



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

Board of Commissioners
Regular Meeting
6:00 PM Tuesday, November 12, 2024
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Roll Call

Agenda Approval

Introduction of New Employees

Items of Consent

- [1.](#) Meeting Minutes- October 14th & 28th
- [2.](#) Budget Amendments for Interest Payments on USDA Interim Loans

Old Business

- [1.](#) Final UDO Code Assessment & Next Steps

Public Comment

New Business

- [1.](#) Authorization to Advertise for Professional Services (Waterfront)
- [2.](#) Beaufort Waterfront Operations and Finance Committee Update
- [3.](#) Dedication of Public Improvements, Beau Coast Ph 3 and Beau Coast West Ph 1
- [4.](#) Sewer Allocation Reservation Request - Beaufort Club - Enclave

Manager Report

Mayor/Commissioner Comments

Recess



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**Board of Commissioners
Regular Meeting
6:00 PM Tuesday, November 12, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Meeting Minutes

REQUESTED ACTION:

Approval of draft minutes for the following meetings:

- October 14, 2024, Regular Meeting
- October 28, 2024, Work Session

SUMBITTED BY:

Elizabeth Lewis, Town Clerk



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Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 p.m. and invited all to join in saying the pledge of allegiance.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Cooper
- Commissioner Gillikin
- Commissioner LoPiccolo
- Commissioner Oliver
- Commissioner Spiegler

ABSENT: None

Agenda Approval

Commissioner Cooper made a motion to approve the agenda.

The motion carried unanimously.

Items of Consent

1. Meeting Minutes- September 9th and 23rd
2. Event Application- Dia de los Muertos (Day of the Dead) Festival
3. Amendment to Ordinances, Section 71.07, "Parking Trailers on Public Streets Prohibited"
4. 2025 Board of Commissioners Meeting Schedule
5. Resolution Regarding Surplus Property- Beaufort Fire Department

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

The motion carried unanimously.

1. Food Truck Ordinance Amendments, Chapter 113. Itinerant Merchants

Michelle Eitner, Town Planner, provided an overview of proposed amendments to the Town's Code of Ordinances, Chapter 113 Itinerant Merchants. She explained this was following an ongoing conversation with the Board regarding desired regulations. She went over the draft language in the ordinance, as well as proposed prohibitions.

Commissioner Oliver asked how the proposed regulations would affect people in canteen trucks, who go to different job sites selling to workers.

Ms. Eitner explained they would be subject to the provisions in the ordinance.

Commissioner Oliver asked if sales tax on a food truck was attributed to the location of the sale or the business address.

Arey Grady, Town Attorney, said the sales tax should be attributed to the point of sale. He suggested contacting the Department of Revenue to ask further questions regarding the matter.

Commissioner Oliver explained he did not believe there had been adequate vetting of the proposed ordinance in the business community. He suggested reaching out to the community, particularly the Beaufort Business Association (BBA), for comments and feedback regarding the proposed changes.

Commissioner Gillikin agreed input from food truck providers and others in the community would be helpful. She asked for clarity on the verbiage which would allow food trucks during emergency situations such as a natural disaster.

Mr. Grady explained that the Mayor, on behalf of the Board of Commissioners, has the authority to deem food trucks acceptable in those situations through ordinances and proclamations.

Commissioner LoPiccolo also suggested incorporating business owners throughout Town in the next draft of the ordinance. He questioned whether or not the Beaufort Farmers Market should be called out in the ordinances. He noted the importance of being consistent throughout the document and suggested a yearly permit for the farmers market might be appropriate. He shared concerns related to the 100ft setback requirements.

Ms. Eitner shared the farmers market language could be changed, noting it was the discretion of the Board as to what events have exemption.

Commissioner LoPiccolo noted the way it was proposed, food trucks would not be allowed on public property.

Ms. Eitner confirmed that was correct, explaining that was the Board's direction at the prior meeting. She noted that exemptions would allow food trucks to be on the public right of way through approval of special events.

Commissioner Oliver suggested public owned property should be better identified, whether it is town or county owned.

Mayor Harker thanked Ms. Eitner and confirmed another draft would be brought before the Board after feedback was received from the community.

2. Amendment of Ordinances to Include, Section 90.12, "Living or Sleeping on Streets, Highways or Town Property Prohibited"

Chief Burdette reviewed a draft ordinance that includes, Section 90.12, "Living or Sleeping on Streets, Highways or Town Property Prohibited". He noted that Town Staff and attorneys reviewed the draft language and feel it suffices for the intended purpose of the regulation.

The Board discussed the penalty amount for violation of the section. The consensus deemed \$250 an appropriate amount, as presented in the draft ordinance.

Commissioner Cooper made a motion to approve the draft ordinance, Section 90.12, "Living or Sleeping on Streets, Highways or Town Property Prohibited" as presented.

The motion carried unanimously.

Public Comment

Susan Schmidt, 1527 Ann Street in Beaufort, requested paint on several crosswalks in Town. She noted orange paint was needed on the crosswalks in front of the Maritime Museum, in front of the Beaufort Housing Authority on Turner Street, and by the playground on Yaupon Street. She also requested free parking for locals on weekdays after Labor Day. She made comments on the UDO, specifically noting she was sorry that short-term rentals were not expected to change, and she was glad to see plant natives, pesticides, enhanced dark sky, control drainage of fill on adjacent lots, support of bikes and pedestrians and that the Planning Board can request an Environmental Impact Statement (EIS).

New Business

1. Draft UDO Code Assessment Discussion

Tyson Smith and Kelly Cousino from White and Smith presented the draft UDO Code Assessment, outlining the scope of work and the public review process. The assessment includes modules aligned with the UDO, addressing topics such as growth trends, public facility capacity, and resiliency in the non-intensification zone.

The Board of Commissioners provided feedback on each section of the draft assessment. They emphasized the need for a clear articulation of the Town's vision for growth and the importance of balancing public and private interests. There was discussion on the importance of environmental protection, equity, and balancing public and private interests, with suggestions for broadening terminology and considering nature-based solutions.

Mr. Smith and Ms. Cousino made notes on all the comments provided by the Board and shared they would be bringing a final version of the assessment to the November 12th Regular Meeting. It was suggested the revised document have indicate redline revisions to better track the feedback and changes.

2. 2025 Board of Commissioners Annual Retreat

Mayor Harker went over tentative plans regarding the proposed 2025 Board of Commissioners Retreat.

The Board had no objections to the proposed dates of February 6-7, 2025, the venue on Carteret Community College campus, or the facilitator choice of Fountainworks.

3. Beaufort Waterfront Operations and Finance Committee Update

Several committee members provided an update from the September 26th meeting. Commissioner Gillikin shared updated objectives for the dock improvement and operations. Vic Fasolino shared a presentation of potential construction goals related to the docks. Dexter Matthews shared a finance update with the group, discussing the formation of a 501(c) (3) organization to manage donations, potential grant funding and appropriations. *Copies of each presentation are on file in the clerk's office.*

Commissioner LoPiccolo asked for further clarity on grant funding.

Mr. Matthews explained there was typically a match to grant funds that the Town would be responsible for providing. He discussed the potential of appropriations, noting if everything was in place at the beginning of the year, they should know the state budget by September 2025 which will determine if funding will be available for the project.

Manager Report

Charlie Burgess, Interim Town Manager, shared the Town has received the draft Professional Park drive Area Stormwater Inventory and Flood Study document and staff would be reviewing it in the coming weeks. He noted the final version should be available by the end of November.

Mayor/Commissioner Comments

Commissioner Spiegler thanked everyone in attendance and online.

Commissioner Oliver requested as much data as possible from the parking company. He spoke of the importance of the UDO outreach and update process, noting what a great priority it is for the Town of Beaufort.

Commissioner Cooper reminded everyone to vote.

Commissioner LoPiccolo shared it was great to see the Crystal Coast Skydiving event in the area as well as other events happening around Town.

Mayor Harker thanked the Commissioners and Town Staff for their hard work as well as the citizens who participated in the meeting.

Recess

Mayor Harker asked for a motion to recess the meeting to October 15, 2024, at the Beaufort Train Depot to discuss personnel matters in closed session.

Commissioner Cooper made a motion to recess the meeting to October 15, 2024, at 5:00 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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Board of Commissioners Work Session
4:00 PM Monday, October 28, 2024
Train Depot, 614 Broad Street

Call To Order

Mayor Harker called the meeting to order at 4:00 p.m.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Cooper
- Commissioner Gillikin
- Commissioner LoPiccolo
- Commissioner Oliver
- Commissioner Spiegler

ABSENT: None

Agenda Approval

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

The motion carried unanimously.

Presentations

1. Carteret County Comprehensive Transportation Plan (CTP)- NCDOT

Amanda Killian and Hemal Shah with the North Carolina Department of Transportation provided an update related to the Carteret County Comprehensive Transportation Plan (CTP). The presentation included details on highway recommendations, roundabout projects, and bike and pedestrian recommendations for Beaufort. A copy of the presentation was distributed to the Board of Commissioners as well as included in the meeting packet.

Commissioner LoPiccolo asked about the prioritization of projects in the 25-30 year plan.

Ms. Killian clarified that the CTP is a needs-based plan and does not prioritize projects at this stage.

Commissioner Gillikin inquired about the three roundabout projects mentioned in the presentation.

Kyle Garner, Planning Director, explained the funding status and local input behind the roundabout projects.

Commissioner Cooper raised concerns about school bus access to the Cedar Street and Live Oak intersection.

Commissioner Oliver asked questions about the plan in relation to the area around Beaufort Airport. He suggested the plans for Highway 101 to reroute around the airport should be shown in the draft transportation plan. He also questioned if 12-foot travel lanes were feasible, noting he would like to review those engineered plans.

Commissioner Spiegler suggested coordinating the Pamlico Sound Hazard Mitigation plan update with the proposed CTP.

Commissioner Gillikin suggested inclusion of resilience needs and green infrastructure in the plan, noting the importance both at the state and local level.

Items for Review and Discussion

1. Beaufort Waterfront Operations and Finance Committee Update

Ted Morris, Beaufort Waterfront Operations and Finance Committee (BWOFF), presented recommendations from the committee that focused on a near-term execution within a long-term strategy. Mr. Morris emphasized the importance of public feedback and right-sizing plans. He noted the committee's approach includes initial capital expenditures, fundraising, and engaging a grant services firm. The recommended plan includes a new fuel tanking system, engaging an engineering firm, and identifying a marina management company. Mr. Morris explained that the BWOFF Committee was requesting the Board of Commissioners vote to approve the near-term tactics and implantation of Phase 1, which is captured below.

Phase 1: Establish Dedicated Town Control

- Assume control of docks/fueling on January 1, 2026, to secure revenue sources.
- Engage engineering firm to identify/quantify CAPEX option.
- Secure funding and install new fuel tank and other critical infrastructure.
- Engage marina management firm; transition complete by January 1, 2026, with an anticipated 3-5 year contract.
- Establish oversight committee for 3-year term.

Mr. Morris explained that a positive vote would allow BWOFF to take immediate action related to resource development, infrastructure, data collection, community engagement, and long-range planning.

Commissioner Spiegler explained that with the recommended plan, the committee aims to transition to a new management company by January 2026 and track data for a year to optimize operations and revenue.

Commissioner Gillikin added the proposed plan would not be a lease, rather than a contract with a management company.

Commissioner LoPiccolo asked about the longevity of the dock's infrastructure.

Mr. Morris suggested it was a conversation that was yet to be had but suggested it would be a staged approach.

