



Town of Beaufort, NC

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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, July 20, 2020 - Held Virtually through Zoom due to the COVID-19 Pandemic Monthly Meeting

Call to Order

1. Call to Order

Roll Call

- 1.

Agenda Approval

1. Agenda Approval for July 20, 2020

Minutes Approval

1. Minutes Approval from the June 15, 2020 Meeting

Old Business

1. Case 20-07 - Text Amendment Modifying Section 4 Definitions: Building Height

Commission / Board Comments

Staff Comments

Adjourn



Town of Beaufort, NC

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**Town of Beaufort Planning Board Regular Meeting
6:00 PM Monday, June 15, 2020 - Train Depot, 614 Broad Street, Beaufort, NC 28516 - Held
Virtually through Zoom
Minutes**

Call to Order

Chairman Ryan Neve called the meeting to order.

Roll Call

Chairman Neve asked for Secretary Winn to call the roll. Present for the meeting were Paula Gillikin, Diane Meelheim, Ralph Merrill, Jeff Vreugdenhill and Ryan Neve. John LoPiccolo and Aaron Willis were not present but did notify Secretary Winn before the meeting.

Also in attendance for the meeting were Kyle Garner, Kate Allen, Arey Grady, Town Attorney, Commissioner Marianna Hollinshed and Dee Winn.

Agenda Approval

- 1. Agenda Approval for June 15, 2020

Chairman Neve asked if there were any changes to the agenda. Hearing none he asked for a motion to approve the agenda as presented. Vice Chair Merrill made a motion to approve the Agenda as it was presented, Board Member Meelheim made a second and the motion carried unanimously.

Minutes Approval

- 1. Minutes Approval from the May 18, 2020 Planning Board Meeting and Minutes Approval from the May 29, Special Meeting to vote on 20-02

Chairman Neve stated that there were minutes to approve from the last two meetings, the last one and the Special Meeting that was held to vote on the Public Hearing. Chairman Neve asked if anyone had changes to the minutes. Vice Chair Merrill stated that he needed clarification for the vote on 511 and 513 Turner Street. He stated that the way it was recorded was having Diane voting against and Joe voting for and he felt that it was the other way around. Board Member Meelheim clarified that she did not vote in favor. Chairman Neve stated he had one change to make from the meeting on May 18, 2020 and it was a minor correction. Secretary Winn stated that

she thought that the correction would have to be made and then the minutes would be brought back to the next meeting. Mr. Garner stated that the request could be made and Town Attorney Arey Grady confirmed that if it was a minor change they could have a motion and a second and adopt them as amended at this meeting. Chairman Neve stated that the change he wanted to make is on page 6 of the packet and the very last sentence of the Commissioner/Board comments section. The sentence reads "Chairman Neve stated that he didn't thing that zoning allows for fences in the front yard" and what he had stated was "tall fences" in the front yard, so he requested adding the word "tall". Secretary Winn stated she would make the change. Chairman Neve stated that if no one else had any changes that he would entertain a motion. Board Member Meelheim made a motion to approve the minutes as amended, Board Member Gillikin made a second and the motion carried unanimously.

Secretary Winn stated that the minutes from May 29, 2020 also needed to be voted on. Chairman Neve asked for discussion on those minutes, hearing none he requested a motion to approve the minutes as presented. Board Member Gillikin made a motion to approve the minutes as presented, Board Member Meelheim made a second and the motion carried unanimously.

Administration of Oaths

Chairman Neve called for the administration of oaths. He stated that was Secretary Winn and Kate Allen.

Secretary Winn asked Ms. Allen if she would like to Affirm or Swear and Ms. Allen stated she would like to Affirm. The Affirmation was done.

Public Hearing

1. Case No. 20-07 Text Amendment Modifying Section 4 Definitions - Building Height

Chairman Neve opened the Public Hearing for case #20-07, Text Amendment Modifying Section 4 (definitions) Building Height.

Kate Allen, Staff for the Planning Department, made the presentation. Ms. Allen stated that this is a Text Amendment for the way that they measure building height. She stated that a legal advertisement was run on June 3, 2020 and June 10, 2020 for the Public Hearing. She stated that she was going to go over the current building height standards, special flood hazard areas & base flood elevation, Town standards and surrounding community standards before talking about the proposed amendment. Ms. Allen went over current Town standards and stated that current measurement is capped at 35 feet with the exception of non-residential properties and the R-20 zoning district. Ms. Allen explained that now the height is measured from the naturally occurring grade to the peak of the structure. She explained that is currently a problem because of the flood insurance program and the Town's Flood Damage Prevention Ordinance requires the lowest floor to be one foot above base flood elevation. Ms. Allen presented a slide showing building height measurements comparing existing homes and new construction. Ms. Allen also presented a slide showing the surrounding jurisdictions determine height requirements. Ms. Allen also had a slide in her presentation with the existing definition in the LDO and the proposed change to the definition. Ms. Allen had a slide with the rule for Public Hearings and the requirement to recess for at least 24 hours before making a motion as to whether to recommend this to the Board of Commissioners. She stated that meeting date and time would have to be established at this meeting to meet the public notification requirements. Ms. Allen also provided a slide that included the consistency statement.

Chairman Neve opened Board comments and questions. Board Member Gillikin had questions concerning the definition and it being equivalent to "base flood elevation" and if the terms were interchangeable. Ms. Allen stated that Regulatory Flood Prevention Elevation is base flood plus one foot of free board. Board Member Gillikin wanted clarification that it did included Beaufort's requirement and she wanted to under the discrepancy in the figures based on some areas being AE9 and what that would be. Board member Gillikin stated she felt that it would have a lot bearing on how the Board thought about the definition. Ms. Allen stated that she was hesitant due to not

being a licensed surveyor but that information was taken off of Elevation Certificates when they received. Ms. Allen stated that she could retrieve very basic elevation data but she didn't want it to be enforceable based on that data. Board Member Gillikin stated again that she just wanted to be able to understand the discrepancy between the ground elevation and regulatory numbers. 1.

Vice Chair Merrill had a question concerning a home being built in an AE6 flood area and what the actual height of the building would be and where it would be measured from. Ms. Allen stated that it would depend on ground elevation as to where it would be measured from.

Board Member Vreugdenhill stated that he didn't want to over simplify it but that the ground level didn't have anything to do with it in the new definition. He stated that they are going off a flood elevation height of the base flood plus one and that is where you would measure for the building height at its highest point and it takes the irregularity out of shore line development or irregular shore lines and makes it more consistent. He stated that if a home is in an AE9 area it would basically need to be 10 foot above the flood elevation. Board Member Gillikin stated that she understood that but she was looking at the discrepancy between actually ground level and base flood elevation. Board Member Gillikin felt that if it wasn't looked at that they may be surprised by some of the possible structure heights and having some very tall buildings for aesthetics. Board Member Gillikin is also worried about the height of buildings and being vulnerable to storms.

Chairman Neve spoke and stated that he was sympathetic to existing structures being raised so they could meet the flood free board requirements but he was less sympathetic about new construction because the land has always been low. He stated that the height restrictions were primarily an aesthetic thing for the Town and the lowest property is usually on the water, which would allow water front property to be substantially higher and he didn't think this was a direction that the Town needed to go in. He stated he wasn't sure if he would be in favor of new construction but would be in favor of bring existing. Ms. Allen explained that as the ordinance is written now, it allows for existing structures to be elevated regardless of whether it exceeded the height restrictions. Chairman Neve thanked Ms. Allen for the documentation of what neighboring communities do. He stated that he had felt for a long time that it would be a good idea to look at the height requirements. Chairman Neve stated that he saw where other towns were doing this and that Beaufort used to do it this way, but instead of measuring the building from the tallest point, measure using the average of the peaks. Vice Chair Merrill stated he didn't like that idea based on the different pitches of roofs. Chairman Neve stated he understood that and that he was worried about the aesthetics of having possible a big "box" so people could get their water views. Board Member Gillikin stated shew would be willing to consider that Chairman Neve's idea but would need to do more research.

