



**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 Work Session  
4:00 PM Monday, September 22, 2025  
Train Depot, 614 Broad Street**

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**Call To Order**

**Roll Call**

**Agenda Approval**

**Items of Consent**

- [1.](#) ECHS Homecoming Parade Application
- [2.](#) Maritime Museum's Wooden Boat Show Application
- [3.](#) Street Sweeper MOA/MOU: Town of Cedar Point
- [4.](#) Tuition Reimbursement Contract
- [5.](#) Ann Street Park Project: Grant Award Resolution & Budget Amendment
- [6.](#) HMGP Advance Assistance Resolution
- [7.](#) Personnel Policy Amendment: Section 23 A. Medical Leave- Return to Work

**Presentations**

1. 2025 Municipal Public Education and Outreach
  - a. Caitlin Sabadish, Carteret County Board of Elections
2. Crystal Coast Veterans Day Parade Request for 2025 Contribution
  - a. Chairman, Pete Benton

**Items for Discussion and Consideration**

- [1.](#) The Enclave at Beaufort Club: Developer Request
- [2.](#) CIP Approval
- [3.](#) Draft LDO Amendments - Accessory Mobile Vending Space with SUP
- [4.](#) Godette Hotel (400 Pollock) Encroachment Agreement
- [5.](#) Cedar Street Business Corridor Proposal

**Staff Comments**

**Adjourn**



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**Board of Commissioners**

**Work Session**

**4:00 PM Monday, Sept. 22, 2025 – 614 Broad Street  
Train Depot**

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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** ECHS Homecoming Parade

**BRIEF SUMMARY:**

East Carteret High School has applied to host their annual Homecoming Parade on Friday, Oct. 24 at 4 p.m. The parade route is Front Street to Turner Street. Parade line-up would begin at 3 p.m., starting at Gordon and Front heading East.

There will be brief road closures on Front and Turner Street starting at 4 p.m. and lasting until about 4:30-5 p.m. The parade typically clears an intersection in under 30 minutes from the start time, allowing it to reopen to traffic after it has safely passed.

Intersections from Gordon and Front to Turner and Front will be closed during the parade. The parade is typically handled by Police and Fire staff to include Police Admin staff so as not to require additional staff to be hired by the event organizers.

This event has been reviewed by Emergency Services staff, and no issues of concern were raised.

**REQUESTED ACTION:**

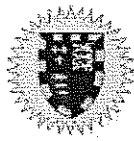
Approve as presented

**SUBMITTED BY:** Rachel Johnson, Parks & Events Coordinator

**BUDGET AMENDMENT REQUIRED:** Yes

Date Application Received:

Permit Number:



TOWN of  
**BEAUFORT**  
NORTH CAROLINA

## APPLICATION FOR SPECIAL EVENT PERMIT

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

Events Coordinator, Town of Beaufort  
701 Front Street  
P.O. Box 390  
Beaufort, NC 28516  
Phone: (252) 728-2141 Email: [r.johnson@beaufortnc.org](mailto:r.johnson@beaufortnc.org)

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

## EVENT BASICS

Event Name: ECHS Homecoming Parade

Location of Event Site: Hill / Front Street → Turner / Front Street

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

Students & floats will line up between Live Oak & Hill. The parade will travel along Front Street from Live Oak to Turner Street.

Run by: ECHS SGA

Applicant (Organizer) Name: Darby Whitehurst Contact # 252-764-1055

Day of Event Contact #: 252-764-1055 Email: darby.whitehurst@

Type of Event:

- Festival
- Parade
- 5K Race
- 10K Race

Carteret V 12.org

- Music Event
- Other \_\_\_\_\_

Actual Event Date(s): 10/24/25 Time of Event: 4:00 pm  
 Set-Up Date: 10/24/25 Start Time: 3:00 pm  
 Tear Down Date: 10/24/25 End Time: 5:00 pm  
 Estimated Attendance: 300 Admission Fees: N/A

Event Description:

ECHS homecoming parade will include the marching band, cheerleaders, football team, homecoming court, & club floats.