Vic Fasolino shared the committee had reviewed previous engineered plans by Moffatt & Nichol that determined the boardwalk and fuel lines need total replacement. He noted the condition of the existing floating docks was uncertain. He suggested the overall lifespan of the docks was about 5-years with minor repairs.

Commissioner Cooper commended the committee for their work thus far.

Commissioner Oliver said the number one priority was to initiate plans for the fuel tank system. He suggested the second priority should be advertising for marina companies in the

form of a RFQ. He suggested the third step should be starting to develop a draft contract in relation to the type of services the Board would like to have in a dock management firm.

Commissioner LoPiccolo suggested using a maritime attorney in the future.

Commissioner Oliver explained RFQs would not be related to prices, rather than qualifications. He emphasized the importance of getting the RFQ process started as soon as possible.

Commissioner Spiegler said installing a new fuel system is top priority.

Charlie Burgess, Interim Town Manager, explained that the fuel tanks could potentially be financed for a shorter term, less than five years to avoid LGC approval. He recommended starting the process to determine estimated cost.

Commissioner Spiegler explained the committee's process for vetting marina management companies and the importance of a clear transition plan with the current concessionaire. She noted there would not be a lease with the marina management company, rather it would be a short-term contract (3-5 years). She suggested it did not make sense to continue forward with using Ward & Smith as a maritime attorney. She shared the committee plans to use past RFPs and RFQs to inform the process and ensure a diverse response.

Mr. Grady provided clarity on RFQ and RFP processes.

Commissioner Spiegler noted there were many third parties that were unaware of the RFPs that were advertised in the past.

Mayor Harker thanked the committee for their work and commended the draft recommendations which were distributed by Commissioner Spiegler. She encouraged continued citizen input and staff involvement in the RFQ/RFP processes.

Commissioner Spiegler made a motion to approve the "Beaufort Waterfront Plan Recommendations for the Beaufort Board of Commissioners", a document drafted by the Beaufort Waterfront Operations and Finance Committee and dated October 20, 2024.

The motion carried unanimously.

2. FY 2025 Budget Amendment #3

Christi Wood, Finance Director, explained the budget amendment by noting the information below.

The first part of the amendment requests the appropriation of Intergovernmental revenues for purchases associated with a reimbursable grant for Mobile Command Stations for Police Department unmarked staff vehicles. It also requests the appropriation of Fund Balance for survey, assessments, and legal fees associated with the property purchase at 611 Front Street. The total is \$39,700 in the General Fund. The second part of the amendment requests the appropriation of Fund Balance for emergency sewer repairs on Moore Street and Professional Park. The total is \$38,500 in the Utility Fund.

Commissioner Gillikin made a motion to approve FY 2025 Budget Amendment #3 as presented.

The motion carried unanimously.

3. Duke Energy/CCEC Agreement

Mr. Grady explained the request involves property that the Town annexed by Beaufort Club, called Captain's Point Development. Carteret-Craven Electric Membership Corporation (CCEMC) has the franchise for the provision of electric services in the unincorporated areas of the county around Beaufort and Duke Energy has the franchise within the Town of Beaufort limits. In this case, CCEMC is already set up to provide service to the annexed area and Duke Energy is releasing its franchise right to provide the

service in this specific area in favor of CCEMC. Mr. Grady explained CCEMC already has the infrastructure, they are ready to serve the area, and the two utility companies agree on it. He noted Will Pittman with CCEMC was in attendance if there were specific questions for him.

Commissioner LoPiccolo confirmed with approval of the exchange, the Board would be directing the Town Manager to sign any related documents.

Commissioner Gillikin asked if there was an example of another area it had been done in the past.

Mr. Grady said he did not recall a similar situation since he had been with the Town.

Commissioner Cooper asked for clarity on Beaufort Club, annexation and utility services in those areas.

Mr. Pittman, VP of Engineering and Operations for CCEMC, shared that Duke Energy reached out to him regarding the specific area in the subdivision. He explained that while Duke Energy has a franchise agreement with the Town, they suggested releasing the service to CCEMC due to territorial boundaries.

Commissioner Oliver said he viewed it basically being a business contract negotiation between two private properties, both of whom must have the Board of Commissioners consent. He suggested in the future this should be a checklist item for future annexations.

Commissioner Cooper made a motion to approve the exchange between Duke Energy and CCEMC by giving the Town Manager the authority to execute any corresponding documents associated with the transaction.

The motion carried unanimously.

Project Updates

1. Professional Park Area Storm Water Study Update

Sam Bell, Interim Town Engineer, shared the WK Dickson had provided a draft of the report and met with staff regarding alternatives for flooding in the Professional Park area. He noted the final report should be coming out in the next few weeks, after staff comments are incorporated. He announced a public information meeting would be held on December 10, 2024, at One Harbor Church in Beaufort from 4:30-7:30 p.m.

The Board discussed the importance of receiving the final document as soon as possible to ensure enough time to review alternatives and funds associated with each option. It was noted the proposed plan would be a roadmap of potential solutions, but a plan should be formed for next steps to ensure there is not a false perception in the community the Town is responsible for funding and implementing the study. The potential of grant funding for future projects in the area.

Recess

Commissioner Cooper made a motion to recess the meeting to 5:00 p.m. on October 30, 2024, at the Beaufort Train Depot to discuss personnel matters.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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**Board of Commissioners
Regular Meeting
6:00 PM – Tuesday, November 12, 2024
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items of Consent
SUBJECT: Budget Amendments for Interest Payments on the USDA interim loans

BRIEF SUMMARY:

These budget amendments request the appropriation of the interest earned in the three interim project accounts (sewer, water, and stormwater) and an appropriation and transfer from the Capital Reserve Fund Utility Line Project to make the interim loan interest payment.

Sewer- \$187,283
Water - \$213,768
Stormwater- \$ 72,589

REQUESTED ACTION:

Approve Budget Amendment #2 for USSI Utilities Improvement and USSI – Stormwater projects. Also, approve Capital Reserve Fund Budget Amendment #20.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Christi Wood – Finance Director

BUDGET AMENDMENT REQUIRED:

Yes



**TOWN OF BEAUFORT
CAPITAL PROJECT BUDGET AMENDMENT #2
USSI – STORMWATER AND STREETS IMPROVEMENTS**

WHEREAS, the Town of Beaufort adopted a Capital Project Budget Ordinance for the USSI- Stormwater and Street Improvements on April 12, 2021, and

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

BE IT THEREFOR ORDAINED that the Board of Commissioners of the Town of Beaufort amend the Capital Project USSI- Stormwater and Streets as follows:

- Appropriate interest income earned for the annual interest payment due for the interim loan.
 - Interest payment – Stormwater \$72,589

SECTION I: REVENUE

INTEREST INCOME - STORMWATER.....	\$ 72,589
TOTAL REVENUE INCREASE.....	\$ 72,589

SECTION II: EXPENDITURES

STORMWATER	\$ 72,589
TOTAL EXPENDITURE INCREASE.....	\$ 72,589

SECTION III: DISTRIBUTION

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

Adopted this 12th day of November 2024.

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor



TOWN OF BEAUFORT CAPITAL RESERVE FUND AMENDMENT #20

WHEREAS, the Town of Beaufort adopted a Capital Reserve Fund Ordinance for Bulkhead/Board Walk Project, Utility Line Improvement Project, and Street Resurfacing Project on May 13, 2019, and

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

BE IT THEREFORE ORDAINED that the Board of Commissioners of the Town of Beaufort amend the Capital Reserve Fund for the Bulkhead/Board Walk Project, Utility Line Improvement Project, and Street Resurfacing Project as follows:

- Transfer funds from the Capital Reserve Fund Utility Line Project to the USSI – Utilities Improvements Project \$78,178.

SECTION I: REVENUE

DECREASE

TRANSFER TO CPF- USSI UTILITIES IMPROVEMENTS.	\$ 78,178
TOTAL DECREASE	\$ 78,178

SECTION II: EXPENDITURES

DECREASE

FUTURE CAPITAL OUTLAY FOR UTILITY LINE PROJECT.....	\$ 78,178
TOTAL DECREASE	\$ 78,178

SECTION III: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer, to be kept on file by them for their direction in the disbursement of funds for carrying out this project:

Adopted this 12th day of November, 2024

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor



**TOWN OF BEAUFORT
CAPITAL PROJECT BUDGET AMEDNMENT #2
USSI - UTILITIES IMPROVEMENTS**

WHEREAS, the Town of Beaufort adopted a Capital Project Budget Ordinance for the USSI- Utilities Improvements on April 12, 2021, and

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

BE IT ORDAINED by the Board of Commissioners by the Town of Beaufort amend the Capital Project USSI-Utilities Improvements as follows:

- Appropriate interest income earned, receive and appropriate funds from the Capital Reserve Fund Utility Line Project for the annual interest payment due for the interim loan.
 - Interest payment – Sewer \$187,282.68
 - Interest payment- Water \$ 213,767.37
 - Total Payment \$ 401,050.05

SECTION I: REVENUE

INTEREST INCOME - SEWER	\$ 151,004
INTEREST INCOME - WATER	\$ 171,869
TRANSFER IN FROM CAPITAL RESERVE FUND	\$ 78,178
TOTAL REVENUE INCREASE	\$ 401,051

SECTION II: EXPENDITURES

SEWER.....	\$ 187,283
WATER.....	\$ 213,768
TOTAL EXPENDITURE INCREASE	\$ 401,051

SECTION III: DISTRIBUTION

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

Adopted this 12th day of November 2024.

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor



Town of Beaufort, NC

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**Beaufort Board of Commissioners Regular Meeting
6:00 PM Tuesday, November 12, 2024 – 614 Broad Street- Train Depot**

AGENDA CATEGORY: Old Business

SUBJECT: Final UDO Code Assessment & Next Steps

BRIEF SUMMARY:

Consultants with White & Smith will present the final version of Code Assessment to the Board of Commissioners and discuss the next possible steps for the UDO project.

REQUESTED ACTION:

Discussion on the final code assessment document

EXPECTED LENGTH OF PRESENTATION:

1 hour

SUBMITTED BY:

Michelle Eitner

Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



Town of Beaufort
North Carolina

Codes Assessment **Unified Development Ordinance**

Final | October 29, 2024





All Images by White & Smith, LLC

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*Prepared for the
Town of Beaufort by:*



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1 Introduction

In May 2024, the Town of Beaufort engaged White & Smith to evaluate the Town’s Land Development Ordinance (LDO), including the Subdivision Ordinance, and to recommend changes based on issues identified by the Town, as well as White & Smith’s experience in the state and around the country preparing zoning, subdivision, and unified development ordinances.

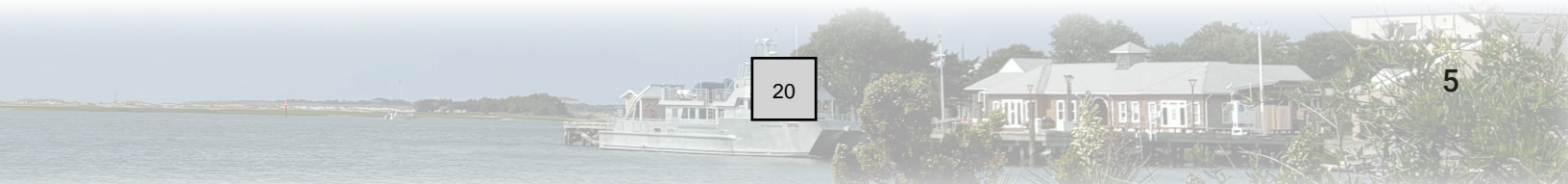
The Town plans to consolidate its current zoning, subdivision, minimum housing, and flood damage prevention regulations into a single, cohesive “unified development ordinance” (UDO). The goal of this Codes Assessment is to develop a clear picture of what will be addressed during development of the UDO and a consensus process for finalizing code policy alternatives so that the rewrite is efficient, effective, and a reflection of BOC policy today. The UDO will implement land use- and development-related policies from the Town’s *Comprehensive & CAMA Land Use Plan*, *Resilient Beaufort*, *Small Area Plan*, and *Watershed Restoration Plan*, *Walk+Bike (Bicycle and Pedestrian Master Plan)*, and *Parks & Recreation Comprehensive Plan*. The UDO will address *Resilient Beaufort* policies in Module 1, as the Town received a North Carolina Resilient Coastal Communities Program grant from the North Carolina Division of Coastal Management to include resilience measures in the codes update.