There was more discussion concerning the flood areas and wanting to see the flood maps so it could be understood about the height and those discrepancies. There was concerns over areas in the VE and how high those structures could possibly be.

Vice Chair Merrill stated that he felt this matter should be tabled so that they could get some flood maps and information for the Town of Beaufort's jurisdiction.

Chairman Neve stated that he would be willing to entertain a motion. Vice Chair Merrill made a motion to table the matter to the next meeting so they could be provided with additional flood map information. Board Member Meelheim made a second. Chairman Neve asked if there was any more discussion on this matter. Mr. Garner spoke up and said that this was a Public Hearing and the matter had not been opened for that. He stated that the Chairman may want to open and close the Public Hearing before the vote.

Chairman Neve opened the public hearing and asked if there was anyone on the Zoom meeting that wished to speak or type a question in the chat. Hearing no one or seeing any chat he closed the Public Hearing and asked Secretary Winn for a roll call vote. Board Member Vreugdenhill lost internet connection and was not able to vote. Chairman Neve, Vice Chair Merrill, Board Member Gillikin and Board Member Meelheim voted in favor to table the matter to the next meeting.

New Business

1. Final Plat - Beau Coast Phase 2B

Chairman Neve opened Case 20-06, Final Plat, Phase 2-B, Beau Coast. Mr. Kyle Garner presented the information from Staff to the Board. He stated that this is a piece of property in the Northeast of Freedom Park Drive. He stated this is a 27.498 acre tract that will be subdivided into 40 single family homes, with 5.54 acres being left for open space. Mr. Garner stated that there is a bond or a letter of credit for \$331,105.00. Mr. Garner stated that this area is set for select cut and not clear cutting, so that the only trees that would be removed would be the ones to build structures. Mr. Garner stated that Don Mizelle, Project Manager with Whithers and Ravenel and Joe Boyd, Engineer for Whithers and Ravenel were present. Mr. Garner stated that the Town of Beaufort's engineer had also looked over everything and that he has found it to be consistent with everything that needs to be done. Mr. Garner stated that this Final Plat would allow the actual recording and selling of the lots. He stated that he and both Mr. Mizelle and Mr. Boyd would be open for questions.

Vice Chair Merrill stated he had a question for the applicant concerning someone buying a lot that has an environmental concern on that lot and what the owner could do as far as building, clearing and things like that. Mr. Mizelle stated that any environmental concerns such as wetlands or buffer zones are regulated by the Corp, CAMA etc., so they will fall under those regulations as far as what they can and can't do in those areas. Vice Chair Merrill wanted to know what could and couldn't be done in those areas. Mr. Boyd stated that the ones that actually do have open water could build a wooden dock and that the size would be regulated by the actual length of the water front frontage. They will be able to clear an area up to five feet wide to access it. Mr. Boyd stated that he didn't know what else was allowed but knew a home wouldn't be allowed in those areas. Vice Chair Merrill stated his concern about this based on another case. Mr. Boyd stated that permits would have to be acquired, that someone just couldn't go out there and do something, he said there are rules and regulations.

Board Member Gillikin had a question concerning the select cutting, where that decision came from and if it had anything to do with the 404 wetlands. Mr. Mizelle stated that this area is called the "peninsula" and that this area is different than Phase 1 and Phase 2, which are more urban. This area is going to have larger lots and take more advantage to the water/wetland views. Mr. Garner stated that there was another piece to this part because Board Member Gillikin had asked if it was part of the regulatory or part of the PUD approval and Mr. Garner stated yes, that an amendment had been made several years ago to this when Beau Coast and Beaufort East Village split. Board Member Gillikin wanted to clarify that if there was a change to that it would have to come back to the Planning Board and Mr. Garner stated yes. Board Member Gillikin also asked where the historical graveyard was located and Mr. Garner brought up the map and Mr. Mizelle stated it is located at the back of lot 271 and there is a 10 foot easement to allow access to it.

Chairman Neve also had a question concerning the select cut and how that would be enforceable. He wanted to know if there were enforceable covenants in place. Mr. Mizelle stated that there are covenants in place but he wasn't sure if they addressed this but would check and provide the answers. Mr. Garner stated he would try to get that information as well. Mr. Garner also stated that when a building permit is received all of that information is looked at. Chairman Neve stated that he understood that but his concern was someone preferring a lawn to trees and he was wondering about a regulatory mechanism to keep that from happening. Mr. Garner stated that is where the covenants come in. Mr. Garner also stated the staff is required to have the covenants when they go to the Board of Commissioners.

Vice Chair Merrill stated that he felt that they needed to be realistic on the select cut because of possibly having a 75 foot pine tree and being in a hurricane zone. Chairman Neve stated that he hoped they could get it to look like the Pine Knoll Shores area and Vice Chair Merrill stated he was more worried that it may turn out like Howland Rock.

Chairman Neve asked for anymore comments and hearing none stated he would entertain motion. Vice Chair Merrill made a motion to approve the Final Plat for Beau Coast, Board Member Meelheim made and second. Secretary Winn did a roll call vote, Chairman Neve, Vice Chair Merrill, Board Member Gillikin and Board Member Meelheim voted to approve. Board Member Vreugdenhill did not vote as he had lost internet connection.

1.

2. Case #20-08 513 Front Street - Micro Distillery/Restaurant

Chairman Neve opened the second item of New Business which was case 20-08, 513 Front Street, Micro-Distillery/Restaurant. Mr. Garner presented on behalf of staff. He stated that is is for a special use permit for a Micro Distillery or a Micro-Brewery or a restaurant with outdoor operation or a Tavern/Bar/Pub with outdoor operation. He stated that the building is on .315 acres. He also stated that owners within 200 feet would be notified of the Public Hearing and that is an additional 100 feet above what the State requires. Mr. Garner stated that the property is located in the Historic Business District and also in the CAMA Land Use area. Mr. Garner had slides showing this as well as a site plan of the lot. Mr. Garner told the Board that not only will the applicants have to go before the Town of Beaufort Commissioners but they will also have to go before the Historic Preservation Commission for approvals on elevations, materials etc. for the aesthetic part. Mr. Garner stated that the applicant, Nelson Owens, was present and could answer any questions that the Board may have also.

Chairman Neve asked Mr. Owens if he would like to make any comments and he said none at this time but would answer any questions. Chairmen Neve asked the Board if they had any questions for Mr. Garner or Mr. Owens. Hearing not questions or comments Chairman Neve stated that he would entertain a motion on this matter. Board Member Gillikin made a motion to approve the special use permit for Mr. Owens proposal, Board Member Meelheim made a second and Secretary Winn made a roll call vote with Chairman Neve, Vice Chair Merrill, Board Member Gillikin, Board Member Meelheim and Board Member Vreugdenhill all voting to approve.

Commission / Board Comments

Chairman Neve opened Commission / Board Comments and stated that he would go top to bottom on his screen.

Board Member Meelheim stated excellent job as usual to the staff, thank you. Board Member Gillikin didn't have any comments. Board Member Vreugdenhill stated that he had some questions on the first two cases due to his internet being in and out. Board Member Vreugdenhill wanted to know what was done with the height question, he said he assumed it was continued to the next meeting. Chairman Neve stated that was correct, it was tabled and elevation maps were requested. Board Member Vreugdenhill stated on the second meeting he was not present for that at all and that he was not able to hear any of it. Chairman Neve stated that it passed unanimously aside from Board Member Vreugdenhill's vote. Vice Chair Merrill had no comments. Chairman Neve stated that he wanted to thank everyone for showing up. He thank Commissioner Hollinshed for watching in and he thanked the Board members for taking time to be on this Board.

Staff Comments

Chairman Neve opened comments from the Planner. Mr. Garner stated that he only had one item and that it was from the Town Commissioner's Budget Workshop that was held earlier in the day. It is concerning the CAMA Land Use Plan and it is currently in this year's budget. Mr. Garner stated that this will be Ms. Allen's project. Mr. Garner stated that this will be done prior to the redo of the Land Development or the unified Development Ordinance. Mr. Garner thanked Commissioner Hollinshed for her support in getting this project in the budget.

