include the following plat notation:

"The streets shown on this plat are private streets. They are not dedicated to the public and will not be maintained by the Town of Beaufort or the North Carolina Department of Transportation. Maintenance is the sole responsibility of the <insert responsible party>. These streets are not eligible for addition to the State highway system without reconstruction to then-current NCDOT standards at the owners' expense."

5.4.6. Access-Control Gates⁴⁴

Gates, guardhouses, security gates, or other devices that restrict or control vehicular access to a subdivision street are prohibited. This prohibition applies regardless of whether the street is publicly or privately owned.

⁴³ Adds the exception for compliance with N.C.G.S. [§ 160D-702\(c\)\(4\)](#).

⁴⁴ Adds a new prohibition on gated subdivisions per UDO Steering Committee input.

5.4.7. Private Streets⁴⁵

A. **Applicability.** Private streets are allowed when the applicant demonstrates that:

1. Compliance with the Town's public street design standards is physically infeasible due to the location of a floodplain or waterbody or irregular parcel geometry; and
2. No reasonable subdivision design alternative exists that would permit public street dedication.

B. **Construction Standards.**

1. All private streets must be designed and constructed in accordance with NCDOT's [Subdivision Roads Minimum Construction Standards](#).
2. Street signs must include "PVT" at the end of the street name to indicate the street is private.
3. When physical access to a private street is restricted by a gate, the Town's Police Chief and Fire Chief must review and provide recommendations, if any, on the subdivision plat to ensure the gate will not limit emergency access or response time.

C. **Access Easement Required.**

1. Prior to or at the time of recording the Final Plat, the developer must dedicate an access easement over all private street rights-of-way to the Town of Beaufort. The easement must allow access by Town employees, agents, and authorized contractors for emergency services, law enforcement, code enforcement, utility infrastructure inspection and maintenance, and solid waste collection.
2. The Final Plat must show the easement, and the maintenance agreement required by Paragraph D below must incorporate the easement by reference.
3. The existence of a gated or access-controlled entry does not limit or condition access by authorized Town personnel and emergency responders.

D. **Maintenance Agreement Required.**

⁴⁵ This Section removes the prohibition on private streets in LDO Section 34, paragraph 9.03. The UDO Steering Committee discussed this topic and recommended further discussion.

1. Prior to or at the time of recording the Final Plat, the developer must record a private street maintenance agreement that:
 - (a) Identifies all lots with access rights to the private street(s);
 - (b) Establishes a maintenance funding mechanism, including a reserve fund for future resurfacing and structural repair;
 - (c) Assigns maintenance responsibility to a homeowners' association, property owners' association, or other legally constituted entity with authority to assess and collect maintenance fees;
 - (d) Runs with the land and bind all current and future owners of lots served by the private street(s); and
 - (e) Provides that, in the event the responsible entity fails to maintain the private street(s), the Town may, but is not obligated to, perform necessary maintenance and assess the costs against the benefited lots as a lien.
2. The developer must submit the maintenance agreement with the Final Plat application.
3. Where a homeowners' or property owners' association is designated as the responsible maintenance entity, evidence of HOA/POA formation, including recorded declaration, bylaws, and articles of incorporation, must be submitted with the Final Plat application.

E. Prohibition on Public Acceptance.

1. The Town shall not accept any private street for public dedication or maintenance unless:
 - (a) The street has been reconstructed to meet all then-current Town street design and construction standards at the sole expense of the petitioning property owners; and
 - (b) The Town Council affirmatively votes to accept the street.
2. No representation made at the time of subdivision approval shall constitute a commitment by the Town to accept future dedication.

5.4.8. Reserve Strips⁴⁶

Reserve strips are prohibited.

5.4.9. Coordination & Continuation of Streets

The proposed street layout within a subdivision must be coordinated with the existing street system of the surrounding area and, where possible, existing streets must be extended.

5.4.10. Access to Adjacent Properties

- A. Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed rights-of-way must be extended by dedication to the boundary of such property.
- B. The developer must coordinate with the Town's Fire Chief to ensure sufficient fire apparatus access to any lots located near the shared property boundary.
- C. The developer must install a sign near the shared property boundary stating, "Future Street Extension."

5.4.11. Street Names

- A. Proposed streets that are obviously aligned with existing streets must be given the same name.
- B. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc.
- C. Street names are subject to approval by Carteret County E911 and the Planning Board.

5.4.12. Right-of-Way Widths⁴⁷

- A. **Minimum Width.**
 - 1. Rights-of-way must meet the minimum widths specified in NCDOT's [Subdivision Roads Minimum Construction Standards](#).

⁴⁶ This Section continues the prohibition on reserve strips (or "spite" strips) in LDO Section 34, paragraph 9.03.

⁴⁷ Eliminates the minimum width provisions in LDO Section 34.H.9, Paragraph 9.09, Right-of-Way Widths, and instead provides a cross-reference to NCDOT standards. N.C.G.S. [§ 136-102.6](#) requires subdivision streets to comply with NCDOT standards.

2. These widths apply except where the [Carteret County CTP](#) specifically sets out right-of-way requirements.

B. Maximum Width.

1. The developer is only required to dedicate a maximum of 100 feet of right-of-way.
2. In cases where over 100 feet of right-of-way is desired, the developer is required only to reserve, but not dedicate, the amount in excess of 100 feet.
3. In all cases where right-of-way is sought for an access-controlled facility, the developer is required only to make a reservation.

5.4.13. Half Streets

- A. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision.
- B. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the developer.⁴⁸
- C. However, a partial width right-of-way⁴⁹ may be dedicated when adjoining undeveloped property is owned or controlled by the developer, if the width or a partial dedication allows the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way must be dedicated.

5.4.14. Cul-de-sacs

Permanent dead-end streets:

- A. Shall not exceed 500 feet in length unless necessitated by topography; and
- B. Must be provided with a turnaround having the dimensions specified in NCDOT's [Subdivision Roads Minimum Construction Standards](#).

⁴⁸ Removes "of less than 60 feet" from the first sentence since it appears the intent is to prohibit half streets altogether, except when the adjacent property is under the same ownership. Sixty feet is greater than the entire right-of-way width required for a local street.

⁴⁹ Removes the 60-foot minimum width requirement since that is greater than the entire right-of-way width required for a local street.

5.4.15. Alleys⁵⁰

- A. An alley must be provided to the rear of all lots used for non-residential purposes.
- B. The Board of Commissioners may allow alleys in residential blocks when:
 - 1. The alleys will be owned and maintained by a homeowners' or property owners' association; and
 - 2. The developer records an access easement to benefit the Town of Beaufort for the provision of emergency services, solid waste collection services, and other public services; and
 - 3. The subdivision is designed in accordance with traditional neighborhood development (TND) or new urbanist principles, and alleys are an integral component of the street and block design framework, including rear-loaded garages and active front building facades; or
 - 4. The subdivision contains townhouse or narrow-lot detached dwelling units where lot widths are insufficient to accommodate front-loaded garage access without eliminating usable front yard or pedestrian amenity space; or
 - 5. The subdivision abuts or is located within an established neighborhood where a platted alley network exists on adjacent blocks, and the proposed alley would extend or connect to that existing network; or
 - 6. The subdivision fronts a street where elimination of driveway curb cuts is a stated objective of an applicable small area plan, corridor plan, or adopted design standard.
- C. All alleys must be:
 - 1. Designed and constructed to support the weight of solid waste collection vehicles, delivery vehicles, and fire apparatus and other emergency vehicles; and
 - 2. Designed and constructed in accordance with NCDOT specifications and standards and meet the requirements in Table 5.4.15-1: Dimensional Standards for Alleys.

⁵⁰ This Section adds criteria for when the Board of Commissioners may allow alleys in residential subdivisions. The current LDO prohibits alleys in residential blocks "unless approved by the Planning Board" but does not specify the conditions under which the Planning Board could approve alleys. Changes approval authority to the BOC since the BOC acts on plats (the Planning Board only provides recommendations).

Table 5.4.15-1: Dimensional Standards for Alleys

Standard	Dimension (min)
ROW Width	20 ft
Property Line Radius at Alley Intersection	15 ft
Centerline Radius when Deflection Angle of More Than 10° Occurs	35 ft
Turnaround Diameter of Dead-End Alley (ROW Width)	80 ft

Key: ROW = right-of-way | ft = feet | min = minimum required

5.4.16. Marginal Access Streets

- A. Where a tract of land to be subdivided adjoins a principal arterial street, the Board of Commissioners, upon recommendations from the Town Engineer or NCDOT, may require the developer to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial.
- B. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial street.⁵¹

5.4.17. Collector and Minor Streets

- A. Collector and minor streets must be laid out to discourage use by through traffic.
- B. Streets shall be designed to ensure convenient access to parks, playgrounds, schools, and other places of public assembly.

5.5. Open Space⁵²

5.5.1. Purpose

The purposes of these open space requirements are to:

⁵¹ Replaces “expressway” with “principal arterial.”

⁵² This Section updates and significantly expands current LDO Section 34.I, *Public Facilities*, with the following changes: 1) updates the reference to family size to household size; 2) updates the external reference to the most recent Decennial Census to the average family size reported in the 2020 Decennial Census; 3) increases the level of service; 4) eliminates the option to sell to the land for dedication to the Town and requires a dedication or fee in lieu; 5) removes option to dedicate land in an off-site location; 6) replaces the \$10,000 per acre cap on the fee in lieu with the assessed tax value or an optional appraisal process; 7) adds standards for dedication; 8) removes the variance procedure for unique tracts of land because the section allows the payment of a fee in lieu, which should be sufficient for unique situations.

- A. Provide active and passive recreational areas and other open space for residents of the proposed subdivision;
- B. Connect neighborhoods, open space, and employment areas;
- C. Protect historical and cultural resources;
- D. Preserve existing vegetation and important wildlife habitat;
- E. Protect the community from impacts of flooding through the preservation of natural areas and natural drainage patterns; and
- F. Enhance the aesthetic and environmental quality of development.

5.5.2. Applicability

- A. This Section applies to all new major residential subdivisions.
- B. This Section does not apply to individual dwellings located on lots within residential subdivisions.

5.5.3. Minimum Amount of Open Space Required

- A. **Active Recreation Area Required.** At least 50% of the required open space must be comprised of Active Recreation Area.
- B. **Cultural Resource Protection Area.** If a cultural resource exists on or immediately adjacent to the subdivision site, it must be protected in accordance with Section 5.5.6.
- C. **Greenways.** If the Carteret County [Comprehensive Transportation Plan](#) or the Town of Beaufort [Bicycle & Pedestrian Master Plan](#) shows a multi-use path on or adjacent to the proposed subdivision site, the open space must include a greenway containing the multi-use path.
- D. **Amount of Open Space Required.**
 - 1. *Generally.* The minimum amount of open space required in all developments subject to this Section is the greater of:
 - (a) The amount required under Paragraph 2(a) below; or
 - (b) One-half acre.
 - 2. *Calculating the Required Acreage.*
 - (a) The amount of land required to be maintained as open space is based on:

- (1) An average household size of 1.95, the average household size for the Town reported in the 2020 Decennial Census;
- (2) A minimum park and recreation level of service standard of 12.9 acres per 1,000 persons (.0129 acres per person); and⁵³
- (3) A variable density factor that requires more recreation area for more dense developments, as provided in Table 5.5.3-2: Variable Density Factor Table.