In June 2024, White & Smith team members met with the Board of Commissioners (BOC), Planning Board, UDO Steering Committee, and community to receive input on the strengths and weaknesses of the current ordinances. This input, along with input from staff and the White & Smith team, is incorporated into this Codes Assessment. This is Phase 1 of a two-phase project. Phase 2 will be the development of the UDO itself.

Development of the UDO is anticipated to begin in early 2025.

As noted in [Section 12 Process for Phase 2 Development of the UDO](#), we anticipate preparing the UDO in sections, or “modules,” for ease of review. A number at the beginning of each Section in this Assessment indicates the UDO drafting module anticipated to include the particular topic.

- 1 **Module 1**
- 2 **Module 2**
- 3 **Module 3**
- 4 **Module 4**
- 5 **Module 5**



2 Equity & Balance in Planning & Process

2.1 In General

The Development of the UDO (Phase 2) will have important, complex, and varied ramifications on individual communities in the Town of Beaufort. The public outreach/feedback component as well as the resulting UDO itself must take into account the needs, histories, and characteristics of these communities during the development phase of the UDO. The UDO must reflect community “equity” in both the process and the outcome. So, this section sets forth several “guiding principles” for developing the UDO.

2.2 Historically Underrepresented & Socially Vulnerable Communities

First, the process for Phase 2 must take into account the manner in which historically underrepresented or disenfranchised communities will be impacted by or benefit from the revised land use codes that comprise the UDO. The Public Outreach Plan used to guide Phase 2, UDO Development, is set out below and has been created with these principles of equity in mind.

Second, UDO standards, including regulations and procedures, must reflect the varied needs and characteristics of the Town communities and populations. For example, the UDO may include tiered standards that reflect economic conditions and geographic realities across

Town demographics, which could be addressed with limited overlay zones. A design standard that applies in one area may be regarded as over-burdensome or onerous in another. Similarly, applicability standards and thresholds for “abandonment,” “nonconforming use,” or “amortization” standards may vary from one place to the next.

2.3 Growth Trends & Public Facilities Capacity

A common theme heard during the Phase 1 kick-off was that the Town should balance the amount and nature of future growth to be accommodated with the need for ongoing economic activity and opportunities across all communities. Some kick-off meeting participants suggested the UDO effort should start with a concise articulation of the Town’s vision for growth, building on the CAMA Land Use Plan’s more general policies. At its meeting on October 14, 2024, the Board of Commissioners decided to begin Phase 2 with the development of a vision statement to guide the UDO drafting process. This vision statement should be clearly conveyed in Phase 2 public outreach materials during the first Module.

Therefore, the UDO will be crafted so growth rates and patterns are consistent with the Town’s long-term vision for Beaufort, balanced against the availability of adequate public facility capacity. Some

noted that the capacity of the Town’s water and wastewater systems is important to allocate consistent with the overall vision of future planned growth and reflective of known deficiencies or threats to available capacity (e.g., wastewater line inflow and infiltration, “I & I”).¹

2.4 Private Property Rights & the Public Interest

Stakeholders noted the important balance the Town must strike as it does its work on the UDO between the public interest and private property rights, both of which the Town is obligated to protect. This balance will be a common theme during development of the UDO. The Town wants to maximize public benefits that address environmental, economic, and social goals (with all three goals being equally important), while limiting the burden on individual property owners. To this end, where deemed effective, the UDO will provide options for compliance with certain development standards rather than mandating a single approach. For example, to the extent grant funding is sufficient,

¹ At its October 14th meeting, the Board of Commissioners emphasized that public facility capacity is a principal objective to the UDO update itself. Therefore, consideration should be given to the appropriateness of any funding or timing tool (like fees-in-lieu or “adequate public facilities” testing prior to approval) legally available to the Town during development of the UDO, most likely in Modules 3 and 4.

the UDO could use a “point system” for improvements related to climate resilience that requires developments to achieve a certain number of points for compliance, but provides a menu of options to achieve the required points. See, for example, the “resilience quotient” required for new developments in the City of Norfolk, Virginia (City of Norfolk Zoning Ordinance, Article 5, [Section 5.2](#)).

2.5 Importance of Environmental Protection & Future Conditions for Planning

The community’s goals of environmental protection and climate resilience will guide the UDO drafting process. The UDO will seek to address not only current environmental issues and challenges, but will also consider likely future conditions based on data and research available to the Town for use for these purposes.

Finally, the UDO will be drafted with an eye towards environmental justice. For example, the Centers for Disease Control and Prevention’s Environmental Justice Index demonstrates Beaufort could advance environmental justice by increasing access to recreational parks, which is an issue the UDO will address in Modules 2, 3, and 4.



3 Resilience & the Non-Intensification Zone

1

3.1 Resilience Updates

- A. The Town recently received a grant through the North Carolina Resilient Coastal Communities Program funded by the N.C. Division of Coastal Management to amend its development codes to incorporate “resilience updates.” Since the grant timeframe is relatively short (approximately one year), the Town intends to begin Phase 2, Development of the UDO, with these updates, which include:
1. Impervious coverage standards (see [Section 8.2, Lot Coverage, Setbacks, & Height](#));
 2. Low impact development incentives/standards;
 3. Stormwater retrofit requirements for major renovations in existing high density/coverage areas (e.g., impervious coverage disconnection, retention installation, etc.);
 4. Non-intensification zone (NIZ) standards and potential zoning overlay district;
 5. Regulatory implementation of increased construction standards; and
 6. Initial shoreline management ordinances to address current shorelines as well as encourage living shorelines and natural and nature based features (NNBF), also called “green infrastructure.”
- B. The 2022 *Resilient Beaufort* plan and the associated policies in the CAMA Land Use Plan will guide the UDO’s development and be implemented, as applicable, through the UDO. The UDO, generally speaking, is not anticipated to be a process for revisiting previously-adopted plan policies.
- C. The new UDO will consider not just flooding but other aspects of climate resiliency as well, including post-storm recovery and planning for future conditions with appropriate and available data. The UDO update will take advantage of resources that were not available when the Town developed the CAMA Land Use Plan and *Resilient Beaufort*, including the N.C. Resilience Exchange and the N.C. Green Growth Toolbox.

3.2 Non-Intensification Zone

- A. The UDO will evaluate limiting allowed uses in the NIZ. For example, construction of new critical facilities, such as government buildings, schools, and nursing homes, may no longer be allowed in the NIZ, or may only be allowed with particular conditions and mitigating aspects of design.
- B. The UDO will evaluate requiring conditions and hazard-mitigating/resilient design for any construction in the NIZ (e.g., floodproofing or additional freeboard, fortified roof construction, impervious pavement, generators).

- C. The UDO will explore alternative means of measuring the height of structures and will include consideration of a reduced height limit in the NIZ. For example, structure height could be measured from the lowest finished floor of the structure, rather than from grade.
- D. The UDO will consider whether to incentivize, or perhaps require, NIZ areas to be enhanced with Nature Based Solutions or Natural and Nature Based Features to make them even more flood resilient and help the Town control stormwater runoff to protect waterways.
- E. The UDO will revise the required elevation of a building's lowest floor above minimum base flood elevation (i.e., "freeboard") by at least an additional foot, and will consider an elevation requirement for buildings outside a Special Flood Hazard Area as recommended by the CAMA Plan. UDO discussions will include the suitability of flood-proofing where appropriate and lawful.
- F. The UDO will revisit dock construction materials, use of structured covered areas for docks, and potentially other techniques for resiliency.
- G. Stricter nonconformity provisions in the NIZ will be considered in the new UDO.

4 Codes Organization, Formatting, & Usability

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- 2
- 3
- 4
- 5

4.1 In General

- A. Introduce new planning and zoning approaches that will modernize the Town's approach to today's particular land use and environmental challenges.
- B. Prepare the UDO in a format that allows the document to be maintained over time, including via online platforms and/or downloadable files.
- C. UDO procedures (whether current or revised) should:
 - 1. Be laid out as clear and certain as possible.
 - 2. Enhance predictability in the development process.
 - 3. Use common and clear definitions, text, and standards.

4.2 Organization

- A. Consolidate the Town of Beaufort's current Land Development Ordinance, which includes zoning, subdivision, and minimum housing regulations, and Flood Damage Prevention Ordinance into a single, cohesive unified development ordinance.
- B. The UDO should be:
 - 1. Straightforward and intuitive to property owners and applicants.
 - 2. Logically organized, with like provisions consolidated.

4.3 Formatting

The UDO should:

- A. Include graphics and diagrams where needed to clarify development standards.
- B. Include tables to present quantitative standards (e.g., setbacks, height).
- C. Be searchable and well cross-referenced.

4.4 Usability

The UDO should:

- A. Where possible, reduce the need for administrative interpretation by clarifying common requirements, based on the Town's experience using current codes.
- B. Use plain language as much as possible, while ensuring legal clarity in processes and requirements.
- C. Use consistent terminology.



5 Definitions

1

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5.1 In General

- A. Update and expand current definitions. Strive for a single consolidated definition section for the UDO.
- B. Use graphics and illustrations to clarify the definition of terms that are new to the community or may otherwise be confusing to the individual user.
- C. Strive to remove regulatory requirements or standards from UDO definitions, since the individual user is not naturally referencing the definition to understand development standards.

5.2 Specific Definitions

- A. Clarify land use definitions, including for example:
 - 1. Outdoor bars
 - 2. Governmental uses
 - 3. Tiny homes
 - 4. Short-term rentals
 - 5. Social/public gathering locations
 - 6. Buffers
 - 7. Setbacks



6 Zoning Districts

2

6.1 Residential Districts

Resolve inconsistencies between existing Section 2, General Provisions for Residential Zones, and Section 6, Height & Area Exceptions and Supplements.

6.2 Density

- A. Stakeholders recognized that increases in residential density may be appropriate or necessary to accomplish housing affordability and resilience objectives. Any increases, however, should be limited to amounts and locations consistent with the Land Use Plan and necessary to achieve critical Town goals.
- B. Consider offering a density bonus for developments that provide more open space than required or that help advance other community goals, such as providing pervious parking and other resilience-related elements.
- C. In the TCA District, consider a density bonus for developments that provide workforce housing. For example, the base density could be 10 dwelling units per acre, with a 2 du/ac bonus. The Beaufort *Comprehensive & CAMA Land Use Plan* Appendix B: *Affordable Housing Primer* identifies density

bonuses as a possible regulatory incentive. Parking reductions are another possible incentive. The Institute of Transportation Engineers *Parking Generation Manual* finds that affordable dwelling units generate a lower parking demand than market rate units.

1. The UDO should establish a definition for workforce housing (or other categories identified specifically to address affordability), perhaps based on a percentage of Beaufort's median family income.
2. If the UDO establishes incentives for the provision of workforce housing, it must define eligibility criteria such as income limits, rent limits, and maximum sales prices. Best practices align eligibility criteria with those established by the U.S. Department of Housing & Urban Development (HUD).