Board Member Gillikin stated that she had some questions from a few citizens for Mr. Garner about the mooring fields and the harbor plan for dredging. Mr. Garner stated that the Harbor Management Plan is

also in the current budget. That process will start sometime after July 1st. Looking at the mooring field that will probably happen sometime around 2024 or 2025. Mr. Garner stated that there was more involved with the mooring fields including, the boardwalk, it is where we are with the Park Service, all of the docks and it is a full dredging. Mr. Garner stated in may even involve changing where the channel is in Town Creek.

Adjourn

Chairman Neve stated if there was nothing else he would entertain a motion to adjourn. Board Member Vreugdenhill made the motion to adjourn, Board Member Gillikin made the second and the motion carried unanimously by roll call vote.

Ryan Neve, Chairman

Denice Winn, Board Secretary



Staff Report

To: Planning Board

Date: 7/13/2020

From: Kate Allen

Meeting Date: 7/20/2020

Case Number 20-07

Summary of Request:

A staff initiated request to modify the definition of *building height*. Proposed amendment would change the way building height is measured in Special Flood Hazard Areas.

Background

This case was presented to the Planning Board at the June 15, 2020 meeting. The Board requested additional data regarding ground elevations throughout Beaufort’s Planning Jurisdiction. The included maps use data from “Building Footprints,” which includes finished floor elevations, lowest adjacent grade, and highest adjacent grades for existing structures.

Applicant

Staff Initiated

Current Definition

The vertical distance measured from the naturally occurring grade adjacent to a structure to a level plane formed by the highest point (peak) of the structure. In cases where the natural grade varies at corners of a structure, the *Building Height* shall be determined by using the average natural grade at the corners of the structure. The highest point of the structure is generally the ridge of the roof for pitched roof structures and the top surface of a flat roof for flat roof structures but shall also include the highest surface of parapet walls and other structural features.

Proposed Definition

The vertical distance measured from the naturally occurring grade adjacent to a structure to a level plane formed by the highest point (peak) of the structure. If the subject property is located in a Special Flood Hazard Area, measurement will begin at the Regulatory Flood Protection Elevation to a level plane formed by the highest point (peak) of the structure. In cases where the natural grade varies at corners of a structure, the *Building Height* shall be determined by using the average natural grade at the corners of the structure. The highest point

of the structure is generally the ridge of the roof for pitched roof structures and the top surface of a flat roof for flat roof structures but shall also include the highest surface of parapet walls and other structural features.

CAMA Future Land Use Map Amendment Required N/A
 No
 Yes

Additional Information See Staff Comments

Requested Action Provide a consistency statement to the Board of Commissioners addressing the requested text amendment and the future land use plan. (Draft motions attached)
Provide recommendation to the Board of Commissioners to:

- Approve the request;
- Recommend approval with modifications
- Deny the request; or

Staff Comments

This is a staff-initiated request to modify the definition of *building height*. Proposed amendment would change the way building height is measured in Special Flood Hazard Areas.

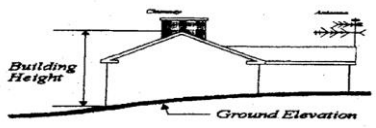
Consistency Statement & CAMA Core Land Use Plan Amendment

In accordance with **NCGS § 160A-383**, the consistency statement must include one of the following:

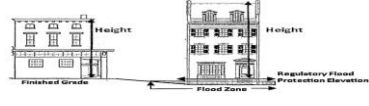
- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
 - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
 - An explanation of the change in conditions the board took into consideration when recommending approval

Attachments: LDO Section 4 – Draft Text Amendment
Building Height Comparison Table
Building Height Comparison Text
Ground Elevation & SFHAs (Obtained from Building Footprint Data)

Building Height Standards Discussion - November 2018

	Measured From (Bottom)	Measured To (Height)	Exceptions/Exclusions/Provisions	Exemptions	Additional Regulations/Information
Beaufort, NC	Naturally Occurring Average Grade (corners of structure)	Highest Point of Structure	The highest point of the structure is generally the ridge of the roof for pitched roof structures and the top surface of a flat roof for flat roof structures but shall also include the highest surface of parapet walls and other structural features.	School gymnasiums, the Carteret County Courthouse, public utility poles and towers (except towers may be subject to other limits or procedures in this Ordinance), municipal and public water towers, permitted communication towers, bell towers, steeples, and spires on structures used for religious purposes, elevator shafts, chimneys, and similar structural appendages not intended for occupancy or storage; flagpoles.	Applications for a Special Use Permit for Telecommunication Towers require documentation which shows towers over a certain height are absolutely necessary for the provision of service (i.e., a tower up to one hundred ninety-six feet (196') cannot provide a reasonable level of service).
			Fixtures and architectural features which are not capable of occupation, such as chimneys, cupolas, domes, elevator shafts, heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices and antennae, and which extend no more than ten feet (10') above the highest point on the structure, shall be allowed if the base of such architectural feature or fixture has a square footage which is ten percent (10%) or less than the square footage of the highest habitable floor on the structure.		
			Any nonconforming residential structure in a specific zoning district which exceeds the height limitation for its specific zoning district and is damaged or destroyed by fire, flood, wind, or act of God, may be rebuilt to the dimension of such building or structure as it existed prior to the damage or destruction and according to the North Carolina State Building Codes.		
			Any building or structure in existence on the effective date of this Ordinance may be raised the minimum amount necessary to bring the structure into compliance with the prescriptive minimum flood elevation as determined by the National Flood Insurance program regulations, notwithstanding raising such building or structure will increase its overall height above the building height limitations established herein.		
Atlantic Beach, NC	Existing Grade	Highest Point of the Roof	Residential - Spires, belfries, cupolas, domes and chimneys and similar features may exceed maximum height by no more than 5 feet	Height limitations are not applicable to government buildings, schools, hospitals, water towers, public utilities or similar structures provided such structures meet the NC State Building Code	
	Adjacent Street Level (CIR District)		Non-Residential: Water tanks, ventilators, elevator housing, mechanical equipment may exceed maximum height by no more than 10 feet		
	Base Flood Elevation (if above street level)		CIR District: B & C Sub-Area Zones, no more than 10 feet; A and A-1 Zones, no more than 20 feet		
Carteret County, NC	Lowest Adjacent Grade	Highest Point of the Building	Chimneys, antennas, and similar structures		
Emerald Isle, NC	Mean Grade/Grade Plane at Fronting Side	Mean Roof Height	Buildings with flat roofs and buildings with low slope roofs in the R2, RMF, MH and Eastern End Oceanfront Overlay Zoning Districts may have a roof parapet not exceeding 3 feet in height		One and two-family dwellings are limited to three stories plus an attic story as defined in the NC Building Code
			Buildings with flat roofs and buildings with low slope roofs in the B, C, G, VE, VW and MV Zoning Districts may have a roof parapet not exceeding 5 feet in height exclusive of elevator shafts, air conditioning and other necessary mechanical equipment, none of which shall exceed 10 additional feet in height, for a total of fifteen (15) feet. The additional 15 feet cannot be used for habitation.		
			Commercial buildings or mixed use structures with a roof pitch of 3/12 or less shall be measured from the lowest finish grade level immediately adjacent to the building or pilings to the exterior wall load-bearing top plate, with a maximum of 5 foot roof top parapet exclusive of elevator shafts, air conditioning and other necessary mechanical equipment, none of which shall exceed 10 additional feet in height, for a total of fifteen (15) feet.		
			Commercial buildings and mixed use structures with larger roof pitch shall be determined from the lowest finish grade level immediately adjacent to the building foundation or pilings, to the mean roof height of the highest roof ridge.		
Jacksonville, NC	Finished Grade (at corner of front of building)	Flat Roof: highest point of the roof			The ground floor of a mixed-use or nonresidential structure shall maintain a minimum clearance of 15 feet, as measured from the finished grade
		Mansard Roof: declline			Height for Wireless Telecommunication Facilities or complexes shall mean the distance measured from the pre-existing grade level to the highest point on the Tower or support structure, even if said highest point is an Antenna or lightning protection device. As regards increasing the height of an existing structure, Height means the height as measured from ground level to the top of the structure prior to any work related to a wireless Facility.
		Gable, Hip, Cone, Gambrel or Shed Roof: mean height level between eaves and the ridge			
Morehead City, NC	Average Finished Grade	Highest Point of Building (including rooftop structures as defined in the NC Building Code)	Height limitations do not apply to: church spire, belfry, cupola, or dome; an ornamental tower not intended for human occupancy; a monument; a water tower; a transmission tower; a chimney or smokestack; a conveyor; a flag pole; a radio or television tower, mast, or aerial.	Community hospital, community college and institutions of higher learning with university affiliations because these uses are paramount to the public health, education and welfare of the town citizens and town visitors	