- (b) The amount of open space required is determined by the following formula:

The total number of dwelling units or lots x 1.95 persons per household x .0129 acres per person x The variable density factor = The amount of acreage required for dedication or reservation.

- (c) This formula is illustrated in Table 5.5.3-1: Examples of Minimum Recreation Dedication Calculation.

Table 5.5.3-1: Examples of Minimum Recreation Dedication Calculation

Total Number of Dwelling Units or Lots	X	Average Household Size	X	.0129 Acres per Person	X	Variable Density Factor [1]	=	Minimum Dedication
200 Units or Lots	X	1.95	X	.0129	X	1.2	=	6.037 acres
27 Units or Lots	X	1.95	X	.0129	X	0.7	=	0.5 acres (greater than result of 0.475 acres)
50 Units or Lots	X	1.95	X	.0129	X	1.4	=	1.761 acres

[1] The variable density factor varies based on the lot size and is provided in Table 5.5.3-2: Variable Density Factor Table.

⁵³ Proposed is to increase the Level of Service (LOS) from 8 acres per 1,000 persons (population) to 12.9 acres per 1,000 persons. The [National Recreation & Park Association](#) (NRPA) finds 10.2 acres per 1,000 persons to be the average LOS. However, for communities with a population less than 20,000, the average is 12.9 acres per 1,000 persons. The Town's Parks & Recreation Comprehensive Plan recommends establishing a LOS for parks. Since the Town doesn't currently have a local LOS, using the NRPA average is rational. The UDO Steering Committee suggests the BOC consider directing the Parks and Recreation Advisory Board to conduct a locally-specific LOS study.

Table 5.5.3-2: Variable Density Factor Table

Average Acreage per Dwelling Unit or Lot	Variable Density Factor
.0 to .1	1.8
.1 to .2	1.6
.2 to .3	1.4
.3 to .4	1.2
.4 to .5	1.0
.5 to .6	0.9
.6 to .7	0.8
.7 to .8	0.7
.8 to .9	0.6
.9 and Over	0.5

3. *Calculating the Variable Density Factor.*
- (a) Acreage average per dwelling unit or lot is computed by dividing the combined total acreage of all dwelling units or lots by the number of dwelling units or lots.
 - (b) For computation purposes, land dedicated or reserved for other purposes, such as streets, sidewalks, access alleys, utilities, drainage, or other purposes, shall not be used in determining average acreage.

5.5.4. Types of Open Space⁵⁴

- A. Required open space must be comprised of Recreation Area and at least one of the other types of open space described in Table 5.5.4-1.
- B. Except for Natural Area, Cultural Resource Protection Area, Agricultural Area, and LID Features, open space must be improved for use as passive or active open space as described in Table 5.5.4-1.

⁵⁴ These open space types are consistent with and expand upon the types listed in the Town's [Parks & Recreation Comprehensive Plan](#) (p. 28).

Table 5.5.4-1: Types of Open Space⁵⁵

Type of Open Space	Representative Image	Description	Size
Natural Area		An area of undisturbed or minimally disturbed vegetation. Examples include forests and wetlands.	2,500 sf (min)
Cultural Resource Protection Area		An area of historical, cultural, or archaeological significance, including cemeteries.	No min
Agricultural Area		An area actively used for farming. May include crop lands, orchards, grazing lands, and pastures. Often contains structures such as barns, stables, fences, and silos.	5 ac (min)
Low Impact Development (LID) Feature		Vegetated LID features, such as bioretention cells and stormwater wetlands, that are part of an approved stormwater management plan.	500 sf (min)
Community Park		An open space available for civic and recreational purposes. Serves multiple neighborhoods or developments.	10 ac (min)

⁵⁵ These images may be replaced with local images of existing open space.

Type of Open Space	Representative Image	Description	Size
Neighborhood Park		An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood.	1 ac (min) to 10 ac (max)
Pocket Park		An open space available for informal activities in close proximity to dwellings and/or workplaces. Often contains benches or other seating areas.	1,000 sf (min) to 1 ac (max)
Linear Park		A linear open space available for civic purposes and unstructured recreation. Dwelling units and neighborhood amenity buildings typically front a linear park. Serves a single neighborhood.	20 ft (min width)
Greenway		A linear open space that links multiple neighborhoods, developments, or open spaces. May follow natural corridors, such as rivers and creeks. Greenways contain multi-use paths to accommodate pedestrians and bicyclists.	10 ft (min width)

Type of Open Space	Representative Image	Description	Size
Active Recreation Area		An open space designed for specific active recreational uses such as sports courts, ballfields, playgrounds, and swimming pools. May be a component of a community or neighborhood park.	5,000 sf (min)
Square/Green		An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood in a prominent location. Includes landscaped areas and lawns with or without trees and shrubs. May include limited hardscaping.	0.25 ac (min)

Key: min = minimum required | max = maximum allowed | ac = acres | sf = square feet | ft = feet

5.5.5. Criteria for Selection of Proposed Open Space⁵⁶

- A. **Selection Criteria.** The criteria for evaluating the suitability of proposed open space include, but are not limited to, the following, as determined by the Board of Commissioners after recommendation of the Planning Board:⁵⁷
1. **Contiguity.** The open space comprises a single parcel of land or, if multiple parcels, is thoughtfully and strategically interspersed throughout the subdivision and connected to the other open space via a sidewalk or multi-use path.⁵⁸
 2. **Shape, topography, and subsoils.** The shape, topography, and subsoils of the Recreation Area allow use for active recreation;

⁵⁶ Carries forward LDO Section 34.I.1.04 with revisions as noted. Removes requirement for the Planning Board to consult with the Town's Parks & Recreation Advisory Board before making its recommendation on open space suitability.

⁵⁷ Removes the "usability" criteria since it is not needed due to the new open space framework.

⁵⁸ Revises the "unity" provision to allow for open space throughout a subdivision.

3. *Location.* The open space is located to reasonably serve the recreation needs of the subdivision;
4. *Water Access.* For developments with frontage of at least 200 feet on a public trust water body, the open space must include at least 50 feet of frontage on the water body. Refer to Section 5.3.3: *Boat Ramps & Docks* for more information on location requirements;
5. *Accessibility.* Public access to the open space must be provided either by an abutting street or public easement. Such easement must be at least 30 feet wide;
6. *Plans.* Municipal and county comprehensive and recreation plans must be taken into consideration when evaluating land proposals for dedication;
7. *Vegetative cover.* The vegetative cover must be sufficient to lend attractiveness to the land parcel, provide protection from the sun's rays, and be suitable for a variety of nature-related recreation opportunities; and
8. *Size.* The amount of open space conforms with Section 5.5.3, Minimum Amount of Open Space Required.

B. Areas Not Counted as Open Space. The following areas do not count towards the minimum required open space:

1. Streets and parking areas, unless associated with recreational structures or facilities;
2. Boat and RV storage areas;
3. Private lots and yards;
4. Required building setback areas;
5. Stormwater detention or retention ponds, unless they have amenities such as docks, piers, benches, or perimeter trails;
6. Drainage swales;
7. Ditches; and
8. Utility line rights-of-way unless the utility is located underground and the aboveground portion is used for active or passive recreation.

5.5.6. Cultural Resource Areas⁵⁹

- A. **Purpose.** The purpose of this Section is to preserve the Town's heritage.
- B. **Applicability.** This Section applies to all subdivisions that contain or immediately abut an archaeological site or other area that embodies important elements of the Town's cultural, social, economic, political, or architectural history.
- C. **Standards.**
 - 1. All due consideration should be given to promoting the use and conservation of such property for the education, pleasure, and enrichment of the residents of the Town and the State of North Carolina as a whole.
 - 2. All cultural resource areas within the subdivision must be:
 - (a) Platted as a lot; and
 - (b) Maintained as a cultural resource area in perpetuity in accordance with Section 5.5.8, Long-Term Preservation & Maintenance.
 - 3. When the cultural resource area is located on a lot adjacent to the parcel proposed for development, the subdivision must provide a buffer at least 30 feet in depth along the shared lot line(s). This area counts towards the minimum required open space area.
- D. **Identification on Plans & Plats.** The name and location of all cultural resource areas located within the proposed subdivision or on any contiguous property, must be clearly identified on the Sketch Plan, Preliminary Plat, and Final Plat, as applicable.
- E. **Coordination with OAH.** The Planning Board may require the applicant to coordinate with the N.C. Department of Natural & Cultural Resources, Office of Archives and History (OAH), an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved if the cultural resource area:
 - 1. Is listed on the U.S. Department of Interior's National Register of Historic Places;
 - 2. Has been designated by local ordinance as an "historic property," pursuant to [N.C.G.S. Chapter 160D, Article 9, Part 4, Historic Preservation](#);

⁵⁹ Carries forward and reorganizes LDO Section 34.H.5, Historic Properties and Natural Assets. Renames as "Cultural Resource Areas" since the regulations do not address natural assets. Adds preservation and buffer standards. Simplifies language for clarity.

3. Has been designated by local ordinance as an "historic district," pursuant to [N.C.G.S. Chapter 160D, Article 9, Part 4, Historic Preservation](#); or
4. In the opinion of the Planning Board, is significant enough to warrant coordination with OAH.

5.5.7. Open Space in Phased Subdivisions

In a phased subdivision, all required open space must be:

- A. Provided in the first phase; or
- B. Provided in each phase in an amount proportional to the number of lots in that phase. For example, if 30% of the lots are part of the first phase, at least 30% of the required open space must be provided in the first phase.

5.5.8. Long-Term Preservation & Maintenance⁶⁰

- A. **Purpose.** This Section sets forth long-term preservation and maintenance requirements to ensure open space is protected in perpetuity and adequately maintained for its intended purpose.
- B. **General Requirements.** Land designated as open space to meet the requirements of this Article must:
 1. Be platted as a lot;
 2. Remain as open space in perpetuity; and
 3. Be maintained so that its use and enjoyment as open space is not diminished or destroyed.
- C. **Permanent Protection Required.**
 1. Open space must be permanently protected through deed restrictions, covenants, or other legal instruments to:
 - (a) Ensure the open space is used for its intended purpose; and
 - (b) Provide for the continued and effective management, operation, and maintenance of the open space.
 2. The legal instrument must:

⁶⁰ Carries forward and expands provisions in LDO Section 34.I, Subsection 1.05. Per UDO Steering Committee input, encourages developers to rezone open space to the OS District.

- (a) Be submitted with the Preliminary Plat application;
- (b) Include the Open Space Plan; and
- (c) Be recorded with the Final Plat.

The land development restrictions are intended solely for the purpose of ensuring the land is protected and maintained as open space and shall not imply the right of public access or any other right or duty not expressly set forth by the terms of the restrictions. In addition, developers are encouraged to rezone required open space to the OS District if the proposed use is allowed in the district.