6.3 Conditional Zoning

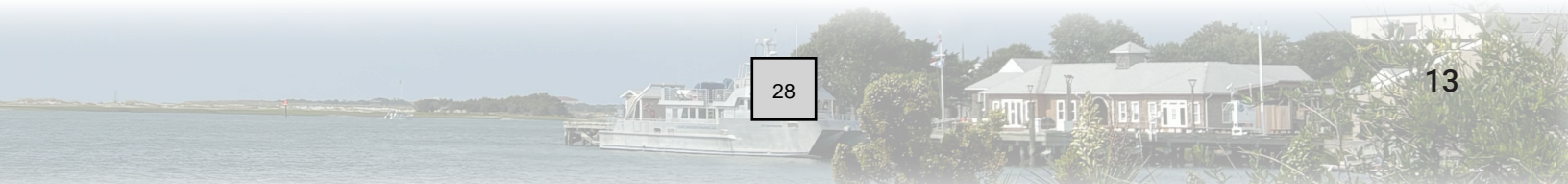
Some stakeholders felt increased use of conditional zoning may increase quality of development and predictability of development's impacts for the community.

6.4 Planned Unit Development District

- A. Revisit PUD standards to ensure they are effective and efficient in comparison to traditional zoning and development standards, particularly with respect to:
 - 1. Provision and long-term maintenance of capital improvements;
 - 2. The provision of a mix of appropriate uses in order to achieve desired growth patterns; and
 - 3. Clarity in the applicability of Town standards long-term, including the manner in which a PUD may be revised.
- B. Consider whether the UDO can address “legacy” PUDs. Some stakeholders believe PUD standards, particularly those related to screening and aesthetics, should require periodic updates to reflect modern best practices.
- C. Clarify the necessary components included in the PUD approval process, for example, site plans, development agreements, and/or code standards and the timeline for providing these components.

6.5 Overlay Districts

- A. Consider expanding the boundary of the Cedar Street Mixed-Use District towards the western end of Cedar Street. Consider whether the expanded boundary should include both sides of the street.
- B. Sufficient residential density is the key to making mixed use financially feasible for a developer. The UDO should clarify the maximum density allowed in the Cedar Street Mixed-Use District.
- C. Some have noted the importance of enhancing and maintaining community “gateways.” While the LDO establishes an Entry Corridor Overlay District , it does not include any standards. The Overlay is intended to implement the 2012 Entry Master Plan. Though the Town has already implemented many of the Plan’s recommendations the UDO process should evaluate whether to maintain the Overlay as a zoning district, perhaps to include standards that would continue to apply to private developments in it, such as landscaping and sign standards.
- D. Consider increased commercial property maintenance standards in corridors. This could be accomplished through existing base and/or overlay districts or through a new overlay district.
- E. Consider adding overlay districts to the zoning map.



7 Uses & Use Regulations

7.1 In General

- A. Consolidate the use tables into a single table and eliminate the lists of allowed uses under each zoning district section.
- B. The code update should modernize allowed uses and ensure the uses (including uses that require a special use permit) align with the purpose of the district(s) in which they are allowed.
- C. Consider whether the UDO should require a Special Use Permit (SUP) for additional uses and/or include additional criteria for current SUP uses.
- D. The UDO should confirm that change of use requirements and approvals are sufficient to avoid land use conflicts, incompatibilities, and unintended outcomes.
- E. Consider a minimum separation distance between certain uses that have the potential to create negative impacts, such as gas stations, and residential uses and zoning districts.
- F. The UDO should clarify which uses are intended to be prohibited in a zoning district, in order to clarify how uses that are not expressly listed will be handled. See also discussion regarding clarifying land use definitions in [Section 5](#).
- G. Consider establishing use-specific standards for certain uses, such as bars and solar panels. The Town could also consider eliminating the SUP process for certain uses with impacts that can be

addressed through objective standards, such as small business offices.

- H. Clarify how to determine whether a use is an accessory use or a second principal use. Evaluate whether the UDO should prohibit an accessory use in a zoning district that does not allow the use as a principal use.
- I. Clarify the regulations pertaining to temporary uses.
- J. Review the criteria for home occupations and ensure the standards are measurable. Consider different tiers of use intensity based on lot size or zoning district.
- K. Review current telecommunication provisions for consistency with State and federal regulations. We do not anticipate substantive changes to current design and placement standards.

7.2 Transitional Areas

- A. Stakeholders feel the existing commercial districts allow too many uses for lots adjacent to neighborhoods. For example, B-1, General Business District, which, in many areas, is located adjacent to or across the street from low density residential uses, allows hospitals, drive-thru restaurants, and hotels. The UDO process should closely examine uses allowed in areas where commercial zoning districts abut residential districts.



B. The TR, Transitional, District is intended to serve as a transition between residential and more intensive districts. Stakeholders generally find professional offices to be an appropriate transitional use. Some stakeholders feel the UDO should continue to allow medical offices in TR as well. However, medical office uses generate significant vehicle trips, which can impact adjacent neighborhoods. Some stakeholders envision commercial uses transitioning to higher density residential and then to lower density residential.

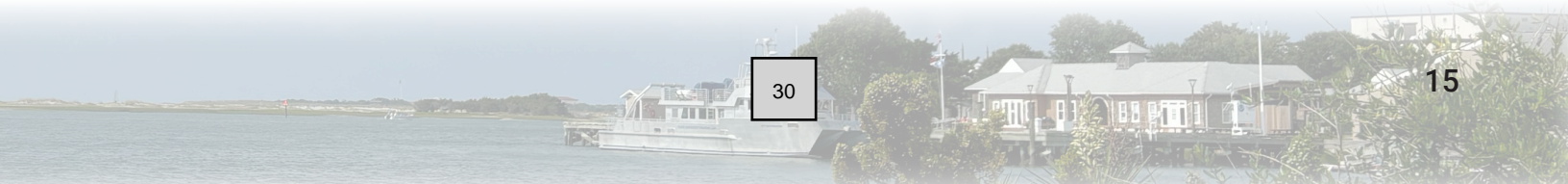
1. The UDO will address these concerns by revisiting the uses allowed in areas that mark a transition from higher intensity uses to lower intensity uses.
2. Consideration will be given to behavioral benchmarks (like traffic generation) by land use type, incompatible uses and impacts, the potential for limited mixed use transitions, and to compatible adjacent residential and non-residential uses.

7.3 Housing Types & Affordability

- A. Consider focused areas of increased density, where appropriate, if it may result in meaningful provision of housing available to the workforce.
- B. Development of the UDO should bear in mind the trend in recent years of housing that has been relatively

affordable and available to long-term residents converting to housing or land uses that is no longer affordable or available to the permanent population of Beaufort.

- C. The UDO should result in additional housing types, including subcategories of multi-family housing that are in demand but for which the current codes may not fully address, such as triplexes. Some raised the potential for “tiny home” development in appropriate places. The UDO should allow these housing types by-right or with objective conditions in certain zoning districts, rather than requiring a discretionary approval process which can disincentivize the establishment of these uses.
- D. The UDO should implement site design standards for new multi-family developments, such as street trees, landscaping, pedestrian/bicycle facilities, and open space.
- E. In addition, stakeholders confirmed there is a growing market for detached houses on smaller lots in Beaufort but are concerned about how to incorporate this type of development without compromising community character.



- F. Stakeholders expressed concern with the allowed scale of townhouse buildings and suggested additional standards are needed. For example, townhouse buildings could be limited to no more than five dwelling units, or the UDO could limit the overall dimensions of a townhouse building.
- G. The UDO will evaluate the effectiveness of incentivizing universal design in new housing.

7.4 Accessory Dwelling Units

- A. The Town wishes to continue to allow accessory dwelling units in order to address housing affordability for long-term residents, though the UDO may include revisions to increase its effectiveness and the efficiency of the approval process. The UDO drafting process will evaluate whether the UDO can incentivize long-term rental of ADUs as affordable housing.
- B. Some stakeholders felt more accessory dwelling units would be constructed if they were approved by right, instead of through a special use permit. The UDO will evaluate whether this change in approval processes is appropriate based on location, compatibility, and the ongoing concerns with affordability.

7.5 Short-Term Rentals

- A. The Town doesn't expressly regulate short-term rentals (STRs) today, but in some areas has noted impacts on neighborhood character, quality of life, and housing affordability.
 - 1. Stakeholders also recognize that STRs are a source of income to some property owners in the Town, accommodate tourism, and that interest in STRs at some level is unlikely to decline in coming years.
 - 2. As such, the UDO will include new STR regulations, as allowed by State law, that strike an appropriate balance between regulation and flexibility for property owners.
- B. Therefore, the UDO will provide clarifying definitions of short-term rentals and revise the land use tables and descriptions to identify where this land use is appropriate in Beaufort. For example, some stakeholders suggested the Town could draw distinctions between owner-occupied ("hosted") STRs and other STRs, based on its experience related to neighborhood feedback. Other potential considerations may include noise, lighting, parking, site conditions and maintenance, or nuisance concerns.



8 Development & Design Standards

8.1 Stormwater, Erosion, & Sediment Control

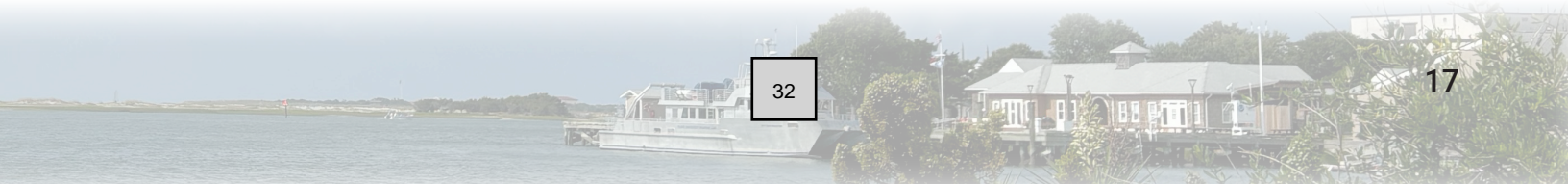
In addition to subject matter addressed under [Section 3, Resilience & the Non-Intensification Zone](#):

- A. The UDO process will revisit surface water standards and responsibilities for subdivisions and planned developments.
- B. Consider surface water impacts on erosion and sediment control when properties develop or redevelop, particularly where significant site work or grading is required.
- C. In addition to augmenting impervious surface requirements, the UDO may include some types of hardened or otherwise permeable surface improvements as alternatives to paving, where appropriate and effective (e.g. GeoGrid).
- D. Some stakeholders expressed the importance of evaluating stormwater impacts both on-site and off-, to the extent land development activities result in wider impacts on surrounding lands or environmental features.
- E. Ensure UDO standards require or encourage – certainly do not prohibit – effective and innovative stormwater retention and construction techniques, such as green stormwater infrastructure (e.g., rain gardens, pervious driveways and parking areas).

- F. The UDO should be drafted in consideration of the scope of local government authority to regulate environment impacts when a site is developed, consistent with state law.

8.2 Lot Coverage, Setbacks, & Height

- A. The Town should consider increased requirements for maintaining pervious surface area, particularly as it relates to resiliency and development within critical areas, including the non-intensification zone (NIZ). [See also [Section 3, Resilience & the Non-Intensification Zone](#)]
- B. The UDO should consider whether building height should be measured in a different way, although maximum height standards in general are satisfactory at this time. [See also [Section 3, Resilience & the Non-Intensification Zone](#), revisiting height standards in the NIZ during the UDO]
- C. Some stakeholders expressed concern with structural elements, such as cupolas, that are allowed to exceed the zoning district height limit. While height exceptions are fairly common in development codes, the UDO will consider whether the current exceptions continue to be appropriate for Beaufort.
- D. The UDO will review and potentially revise setbacks in residential districts. Stakeholders feel setbacks in certain districts, especially R-8, are too large.