Building Height Discussion

	Measured From (Bottom)	Measured To (Height)	Exceptions/Exclusions/Provisions	Exemptions	Additional Regulations/Information		
New Bern, NC	Finished Grade at the addressed front entrance of the building	Highest Point of Building: top of any parapet wall or the highest point of the roof surface (whichever is greater)	Rooftop appurtenances, including but not limited to spires, cupolas, antennae, chimneys, trellises, and mechanical equipment shall not be included in the calculation of building height, and in no case shall extend beyond nine feet of the height of a building.		In the C-1 central business district and C-2 commercial waterfront district the finished grade is the elevation or surface of the earth after all earthwork has been completed consistent with approved design specifications and shall not exceed 2' above existing grade. ***Deviations in finished grade greater than 2' may be permitted where additional fill material is required to meet local, state, or federal permitting requirements. In such instances the applicant shall submit a letter to the Director of Development Services or their designee. The letter shall be signed by a professional engineer, licensed architect, or licensed landscape architect stating the reason for exceeding the standard and the extent to which the standard will be exceeded.		
	Buildings located in SFHA (excluding Waterfront Overlay District) vertical distance measured from the Regulatory Flood Protection Elevation				In all other zoning districts finished grade is the elevation or surface of the earth after all earthwork has been completed consistent with approved design specifications.		
					Maximum building height may be exceeded by stepping back a building from the outside edge of the uppermost floor. With the exception of appurtenances, the vertical height shall not exceed a 1:1 ratio, measured as the increased height of said point and its distance from the right of way. Step backs may only be used in the C-1 central business district and C-2 commercial waterfront district and will in no circumstance exceed 13 feet above maximum building height		Buildings and structures within the historic district shall observe the dimensional and other regulations of the city's zoning ordinances
	Buildings located in the New Bern Waterfront Overlay Districts: Mean Sea Level				Residential Waterfront Overlay District: 1. No building or structure shall exceed a height of 44 feet. Commercial Waterfront Overlay District: 1. No building or structure shall exceed a height of 60 feet. Rooftop appurtenances shall not exceed a height of 75 feet above mean sea level, and shall not exceed 5 percent of the horizontal roof area measured at the cornice line or finished roof surface.	Waterfront Overlay District: No existing building or structure may be increased in height beyond the limitation hereby imposed, but the fact that an existing structure exceeds this height limitation shall not be construed to make said structure "nonconforming" as the term is used in this ordinance.	All residential or nonresidential buildings hereafter constructed on property in the city which adjoins the Neuse River, Trent River, or Lawson Creek, and is in the city commercial or residential waterfront overlay districts, shall be set back a minimum distance of 35 feet from the edge of the river or creek on which it fronts, measured at a time when the water is at its normal level. "Normal level" is considered "mean water level," as the same is defined in section .0700, Technical Appendix 1, "Definition for Public Trust Areas in the North Carolina Administrative Code
Pine Knoll Shores, NC	Average adjacent grade (natural or approved grade, at the exterior foundation walls, pilings or columns of the building)	Highest Point of Building	Chimneys extended less than six feet above the highest point of a building are excluded from the calculation of building height		Approved grade means any grade level of the surface of the land, other than natural, approved by the planning board for a specific lot or parcel of land as part of the major landscape permit process		
Swansboro, NC	Adjacent Grade	Flat Roof - Highest Finished Surface	The following are not included in the calculation of building heights: antennas (excluding television dishes), belfries, cupolas, chimneys, spires, ventilators, water tanks, or other architectural embellishments (intended for ornamental purposes only) that are normally placed above the roof line of a structure.		Structures allowed under the height exception require a special use permit issued by the Board of Commissioners and are permitted on the condition that they shall be available for inspection by the ordinance administrator or his/her designee at any reasonable time in order to confirm compliance with this ordinance.		
		All Other - To a point from the average grade around the building (five feet out) to the highest roof mean height	These height limit exceptions may include access and flooring only to the minimum extent necessary for safe maintenance and/or operation of the structure, may not be designed or used for human occupancy, for human habitation, or for storage, and may not contain furnishings.				

Beaufort, NC – Land Development Ordinance

<http://www.beaufortnc.org/home/showdocument?id=6911>

Building Height. The vertical distance measured from the naturally occurring grade adjacent to a structure to a level plane formed by the highest point (peak) of the structure. In cases where the natural grade varies at corners of a structure, the Building Height shall be determined by using the average natural grade at the corners of the structure. The highest point of the structure is generally the ridge of the roof for pitched roof structures and the top surface of a flat roof for flat roof structures but shall also include the highest surface of parapet walls and other structural features.

Freeboard. The additional amount of height added to the base flood elevation to account for uncertainties such as waves, debris, miscalculations, or the lack of data, in the determination of flood elevations. The Town has adopted this to mean the base flood elevation plus one foot.

Mean Elevation. The average height to which something is elevated above sea level.

Section 6: Height and Area Exceptions & Supplements

D) Height Restrictions.

- 1) Height restrictions will be determined by the specific zoning district whether inside the Town corporate limits or within the ETJ area.
- 2) Fixtures and architectural features which are not capable of occupation, such as chimneys, cupolas, domes, elevator shafts, heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices and antennae, and which extend no more than ten feet (10') above the highest point on the structure, shall be allowed if the base of such architectural feature or fixture has a square footage which is ten percent (10%) or less than the square footage of the highest habitable floor on the structure.
- 3) Any nonconforming residential structure in a specific zoning district which exceeds the height limitation for its specific zoning district and is damaged or destroyed by fire, flood, wind, or act of God, may be rebuilt to the dimension of such building or structure as it existed prior to the damage or destruction and according to the North Carolina State Building Codes.
- 4) Any building or structure in existence on the effective date of this Ordinance may be raised the minimum amount necessary to bring the structure into compliance with the prescriptive minimum flood elevation as determined by the National Flood Insurance program regulations, notwithstanding raising such building or structure will increase its overall height above the building height limitations established herein.

Atlantic Beach, NC – Unified Development Ordinance

<http://atlanticbeach-nc.com/wp-content/uploads/2018/01/Unified-Development-Ordinance-with-errata-10.23.17.pdf>

1. Measurement

- a. Building height shall be measured from the existing grade elevation prior to any land disturbing activities.
- b. Within the CIR District, height shall be measured from the adjacent street level of the fronting street. In cases where the BFE is established at a height above street level, height may be measured from the BFE.

2. Maximum Height

Building height is calculated from the existing grade elevation to the highest point of the roof.

3. Exceptions

- a. Residential Construction
Spires, belfries, cupolas, domes, and chimneys, and similar features located above the roof level for decorative purposes and not intended for human occupancy or general storage may exceed maximum height requirements by no more than five feet (see
- b. Non-residential Construction
Water tanks, ventilators, elevator housing, mechanical equipment or other structures placed above the roof level and not intended for human occupancy or general storage may exceed maximum height requirements by no more than 10 feet.
- c. CIR District
Spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy or general storage may exceed the maximum height requirements by up to 10 feet in the B and C Sub-Area Zones, and up to 20 feet in the A and A-1 Sub-Area Zones.

4. Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

5. Exemptions

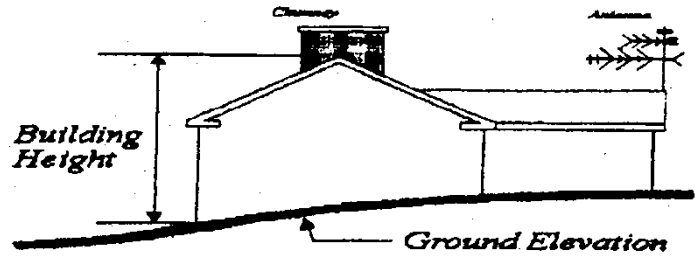
Height limitations of this article shall not apply to government buildings, schools, hospitals, water towers, public utilities, or similar structures provided such structures meet the required NC State Building Code.

Carteret County, NC – Zoning Ordinance

Building height. The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest adjacent grade to the building to the highest point on the building, excluding chimneys, antennas and similar structures (see Section 1604. Structures Permitted above the Height Limit). See Figure below.

(Ord. of 1-10-00)

[https://library.municode.com/nc/carteret_county/codes/code_of_ordinances?nodeId=COOR APXCZ00R 1100 RUCODE 1102DE](https://library.municode.com/nc/carteret_county/codes/code_of_ordinances?nodeId=COOR_APXCZ00R_1100_RUCODE_1102DE)



1604. - Structures permitted above the height limit.

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- 1604.1.** The following structures, features, or equipment are permitted above the height limit in any district: silos, skylights and roof structures for elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment for the operation or maintenance of the building and any device used for screening such structures and equipment.
- 1604.2.** The following structures are permitted above the height limit on lots in the business, church campus, and industrial districts which do not abut lots in any residential district: towers, steeples, flagpoles, chimneys, water tanks or similar structures. If this type of structure is on a lot which abuts a residential district, then the part of the structure above the height limit must be separated from any such abutting lot line by a distance equal to at least one-half of its height measured from the ground. Towers used to support electric power and other utility lines are exempt from this requirement.
- 1604.3.** The structures listed in section 1604.2 above are also permitted above the height limit in residential districts. However, any part of such a structure which extends above the height limit must be separated from any abutting property line by a distance equal to at least half of its height measured from the ground. Otherwise the structure will be subject to the usual requirements for the particular district. Towers used to support electric power and other utility lines are exempt from this requirement. Towers and other similar structures used solely for the purposes of amateur radio reception and transmission shall be exempt from this requirement.
- 1604.4.** Radio and television towers and similar structures are permitted above the height limit in any district. If such a structure is located on a lot in or abutting a residential district, it must be located at least 50 feet from all abutting residential property lines or at a distance equal to its height, whichever is greater.
- 1604.5.** The height of any structure shall be measured from its finished grade.

Emerald Isle, NC

https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=APXAUNDEOR

Height The vertical distance from the mean grade elevation taken at the fronting street side of a structure and measured as described in the notes to Table 5.1. Towers, spires, steeples, and enclosed roof top mechanical equipment are not counted in height measurements. Exceptions to this definition are listed within this Ordinance.

Jacksonville, NC

<https://jacksonvillenc.gov/DocumentCenter/View/850/UDO-POST-2016-SUMMER-Revisions?bidId=>

Height Measurement

- (a) Building height shall be the vertical distance measured from the finished grade (following grading, excavation, or other land-disturbing activity) at a front corner of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and the ridge of a gable, hip, cone, gambrel, or shed roof.
- (b) The ground floor of a mixed-use or nonresidential structure shall maintain a minimum clearance of 15 feet, as measured from the finished grade (following grading, excavation, or other land-disturbing activity).
- (c) Sign height (including billboards) shall be measured vertically from the adjacent edge of pavement of the street from which the site derives its street address to the top portion of the sign.
- (d) Height for Wireless Telecommunication Facilities or complexes shall mean the distance measured from the pre-existing grade level to the highest point on the Tower or support structure, even if said highest point is an Antenna or lightening protection device. As regards increasing the height of an existing structure, Height means the height as measured from ground level to the top of the structure prior to any work related to a wireless Facility.

Morehead City, NC

https://library.municode.com/nc/morehead_city/codes/code_of_ordinances?nodeId=PTIVUNDEOR_ART14EXMOSPRECEUS_14-2STEXHELI

Building height. The vertical distance from the average finished grade of the building lot to the highest point of the building, including rooftop structures as defined in the North Carolina Building Code (i.e. stairwells, elevator shafts, etc.).

14-2 - Structures Excluded From Height Limitations The height limits of these regulations shall not apply to a church spire, belfry, cupola, or dome; an ornamental tower not intended for human occupancy; a monument; a water tower; a transmission tower; a chimney or smokestack; a conveyor; a flag pole; a radio or television tower, mast, or aerial. The height limits of these regulations shall not apply to the community hospital, community college and institutions of higher learning with university affiliations because these uses are paramount to the public health, education and welfare of the town citizens and town visitors; the public cost to relocate these uses would be prohibitive; and, the amount of land available for such uses is limited within existing boundaries.

(Ord. No. 2007-13, § 1, 3-13-2007)

New Bern, NC

Code of Ordinances City of New Bern, North Carolina Appendix A – Land Use

https://library.municode.com/nc/new_bern/codes/code_of_ordinances?nodeId=PTIICOOR_APXALAU

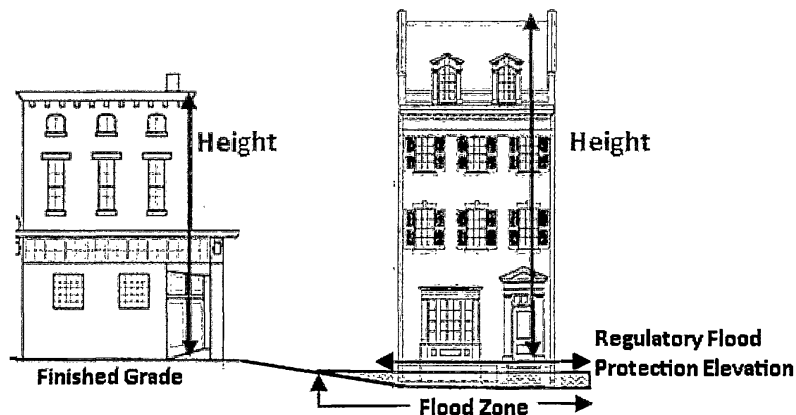
Article XII. Density and Dimensional Regulations

Section 15-189. - Building height limitations.

https://library.municode.com/nc/new_bern/codes/code_of_ordinances?nodeId=PTIICOOR_APXALAU_ARTXIIDEDIRE_S15-189BUHELI

(a) For purposes of this section:

- (1) In all zoning districts, the height of a building shall be the vertical distance measured from the elevation of the finished grade at the addressed front entrance of the building to the highest point of the building, not to include chimneys, antennae, or other rooftop appurtenances, unless the building is located in a special flood hazard area as defined in article XVI. For buildings located in a special flood hazard area, excluding the Waterfront overlay districts, the height of a building shall be the vertical distance measured from the regulatory flood protection elevation as defined in article XVI to the highest point of the building, not to include chimneys, antennae, or other rooftop appurtenances.



- (2) The highest point of a building shall be the top of any parapet wall or the highest point of the roofs surface, whichever is greater.
- (3) In the C-1 central business district and C-2 commercial waterfront district the finished grade is the elevation or surface of the earth after all earthwork has been completed consistent with approved design specifications and shall not exceed 2' above existing grade.
 - (i) Deviations in finished grade greater than 2' may be permitted where additional fill material is required to meet local, state, or federal permitting requirements. In such instances the applicant shall submit a letter to the Director of Development Services or their designee. The letter shall be signed by a professional engineer, licensed architect, or licensed landscape architect

stating the reason for exceeding the standard and the extent to which the standard will be exceeded.