D. **Ownership.** Open space may be privately owned or dedicated to the Town as provided below.

1. *Reservation for Private Ownership.*

- (a) Land reserved for open space may be transferred to a homeowners' or property owners' association or nonprofit organization.
- (b) If transferred for ownership by a nonprofit organization:
 - (1) The organization must be capable of and willing to accept responsibility for managing and maintaining the conservation and open space for its intended purpose;
 - (2) The organization must be bona fide and in perpetual existence; and
 - (3) The conveyance instrument must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
- (c) If transferred for ownership by a homeowners' or property owners' association, the developer must record a declaration of covenants and restrictions that will govern the association.
 - (1) The declaration of covenants and restrictions must be submitted with the Preliminary Plat application.
 - (2) Provisions in the declaration must include the following:
 - i. The homeowners' association must be established before the homes are sold;
 - ii. Membership is mandatory for each home buyer and all successive buyers;

- iii. The association is responsible for the liability insurance, local taxes, and the maintenance of recreation and other facilities;
- iv. Any sums levied by this association that remain unpaid shall become a lien on the individual homeowner's property, which shall be subordinate only to tax and mortgagee liens; and
- v. If all or any portion of property held by the association is being disposed of, or if the association is dissolved, the required open space shall be deeded to the Town to satisfy the requirements of this Section.

2. *Dedication to the Town.*

- (a) *Acceptance Required.* Where open space is proposed for dedication to the Town, the dedication is not effective unless the dedication is accepted and approved by resolution of the Board of Commissioners.
- (b) *Documentation.* The developer must provide a general warranty deed and obtain a title insurance policy insuring the Town, both in a form satisfactory to the Town Attorney.
- (c) *Use of Land Restricted.* The land dedicated to the Town under this Section shall be used only for the purpose of providing parks, recreation areas, and open space, and the location of the land shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision.

- E. **Maintenance Standards.** All open space, except Natural Areas, must be maintained free from hazards, nuisances, and unhealthy conditions; and maintained using standard landscaping practices, including regular mowing, trimming, weeding, and cleaning to ensure neatness. If present, hardscaped areas must be maintained in good repair.

5.5.9. Option for Fee-in-Lieu of Providing Open Space

- A. **Purpose.** As an alternative to maintaining a portion of the subdivision site as open space, the developer may pay to the Town a fee in lieu of dedication where the Board of Commissioners (BOC) determines, after a review and recommendation by the Planning Board, that a dedication of land is not feasible in a given subdivision or is not compatible with the Town's Comprehensive Plan or Parks & Recreation Comprehensive Plan.

B. Determination of Eligibility.⁶¹

1. If the BOC determines, after a review and recommendation by the Planning Board, that reservation of open space is not feasible for a particular subdivision or is not compatible with the Town's Comprehensive Plan, the developer may pay a fee in lieu of providing open space.
2. The only open space eligible for payment of the fee-in-lieu is the Active Recreation Area required by Section 5.5.3: *Minimum Amount of Open Space Required*. All other open space requirements must be met on the subdivision site.

C. Amount of Fee. The required amount of the fee-in-lieu is the assessed tax value of the subdivision parcels as maintained by the Carteret County Tax Administration Office, divided by the total acreage of the subdivision parcels, multiplied by the acreage required for dedication or reservation.⁶²**D. Option for Appraisal.** If the developer does not agree that the assessed tax value is an accurate measure of the value of the land, the developer may seek an appraisal of the fair market value of the land using the procedures of this Paragraph.

1. The developer shall commission an appraisal of the fair market value of the parcels by a licensed property appraiser and provide it to the Planning Director.
2. If the BOC agrees that the appraisal is reasonable and accurate based on the available information, including recent sales of the parcel and other comparable parcels, they may accept the appraised value as the measure for the fee.
3. If the BOC does not agree that the appraisal is reasonable and accurate, they shall notify the developer of that fact in writing. The Planning Director shall commission an appraisal of the fair market value from a licensed property appraiser and provide a copy to the developer and appraiser for the developer.
4. If the BOC commissions an appraisal, the Town's appraiser shall confer with the developer's appraiser and attempt to reach an agreement on the fair market value of the land.

⁶¹ The UDO Steering Committee emphasized a preference for parks being provided by the developer within the subdivision instead of by fee-in-lieu.

⁶² N.C.G.S. [§ 160D-804\(d\)](#) states that "any formula enacted to determine the amount of funds that are to be provided under this subsection shall be based on the value of the development or subdivision for property tax purposes." It is unclear whether this is pre- or post-subdivision value. The Steering Committee discussed options on this topic and recommended further discussion.

5. If the appraisers are unable to agree on the fair market value, they shall select a mutually agreeable qualified and licensed appraiser to serve as an umpire. After consultation between the appraisers, the umpire shall issue a decision on the value of the land. The umpire's decision is final in determining the amount of the fee.
- E. **Use of Fees.** All funds received by the Town pursuant to the fee-in-lieu option shall be used only for the acquisition or development of recreation, park, or open space sites.

5.6. Cluster Subdivision Design

5.6.1. Purpose

- A. The purpose of this Section is to establish standards for the design and development of cluster subdivisions as an alternative to the conventional subdivision design. Cluster subdivisions group dwelling units in a dense configuration within a development site, often with a reduction in the subplot size, allowing for the preservation of substantial open space on the remainder of the development site.
- B. Cluster subdivisions may be approved to promote the following purposes:
1. Encouraging the designation and protection of open space in new subdivisions;
 2. Preserving existing, healthy vegetation and wildlife habitat;
 3. Maintaining existing wooded areas along roads;
 4. Protecting water quality;
 5. Reducing infrastructure construction and maintenance costs;
 6. Reducing demand for publicly funded open space;
 7. Providing a wider range of feasible sites to locate stormwater BMPs;
 8. Reducing soil erosion potential by reducing the amount of clearing and grading on the site; and
 9. Reducing the impervious cover in a subdivision.

5.6.2. Applicability⁶³

The standards contained in this Section must be applied to the design and construction of a proposed subdivision in the RC-5 zoning district.

5.6.3. Open Space Requirement⁶⁴

- A. A cluster subdivision must provide the amount of open space as set forth in Table 5.6.3-1: Required Open Space for Cluster Subdivisions.⁶⁵

Table 5.6.3-1: Required Open Space for Cluster Subdivisions

Number of Dwelling Units per Gross Acre	Required Percentage of Open Space (min)
3 units or less	20%
4 – 6 units	30%
7 – 8 units	40%

Key: min = minimum required

- B. All required open space must meet the standards established in Section 5.5, Open Space.
- C. The required percentage of open space is calculated using the gross acreage of the development site, excluding wetlands.

5.6.4. Standards

- A. **Cluster Groups.** Residential lots within cluster subdivisions must be designed within a series of one or more cluster groups in accordance with the following standards:
1. Dwellings shall be located in distinct cluster groups of 15 or fewer dwellings. The maximum number of lots in a cluster group may be increased with the approval of the decision-making body if the applicant can demonstrate that such an alternative plan is more appropriate for the

⁶³ The UDO Steering Committee discussed but did not come to a recommendation on whether to expand this subdivision design to other zoning districts (either as optional or required).

⁶⁴ The UDO Steering Committee also discussed the desired incentives for this subdivision design type but ultimately decided to revisit this issue at a later point in the development of the UDO. The Committee discussed allowing increased impervious surface area on individual lots, but noted this incentive is only viable if impervious surface limits are added to the base zoning districts. The Committee also discussed using a different calculation of density (using gross site acreage) than the calculation for conventional subdivisions (gross site acreage minus "environmentally undevelopable area" (e.g., wetlands), roads, required open space). Another potential incentive is reduced (or no) minimum lot area.

⁶⁵ Revises the required open space amount from a range to a set minimum.

development parcel and will meet both the purpose and standards of this Section.

2. Cluster groups shall be visually defined and separated by open space, streets, common amenities, or parking areas.
3. A cluster group is defined by the outer perimeter of contiguous lots and abutting streets and open space.
4. All lots in a cluster group shall abut open space to the front or rear. This includes open space located directly across a street from a lot.
5. The overall density of each cluster group shall not exceed eight units per acre regardless of the minimum lot area required per dwelling or unit.⁶⁶

B. Setbacks.

1. *Perimeter.* A 10-foot setback is required along all peripheral boundaries of a cluster subdivision. A structure, whether it is a principal or accessory structure, shall not encroach upon this required setback distance. The required perimeter bufferyard may occupy this setback area.
2. *Principal Structure Setbacks.* Except as otherwise allowed in Paragraph B.3, Zero Side Yard Setback, principal structures are subject to the setbacks specified in Section 2.2.5, RC-5 Residential Cluster Development District.
3. *Zero Side Yard Setback.* A zero side yard setback may be permitted on one side of each lot subject to the following provisions:
 - (a) The minimum building separation for the side yard opposite the zero lot line shall be either a separation of 10 feet from the side of the adjacent dwelling when constructed, or a minimum 10 feet setback line from the adjoining side lot line, whichever is greater;
 - (b) A five-foot maintenance easement with a maximum eave encroachment easement of two feet within the maintenance easement must be established in the deed restrictions, recorded plat, and/or covenants of the adjoining lot and shall ensure ready access to the lot line wall at reasonable periods of the day for normal maintenance; and
 - (c) Preliminary and Final Plats must indicate the proposed envelope location of the dwellings, accessory structures, driveways, and parking arrangements for each lot. The Final Plat application shall

⁶⁶ Should there be a minimum density in order to qualify as a Cluster Subdivision? Or possibly change this to a land coverage maximum?

include a draft of the proposed encroachment and maintenance easements within the covenants or on the proposed Final Plat for review and approval by the Town.

4. *Accessory Building Setback Requirements.*

- (a) A detached accessory structure may be located in a rear yard if:
 - (1) It is located at least eight feet from the principal structure;
 - (2) It is located at least three feet from the rear lot line; and
 - (3) It does not cover more than 25% of the total lot area.
- (b) On a reversed corner lot or double frontage lot, an accessory structure shall not extend beyond the front yard line of the lot located to the rear of the lot on which the accessory structure is being proposed.

C. **Parking & Garages.**

- 1. Two off-street parking spaces must be provided per dwelling unit.
- 2. Parking may be provided to individual lots or in common parking areas to better accommodate the high density of a cluster group.

D. **Pedestrian Network.** Cluster subdivisions shall include an interconnected pedestrian network comprised of sidewalks and multi-use paths that meet the following requirements:

- 1. *Sidewalks.* Sidewalks shall be provided:
 - (a) On both sides of roads within a cluster group to connect lots and open space; or
 - (b) As the main connection within the center of a cluster group where a road is not proposed within the cluster group.
- 2. *Multi-Use Paths.* Multi-use paths shall:
 - (a) Be located in open space areas between cluster groups;
 - (b) Connect to the sidewalks located in cluster groups;
 - (c) Have a minimum width of 10 feet; and
 - (d) May be located on one or both sides of the road.