- E. The UDO will consider providing more flexible side setbacks. For example, establish a minimum for each side (e.g., 5 feet) and a minimum for both sides combined (e.g., 15 feet).
- F. The UDO will clarify whether buffers and setbacks may overlap.

8.3 Urban Design, Infill, & Rural Character

- A. The UDO will consider adoption of reasonable and appropriate design standards for certain commercial corridors, including Cedar Street, Live Oak Street, Turner Street, and N.C. 101 (also see discussion in [Section 6.5, Overlay Districts](#)).
 - 1. State statutes preempt the regulation of building design for residential buildings with four or fewer dwelling units. Proposed design standards would apply to commercial and mixed use developments and possibly to multi-family developments as well.
 - 2. Historic area provisions have been recently updated and do not need to be revisited at this time during the UDO project. However, any new development, beautification, or design standards should recognize differences in character and needs from one area to another.

- B. While protecting the character of the Town’s historic core is critical to the community’s ongoing vibrancy and culture, the UDO must similarly protect, enhance, or develop the character of all the areas of Beaufort, as is suitable to each area’s history and circumstances.
- C. UDO provisions will encourage infill development in areas of higher density/intensity development.
- D. The UDO will include an overhaul of current shopping center standards to require appropriate buffers, landscaping, and site development standards that will increase the quality and character of new development and significantly improve shopping areas in the Town.
- E. The UDO will include code updates that reflect the final outcome and recommendations of the ongoing *Main Street* project.
- F. The UDO will include options and consideration of density transfers, clustering, and conservation subdivision types to facilitate rural character and open space as appropriate under the Land Use Plan.



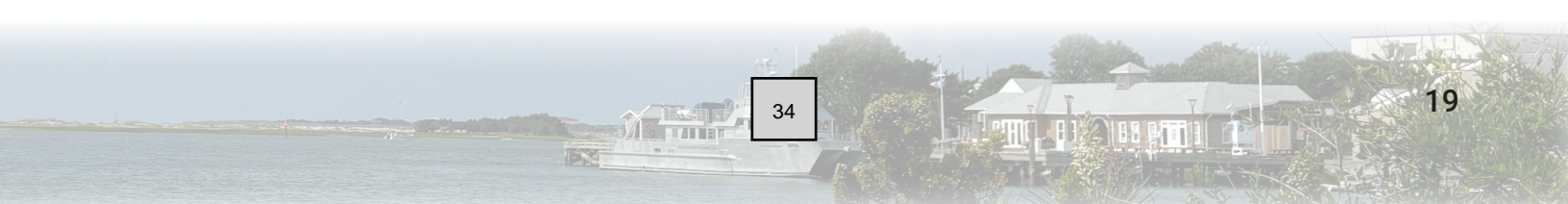
8.4 Building Design

- A. The UDO will confirm development site standards for accessibility are up to date and are sufficient to accommodate Beaufort’s population.
- B. There is general support among stakeholders for simple building design requirements for commercial uses along major corridors. Therefore, the UDO will consider applying some of the Cedar Street Mixed Use District standards to other districts, based on the CAMA Plan and other adopted small areas plans. If the UDO includes building design standards, site plan applications should include at least front and side building elevations.

8.5 Trees, Landscaping, & Bufferyards

- A. The UDO will consider augmented tree and tree canopy regulations (including street trees) in areas of the Town identified by the Board and standards related to tree removal and protection, as allowed by state law.
 - 1. The Town supports working towards a [Tree City USA](#) designation for the Town of Beaufort and a UDO that advances this designation.
 - 2. Module 1 can help inform this topic, as effective tree protection and planting standards can advance community goals related to resiliency.

- B. The UDO will prioritize native vegetation and habitats for meeting open space and/or landscaping requirements. The UDO should carry forward, and potentially enhance, current requirements for native vegetation, in accordance with the Native Plant Policy in [Executive Order No. 305](#).
 - 1. The UDO could incentivize or require a certain percentage of required landscaping to be plants native to Beaufort’s ecoregion. The UDO should include a list of acceptable plants, sourced from experts such as the N.C. Native Plant Society or N.C. Cooperative Extension.
 - 2. The UDO should also explore options for incentivizing or requiring vegetated low impact development (LID) features, such as vegetated swales, especially in vehicle accommodation areas.
- C. The UDO will address inadequate landscape standards for new and improved vehicle accommodation areas and include consideration of new bufferyard standards for major commercial corridors. Also, during the UDO, stakeholders will consider eliminating the administrative form currently used to determine landscaping requirements for vehicle accommodation areas.



- D. Review the current bufferyard standards and consider whether changes are needed. Some stakeholders suggest the UDO should require larger, mostly undisturbed bufferyards between new developments and residential uses. Others suggested applying bufferyards based on use may not be the best approach. In addition, the UDO process will consider whether bufferyards for some districts should require eight-foot tall fences and, if so, clarify that a building permit is required.
- E. Stakeholders feel the landscaping requirements are confusing and can be difficult to administer and that Illustrations would help.
- F. Currently, the Land Development Ordinance appears to only require landscaping for off-street parking and other vehicular use areas. The UDO process will include consideration of new requirements for foundation plantings around the base of buildings in order to avoid blank walls and “soften” a building’s appearance.
- G. Stakeholders noted the impact pesticide applications can have on the environment, so consideration will be given to this during the UDO, noting the legal extent of Town authority in areas of environmental regulation.
- H. During the UDO process, the Town will consider implementing a landscaping guarantee to more effectively ensure required landscaping is maintained. A landscaping guarantee could also be used to ensure required planting occurs during the appropriate season when plants have the best chance for long-term survival.

8.6 Parking

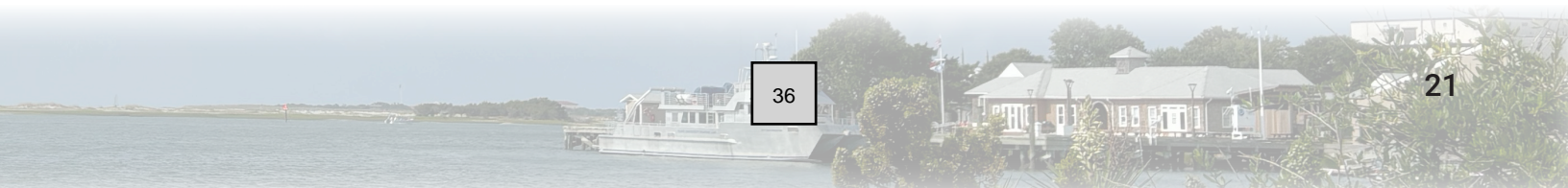
- A. The UDO is an opportunity to consider whether use of a minimum parking space standard is effective or whether current minimums should be revised. The UDO will align uses with those in the land use table.
- B. The UDO process also will include review of provisions for parking space reductions and determine whether to continue or expand the allowance. For example, the UDO could allow a reduction in the total number of required parking spaces when a development provides bicycle parking spaces.
- C. Vehicle accommodation area standards will be evaluated to determine whether to allow pervious pavement and other stormwater management features for areas with more than 10 parking spaces. If the UDO allows (or requires) pervious pavement, it should also include maintenance requirements to ensure the materials remain pervious over the long term.



- D. The Town will review provisions for on-street parking and determine whether the UDO should prohibit it in certain locations to preserve sufficient access for emergency vehicles. Parking can be a limiting factor for redevelopment and adaptive reuse. For example, a redevelopment site may not be able to accommodate certain land uses if there is insufficient existing parking and insufficient site area to provide additional parking spaces.
- E. Where compatibility and other land use concerns can still be maintained, the UDO will incorporate flexibility in the parking standards to encourage redevelopment and reuse of existing structures. Flexible design standards could include:
 - 1. Tandem parking for employee spaces;
 - 2. Dimensions for compact spaces;
 - 3. Fewer large spaces; or
 - 4. Reduced ratios with more landscaping.
- F. The UDO will consider the most appropriate threshold for requiring compliance with minimum parking standards, such as a certain percentage increase in gross floor area or the total area occupied by a use (i.e., including areas outside a building).
- G. For residential developments, the UDO will clarify whether parking spaces located in private garages count towards required parking, and consider prohibiting tandem parking for required spaces. “Tandem parking” is where one parking space is located directly behind another space, such that it is necessary to pass through one space in order to enter or leave the other space.
- H. The UDO will maintain provisions for shared parking and consider whether the Town should require formal shared parking agreements.

8.7 Signs

- A. During the UDO process, the Town should review current sign regulations to ensure consistency with content-neutrality standards set forth by the U.S. Supreme Court in *Reed v. Town of Gilbert*, and in subsequent cases interpreting *Reed*.
- B. The design (including materials), placement, and size of signs should be revisited during the UDO rewrite, particularly outside the Town historic core, to ensure new and replacement signs are appealing and appropriate.



- C. The UDO will consider revisions to standards for sign lighting, particularly as it relates to a movement towards Dark-Sky-compliant exterior lighting. In addition, some stakeholders suggest the Town consider prohibiting internally illuminated signs.
- D. Some stakeholders expressed concern with the size and height of existing signs outside the Historic District. The maximum allowed height of freestanding signs does seem rather tall for most of the Town’s main corridors, particularly the 35-foot limit in B-1. Therefore, the Town will consider whether pole signs continue to be an appropriate sign type in all zoning districts.

8.8 Exterior Lighting

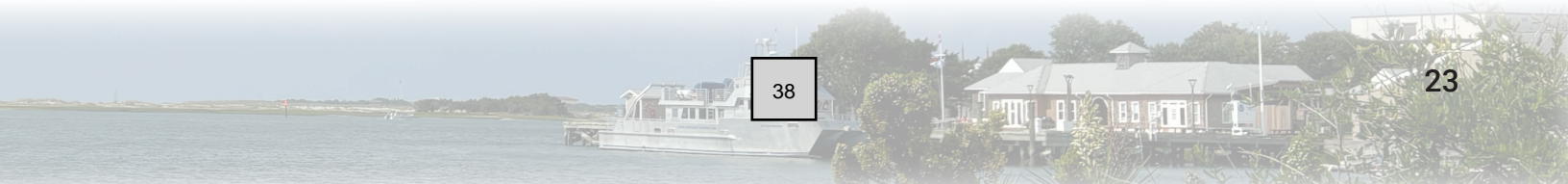
Some stakeholders expressed an interest in the UDO including better exterior lighting standards (for residential and non-residential uses, including dock and underwater lighting) to encourage dark sky conditions. The UDO will include increased exterior lighting standards, based on best practices and Beaufort’s geography and location.