- (4) In all other zoning districts finished grade is the elevation or surface of the earth after all earthwork has been completed consistent with approved design specifications.
- (5) The addressed front entrance of a building is the centerline of primary entrance of a building, commonly referred to as the front door.
- (6) Rooftop appurtenances, including but not limited to spires, cupolas, antennae, chimneys, trellises, and mechanical equipment shall not be included in the calculation of building height, and in no case shall extent beyond nine feet of the height of a building.
- (7) Maximum building height may be exceeded by stepping back a building from the outside edge of the uppermost floor. With the exception of appurtenances, the vertical height shall not exceed a 1:1 ratio, measured as the increased height of said point and its distance from the right of way. Step backs may only be used in the C-1 central business district and C-2 commercial waterfront district and will in no circumstance exceed 13 feet above maximum building height

Article XXI – New Bern Historic District

Section 15-416. - Required conformity to dimensional regulations; exceptions.

https://library.municode.com/nc/new_bern/codes/code_of_ordinances?nodeId=PTIICOOR_A_PXALAU_ARTXXINEBEHIDI_S15-416RECODIREEX

Buildings and structures within the historic district shall observe the dimensional and other regulations of the city's zoning ordinances, except as follows:

- (a) Front yard setbacks shall be within a zone established by the minimum and maximum setbacks of the existing contributing structures on the same side of the block under consideration as of the date of the application for a certificate of appropriateness. Where less than three contributing structures are situate on the same side of the block under construction, the applicable front setback shall be the zone established by the minimum and maximum setbacks of the existing contributing structures on the same side of the street of the nearest adjoining blocks within the same zoning district where three contributing structures are situate. If only one adjoining block lies within the same zoning district as the property under construction, or if only one adjoining block has three contributing structures, only such adjoining block shall be used to determine the minimum and maximum setbacks of the existing contributing structures. If there are no qualifying adjoining blocks, the front yard setbacks shall be within a zone established by the minimum and maximum setbacks of the existing contributing structures across the street of the block under construction as of the date of the application for a

certificate of appropriateness, and if there are less than three contributing structures across the street, then all structures across the street shall be considered.

- (b) The minimum side yard setback shall be:
 - (1) For residential uses, five feet, or less as provided in [section 15-123](#); or
 - (2) For all other uses, the applicable side yards shall be those prescribed by the city zoning ordinance for that particular zoning classification.
- (c) Rear yard. Rear yards will be the resultant ground remaining from setback, side yard, and lot coverage requirements, but shall be no less than six feet in depth.
- (d) Lot coverage. Lot coverage for residential uses shall not exceed 60 percent of the total lot area.
- (e) All setbacks, lot coverage ratios and other zoning requirements specific to an application for a certificate of appropriateness shall be determined by the zoning administrator or his designee, and provided to the commission prior to the consideration of a certificate of appropriateness as a written opinion of the zoning administrator.

Article XXIII. New Bern Waterfront Overlay Districts

Section 15-474. - Required conformity to dimensional regulations.

https://library.municode.com/nc/new_bern/codes/code_of_ordinances?nodeId=PTIICOOR_APX_ALAUS_ARTXXIIIINEBEWAOVDI_S15-474RECODIRE

- (a) Height shall be defined as the vertical distance between mean sea level and the highest point of a building.
- (b) Structures within the residential waterfront overlay district shall observe the dimensional and other regulations of the land use ordinance of the City of New Bern, except as follows:
 - (1) No building or structure shall exceed a height of 44 feet.
 - (2) No existing building or structure may be increased in height beyond the limitation hereby imposed, but the fact that an existing structure exceeds this height limitation shall not be construed to make said structure "nonconforming" as the term is used in this ordinance.
- (c) Structures within the commercial waterfront overlay district shall observe the dimensional and other regulations of the land use ordinance of the City of New Bern, except as follows:
 - (1) No building or structure shall exceed a height of 60 feet. In no event shall the top of any roof of a building or structure, excluding rooftop appurtenances not intended as places of occupancy or storage such as spires, cupolas, and towers, exceed a height of 66 feet above mean sea level. Rooftop appurtenances as described herein shall not exceed a height of 75 feet above mean sea level, and shall not exceed five

percent of the horizontal roof area measured at the cornice line or finished roof surface.

(2) No existing building or structure may be increased in height beyond the limitation hereby imposed, but the fact that an existing structure exceeds this height limitation shall not be construed to make said structure "nonconforming" as the term is used in this ordinance.

(c) All new buildings or structures, located in the commercial and residential waterfront overlay districts shall comply with the requirements of Article XXI.

(d) All residential or nonresidential buildings hereafter constructed on property in the city which adjoins the Neuse River, Trent River, or Lawson Creek, and is in the city commercial or residential waterfront overlay districts, shall be set back a minimum distance of 35 feet from the edge of the river or creek on which it fronts, measured at a time when the water is at its normal level. "Normal level" is considered "mean water level," as the same is defined in section .0700, Technical Appendix 1, "Definition for Public Trust Areas in the North Carolina Administrative Code," which states:

- (1) In bodies of water having less than six inches lunar tidal influence, and excluding tropical storm and hurricane conditions, mean water level is the average height of all water levels.
- (2) In the absence of more precise data, relatively close approximation of the mean water level may be assumed to be the physical water level on the site, provided:
 - a. The body of water is within its normally established banks or shoreline which may be determined by inspection of vegetative and soil character indicators.
 - b. No precipitation of one-inch or more has occurred upstream of the project site in the seven-day period preceding the determination.
 - c. No sustained winds in excess of 12 knots has occurred within a 50 mile radius of the project site in the three-day period preceding the determination.

Pine Knoll Shores, NC

https://library.municode.com/nc/pine_knoll_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH7_4ZO

Building, height of, means the height of a building (or "building height") which is determined by establishing the highest and lowest points of proposed grade elevation, whether natural or approved grade, at the exterior foundation walls, pilings, or columns of the building as proposed and after construction, exclusive of decks, patios, etc. Using these two elevations, the average elevation shall be calculated. The resultant average elevation shall be the point from which the building height is measured in a vertical plumb line to the highest point of the building above the calculated average grade elevation. Chimneys extended less than six feet above the highest point of a building are excluded from

the calculation of building height (Chapter 74 §1-2 Code of Ordinances, Town of Pine Knoll Shores, North Carolina).

Approved grade means any grade level of the surface of the land, other than natural, approved by the planning board for a specific lot or parcel of land as part of the major landscape permit process as specified in subsection [74-85\(h\)](#) (Chapter 74 §1-2 Code of Ordinances, Town of Pine Knoll Shores, North Carolina)..

Regulatory flood protection elevation means the elevation to which all structures and other development located in the special flood areas must be elevated or floodproofed. Within 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 been established, all structures and other development must be elevated or floodproofed to two feet above the highest adjacent grade (Flood Damage Prevention Ordinance).

Swansboro, NC

[https://swansboro-nc.org/vertical/sites/%7BC7A9863B-59C9-4406-A35B-64EF72677469%7D/uploads/Articles_1-8_\(8.28.2017\).pdf](https://swansboro-nc.org/vertical/sites/%7BC7A9863B-59C9-4406-A35B-64EF72677469%7D/uploads/Articles_1-8_(8.28.2017).pdf)