3. **Connectivity.** The pedestrian network within a cluster subdivision must be designed to meet the following standards:
 - (a) Sidewalks and multi-use paths must provide a continuous pedestrian network throughout the cluster subdivision connecting dwellings, open space, amenities, accessory structures, and parking areas.
 - (b) The pedestrian network must connect to all existing sidewalks or multi-use paths that abut the cluster subdivision boundary.
 - (c) At least one sidewalk or multi-use path must extend to the cluster subdivision boundary at each subdivision entrance and connect with the existing sidewalk, if present.
 - (d) Where property adjacent to the cluster subdivision is undeveloped, a sidewalk or multi-use path must extend to the property line to provide at least one connection to each adjacent undeveloped property.
- E. **Perimeter Bufferyards.** Cluster subdivisions must provide a perimeter bufferyard between the development and adjacent properties in accordance with [Section 4.3.3, Buffers & Screening](#).
- F. **Owners' Association Required.** The establishment of an owners' association is required for all cluster subdivisions.
 1. The owners' association must be organized and established as a legal entity prior to the conveyance of any lot or dwelling unit in the residential cluster subdivision.
 2. The owners' association membership is mandatory for each owner of a lot or dwelling unit.
 3. The owners' association must have the authority to assess its members to produce revenues to cover the expenses of the association and such assessments will be secured by a lien.
 4. The association is responsible for the payment of premiums for liability insurance, taxes, maintenance of recreational or other facilities located in common areas, payment of assessment for public and private capital improvements made to or for the benefit of the common areas, maintenance of any private street, and for such other purposes as the organizing documents provide.
 5. The residential cluster subdivision will be subject to the [North Carolina Planned Community Act](#) regardless of the number of lots therein.

5.7. Townhouse Subdivision Design

5.7.1. Purpose

The purpose of this Section is to establish additional standards for the design and development of townhouse subdivisions.

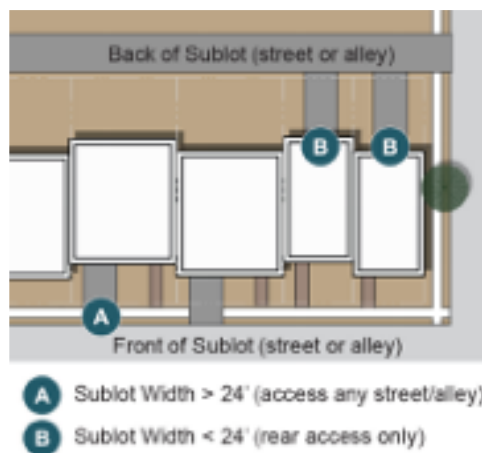
5.7.2. Applicability

The standards contained in this Section apply to all proposed townhouse subdivisions.

5.7.3. Standards

- A. **Sublot Access.** Each sublot within a townhouse subdivision shall be provided with driveway access from either a public or private street, or an alley. Where a townhome sublot is less than 24 feet wide, access may only be taken from the rear of the sublot.

Figure 5.7.3-1: Sublot Access



- B. **Sublot Separation.** The rear property lines of all sublots and exterior side property lines of each individual group of contiguous sublots within a townhouse subdivision shall be separated by a minimum distance of 20 feet.

Figure 5.7.3-2 - Sublot Separation

- C. **Building Separation.** A townhouse building or associated accessory structure must be located at least 15 feet from any portion of another townhouse building or an accessory structure associated with the subdivision.
- D. **Sublot Outdoor Living Area.** An outdoor living area shall be provided upon each sublot within a townhouse subdivision in accordance with the following standards:
1. The total outdoor living area size must be at least the product of 12 feet multiplied by the width of the sublot. (For example, a 24-foot-wide lot would require at least a 288-square-foot outdoor living area.)
 2. The depth of any outdoor living area must be at least 10 feet.
 3. The required total area must be contiguous, except where the total area is divided between the levels of a two-story front porch.
 4. Where privacy screening or fencing is provided to delineate private open spaces, refer to [Sec. <>, Residential Fencing](#) standards.
 5. Parking areas, sidewalks, walkways, and driveways do not count towards this requirement.
- E. **Relationship to Open Space.** In addition to the open space requirements of Section 5.5, Open Space, at least 10% of the dwelling units of the overall subdivision must front onto open space that is interior to the subdivision.
1. Streets and buildings should be arranged to frame the open space to the maximum extent practicable.

2. Dwelling units that are separated by a street from an open space may be included in the 10% requirement.
 3. Required open space areas must have a minimum width and depth of at least 40 feet, excluding rights-of-way. Areas that are at least 20 feet wide and have hard-surface paths connecting a sidewalk system may also count towards this required open space area if the path is accessible (at least five feet wide) and connects at least two points in a sidewalk system.
- F. **Perimeter Bufferyards.** Townhouse subdivisions must provide a perimeter bufferyard between the subdivision and adjacent properties in accordance with **Sec. <>**. This standard does not apply where public rights-of-way separate the subdivision from adjacent properties.⁶⁷
- G. **Parking & Garages.**
1. *Off-Street Guest Parking Areas.*
 - (a) The subdivision must provide off-street guest parking areas at a rate of one parking space for every three units.⁶⁸
 - (b) Off-street guest parking areas must be no more than 500 feet from the entrance of any dwelling unit within the townhouse building that the parking serves.
 - (c) Off-street guest parking areas must be screened from public rights-of-way. They must also be designed to limit headlight glare into dwelling units or the public way by orientation and/or screening. Screening may include a decorative wall or hedging that is at least three feet tall.
 2. *Recreational Vehicle Parking.*
 - (a) Resident and guest parking areas are intended for personal vehicle parking. Additional parking for recreational vehicles and equipment, boat storage, or trailers may be provided separately as part of the subdivision but do not count towards off-street parking spaces.
 - (b) Recreational vehicle storage areas must be screened from the view of rights-of-way and residences. Screening may include a decorative wall, fence, or hedging that is at least six feet tall.

⁶⁷ This provision should be reviewed once the general bufferyard standards are drafted (UDO Article 4: Development & Design Standards).

⁶⁸ An alternative is to base the ratio on number of bedrooms.

3. *Driveways.*

- (a) Where driveway access is provided to the front of a subplot within a townhouse subdivision, each driveway must be:
 - (1) Separated from other driveways by at least eight feet; and
 - (2) Designed in a manner to provide the maximum practical separation from driveway edge to driveway edge.
- (b) Driveway widths shall be no more than 18 feet within the right-of-way, and 20 feet maximum within the subplot property.
- (c) When a townhouse unit is set back at least 40 feet from the front lot line, required parking spaces may be tandem (one in front of the other).⁶⁹

H. **Solid Waste.**

- 1. Communal solid waste collection points shall be established for townhouse subdivisions that provide front-loaded driveway access.
- 2. Where such a facility is required or provided, no subplot shall be located more than 500 feet from the most distant solid waste collection point.

5.8. Performance Guarantees⁷⁰

5.8.1. Applicability

- A. This Section applies to major subdivisions.
- B. In lieu of completion of the site improvements required by Section 5.2, Subdivision Standards, and Section 5.4, Streets, the developer may enter into a contract with the Town providing for the installation of required improvements pursuant to N.C.G.S. [§ 160D-804.1](#), Performance Guarantees, and this Section. Upon provision of a performance guarantee, the Town may issue a temporary Certificate of Occupancy or a temporary Zoning Certificate.⁷¹

⁶⁹ This provision is added pursuant to UDO Steering Committee input.

⁷⁰ Carries forward and reorganizes LDO Section 34.G.4.02.02, Performance Guarantees. Updates where noted for consistency with changes enacted by [Session Law 2024-49](#), Section 1.12(a). Deletes the first sentence authorizing the BOC to approve a final subdivision plat upon posting of a performance guarantee” since it conflicts with the timing provision in Section 5.8.6.

⁷¹ Carries forward a portion of LDO Section 1.U, Improvement Bonds.

- C. This Section does not apply to performance guarantees associated with erosion control and stormwater control measures.⁷²

5.8.2. Initiation⁷³

- A. **Requests to Provide a Performance Guarantee.** Upon request by the applicant, the Board of Commissioners may enter into a contract with the applicant under which the applicant agrees to complete all improvements required by Section 5.2, Subdivision Standards, and Section 5.4, Streets by providing a performance guarantee.
- B. **Timing of Request.** The applicant must submit the request, including a detailed construction cost estimate, at the time of submittal of the Final Plat application.

5.8.3. Type & Coverage of Performance Guarantee⁷⁴

- A. **Type of Performance Guarantee.** The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:
1. Surety bond issued by any company authorized to do business in this State;
 2. Letter of credit issued by any financial institution licensed to do business in this State; and
 3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- B. **Multiple Guarantees.** The developer may post one type of a performance guarantee, as provided for in 5.8.3.A above, in lieu of multiple bonds, letters of credit, or other equivalent security for all development matters related to the same project requiring performance guarantees.
- C. **Coverage of Performance Guarantee.**
1. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
 2. A performance guarantee shall not be required for maintenance of any improvement once the improvement is completed to the Town's

⁷² Carries forward LDO Section 34.G.4.02.02(j). This exclusion is from N.C.G.S. [§ 160D-804.1\(7\)](#).

⁷³ These provisions are new and clarify when and how a developer initiates a request to provide a performance guarantee.

⁷⁴ Carries forward LDO Section 34.G.4.02(a), (g), and (i). These provisions are from N.C.G.S. [§ 160D-804.1\(1\), \(4\), and \(6\)](#).

specification or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the Town's specification.⁷⁵

5.8.4. Amount of Performance Guarantee⁷⁶

- A. The amount of the performance guarantee shall not exceed 125% of the reasonably estimated cost of completion at the time the performance guarantee is issued.
- B. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the developer.
- C. The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing.
- D. The additional 25% allowed under this subsection includes inflation and all costs of administration regardless of how such fees or charges are denominated.
- E. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

5.8.5. Duration & Extension of Performance Guarantee⁷⁷

- A. **Duration of Performance Guarantee.**
 - 1. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
 - 2. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
- B. **Extension of Performance Guarantee.**

⁷⁵ [Session Law 2024-49](#), Section 1.12(a), added this sentence to the statute.

⁷⁶ Carries forward LDO Section 34.G.4.02.02(e). These provisions are from N.C.G.S. [§ 160D-804.1\(3\)](#).

⁷⁷ Carries forward LDO Section 34.G.4.02.02(b) and (c). These provisions are from N.C.G.S. [§ 160D-804.1\(1a\)](#) and (1b).

1. A developer must demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension.
2. If the improvements are not completed to the specifications of the Town, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period.
3. An extension under this subsection shall only be for a duration necessary to complete the required improvements.
4. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in Section 5.8.4, Amount of Performance Guarantee, and shall include the total cost of all incomplete improvements.

5.8.6. Timing of Performance Guarantee⁷⁸

A performance guarantee must be posted at the time the Final Plat is recorded.

5.8.7. Inspection & Release of Performance Guarantee

A. Inspection Required.⁷⁹

1. The Town must conduct an inspection of the improvements subject to a performance guarantee within 30 days of a developer's request developer and advise the developer whether the improvements are completed to the required specifications.
2. In the event the Town and developer disagree whether a required improvement is completed to the Town's specifications, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the Town's specifications.

B. Release of Performance Guarantee.⁸⁰

1. The performance guarantee shall be returned or released, as appropriate, within 30 days upon the acknowledgement by the Town that the

⁷⁸ Carries forward LDO Section 34.G.4.02.02(f). These provisions are from N.C.G.S. [§ 160D-804.1\(3a\)](#).