9 Subdivision & Land Development

9.1 Miscellaneous

- A. The UDO should eliminate the \$10,000 cap on recreation fees for new subdivisions.
- B. The UDO will include consideration of how the Town can confirm that privately provided improvements, like stormwater or drainage facilities, are being maintained to the standards on which they were approved.
- C. Some noted additional standards will be considered that would prohibit or minimize mass site grading, particularly to the extent stormwater compliance alternatives are available.
- D. The Town needs to address the impacts of fill on adjacent lots. The UDO should include consideration of establishing standards for the use of fill on development sites.
 - 1. Some stakeholders expressed concern with the impact of fill on adjacent lots. While fill can provide positive drainage for a development site, it may affect stormwater drainage on nearby lots.
 - 2. A related issue involves the method of measuring building height (see [Section 8.2.B](#)) since the LDO currently measures height from average grade. On filled lots, this can result in structures that are taller than those on neighboring lots.
- E. The UDO should better regulate/enforce erosion from construction sites. This could include scheduled inspections or other activities during the development phase to ensure compliance.
- F. The UDO will propose new standards for townhouse subdivisions that address the unique aspects of this type of development. Parking, in particular, is a challenging issue that needs to be addressed.
- G. The UDO will clarify driveway spacing standards or cross-reference NCDOT standards.
- H. Technical street design and construction standards should not be included in the UDO, but added to the Design Manual. This update to the Design Manual will require coordination with the Public Services Department.
- I. The UDO will update the infrastructure performance guarantee provisions to allow bond reductions when the developer has installed (and the Town has approved) portions of the required infrastructure.
- J. The UDO will consider increased timeframes for infrastructure installation in new subdivisions and developments. The current timeframes are difficult to meet, particularly when State permits are required.



9.2 Open Space & Conservation Areas

- A. The Town should consider requirements for open space set asides, clustering, and density transfers where appropriate in the subdivision and land development process.
- B. As noted in [Section 8.5, Trees, Landscaping, & Bufferyards](#), the UDO will consider augmented tree and tree canopy regulations, which includes conservation of existing trees. Some stakeholders expressed a desire for the Town to prohibit clearcutting of development sites.
- C. The Town should consider whether new subdivisions should require protection of archaeological sites, such as buffers.
- D. The UDO will establish long-term preservation and maintenance standards for required open space and conservation areas.

9.3 Mobility

- A. The UDO will consider stakeholder input that new developments be required to provide sidewalks, and that all subdivisions should include sidewalks on both sides of the street.

- B. In addition, stakeholders indicate a desire for pedestrian and bike facility improvements to be maintained, expanded, and/or required throughout the Town, noting the level of improvements and standards of design may well vary from on community to the next. The UDO should clarify long-term maintenance requirements and responsibilities.
- C. The UDO should clarify and update, as needed, the Town's current standards for pedestrian and bicycle facilities, as well as provisions for greenways and trails which are typically located off-street.
- D. In areas without existing sidewalks, requiring the construction of sidewalks in conjunction with development or redevelopment can result in a disconnected sidewalk system. However, this may be the most cost effective way to provide improved sidewalks over the long-term.
- E. The UDO should encourage alternative forms of transportation by requiring developments to provide necessary infrastructure, such as sidewalks or multi-use paths, bicycle racks, water stations, and bicycle repair stations.



10 Procedures & Administration

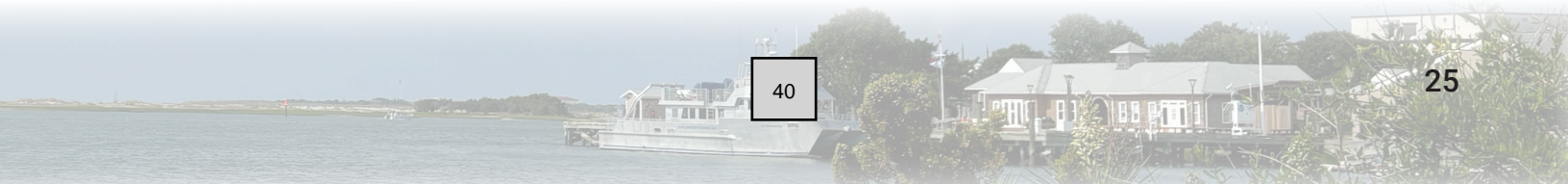
10.1 In General

- A. The UDO should clarify the roles of the relevant boards at various points in the development review process, including the scope of authority each has to implement objective standard and/or discretion by type of approval.
- B. The UDO should clearly define what constitutes a violation of the ordinance and ensure the UDO incorporates clear enforcement provisions.
- C. The UDO should update nonconformity provisions to address nonconforming site improvements, such as parking and landscaping.

10.2 Application & Submittal Requirements

- A. The UDO should consider requiring pre-application meetings, particularly for major developments. Stakeholders feel developers would benefit from staff's technical expertise early in the development process. The Town already uses this approach for the sketch design process of subdivision review, so the current process could be expanded.
- B. During the UDO process, the Town needs to evaluate application submittal deadlines to ensure they provide adequate time for staff review.
- C. Ensure application review criteria are consistent with state law and best practices among other communities in North Carolina.

- D. Some stakeholders expressed the concern that the Town should not be required to bear the costs of development-specific impact studies and should be authorized to identify appropriate consultants and experts. This will be considered during the UDO process as well.
- E. Consider whether to maintain the option for the Planning Board to require environmental impact statements (EIS) for certain preliminary plats and certain site plans. If maintained, the UDO should establish triggers for completion of the EIS, identify who prepares the EIS, determine whether the developer or Town pays for the EIS, and identify the elements/issues the EIS must address.
- F. The Town should consider implementing requirements for a traffic impact analysis for developments that exceed a certain size. If implemented, the UDO should establish triggers for completion of the analysis, such as peak hour trips or average daily trips associated with a proposed development.
- G. Consider whether application requirements should be maintained in the UDO or in application checklists maintained outside the UDO.



10.3 Public Participation & Notice

- A. The Town needs to evaluate ways the UDO can better encourage public participation in the development process taking into consideration the Town's current and potential capacity to enforce the provisions of the UDO when drafting standards and procedures.
- B. The UDO should expand public notice standards beyond the current 10 to 25 days, if possible under State law, and consider expanding the requirement for mailed notice to abutting property owners to all property owners within a certain distance of the subject lot.

10.4 New & Revised Procedures

- A. The UDO needs to add a procedure for review of minor subdivisions (e.g., five or fewer lots).
- B. Consider authorizing staff to approve preliminary and final plats. Pursuant to N.C.G.S. [§ 160D-801](#), "decisions on approval or denial of preliminary or final plats must be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance."
- C. Stakeholders suggest commercial use changes should require site plan review. The UDO will evaluate this concern and will consider implementing a Zoning Permit procedure to address it.

- D. Revise the current site plan procedure for commercial and residential developments with over 5,000 square feet to clarify the procedure and improve administration.
- E. Stakeholders did not express any concerns with the annexation process. However, the UDO should clarify the process, as well as the procedure for determining and applying the appropriate zoning district following annexation. This determination relates to the issue of concurrency discussed in [Section 2.3, Growth Trends & Public Facilities Capacity](#).
- F. The UDO should update the Certificate of Occupancy (CO) procedure to require an approved Final Elevation Certificate for properties in a Special Flood Hazard Area prior to issuance of a CO.



11 Public Outreach During Phase 2

11.1 Outreach Strategies

A. The UDO process should include:

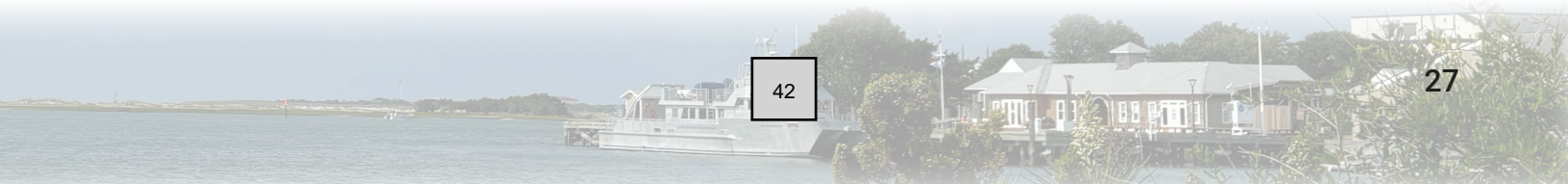
1. Outreach at the farmer’s market and other town-wide and community-specific gatherings that, taken together, provide easy exposure to all communities and demographics in Beaufort.
2. Hardcopy, downloadable, and web-based (via websites and social media) information and notice of public input meetings.
3. Communications, notices, meeting times, and locations should vary to ensure engagement that is “community-specific.” Stakeholders noted that some meetings held outside a government building are important and will encourage participation among some communities. Virtual meetings may be an effective way to increase participation.
4. Individual input sessions at key points in the development of the UDO may be held in multiple locations and at varied times to ensure widespread and easy engagement to all communities.
5. Engagement with the development community and design professionals to ensure proposed new standards are realistic and achievable in the

Beaufort market and to understand the impact of new and revised development standards on the cost of construction.

- B. Community volunteers should be engaged to provide outreach, including by working at information booths, canvassing, and meeting location coordination.
- C. The UDO development process should include a community survey that prompts thorough community input, which should be available online, in hardcopy, and through a live-polling session.
- D. The UDO drafting process may include a public commenting feature using the [Konveio](#) platform, allowing members of the community to comment directly in draft documents. This would allow the BOC, Planning Board, staff, and the consultant team to easily track and respond to community input.

11.2 Community Visioning

The UDO should include a community visioning component that uses images from the Town and other locations to illustrate various urban and rural development standards and patterns, in order to facilitate not only the public input as to future growth, but also to provide a procedural and temporal context for how familiar locations were developed over a period of years.



12 Process for Phase 2 Development of the UDO

12.1 In General

This Codes Assessment identifies the areas of land use, subdivision, and zoning that will be addressed through development of a new Unified Development Ordinance (UDO) that reflects Town plans and policies and the vision of the Board of Commissioners (BOC).

Implementation of the assessment in Phase 2 requires an efficient procedure for preparing, evaluating, and adopting consensus changes to the current codes. It is important to establish this procedure prior to the start of Phase 2 so that stakeholders understand what to expect and how to participate.

12.2 Drafting Process

We envision the Phase 2 process will involve a series of iterative drafts, public presentations of UDO drafts, and the public outreach described in [Section 11, Public Outreach During Phase 2](#). We anticipate preparing the UDO in sections, or “modules,” for ease of review.

Since the Town has received a grant through North Carolina Resilient Coastal Communities Program, Phase 2 will begin with “Resilience Updates” to the Town’s current ordinances. **Module 1** will include:

- » Impervious coverage standards;
- » Low impact development incentives/standards;
- » Stormwater retrofit requirements;

- » Non-intensification zone standards and overlay standards;
- » Regulatory implementation of increased construction standards; and
- » Initial shoreline management ordinances.

We anticipate the following topics for subsequent modules:

- » **Module 2:** Zoning districts, use regulations, and minimum housing standards
 - » This includes topics addressed in [Section 6](#) and [Section 7](#) of this Assessment.
- » **Module 3:** Development and design standards (e.g., parking, lighting, landscaping)
 - » This includes topics addressed in [Section 8](#) of this Assessment.
- » **Module 4:** Subdivision regulations and flood damage prevention
 - » This includes topics addressed in [Section 9](#) of this Assessment.
- » **Module 5:** Administration and procedures
 - » This includes topics addressed in [Section 10](#) of this Assessment.

In addition, the drafting modules will generally include the sections of the current Land Development Ordinance (LDO) indicated in the table on the following page.