**ORGANIZER/APPLICANT INFORMATION**

Name of Organization: ECHS Student Government Association  
 Primary Contact Person: Darby Whitehurst  
 Mailing Address: 1001 Orange St. Newport, NC 28570  
 Email: darby.whitehurst@cartereths12.org  
 Daytime Phone #: 252-728-3514 Cell Phone #: 252-764-1055  
 Alternate Contact Person: James Westbrook Phone #: 919-738-2230  
 Is your group a non-profit organization? NO If yes, please provide documentation with your application.

**SITE PLAN**

Site Plan Attached

- Yes
- No

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

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

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

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

## PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

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

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

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### OTHER EVENT DETAILS

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

\_\_\_\_\_  
\_\_\_\_\_

Will there be canon/re-enactment fire during your event? \_\_\_\_\_ If yes, please coordinate with the Beaufort Fire Department for safety procedures.

### ALCOHOL

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

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

x Dorly Whitehurst (Applicant's Signature)

### ROAD CLOSURES

Does your event require a road closure?  YES \_\_\_\_\_ NO

Please provide specifics below:

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
Hill/Front <sup>Line</sup> → <sup>row</sup>	3:00	4:00	5:00	5:00
Line/Front → <sup>Turn</sup>	4:00	4:00	5:00	5:00

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

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

## PARKING/PARKING LOTS

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

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

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

Bicycle Parking: Yes \_\_\_\_\_ No \_\_\_\_\_

Additional Handicap Parking: Yes \_\_\_\_\_ No \_\_\_\_\_ Location: \_\_\_\_\_

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

## PARADE/WALK INFORMATION

Parade Assembly Area: Hill St. → Live Oak St. Time: 3:00 pm  
Parade Dismissal Area: Turner St. Time: 5:00 pm  
Parade Start Time: 4:00pm

## EMERGENCY MANAGEMENT

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

Designated Emergency personal/liaison (onsite): \_\_\_\_\_

Cell #: \_\_\_\_\_ Other Contact: \_\_\_\_\_

How will your event staff react to severe weather?

IF Severe weather, Parade will be Cancelled.

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

\_\_\_\_\_  
\_\_\_\_\_

**RISK ASSESSMENT**

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

Weather -> rain (will be cancelled)