⁷⁹ These provisions are new and are from N.C.G.S. [§ 160D-804.1\(1c\)](#). They were added to the statute by [Session Law 2024-49](#), Section 1.12(a).

⁸⁰ Carries forward LDO Section 34.G.4.02.02(d) and updates for consistency with N.C.G.S. [§ 160D-804.1\(2\)](#). [Session Law 2024-49](#), Section 1.12(a), added the 30-day time limits and the provision for certification by an engineer (in Paragraph B.1).

improvements for which the performance guarantee is required are complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the Town's specification.

2. The Town shall return letters of credit or escrowed funds within 30 days upon completion of the required improvements to its specifications or upon acceptance of the required improvements if the required improvements are subject to Town acceptance.
3. When required improvements that are secured by a bond are completed to the Town's specifications or are accepted by the Town, if subject to its acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

5.8.8. Partial Release of Performance Guarantee⁸¹

- A. **Eligibility.** A developer who has posted a performance guarantee pursuant to this Section may request a partial reduction in the amount of the guarantee upon completion of a portion of the required improvements secured by the guarantee.
- B. **Request Procedure.** A request for partial release must be submitted in writing to the Planning Director and include all of the following:
 1. Identification of the specific improvements completed;
 2. Documentation of completion, which may include as-built drawings, certifications from a licensed professional engineer, or other evidence acceptable to the Planning Director; and
 3. A cost estimate, prepared by the developer or the developer's licensed professional engineer, of the completed improvements and the remaining incomplete improvements.
- C. **Inspection.** Upon receipt of a complete request, the Planning Director must conduct an inspection of the identified improvements within 30 days. Following inspection, the Planning Director shall advise the developer in writing whether the identified improvements have been completed to the specifications of the applicable development approval and development regulations.
- D. **Calculation of Release Amount.** If the Planning Director confirms the developer has completed the identified improvements to required specifications, the performance guarantee shall be reduced by an amount equal to the lesser of:

⁸¹ This Section is new and implements Recommendation 9.1.I in the [Codes Assessment](#).

1. The verified cost of the completed improvements, as determined by the Planning Director based on the documentation submitted under Paragraph B above and the inspection conducted under Paragraph C above; or
 2. The amount by which the current guarantee exceeds 125% of the reasonably estimated cost of completion of all remaining incomplete improvements.
- E. **Retained Amount.** Notwithstanding Paragraph D above, the performance guarantee shall not be reduced below 125% of the reasonably estimated cost of completion of all improvements not yet completed and accepted at the time of the partial release.
- F. **Frequency.** A developer may submit requests for partial release no more than two times per calendar year per project unless the Planning Director determines that the scope or phasing of the project warrants additional requests.
- G. **Disagreement on Completion Status.**
1. If the Planning Director determines the developer has not completed the identified improvements to required specifications, the Planning Director must provide the developer with a written explanation of the deficiencies.
 2. The developer may obtain a certification under seal from a licensed professional engineer that the improvements have been completed to the Town's specifications.
- H. **Effect on Guarantee Obligations.** A partial release of the performance guarantee does not relieve the developer of the obligation to complete all remaining required improvements or constitute acceptance of the completed improvements by the Town for maintenance purposes.

5.8.9. Legal Responsibilities⁸²

A person shall not have or may claim any rights under or to any performance guarantee provided pursuant to this Section or in the proceeds of any such performance guarantee other than the following:

- A. The Town;
- B. The developer at whose request or for whose benefit the performance guarantee is given; and

⁸² Carries forward LDO Section 34.G.4.02.02(h). These provisions are from N.C.G.S. [§ 160D-804.1\(5\)](#).

- C. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.



Article 6: Flood Damage Prevention

Community Review Draft | June 12, 2026



Town of Beaufort, NC | Unified Development Ordinance

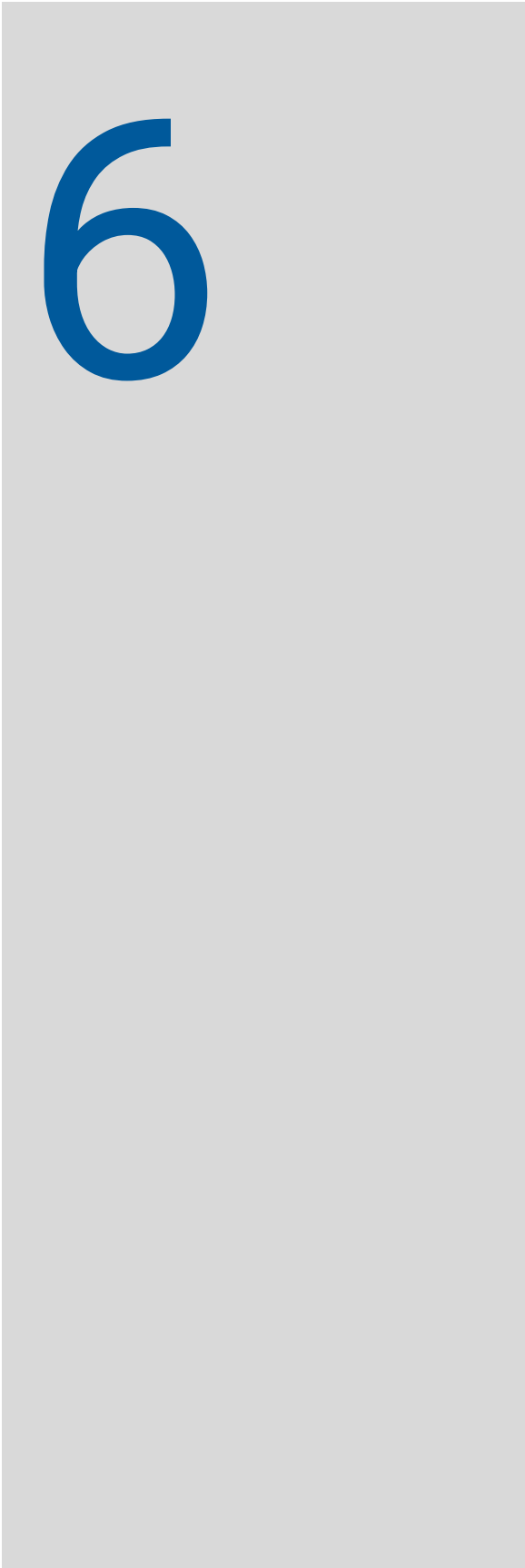
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Article 6: Flood Damage Prevention¹

6.1. General Provisions

6.1.1. Purpose & Objectives²

- A. The purpose of this Article is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within floodprone areas by provisions designed to:
1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion, flood heights, or velocities;
 2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
 5. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards to other lands.
- B. The objectives of this Article are to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

¹ This Article carries forward and reorganizes the Town's current Flood Damage Prevention Ordinance (Town Code Chapter 151) with proposed revisions shown in redline. The reorganization is proposed for consistency with other UDO articles (e.g., purpose statement first, followed by authority, then applicability; administrative procedures and definitions at the end). Proposed formatting and style changes are consistent with the UDO Drafting Rules & Style Guide. Most of the substantive edits are suggested by North Carolina Emergency Management.

² Carries forward and consolidates Sec. 151.03, Statement of purpose, and Sec. 151.04, Objectives, with minor edits to correct the use of which vs. that, add commas for consistency with UDO formatting, to revise punctuation for clarity, and change the reference from "chapter" to "article."

4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e., water and gas mains; electric, telephone, cable, and sewer lines; streets and bridges) that are located in floodprone areas;
6. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas;
7. Ensure potential home buyers are notified that property is in a Special Flood Hazard Area;
8. Minimize damage to private and public property due to flooding.
9. Make flood insurance available to the community through the National Flood Insurance Program.
10. Maintain the natural and beneficial function of floodplains.³

6.1.2. Findings of Fact⁴

- A. The floodprone areas within the jurisdiction of the Town of Beaufort are subject to periodic inundation which results in loss of life; property, health, and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures of flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in floodprone areas by uses vulnerable to floods or hazardous to other lands that are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

6.1.3. Authority⁵

The Legislature of the State of North Carolina has in N.C.G.S. Chapter 143, Article 21, Part 6, Floodway Regulation; Chapter 160A, Article 8, Delegation and Exercise of the General Police Power; and Chapter 160D, Article 7, Zoning Regulation, Article 9, Regulation of Particular Uses and Areas, and Article 11, Building Code Enforcement,

³ NCEM recommends the addition of these three objectives.

⁴ Carries forward Sec. 151.02, Findings of fact, with minor edits to punctuation for clarity and to correct the use of which vs. that.

⁵ Carries forward Sec. 151.01, Statutory authorization. Deletes paragraph (B) since it establishes authority for counties (this text is from NCEM's Model Flood Damage Prevention Ordinance and likely was not intended for inclusion in municipal ordinances).

delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

6.1.4. Applicability⁶

This Article applies to all special flood hazard areas within the jurisdiction of the Town of Beaufort, including its extraterritorial jurisdiction (ETJ) and within the jurisdiction of any other community whose governing body agrees, by resolution, to the applicability.

6.1.5. Special Flood Hazard Areas⁷

- A. The Special Flood Hazard Areas (SFHAs) are those areas identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in the Flood Insurance Study (FIS) for Carteret County dated December 6, 2020, and its accompanying flood maps, including the associated Digital Flood Insurance Rate Map (DFIRM) panels, Flood Insurance Rate Map(s) (FIRM), and/or Flood Boundary and Floodway Map(s) (FBFM) for the Town of Beaufort dated December 6, 2020, including any digital data developed as part of the FIS and all revisions thereto, including Letters of Map Amendment (LOMA) or Letters of Map Revision (LOMR). These studies, maps, and accompanying supporting data are hereby adopted by reference and declared to be a part of this Article.
- B. The SFHAs also include those areas defined through standard engineering analysis for private developments or by governmental agencies, but that have not yet been incorporated into the effective FIRM. This includes, but is not limited to, detailed flood data generated as a requirement of this Article, preliminary FIRMS where more stringent than the effective FIRM, or post-disaster flood recovery maps.
- C. In addition, upon annexation to Town of Beaufort or inclusion in the ETJ, the SFHAs identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA as stated above for the Unincorporated Areas of Carteret County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Article.

⁶ Carries forward a portion of Sec. 151.06, Lands to which ordinance applies. This text is from NCEM's Model Flood Damage Prevention Ordinance, and the text proposed for deletion likely was intended for customization by the adopting municipality.

⁷ Carries forward Sec. 151.07, Basis for establishing the special flood hazard areas, as revised by Ordinance 25-002 (adopted March 10, 2025).

6.1.6. Floodplain Development Permit⁸

A floodplain development permit is required in conformance with the provisions of this Article prior to the commencement of any development activities within SFHAs as determined in accordance with § 6.1.5, Special Flood Hazard Areas.

6.1.7. Compliance⁹

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Article and other applicable regulations.