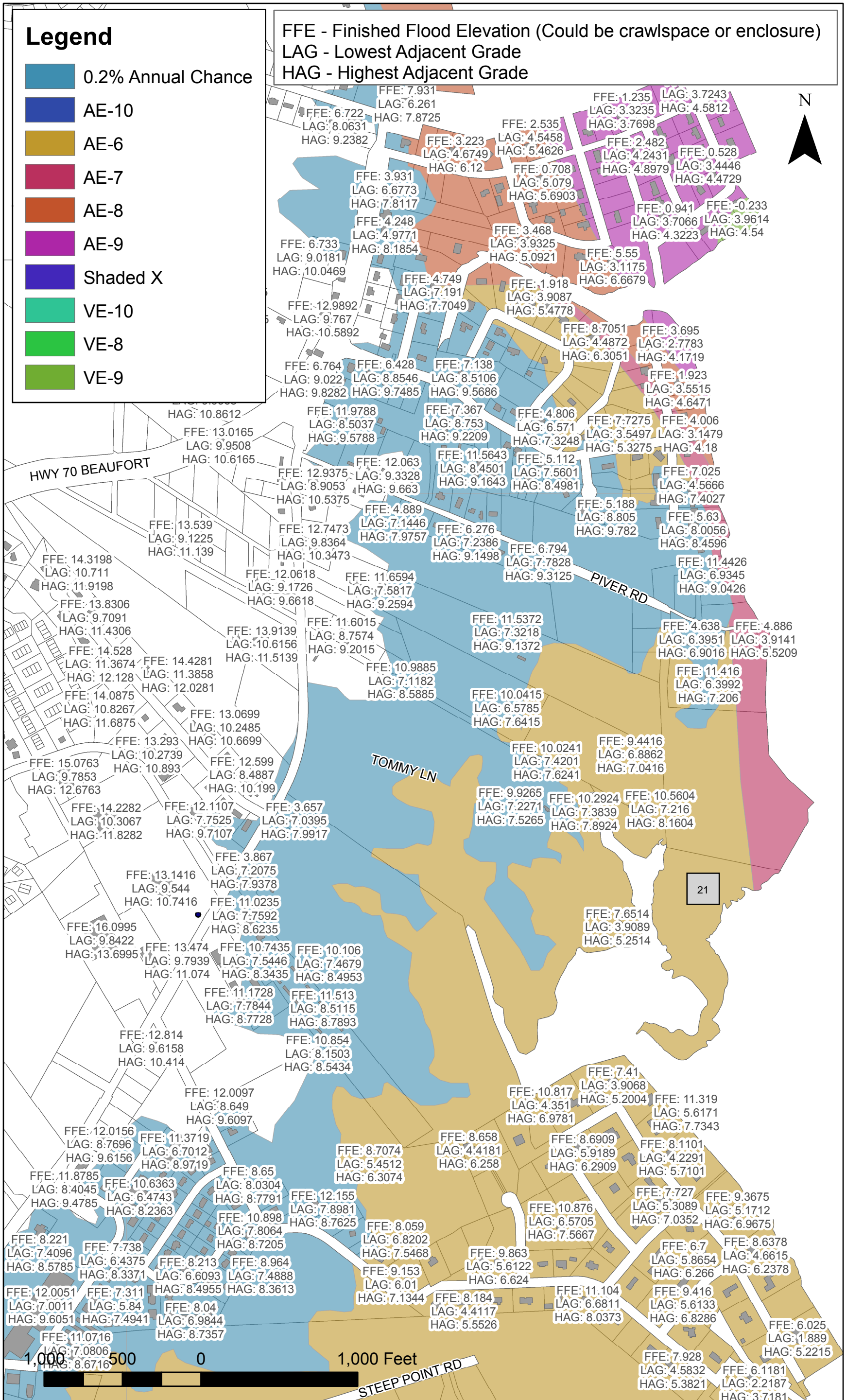
Building, Height of. The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point from the average grade around the building (five feet out) to the highest roof mean height (Unified Development Ordinance).

Note 4. Exception to Height Regulations. The following are exceptions to the height limitations contained in the schedule of Dimensional Requirements:

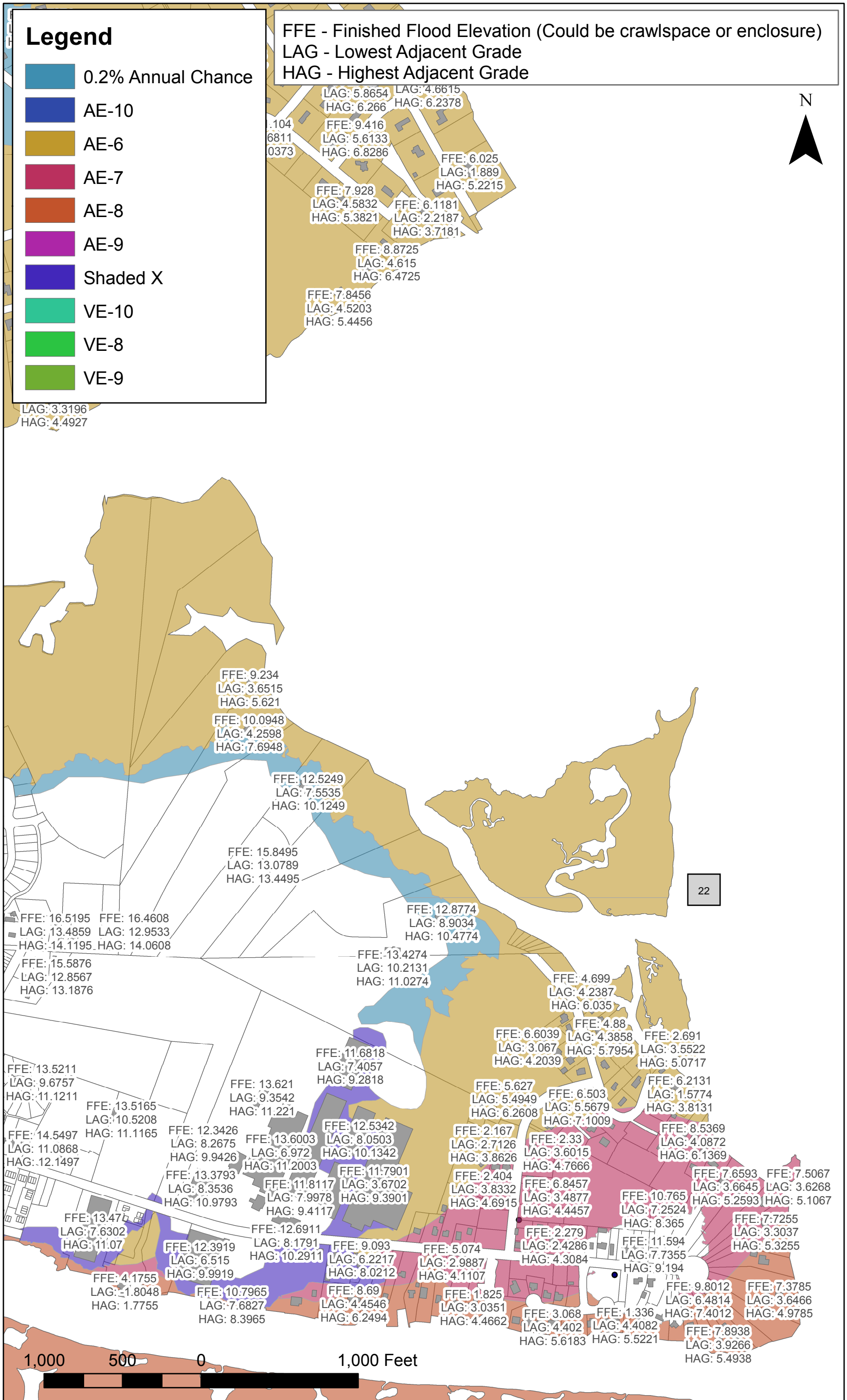
1. The following are not included in the calculation of building heights: antennas (excluding television dishes), belfries, cupolas, chimneys, spires, ventilators, water tanks, or other architectural embellishments (intended for ornamental purposes only) that are normally placed above the roof line of a structure. These height limit exceptions may include access and flooring only to the minimum extent necessary for safe maintenance and/or operation of the structure, may not be designed or used for human occupancy, for human habitation, or for storage, and may not contain furnishings. Structures allowed under this height exception require a special use permit issued by the Board of Commissioners and are permitted on the condition that they shall be available for inspection by the ordinance administrator or his/her designee at any reasonable time in order to confirm compliance with this ordinance. Amended 08/17/2010, 11/16/2010,12/18/2012

Regulatory Flood Protection Elevation. The elevation, in relation to mean sea level, to which the reference level of all structures and other development located tithing Special Flood Hazard Ares must be protected. Where Base Flood Elevations (BFE’s) have been determined, this elevation shall be the BFE plus zero (0) feet of freeboard. Where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade. (Flood Damage Prevention Ordinance).