Current LDO Section	UDO Module(s)
Section 1, General Provisions	2, 5
Section 2, General Provisions for Residential Zones	2, 5
Section 3, General Provisions for Amendment Procedure	5
Section 4, Definitions	1, 2, 3, 4, 5
Section 5, Zones and Boundaries	2
Section 6, Height and Area Exceptions and Supplements	5
Section 7, Residential Zoning Districts	1, 2
Section 8, Transitional Zoning Districts	2
Section 9, Nonresidential Zoning Districts	2
Section 10, Overlay/Conservation/Companion Zoning Districts	2
Section 11, Nonconformities	5
Section 12, Home Occupations	2
Section 13, Parking Requirements	3
Section 14, Planting & Preservation Standards for Trees and Landscaping	3
Section 15, Landscaping and Vehicle Accommodation Area Requirements	1, 3
Section 16, Sign Regulations	3
Section 17, Bicycle and Pedestrian Facilities	3, 4
Section 18, Site Plan Standards for Commercial and Residential Structures with over 5,000 square feet	5
Section 19, Screening, Fencing, & Buffer Yard Standards & Requirements	3
Section 20, Special Use Permits	5
Section 21, Board of Adjustment	5
Section 22, Planning Board	5
Section 23, Historic Preservation Commission	5
Section 24, Certificate of Occupancy	5
Section 25, Plat or Plot Plans	5
Section 26, Interpretation, etc., of the Ordinance	5
Section 27, Conditional Zoning	5
Section 28, Enforcement	5
Section 29, Extension of Zoning Regulations Beyond the Corporate Limits	5
Section 30, Permit Choice and Vested Rights	5
Section 31, Administrative Approval Process and Appeal of Administrative Decisions	5
Section 32, Quasi-Judicial Procedure	5
Section 33, Conflicts of Interest	5
Section 34, Subdivision Regulations	1, 4
Section 35, Building Regulations	3
Section 36, Minimum Housing	2

Each module will begin with drafts for staff's review. The Town's Project Manager will compile input from Town staff and resolve any conflicting comments, providing White & Smith specific direction on which revisions to make or how to address a particular issue. Where staff is unable to find consensus, White & Smith can provide alternatives and guidance for consideration. On some issues, staff may prefer to seek input from the BOC and Planning Board (PB), in which case White & Smith can facilitate a discussion with the elected and appointed officials.

White & Smith will then revise the first draft based on staff's input and produce a subsequent draft or drafts for review by the BOC, PB, and community. The final scope for Phase 2 will set forth the number of drafts and review meetings associated with each module.

Any input stakeholders provide outside of these review meetings will be directed to the Town's Project Manager. As with the input on the staff review drafts, the Project Manager will compile and resolve all comments, providing direction to White & Smith on whether and how to address community input.

Once all modules are drafted and stakeholder input incorporated, White & Smith will prepare a final draft of the consolidated UDO for review by staff. Following receipt of staff comments on the final draft, White & Smith will prepare a public hearing draft for consideration by the PB and BOC.





Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Tuesday, November 12, 2024**

AGENDA CATEGORY: New Business

SUBJECT: Authorization to Advertise for Services (Waterfront)

SUMMARY:

At The October 28, 2024, Board of Commissioners Meeting action was taken to adopt the Beaufort Waterfront Operations and Finance Committee (BWOFF) "Waterfront Plan Recommendations". Phase 1 of the recommendations includes action items regarding the procurement of services and construction activities.

The action items include:

- The design/build of underground fuel storage tanks to support the Beaufort Marina operation
- Retaining design/engineering services for Beaufort Marina. These services may include but not be limited to docks and a supporting utility distribution system, replacement Boardwalk, Bulkhead modification and new structure for Dock Master's office, restrooms and shower facilities.
- Professional grant writing services
- Retaining a private entity for the daily operation/oversight of the Beaufort Marina

Based on these recommendations, there will need to be several advertisements by the Town of Beaufort to secure "services" in the above stated subject areas. Some of the advertisements (Fuel Tanks) will be advertised immediately due to permitting and construction timelines, while others will be advertised later in calendar year 2025.

The request is for the Board of Commissioners to approve the release/advertisement of either a Request for Qualifications (RFQ), Request for Proposal (RFP) or Request for Bid (RFB). The choice of "process" will be dependent on what is being "sought". The Board of Commissioners will be advised prior to the release/advertisement of any "Request". The Board of Commissioners will be advised of the results of any advertisement. The Board of Commissioners, at their discretion, will award any contracts resulting from the "Request" processes.

SUBMITTED BY: Charlie Burgess, Interim Town Manager



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**Board of Commissioners
Regular Meeting
6:00 PM Tuesday, November 12, 2024**

AGENDA CATEGORY: New Business
SUBJECT: Beaufort Waterfront Operations and Finance Committee Update

SUMMARY:

Commissioner Spiegler and Commissioner Gillikin will provide an update from the Beaufort Waterfront Operations and Finance Committee.

Meeting dates and other information related to the committee can be found on the Town's website: <https://www.beaufortnc.org/boardofcommissioners/page/beaufort-waterfront-operations-finance-committee>

SUBMITTED BY:
Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

**Board of Commissioners
Regular Session Meeting
6:00 PM Tuesday, November 12, 2024**

AGENDA CATEGORY: New Business
SUBJECT: Acceptance of Public Improvements
Beau Coast Subdivision, Phase 3
Beau Coast West Subdivision, Phase 1

BRIEF SUMMARY:

Blue Treasure LLC, a limited liability company organized and existing by virtue of the laws of the State of North Carolina has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phase 3 of the Beau Coast subdivision and Phase 1 of the Beau Coast West subdivision. Construction of these improvements has been observed by both Blue Treasure’s engineer and Town Utilities staff on a periodic basis. Additionally, a list of items requiring completion and correction associated with some of the improvements being proposed for dedication has been satisfactorily addressed.

Given the proposed dedication of the public improvements, Town staff is asking the Board to consider accepting the improvements by resolution. Such acceptance is authorized by G.S. 160D-806 which authorizes any Town Board to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction.

REQUESTED ACTION:

Consider adopting the resolution accepting certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phase 3 of the Beau Coast subdivision and Phase 1 of the Beau Coast West subdivision.

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Sam Bell, PE, Interim Town Engineer

BUDGET AMENDMENT REQUIRED:

No



**RESOLUTION ACCEPTING THE DEDICATION OF PUBLIC IMPROVEMENTS
RESOLUTION NO. 24-_____**

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

WHEREAS, **Blue Treasure LLC**, a limited liability company organized and existing by virtue of the laws of the State of North Carolina (hereinafter “Grantor”), has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements related thereto within Phase 3 of Beau Coast and Phase 1 of Beau Coast West (“BCW”) (collectively, the “Public Improvements”); and

WHEREAS, Grantor, as a condition of approval of the final plat, posted a letter (the “Letter of Credit”) to guarantee the completion of the Public Improvements in the amount of \$2,293,965.20 for Beau Coast Phase 3 and \$4,064,527.65 for BCW Phase 1; and

WHEREAS, the **Town of Beaufort** Board of Commissioners during their March 11, 2019 and January 9, 2023 regular meetings voted to accept streets, curbs, stormwater conveyance pipes and sidewalks lying within the public street rights-of-way exclusive of pervious sidewalks; sewer lines; sewer pump stations; storm water systems; ditches; swales; water lines; pipes; and any attachments or appurtenances reasonably related thereto located within Phases 1A, 1B and 2A of the Subdivision while also specifically excluding stormwater or retention ponds; and

WHEREAS, the **Town of Beaufort** Board of Commissioners during their January 9, 2023 regular meeting voted to accept public street rights-of-way, non-street rights-of-way, public utility easements, drainage easements, joint utility and drainage easements and water mains located within Phase 2B; and

WHEREAS, the **Town of Beaufort** Board of Commissioners during their June 10, 2024 regular meeting voted to accept public street rights-of-way, non-street rights-of-way, public utility easements, drainage easements, joint utility and drainage easements and water mains located within Phase 5; and

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

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

WHEREAS, the Town of Beaufort desires to release Blue Treasure from its completion guaranties associated with the Public Improvements in Phase 3 of Beau Coast and Phase 1 BCW.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) That Town of Beaufort, accepts the dedication as described as follows:
 - a) Approximately 3,410 linear feet of 8-inch diameter water mains and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast Phase 3 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beau Coast Phase 3” bearing the signed seal of a North Carolina Professional Engineer dated August 6, 2024.
 - b) Approximately 3,645 linear feet of 8-inch diameter gravity sanitary sewer lines and related appurtenances (manholes, cleanouts, etc.) located within Beau Coast Phase 3 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beau Coast Phase 5” bearing the signed seal of a North Carolina Professional Engineer dated August 6, 2024.
 - c) Approximately 2,705 linear feet of 12-inch diameter water mains, 1,880 linear feet of 8 inch diameter water mains, 340 linear feet of 6 inch water mains and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast West Phase 1 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beaufort East Village Phase 1” bearing the signed seal of a North Carolina Professional Engineer dated May 19, 2023.
 - d) Approximately 4,915 linear feet of 8-inch diameter gravity sanitary sewer lines and related appurtenances (manholes, cleanouts, etc.) located within Beau Coast West Phase 1 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beaufort East Village Phase 1” bearing the signed seal of a North Carolina Professional Engineer dated May 19, 2023.
 - e) Approximately 1,406 linear feet of 10 ft multi-use trail located within the Town’s permanent utility easement as shown on Sheet C-3, Subdivision Plan of Beaufort East Village Phase 1.
- 2) Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town (including previous acceptance, if any, of dedications of public right of ways), or as provided by the laws of the State of North Carolina. Lands or facilities not herein expressly accepted by Town shall remain the responsibility of Blue Treasure, LLC, any owners’ association pertaining to the phases of Beau Coast herein referenced, and/or present and future owners of any land located within said phases.
- 3) Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution and subsequent execution and delivery by Grantor of the executed bill of sale and a deed of conveyance, in such form as may be acceptable to Town Engineer and Town’s legal counsel.

Adopted by the Town of Beaufort Board of Commissioners on this 12th day of November 2024.

Elizabeth Lewis
Clerk to the Board

Sharon Harker
Mayor/Chairperson of Council/Board

Clerk to the Board (Signature)

Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 12th day of November, 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of November 2024.

Elizabeth Lewis, Clerk to the Board (Signature)

(Seal)

NORTH CAROLINA

BILL OF SALE

CARTERET COUNTY

THIS BILL OF SALE, made this ____ day of _____, 2024, by and between **BLUE TREASURE LLC**, a limited liability company organized and existing by virtue of the laws of the State of North Carolina (hereinafter “Grantor”); and **TOWN OF BEAUFORT**, a municipal corporation of the State of North Carolina (hereinafter “Grantee”).

WITNESSETH:

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

SEE EXHIBIT “A”

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

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

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

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

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

BLUE TREASURE LLC

By: _____

Name: _____

Title: Manager

ACKNOWLEDGEMENT

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

WITNESS my hand and notarial seal, this _____ day of _____, 2024.

My Commission Expires:

NOTARY PUBLIC

NOTARY SEAL/STAMP MUST APPEAR
LEGIBLY IN BOX TO RIGHT



EXHIBIT “A”

Description of Personal Property

- 1) The Grantee accepts all right, title and interest of Grantor in and to:
 - a) Approximately 3,410 linear feet of 8-inch diameter water mains and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast Phase 3 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beau Coast Phase 3” bearing the signed seal of a North Carolina Professional Engineer dated August 6, 2024.
 - b) Approximately 3,645 linear feet of 8-inch diameter gravity sanitary sewer lines and related appurtenances (manholes, cleanouts, etc.) located within Beau Coast Phase 3 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beau Coast Phase 5” bearing the signed seal of a North Carolina Professional Engineer dated August 6, 2024.
 - c) Approximately 2,705 linear feet of 12-inch diameter water mains, 1,880 linear feet of 8 inch diameter water mains, 340 linear feet of 6 inch water mains and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast West Phase 1 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beaufort East Village Phase 1” bearing the signed seal of a North Carolina Professional Engineer dated May 19, 2023.
 - d) Approximately 4,915 linear feet of 8-inch diameter gravity sanitary sewer lines and related appurtenances (manholes, cleanouts, etc.) located within Beau Coast West Phase 1 as shown on the drawings prepared by the engineering firm of WithersRavenel titled “Water & Sewer Record Drawings for Beaufort East Village Phase 1” bearing the signed seal of a North Carolina Professional Engineer dated May 19, 2023.
 - e) Approximately 1,406 linear feet of 10 ft multi-use trail located within the Town’s permanent utility easement as shown on Sheet C-3, Subdivision Plan of Beaufort East Village Phase 1.
- 2) Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town (including previous acceptance, if any, of dedications of public right of ways), or as provided by the laws of the State of North Carolina. Lands or facilities not herein expressly accepted by Town shall remain the responsibility of Blue Treasure, LLC, any owners’ association pertaining to the phases of Beau Coast herein referenced, and/or present and future owners of any land located within said phases.
- 3) Acceptance of the dedications named in herein by the Grantee shall be effective upon adoption of the “Resolution Accepting the Dedication of Public Improvements RESOLUTION NO. 24-___” by the Town of Beaufort Board of Commissioners and subsequent execution and delivery by Grantor of the executed bill of sale and a deed of conveyance, in such form as may be acceptable to Town Engineer and Town’s legal counsel.