6.1.8. Abrogation and Greater Restrictions¹⁰

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6.1.9. Interpretation¹¹

In the interpretation and application of this Article, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

6.1.10. Warning and Disclaimer of Liability¹²

- A. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions.
- B. Actual flood heights may be increased by human-made or natural causes.
- C. This Article does not imply that land outside the SFHAs or uses permitted within such areas will be free from flooding or flood damages.

⁸ Carries forward Sec. 151.08, Floodplain development permit.

⁹ Carries forward Sec. 151.09, Compliance.

¹⁰ Carries forward Sec. 151.10, Abrogation and greater restrictions.

¹¹ Carries forward Sec. 151.11, Interpretation.

¹² Carries forward Sec. 151.12, Warning and disclaimer of liability.

- D. This Article shall not create liability on the part of Town of Beaufort or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

6.2. Flood Hazard Reduction

6.2.1. General Standards¹³

In all Special Flood Hazard Areas, the following provisions are required:

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, duct systems, and other building utility systems, equipment, and service facilities shall be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (e.g., washers, dryers, refrigerator and the like), water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with this Article. Provided, however, nothing in this Article shall

¹³ Carries forward Chapter 151, Sec. 151.40, General standards.

prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Article and located totally or partially within the floodway, non-encroachment area, or stream setback, if the bulk of the building or structure below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback is not increased and the repair, reconstruction, or replacement meets all of the other requirements of this Article.

- I. New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with § 6.3.2.B, Certification Requirements.
- J. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements of this Article for new construction and substantial improvements.
- K. When a building or structure is located in more than one flood zone or in a flood zone with multiple base flood elevations, the provisions for the most restrictive flood zone and the highest BFE shall apply.
- L. Structural fill, only permitted outside the VE and Coastal A zones, shall not be used unless design and construction of the structural fill accounts for the following:¹⁴
 - 1. Consolidation of the underlying soil under the weight of the fill and the structure;
 - 2. Differential settlement due to variations in fill composition and characteristics; and
 - 3. Slope stability and erosion control during conditions of the base flood.

6.2.2. Specific Standards¹⁵

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in §6.2.1, General Standards, the following provisions are required:

¹⁴ This paragraph was added after the UDO Steering Committee on May 15, 2026, at the recommendation of NCEM staff.

¹⁵ Carries forward Chapter 151, Sec. 151.41, Specific standards.

- A. **Residential Construction.** New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.
- B. **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.
1. Structures located in A, AO, AH, AE, and A99 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation if all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 2. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator.
- C. **Manufactured Homes.**
1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation.
 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the *State of North Carolina Regulations for Manufactured/Mobile Homes*, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to N.C.G.S. [§ 143-143.15](#) or a certified engineered foundation.
 - (a) Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength.
 - (b) When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
 3. All foundation enclosures or skirting must comply with [FEMA P-85, Protecting Homes from Floods and Other Hazards](#).
 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured

home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

- D. **Elevated Buildings.** Fully enclosed area of new construction and substantially improved structures that is below the lowest floor (in A, AE, AO, AH, and A99 zones) or below the lowest horizontal structural member (in VE and Coastal A zones):
1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 2. Shall not be temperature-controlled or conditioned;
 3. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 4. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, if they permit the automatic flow of floodwaters in both directions; and

- (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures where the addition and/or improvements in combination with any interior modifications to the existing structure:
 - (a) Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (b) Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures, except in Coastal High Hazard Areas and Coastal A zones, with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures where the addition and/or improvements in combination with any modifications to the existing structure:
 - (a) Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

F. Recreational Vehicles. Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction, including anchoring and elevation requirements [44 CFR 60.3](#).

G. **Temporary Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

1. Applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 - (a) A specified time period for which the temporary use will be permitted;
 - (b) The name, address, email address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) The timeframe prior to the event at which a structure will be removed (e.g., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.
2. The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

H. **Accessory Structures.** When accessory structures (e.g., sheds, detached garages, etc.) with a footprint of no more than 600 square feet in are placed within A, AO, AH, AE and A99 flood zones, and no more than 100 square feet in VE and Coastal A zones, wet floodproofing may be permitted when the following criteria are met:¹⁶

1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
2. Accessory structures shall be designed to have low flood damage potential;
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
4. Accessory structures shall be firmly anchored to resist floating;

¹⁶ This revision was added after the UDO Steering Committee on May 15, 2026, at the recommendation of NCEM staff to align with the new [North Carolina Flood Damage Prevention Ordinance \(Coastal\)](#).

5. All service facilities, such as electrical and heating equipment, shall be installed in accordance with NC Residential Code [Section R322.1.6](#) or NC Building Code, Appendix G, [Section 1001.6](#), Protection of mechanical, plumbing and electrical systems, as applicable; and [FEMA Technical Bulletin 2](#);
 6. Openings on at least two sides to relieve hydrostatic pressure during a flood shall be provided below Regulatory Flood Protection Elevation in conformance with [NFIP Technical Bulletin 1](#);
 7. Accessory structures in A, AO, AH, AE, and A99 zones with a footprint less than 200 square feet do not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 6.3.2.B, Certification Requirements.
 8. Accessory structures shall, in Coastal High Hazard Areas and Coastal A zones, also meet the requirements of §6.2.7, Standards for Coastal High Hazard Areas (Zone VE).
- I. **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
1. *Underground tanks.* Underground tanks shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 2. *Above-Ground Tanks, Elevated.* Above-ground tanks shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 3. *Above-Ground Tanks, Not Elevated.* Above-ground fuel tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall not be permitted in VE and Coastal A Zones. Fuel tanks may be permitted in other flood hazard areas and septic tanks may be permitted in any flood-hazard area, provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 4. *Tank Inlets and Vents.* Tank inlets, fill openings, outlets, and vents shall be:

- (a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

6.2.3. Subdivisions, Manufactured Home Parks, & Major Developments¹⁷

All subdivision, manufactured home park, and major development proposals located within Special Flood Hazard Areas shall:

- A. Be consistent with the need to minimize flood damage;
- B. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. Have adequate drainage provided to reduce exposure to flood hazards; and
- D. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334..

6.2.4. Standards for Floodplains Without Established Base Flood Elevations¹⁸

Within the Special Flood Hazard Areas established herein where no Base Flood Elevation (BFE) data has been provided, the following provisions, in addition to the provisions of § 6.2.1, General Standards, and § 6.2.2, Specific Standards, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - 1. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all

¹⁷ Carries forward Chapter 151, Sec. 151.42, Subdivisions, manufactured home parks and major developments.

¹⁸ Carries forward Chapter 151, Sec. 151.43, Standards for floodplains without established base flood elevations.

applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in § 6.2.1, General Standards, and § 6.2.2, Specific Standards.

2. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of § 6.2.2, Specific Standards, and § 6.2.6, Standards for Floodways & Non-Encroachment Areas.
3. All subdivision, manufactured home park, and other development proposals shall provide BFE data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with § 6.1.5, Special Flood Hazard Areas, and utilized in implementing this Article.
4. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in § 6.4, Definitions. All other applicable provisions of § 6.2.1, General Standards, and § 6.2.2, Specific Standards shall also apply.

6.2.5. Standards for Floodplains With BFE but Without Established Floodways or Non-Encroachment Areas¹⁹

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, the following requirements shall apply to all development within such areas:

- A. Standards of § 6.2.1, General Standards and § 6.2.2, Specific Standards; and
- B. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

¹⁹ Carries forward Chapter 151, Sec. 151.44, Standards for floodplains with BFE but without established floodways or non-encroachment areas.

6.2.6. Standards for Floodways & Non-Encroachment Areas²⁰

- A. Located within the Special Flood Hazard Areas established herein are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles.
- B. The following provisions shall apply to all development within such areas:
 - 1. No encroachments, including fill, new construction, substantial improvements, or other developments shall be permitted unless:²¹
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment;
 - (c) A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Article 5, Section F(1)(a), if the encroachment results in *base flood elevation decreases of more than 0.10-feet (optional)*, changes to the floodway/non-encroachment area widths, and/or changes to the stream location.
 - 2. If the provisions in § 6.2.6.B.1 above are satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Article.
 - 3. No manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards in § 6.2.2.C, Manufactured Homes, are met.
 - (b) The encroachment standards of § 6.2.6.B.1 above are met.

²⁰ Carries forward Chapter 151, Sec. 151.45, Floodways and non-encroachment areas.

²¹ This paragraph was revised after the UDO Steering Committee on May 15, 2026, at the recommendation of NCEM staff to align with the new North Carolina Flood Damage Prevention Ordinance (Coastal).

4. Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.²²

6.2.7. Standards for Coastal High Hazard Areas (Zone VE) and Coastal A Zones (CAZ)²³

Coastal High Hazard Areas and Coastal A zones are Special Flood Hazard Areas established herein. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this Article, the following provisions shall apply to all new construction, substantial improvements, and all other development:

A. All Development. All development shall:

1. Be located landward of the reach of mean high tide;
2. Be located landward of the first line of stable natural vegetation;
3. Comply with all applicable CAMA setback requirements; and
4. Be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the Regulatory Flood Protection Elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas or Coastal A zones to satisfy the Regulatory Flood Protection Elevation (RFPE) requirements.

B. All New Construction and Substantial Improvements.

1. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either free of obstruction or constructed with breakaway walls, open wood latticework, or insect screening, if they are not part of the structural support of the building and are designed to breakaway under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
 - (a) Material shall consist of open wood or plastic lattice having at least 4% of its area open, or .
 - (b) Insect screening; or

²² This paragraph was added after the UDO Steering Committee on May 15, 2026, at the recommendation of NCEM staff to align with the new North Carolina Flood Damage Prevention Ordinance (Coastal).

²³ Carries forward Chapter 151, Sec. 151.46, Coastal high hazard areas (VE and V1-30 Zones).

(c) Breakaway walls shall meet the following design specifications:

- (1) Breakaway walls shall have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads, per 6.2.2.D.4; ; and
- (2) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
- (3) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural).
 - i. The water loading values used shall be those associated with the base flood.
 - ii. The wind loading values used shall be those required by the North Carolina State Building Code or North Carolina Residential Code.

2. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

- (a) The water loading values used shall be those associated with the base flood.
- (b) The wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

C. Swimming Pools and Spas.

1. Swimming pools and spas must:

- (a) Be designed to withstand all flood-related loads and load combinations. Flotation calculations should assume the pools/spas are empty;

- (b) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or
 - (c) Be located and installed in-ground in compliance with either of the following:²⁴
 - (1) Designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or
 - (2) Designed and constructed to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.
- 2. Registered design professionals must certify to local officials that a pool or spa beneath or near a V or Coastal A Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.
- 3. Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.
- D. **Elevators, Vertical Platform Lifts, Chair Lifts, and Similar Elements.** All elevators, vertical platform lifts, chair lifts, and similar elements must meet the following requirements:
 - 1. Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.
 - 2. Utility equipment in Coastal High Hazard Areas (VE and Coastal Zones) must not be mounted on, pass through, or be located along breakaway walls.
 - 3. The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel must be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.
 - 4. Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased

²⁴ This paragraph was revised after the May 15, 2026, UDO Steering Committee meeting at the recommendation of NCEM staff to align with the new North Carolina Flood Damage Prevention Ordinance (Coastal).

protection from flood damage. Drainage must be provided for the elevator pit.