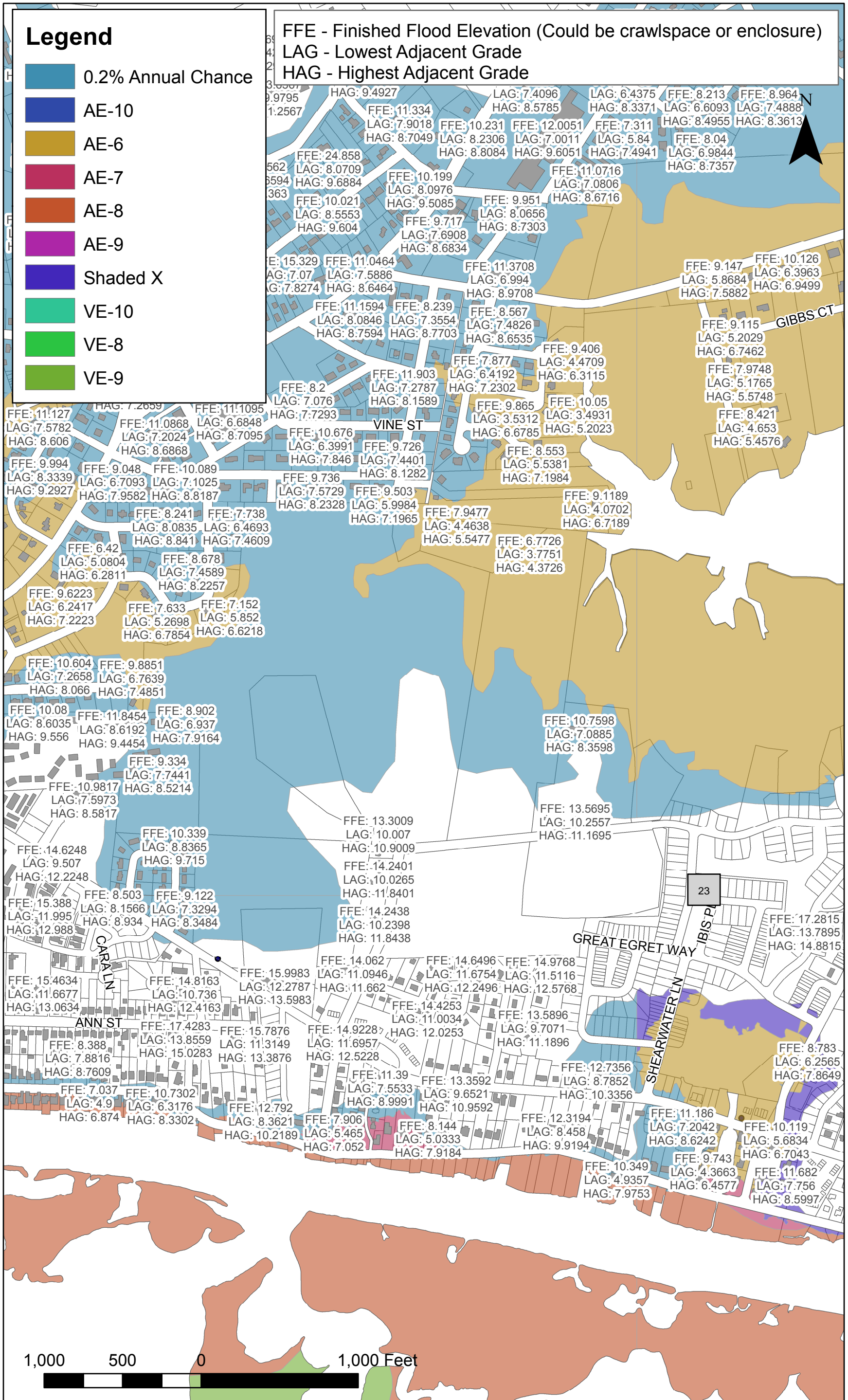
Beaufort Building Footprints with Grade Elevations & SFHA Area 1



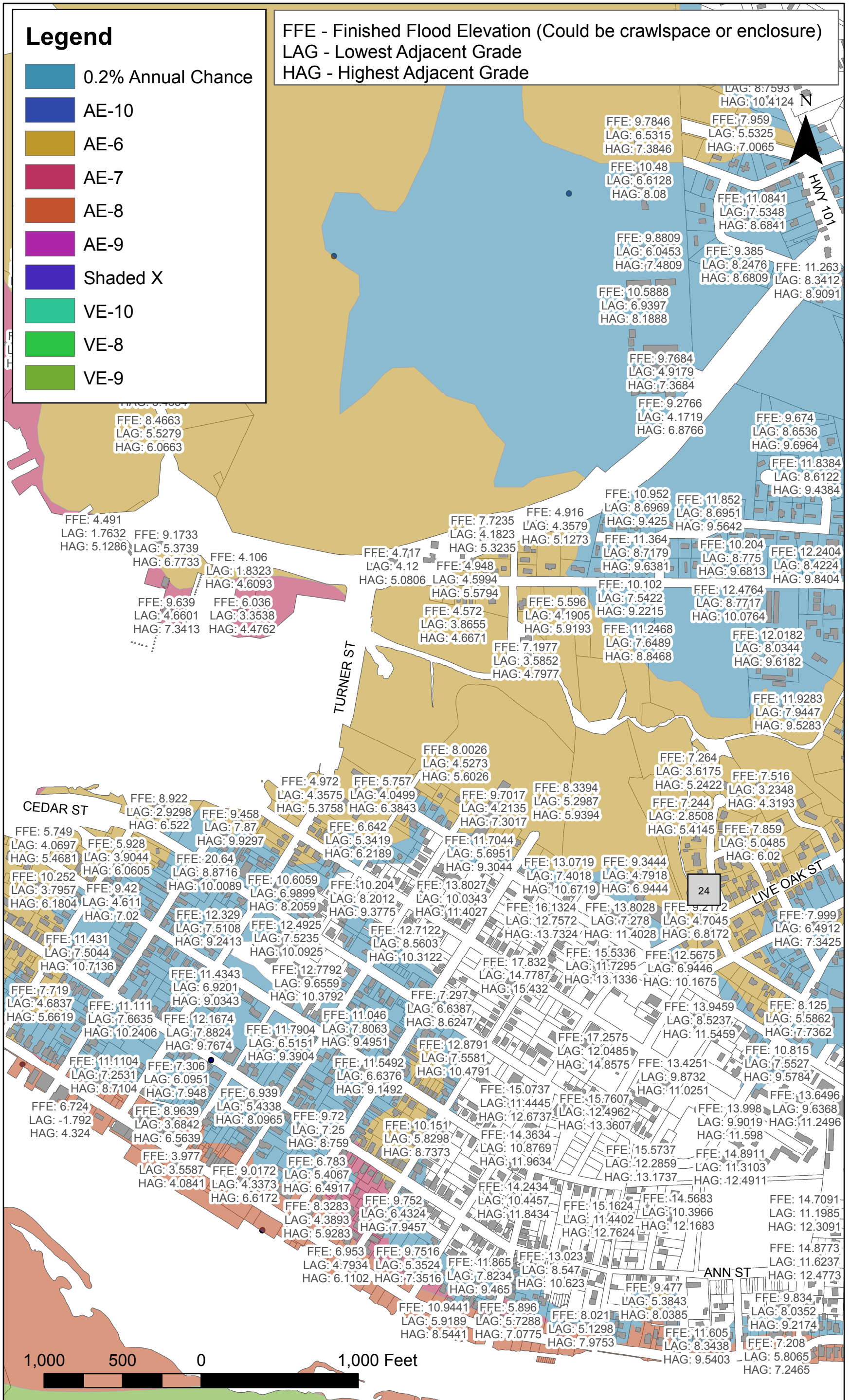
Beaufort Building Footprints with Grade Elevations & SFHA Area 2



Beaufort Building Footprints with Grade Elevations & SFHA Area 3



Beaufort Building Footprints with Grade Elevations & SFHA Area 4



Beaufort Building Footprints with Grade Elevations & SFHA Area 5