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

**TENTS**

Will you have tents at your event? \_\_\_\_\_ YES  NO

Please list the tent sizes: \_\_\_\_\_

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

**FOOD**

Will there be food served at your event? \_\_\_\_\_ YES  NO

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

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

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

# VENDORS

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

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

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

# CHECKLIST

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

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

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

Applicant's Signature Dorby Whitehurst Date 9/4/25


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

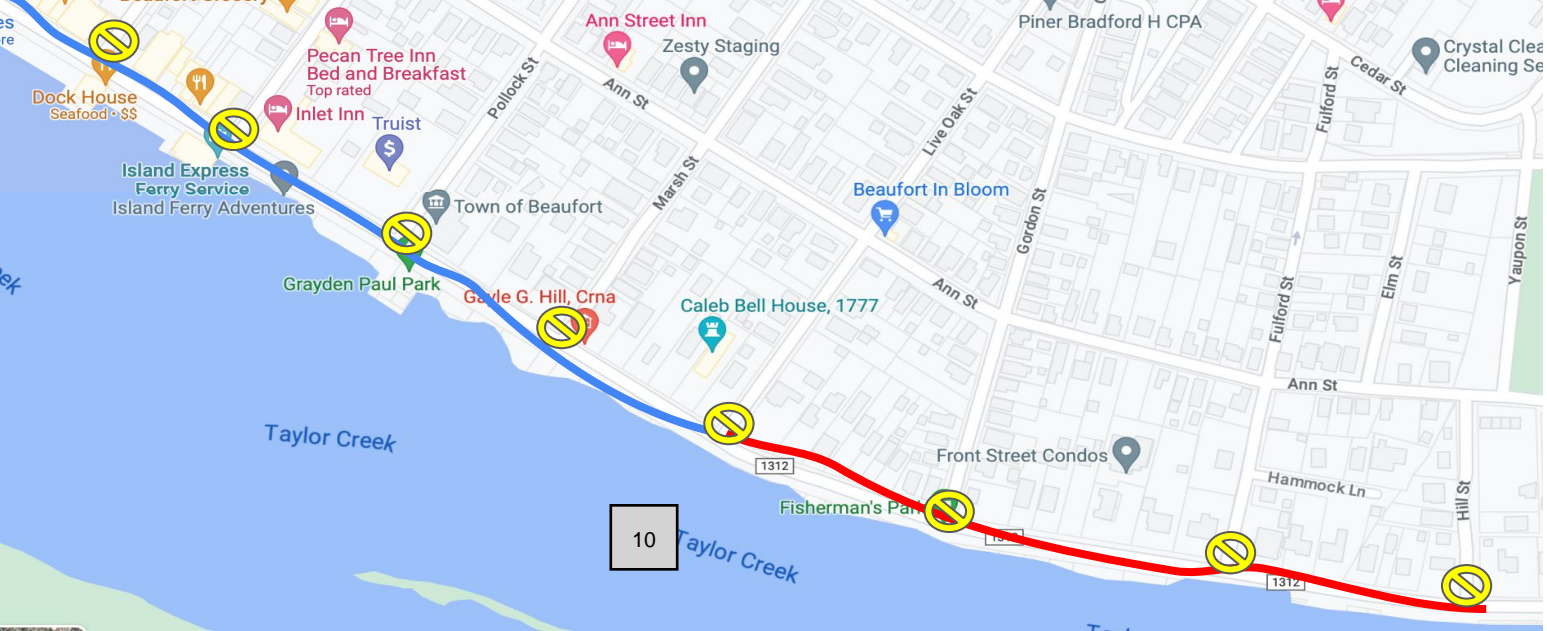
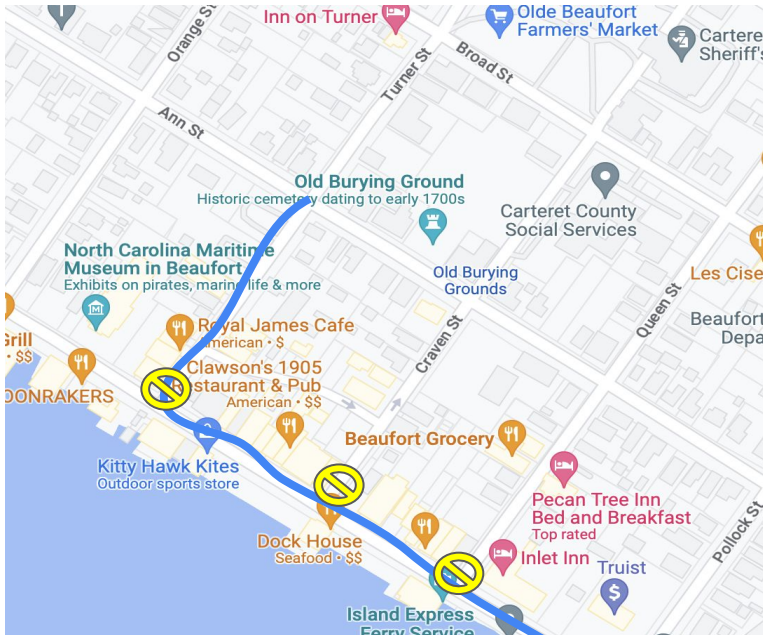
Permit Issue Date: \_\_\_\_\_  
 Authorized Signature: \_\_\_\_\_

Insurance Certificate: Yes \_\_\_\_\_ No \_\_\_\_\_  
 Permit Fee: Yes \_\_\_\_\_ No \_\_\_\_\_  
 BOC Approval Date: \_\_\_\_\_  
 Police Chief Approval: \_\_\_\_\_  
 Fire Chief Approval: \_\_\_\_\_

Red - Parade Line Up

Blue - Parade Route

 Road Closure





**Town of Beaufort, NC**

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**Board of Commissioners  
Work Session  
4:00 PM – Monday, Sept. 22, 2025**

**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Maritime Museum’s Wooden Boat Show Application

The NC Maritime Museum & Friends of the Museum have submitted an event application to host their annual Wooden Boat Show on Saturday, May 2, 2026 in downtown Beaufort. The coordinator for this event is Brent Creelman.