Town of Beaufort, NC

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**Board of Commissioners
Regular Session Meeting
6:00 PM Tuesday, November 12, 2024**

AGENDA CATEGORY: New Business
SUBJECT: Sewer Allocation Reservation Request
The Beaufort Club - Enclave

BRIEF SUMMARY:

The applicant Beaufort Investment Holdings LLC is requesting that 14,000 gallons per day (gpd) of sewer treatment capacity be reserved for allocation to the Beaufort Club - Enclave proposed residential subdivision. The capacity being requested for 70 residential units with 3 bedrooms that are to be constructed on the 22-acre tract located on Taylorwood Drive.

The allocation request is being brought forth by Town staff concurrent with the request by the applicant to approve the site plan for the proposed subdivision. The allocation request will fall within the Priority Level 1 category described by the Town’s “Wastewater Allocation Policy” if the site plan is approved. Priority Level 1 projects include the following classes of development provided all permitting and approval application requirements by the Town and other regulatory agencies having jurisdiction have been satisfied: 1) Infill development located within the Town’s corporate limits; 2) redevelopment located within the Town’s corporate limits; and 3) new development within the corporate limits.

If approved, the allocation represents approximately 1.0 percent of the 1.5 million gallons per day treatment capacity of the Town’s wastewater treatment plant (WWTP). The most recent accounting shows the sum of the utilized and reserved/allocated capacities to stand at approximately 75 percent.

REQUESTED ACTION:

Consider approving the allocation of 14,000 gpd of sewer capacity to BIH LLC for the Beaufort Club – Enclave proposed residential subdivision.

EXPECTED LENGTH OF PRESENTATION:

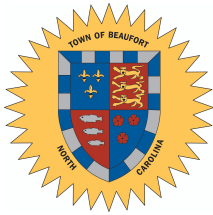
10 minutes

SUBMITTED BY:

Sam Bell, PE, Interim Town Engineer

BUDGET AMENDMENT REQUIRED:

No



WASTEWATER ALLOCATION REQUEST

The Town of Beaufort, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: \$50

SITE INFORMATION

Name of Project: The Enclave at Beaufort Club Acreage of Property: 22.52
County Tag Number: N/A NC PIN: 730704847177000
Address/Location: Parcel B - North River Club Section 2

Zoning District: PUD
Location Status: Town Limits Existing Out-of-Town Service Area
 Out-of-Town Service Approval/Agreement

APPLICANT INFORMATION

Applicant: Filter Design Studio
Mailing Address: 707 Bridges Street, Morehead City, NC 28557
Phone Number: 252-230-0788 Fax: NA
Contact Person: Jay Horton
Email Address: jay@filterdesignstudio.com

PROPERTY OWNER INFORMATION

Name: Beaufort Investment Holdings LLC
Mailing Address: 3301 Benson Drive, Ste. 103, Raleigh, NC 27603
Phone Number: _____ Fax: _____
Email Address: _____

FOR OFFICE USE ONLY

Date Received: _____	File Number/Name: _____
----------------------	-------------------------

PROJECT INFORMATION

Use: New Expanded Change

Use Type: Residential Commercial

Proposed Use(s): PUD Existing Use(s): Vacant Land / Planned Development Land in Beaufort Club

Developer Name: Beaufort Investment Holdings LLC

Mailing Address: 3301 Benson Drive, Ste. 103, Raleigh, NC 27603

Phone Number: _____ Fax Number: _____

Email Address: _____

ALLOCATION REQUEST (See instructions on page 3 regarding use of Professional Engineer)

The following supplemental information is required:

- Complete development proposal for Priority Levels 1, 2 or 3 allocation request
- Preliminary plan or sketch plan for Priority Level 4 allocation request meeting requirements for site plans as established on the Town's Building Permit Application or as described for sketch plans by the Town's Subdivision Ordinance
- If a phasing schedule is proposed, include as an attachment

Residential:

Gross Acreage: 22.52

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units	70	180	14,000
>3 Bedroom Units			
Total		-----	14,000

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total		-----	

Non-Residential: (Design Flow Guideline provided as Appendix A)*

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: _____

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Total			-----	

TOTAL REQUESTED GALLONS PER DAY: 14,000

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Beaufort to approve the subject Wastewater Allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Beaufort, North Carolina, and will not be returned.

Jay Horton
Print Name


Signature of Applicant

10/9/2024
Date

ENGINEER'S CERTIFICATION

The allocation request data provided on page 2 of this form shall be provided by a Professional Engineer for all requests except single lot residential infill requests and commercial requests equal to or less than 360 gallons per day. The certification statement below shall be completed by the Professional Engineer providing the data.

I, _____ hereby attest that the total requested allocation and the values used to derive the total are to the best of my knowledge, accurate and complete having been prepared in accordance with the instructions of this form while also adhering to applicable State laws, regulations, and rules, concerning the determination of design daily wastewater flows from facilities served by public wastewater collection and treatment systems.

Signed and Dated Professional Engineer Seal

Firm Name

Address

Telephone No.

Email Address

Approved by: Town Engineer
 Board of Comissioners

Allocation approved: _____ gallons per day

Date of Approval: _____

Confirmation signature by:

Town Manager

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

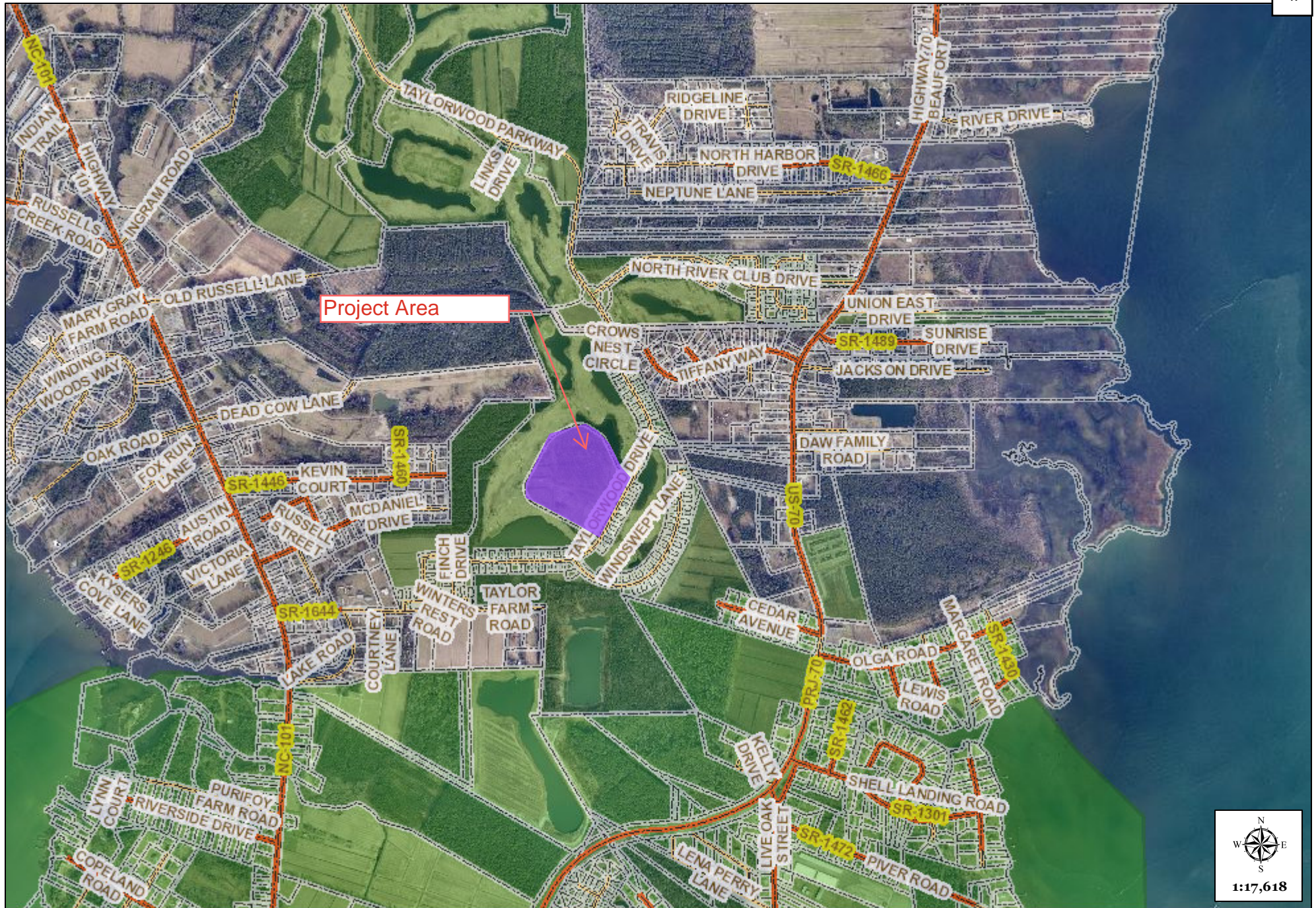
Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

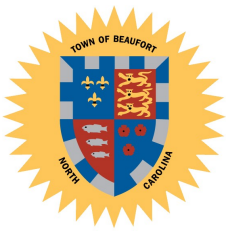
Source: North Carolina Administrative Code 02T.0114, January 1, 2007

The North Carolina Division of Environmental Quality (NCDEQ) approved on August 8, 2022 the Town of Beaufort's request for an adjusted daily sewage flow rate (flow reduction) that would apply to all permitted but not yet tributary connections and all future connections from single-family, detached residential units within the Town of Beaufort service area. NCDEQ also approved on November 28, 2022 the Town's request that would apply to all permitted but not yet tributary multi-family residential units within the Town's service area. Accordingly, the in determining the volume from single-family, detached residential units and multi-family residential units, the flow rate shall be 60 gallons per day per bedroom. The minimum volume of sewage from each residential dwelling unit shall be 120 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 60 gallons per day.

Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes.



November 4, 2024



November 12, 2024

Beaufort Club - Enclave Wastewater Allocation Request

Requested Amount = 14,000 gpd (gallons per day)

Lift Station Impact

LS20 -

Remaining Capacity 268,000 gpd 5%

WWTP Impact

Total Capacity 1,500,000 gpd 1%

% Total Capacity Used and Obligated

Before = 75%

After = 76%

Calculated Sewer Reservation Fee

20% of Total Sewer Development Fee

70(homes) x \$5,524.00(fee for 3/4" meter)=\$386,680.00

0.20 x \$386,680.00 = \$77,336.00