5. Flood damage-resistant materials shall be used inside and outside the elevator cab. Use only stainless-steel doors and door frames below the BFE. Grouting-in of door frames and sills is recommended.
 6. If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.
- E. **Certification Required.** A registered professional engineer or architect shall certify that the design, specifications, and plans for construction comply with the provisions contained in § 6.3.2.B.2(c) (finished construction certification for VE and Coastal A Zone construction), § 6.3.2.B.3, V-Zone/Breakaway Wall Certification, § 6.2.2.C, Manufactured Homes, and § 6.2.2.D, Elevated Buildings.
- F. **Use of Fill.**
1. Fill shall not be used as structural support.
 2. Nonstructural fill may be used around the perimeter of a building for landscaping/aesthetic purposes if the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection.
 3. Design plans shall be submitted in accordance with § 6.3.2.A.5(c). The Floodplain Administrator may approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, or soil scientist that demonstrates the following factors have been fully considered:
 - (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (c) Slope of fill will not cause wave run-up or ramping.
- G. **Alteration of Sand Dunes.** There shall be no alteration of sand dunes, which would increase potential flood damage.
- H. **Manufactured Homes.** Manufactured homes shall not be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or

subdivision if the anchoring and elevation standards comply with § 6.2.2.C, Manufactured Homes.

I. **Recreational Vehicles.** Placement of recreational vehicles in the Coastal High Hazard Area or Coastal A zone is prohibited.²⁵

J. **Development Activities Other Than Buildings and Structures.**

1. In coastal high hazard areas, development activities other than buildings and structures are allowed only if:
 - (a) Authorized by the appropriate state or local authority;
 - (b) Located outside the footprint of, and not structurally attached to, buildings and structures; and
 - (c) Analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
2. Such other development activities include, but are not limited to:
 - (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures; and
 - (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.

6.2.8. Standards for Areas of Shallow Flooding (AO Zones)²⁶

- A. Located within the Special Flood Hazard Areas established herein, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.
- B. The following provisions apply within such areas:
 1. All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the

²⁵ This revision was added after the UDO Steering Committee on May 15, 2026, at the recommendation of NCEM staff to align with the new North Carolina Flood Damage Prevention Ordinance (Coastal).

²⁶ Carries forward Chapter 151, Sec. 151.47, Standards for areas of shallow flooding (AO zones).

highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the Regulatory Flood Protection Elevation as defined for the Special Flood Hazard Areas where no BFE has been established.

2. All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per § 6.3.2.B, Certification Requirements, and § 6.2.2.B, Non-Residential Construction.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6.3. Administration

6.3.1. Floodplain Administrator²⁷

- A. The Building Inspector, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this chapter. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.²⁸
- B. Duties of the Floodplain Administrator include, but are not limited to:
 1. Review all floodplain development applications and issue permits for all proposed development within floodprone areas to ensure the requirements of this Article have been satisfied;
 2. Advise permittees that additional Federal or State permits (e.g., Wetlands, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining) may be required, and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit;

²⁷ Carries forward Chapter 151, Sec. 151.25, Floodplain administrator.

²⁸ NCEM recommends this addition.

3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse; submit evidence of such notification to the Federal Emergency Management Agency; and ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
4. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions in § 6.2.6, Standards for Floodways & Non-Encroachment Areas, are met;
5. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures;
6. Obtain the actual elevation (in relation to NAVD 1988) to which the new or substantially improved structures and all utilities have been floodproofed;
7. Obtain actual elevation (in relation to NAVD 1988) of all public utilities;
8. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;
9. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in this Article;
10. When Base Flood Elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any BFE data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed for this purpose, in order to administer the provisions of this Article;
11. When BFE data is provided but no floodway nor non-encroachment area data has been provided, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this Article;
12. When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment

issued from FEMA will be maintained by the Floodplain Administrator in the floodplain development permit file;

13. Permanently maintain all records that pertain to the administration of this Article and make these records available for public inspection;
14. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Article and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;
15. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
16. Revoke floodplain development permits as necessary. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;
17. Make periodic inspections throughout all SFHAs within the Town's jurisdiction. The Floodplain Administrator and each member of their inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action;
18. Follow through with corrective procedures pursuant to § 6.3.3, Corrective Procedures;
19. Review, provide input, and make recommendations for variance requests;

20. Maintain a current map repository to include, but not be limited to, historical and effective FIS Reports and historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of § 6.1.5, Special Flood Hazard Areas, including any revisions thereto, including Letters of Map Change, issued by FEMA;
21. Notify the State and FEMA of mapping needs;
22. Conduct substantial improvement and post event damage assessments and determinations, including:
 - (a) Damage assessments for damaged structures located within the SFHA or Community Flood Hazard Area (if applicable).
 - (b) Substantial improvement/damage determinations in accordance with the provisions of § 6.3.2.C, Substantial Improvement/Damage Determinations for Existing Buildings and Structures.²⁹

6.3.2. Floodplain Development Permit and Certification Requirements³⁰

A. Floodplain Development Permits.

1. Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by them prior to any development activities proposed within floodprone areas.
2. The following items/information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (a) A plot plan, drawn to scale, prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. The plot plan shall include, at a minimum, the following specific details of the proposed floodplain development:
 - (b) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures; and the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;

²⁹ NCEM recommends the additions in 19, 20, 21, and 22.

³⁰ Carries forward the floodplain development permit requirements in Chapter 151, Sec. 151.26, Floodplain development permit and certification requirements. Certification requirements are moved to their own section below.

- (c) The boundary of the SFHA as delineated on the FIRM or other flood map or a statement that the entire lot is within the SFHA;
 - (d) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;
 - (e) The boundary of the floodway(s) or non-encroachment area(s);
 - (f) The BFE where provided;
 - (g) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (h) The boundary and effective date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable.
3. Proposed elevation of all development within a SFHA including, but not limited to:
- (a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - (c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
4. If floodproofing, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential floodproofed development will meet the floodproofing criteria in this Article.
5. A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this Article are met. These details include, but are not limited to:
- (a) Proposed method of elevation, if applicable (e.g., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
 - (b) Should solid foundation perimeter walls be used in floodplain areas, details of sufficient openings to facilitate

the unimpeded movements of floodwaters in accordance herewith;³¹

- (c) In Coastal High Hazard Areas and Coastal A zones,³² the following must also be submitted with the floodplain development permit application:
- (1) V-zone certification form with accompanying plans and specifications verifying the engineered structure and breakaway wall designs;
 - (2) Plans for any structures that will have lattice work or decorative screening, if applicable. Plans for any structures that will have lattice work or decorative screening must be submitted to the Floodplain Administrator for approval prior to floodplain development permit issuance;
 - (3) Plans for placement of non-structural fill, if applicable;
 - (4) Usage details of any enclosed space below the regulatory flood protection elevation;
 - (5) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - (6) Copy of all other local, state, and federal permits required prior to floodplain development permit issuance (e.g., Wetlands, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, and the like);
 - (7) If the floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure provisions of this Article are met;
 - (8) If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation, an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream,

³¹ NCEM recommends this deletion.

³² New text recommended by NCEM.

and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

6. The following information, at a minimum, shall be provided on the floodplain development permit to ensure compliance with this code:
 - (a) A complete description of all the development to be permitted under the floodplain development permit including a cost estimate for such work (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.);³³
 - (b) The SFHA determination for the proposed development per available data specified herein;
 - (c) The regulatory flood protection elevation required for the reference level and all attendant utilities;
 - (d) The regulatory flood protection elevation required for the protection of all public utilities;
 - (e) All certification submittal requirements with timelines;
 - (f) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable;
 - (g) Specify the minimum foundation opening requirements.
 - (h) State limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).
 - (i) If in a VE Coastal A zone, state that there shall be no alteration of sand dunes which would increase potential flood damage.
 - (j) If in a VE or Coastal A zone, state that there shall be no structural fill for support.³⁴

B. Certification Requirements.

1. Elevation Certificates.

³³ NCEM recommends this addition.

³⁴ NCEM recommends the revisions in paragraphs 7, 8, 9, and 10.

- (a) An Elevation Certificate (FEMA Form FF-206-FY-22-152) is required prior to the actual start of any new construction.³⁵
 - (1) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988.
 - (2) The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction.
 - (3) Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- (b) An Elevation Certificate ([FEMA Form FF-206-FY-22-152](#)) is required after the reference level is established.
 - (1) Within 21 calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk.
 - (2) The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed.
 - (3) Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (c) A final Finished Construction Elevation Certificate ([FEMA Form FF-206-FY-22-152](#)) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance.
 - (1) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

³⁵ This paragraph was added after the UDO Steering Committee's review on May 15, 2026.

- (2) The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction.
- (3) Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (4) The Finished Construction Elevation Certificate certifier shall provide at least two photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in [Section A](#).³⁶
 - i. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two additional photographs showing side views of the building.
 - ii. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents.
 - iii. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

2. *Floodproofing Certificate.*

- (a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate ([FEMA Form FF-206-FY-22-153](#)), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction.
- (1) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification

³⁶ This paragraph was added after the UDO Steering Committee's review on May 15, 2026. This text is optional per State guidance, but is required in its entirety is required for CRS participation.

shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- (2) The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval.
- (3) Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) A final Finished Construction Floodproofing Certificate ([FEMA Form FF-206-FY-22-153](#)), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy.

- (1) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (2) The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy.
- (3) Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

(c) In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction complies with the design, specifications, and plans for VE and Coastal A Zone construction.

6.3.2.B.2(c)

- 3. *V-Zone/Breakaway Wall Certification.* A V-Zone/breakaway wall certification is required prior to issuance of a floodplain development permit within coastal high hazard areas and Coastal A zones. It shall be

the duty of the permit applicant to submit to the Floodplain Administrator the certification to ensure the design standards of this chapter are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this chapter. This certification is not a substitute for an elevation certificate.

4. *Manufactured Homes in A, AO, AH, AE, and A99 Zones.* If a manufactured home is placed within an A, AO, AH, AE, or A99 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required.
5. *Watercourse Alteration or Relocation.* If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
6. *Exemptions.* The following structures, if located within A, AO, AE, or A99 zones, are exempt from the elevation/floodproofing certification requirements specified in § 6.3.2.B.2(a) and § 6.3.2.B.2(b) above:
 - (a) Recreational vehicles meeting the requirements of § 6.2.2.F;
 - (b) Temporary structures meeting the requirements of § 6.2.2.G; and
 - (c) Accessory structures less than 200 square feet meeting the requirements of § 6.2.2.H.

C. Substantial Improvement/Damage Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this Article is required.

6.3.3. Corrective Procedures³⁷

- A. **Violations to be Corrected.** When the Floodplain Administrator finds violations of applicable state and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.
- B. **Actions in Event of Failure to Take Corrective Action.** If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating that:
 1. The building or property is in violation of UDO Article 6, Flood Damage Prevention;
 2. A hearing will be held before the Floodplain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 3. Following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- C. **Order to Take Corrective Action.**
 1. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator finds that the building or development is in violation of this Article, they shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days nor more than 180 calendar days.