The event requests the closure of the 300 block of Front Street to include parking spaces 173-183 from 6 a.m.-7 p.m. on Saturday, May 2, 2026. At the time of submittal, paid parking is not slated to start until after the event. The organizer asks that if the paid parking start date is changed to before the event, parking fees be waived due to the information available at the time the event request was submitted.

The event is from 10 a.m.-6 p.m. and draws approximately 2-3,000 people. This annual event is always well run, highly organized, and creates a memorable experience for attendees. The Town’s Emergency Services Departments have reviewed the application and do not have any issues. The Police Department will deploy vehicle barricades. There is a fee associated with the deployment of the barricades in order to staff the deployment.

The application is consistent with events in the past, and staff recommends approval.

**REQUESTED ACTION:** Approval

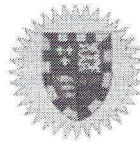
**SUBMITTED BY:** Rachel Johnson, Events Coordinator

**BUDGET AMENDMENT REQUIRED:** No

Date Application Received:

2.

Permit Number:



TOWN of  
**BEAUFORT**  
NORTH CAROLINA

## APPLICATION FOR SPECIAL EVENT PERMIT

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

Events Coordinator, Town of Beaufort  
701 Front Street  
P.O. Box 390  
Beaufort, NC 28516

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

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

## EVENT BASICS

Event Name: **NC Maritime Museum Wooden Boat Show**

Location of Event Site: **Watercraft Center, Museum, and 300 block of Front Street**

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

Run by: **NC Maritime Museum & Friends of the Museum**

Applicant (Organizer) Name: **Brent Creelman**

Contact #: **252 728-2762**

Day of Event Contact #: **Grant Caraway** Contact # **910 934-3792** Email: **grant.caraway@ncdcr.gov**

Type of Event:

- Festival
- Parade
- 5K Race
- 10K Race
- Music Event
- Other: Exhibition**

Actual Event Date(s): **May 2, 2026**

Time of Event: **10 a.m. – 6 p.m.**

Set-Up Date: **May 2, 2026**

Start Time: **6 a.m.**

2.

Tear Down Date: **May 2, 2026**

End Time: **7 p.m.**

Estimated Attendance: **2,000-3,000**

Admission Fees: **\$0**

Event Description:

**Display of wooden boats, demonstrations**

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## ORGANIZER/APPLICANT INFORMATION

Name of Organization: **Friends of the Museum**

Primary Contact Person: **Brent Creelman**

Mailing Address: **315 Front Street, Beaufort**

Email: **brent@maritimefriends.org**

Daytime Phone #: 252 728-2762

Cell Phone #: **252 422-6452**

Alternate Contact Person: **Grant Caraway**

Contact # **910 934-3792**

Is your group a non-profit organization? **Yes** If yes, please provide documentation with your application.

Site Plan Attached

## SITE PLAN

**Yes**

**No**

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

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

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- Location of all tents and temporary structures
- Location of requested barricades and road closures

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

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

**Please mark all that apply:**

**PARKS & PARKING LOTS REQUESTED**

- East Parking Lot
- West Parking Lot
- Craven Street Parking
- Middle Lane
- John Newton Park
- Lynn Eury Park
- Grayden Paul Park
- Topsail Marine Park
- Other** Please list: **300 block of Front Street**

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

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

Will there be canon/re-enactment fire during your event? **NO** If yes, please coordinate with the Beau 2.  
Fire Department for safety procedures.