³⁷ Carries forward Chapter 151, Sec. 151.27, Corrective procedures.

2. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

D. Appeal.

1. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the Town Clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final.
2. The Board of Commissioners shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

- E. Failure to Comply with Order.** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Commissioners following an appeal, they shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

6.3.4. Variance Procedures³⁸

- A. The Board of Adjustments ("Appeal Board"), as established by the Town of Beaufort, shall hear and decide requests for variances from the requirements of this Article.
- B. Any person aggrieved by the decision of the Appeal Board may appeal such decision to the Court, as provided in N.C.G.S. [Chapter 7A](#).
- C. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;

³⁸ Carries forward Chapter 151, Sec. 151.28, Variance procedures. All or portions of this Section may be consolidated with Article 7: Administration & Procedures.

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. A written report addressing each of the above factors shall be submitted with the application for a variance.
- F. Upon consideration of the factors listed above and the purposes of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
- G. Variances shall:
1. Not be issued when the variance will cause the structure to violate other federal, state, or local laws, regulations, or ordinances.
 2. Not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
 3. Only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Only be issued prior to development permit approval.
5. Only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- H. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.
- I. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- J. A floodplain development permit may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas if a variance is granted and all of the following conditions are met:
 1. The use serves a critical need in the community.
 2. No feasible location exists for the use outside the special flood hazard area.
 3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.
 4. The use complies with all other applicable federal, state, and local laws.
 5. The Town of Beaufort has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

6.3.5. Penalty³⁹

- A. Violation of the provisions of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.
- B. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense.
- C. Nothing herein contained shall prevent Town of Beaufort from taking such other lawful action as is necessary to prevent or remedy any violation.

6.4. Definitions⁴⁰

For the purpose of this Article, the following definitions apply unless the context clearly indicates or requires a different meaning.

(A, B, C)

Accessory Structure (Appurtenant Structure). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an Existing Building). An extension or increase in the floor area or height of a building or structure.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this Article.

Area of Shallow Flooding. A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

³⁹ Carries forward Chapter 151, Sec. 151.99, Penalty. Increases fine from \$50 to \$500.

⁴⁰ Carries forward Chapter 151, Sec. 151.05, Definitions, with revisions proposed by NCEM and staff. These may be consolidated with all other definitions in Article 12, although some definitions will remain in this article if they conflict with the general zoning definition of the term.

Area of Special Flood Hazard. See [Special Flood Hazard Area \(SFHA\)](#).

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). A determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

Breakaway Wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building. See [Structure](#).

CAMA (North Carolina's Coastal Area Management Act). This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

Chemical Storage Facility. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Coastal A Zone (CAZ). An area within a Special Flood Hazard Area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. See also [Limit of Moderate Wave Action \(LiMWA\)](#).

Coastal High Hazard Area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM or other adopted flood map as determined in § 6.2.7, Standards for Coastal High Hazard Areas (Zone VE).

Community Rating System (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

(D, E, F)

Development. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Digital Flood Insurance Rate Map (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal. As defined in N.C.G.S. [§ 130A-290\(a\)\(6\)](#), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Dry Floodproofing. A combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. See FEMA's [NFIP Technical Bulletin 3, Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings](#),.

Elevated Building. A non-basement building that has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Building and Existing Structure. Any building and/or structure for which the "start of construction" commenced before the initial Flood Insurance Rate Map (FIRM) for the community, dated December 1, 1972.

Existing Manufactured Home Park or Manufactured Home Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town, February 25, 1975.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).⁴¹

Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters;
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source;
 - (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

⁴¹ This definition was added (since the May 15, 2026, UDO Steering Committee) meeting at the direction of NCEM staff. FEMA requires its inclusion.

Floodplain or Floodprone Area. Any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preventing and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Administrator. The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Regulations. This Article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power that control development in flood-prone areas. This term describes federal, state, or local regulations in any combination that provide standards for preventing and reducing flood loss and damage.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodprone Area. See [Floodplain](#).

Flood-Resistant Material. Any building product (material, component or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. See FEMA [NFIP Technical Bulletin 2, Flood Damage-Resistant Materials Requirements](#). Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood Zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floor. See [Lowest Floor](#).

Freeboard. The height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size

flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, storm surge or precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the [Regulatory Flood Protection Elevation](#).⁴²

Functionally Dependent Facility. A facility that cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacturing, sales, or service facilities.

(G, H, I)

Hazardous Waste Management Facility. A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in N.C.G.S. Chapter 130A, [Article 9, Solid Waste Management](#).

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 - (a) By an approved state program as determined by the Secretary of Interior;
 - or
 - (b) Directly by the Secretary of Interior in states without approved programs.

⁴² This definition was revised since the May 16, 2026, UDO Steering Committee meeting at eh direction of NCEM staff.

(J, K, L)

Landscape Fill. A non-compacted, loosely placed material often containing substantial organic content to promote the growth and survival of plantings, sod, or other greenscape installations.

Light Duty Truck. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

5. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
6. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
7. Available with special features enabling off-street or off-highway operation and use.

Limit of Moderate Wave Action (LiMWA). The boundary line developed by FEMA on coastal map studies marking the approximate landward extent of the 1.5 foot breaking wave of the Coastal A Zones (CAZ).

Lowest Adjacent Grade (LAG). The lowest elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

Lowest Floor. The subfloor, top of slab, or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area, is not considered a building's lowest floor if such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

(M, N, O)

Manufactured Home. A structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Map Repository. The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FEMA Map Service Center website (<https://msc.fema.gov/portal/home>) is the map repository.

Market Value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. *Market value* can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value), or adjusted assessed values.

New Construction. Structures for which the start of construction commenced on or after the effective date of the original version of this Article (February 25, 1975) and includes any subsequent improvements to such structures.

Nonconforming Building or Development. Any legally existing building or development that fails to comply with the current provisions of this Article.

Non-Encroachment Area (NEA). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Obstruction. This term includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse that may alter, impede, retard, or change the direction and/or velocity of the flow of water or, due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

(P, Q, R)

Post-FIRM. Construction or other development that started on or after December 1, 1972, the date of the initial Flood Insurance Rate Map for the area.

Pre-FIRM. Construction or other development that started before December 1, 1972, the date of the initial Flood Insurance Rate Map for the area.

Primary Frontal Dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the

beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Public Safety and/or Nuisance. Anything that is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Recreational Vehicle (RV) means a vehicle that is:

1. Built on a single chassis;
8. Four hundred square feet or less when measured at the largest horizontal projection;
9. Designed to be self-propelled or permanently towable by a light duty truck;
10. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use;
11. Is fully licensed and ready for highway use;
12. Has no attached deck, porch, or shed; and
13. Has quick-disconnect sewage, water, and electrical connectors.

“Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and must meet the standards for and be permitted as Residential Structures under this Article.⁴³

Reference Level. The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of the building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor. Within Special Flood Hazard Areas designated as zones VE or Coastal A, the reference level is the bottom of the lowest horizontal structural member.

Regulatory Flood Protection Elevation. The [Base Flood Elevation](#) plus the [Freeboard](#). In [Special Flood Hazard Areas](#) where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In areas where no BFE has

⁴³ This clarification re: tiny homes was added per the UDO Steering Committee’s input.

been established, all structures and other development must be elevated or floodproofed, if non-residential, to three feet above the highest adjacent grade ⁴⁴

Remedy a Violation. An action to bring the structure or other development into compliance with state or community floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive Loss. Flood-related damages sustained by a structure on two separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Repetitive Loss (RL) Property. Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period since 1978. At least two of the claims must be more than 10 days apart but, within 10 years of each other. A RL property may or may not be currently insured by the NFIP.

Retrofitting. Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

(S, T, U)

Salvage Yard. Property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including, but not limited to, vehicles, appliances, and related machinery.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined herein.

Solid Waste Disposal Facility. Any facility involved in the disposal of solid waste, as defined in N.C.G.S. [§ 130A-290\(a\)\(35\)](#).

⁴⁴ Proposed here is to increase required freeboard from one foot to two feet, as recommended in the Comprehensive & CAMA Land Use Plan, Action 2.3.1.3, and to increase the elevation requirement for areas without a BFE from two feet to three feet.

Solid Waste Disposal Site. As defined in N.C.G.S. [§ 130A-290\(a\)\(36\)](#), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structural Fill. Screened earthen material used to create a strong, stable base. It is typically compacted to support structures such as buildings, bridges, roads, and concrete pads to include driveways, sidewalks, etc.

Structure. A walled and roofed building, a manufactured home, or a gas, liquid or liquified storage tank that is principally above ground.

Substantial Damage. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See [Substantial Improvement](#). Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during any one-year period whereby the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of state or community health, sanitary, or safety code specifications that have been identified by the Town's code enforcement official and that are the minimum necessary to assure safe living conditions; or

14. Any alteration of a historic structure, if the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to § 6.3.4, Variance Procedures.

(V, W, X, Y, Z)

Variance. A grant of relief from the requirements of this Article.

Violation. The failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by § 6.3.2, Floodplain Development Permit and Certification Requirements, is presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. *Watercourse* includes specifically designated areas in which substantial flood damage may occur.

Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Konveio General Feedback Form		
Name	Email	Comment
George Stanziale	gstanzialejr@outlook.com	Regarding zoning, Development and growth, we need to encourage sustainable development, but it needs to be balanced with increased tax base. Our town is experiencing growth pressure as are other coastal communities. I-42 will be a major contributor to growth pressure, and I believe we are doing very little to prepare for it. Without quality tax base, we will see increases in property tax. We will see impacts to our infrastructure as our population grows. Beaufort is very unique on many levels. Our access to water and water activities, our sense of community. our historic district and beyond with beautiful homes and structures, our wonderful infill communities, our access to the Inner and Outer Banks and our protected environmental areas makes us one of the most unique and visited towns on the NC Coast. while we must protect all these, we need to encourage high quality, visually appealing and tax generating development while protecting our natural recourses. we need to have a focus Beautification. Our existing commercial corridors are old and tired, and some type of beautification initiative should be considered. maybe special commercial tax district overlays along Cedar and Live Oak among others can be implemented and the tax generated by them can be focused on beautification and improvements. When people speak of our town being beautiful, it is really only several streets, the Historic District and a few other communities that are seen as such. our ordinances are very minimum in terms of design and development requirements. Let's make developers and development in our town have to adhere to regulations that are strict and focused on high quality. the result will be amazing and if developers really want to be here, they will come. There are excellent examples of how this works around the country. our UDO consultant team knows where they are, and our consultant should be pushing us to be the best we can be in all aspects of development and environmental quality. I am extremely concerned about our housing costs for our lower- and middle-income residents or, those who want to be our residents. in order to attract developers to design and develop range of housing, we need ordinances that will allow for increased density. our land and development costs are extremely high due to our location and our allowable density for housing is generally very low. Multi-family housing at 12 units per acre while generally acceptable in the past really doesn't work financially today, especially if we want housing for our work force and if we are going to attract jobs and younger people to our town. Density is not a bad thing if done well with open space, tree save, street trees and landscaping well beyond what our current ordinances require.