Does your event require a road closure? **XXX YES**

Please provide specifics below: **300 block of Front Street between the Museum's east driveway and Orange Street with an access lane open for the Elizabethian Inn at 307 Front Street.**

## ALCOHOL

Alcohol at the event YES \_\_\_\_ **NO** X Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of \$32.50 per hour for the duration. At the discretion of the Police Chief, modifications may be made to staffing requirements. All local, state and Federal laws must be adhered to.

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

X \_\_\_\_\_ (Applicant's Signature)

## ROAD CLOSURES

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
300 block Front St	6-10 a.m.	10 a.m.	4 p.m.	4-7 p.m.

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

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

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is \$10 per parking space per day for special event closure during Pay-To-Park season).

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

2.

300 block of Front Street to include parking spaces 173-183

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

Truist parking lot – Front & Pollock Streets

Bicycle Parking: **Yes** No

Additional Handicap Parking: Yes \_\_\_\_\_ **No** \_\_\_\_\_ Location: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parade Assembly Area: \_\_\_\_\_ Time: \_\_\_\_\_

## PARADE/WALK INFORMATION

Parade Dismissal Area: \_\_\_\_\_ Time: \_\_\_\_\_

Parade Start Time: \_\_\_\_\_

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

## EMERGENCY MANAGEMENT

Designated Emergency personal/liaison (onsite): **Grant Caraway**

Cell #: **910 394-3792** Other Contact: **Brent Creelman 252 422-6452**

How will your event staff react to severe weather? **Gather in the Watercraft Center & Museum**

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

## RISK ASSESSMENT

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

2.

Severe weather – thunderstorms/high winds/lightening

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

Event volunteers & staff are seasoned. Volunteer orientation addresses pending threats.

## TENTS

Will you have tents at your event? \_\_\_\_\_ YES **XXX NO**

Please list the tent sizes: \_\_\_\_\_

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

## FOOD

Will there be food served at your event? \_\_\_\_\_ YES **XXX NO**

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

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

All food vendors must have proper licensing, inspections, etc

## VENDORS

Will there be vendors selling items at your event? **XX Yes** \_\_\_\_\_ No

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

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

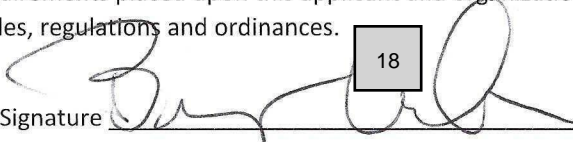
Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

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

I/We the event organizer **Brent Creelman**,

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

Applicant's Signature

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Date

9/8/25



**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  
Work Session**

**4:00 PM Monday, September 22, 2024**

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**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Street Sweeper MOA/MOU: Town of Cedar Point

**BRIEF SUMMARY:**

The Town requests the Board’s consideration of approving a Memorandum of Understanding/Agreement (MOU/MOA) with the Town of Cedar Point, North Carolina. Under this agreement, Cedar Point will be granted access to the Town of Beaufort’s street sweeper, which will be operated exclusively by trained Beaufort staff. Reimbursement to the Town of Beaufort will be provided by Cedar Point at the current FEMA-approved equipment rates. This partnership offers a cost-effective solution for Cedar Point while ensuring fair compensation for Beaufort’s resources and services.

**REQUESTED ACTION:** Approval of the draft MOU/MOA with the Town of Cedar Point.

**SUBMITTED BY:**

Matt Zapp, Town Manager

**BUDGET AMENDMENT REQUIRED:**

N/A

**MEMORANDUM OF UNDERSTANDING (MOU) / MUTUAL AID AGREEMENT**

**Between**  
**Town of Beaufort, North Carolina**  
**and**  
**Town of Cedar Point, North Carolina**

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**1. PURPOSE**

This Memorandum of Understanding (MOU) establishes the terms and conditions under which the **Town of Beaufort** will provide the **Town of Cedar Point** with access to a street sweeping service, including a street sweeper and a trained operator, for the purpose of maintaining public roadways within the Town of Cedar Point.

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**2. TERM**

This MOU shall become effective on the date of the last signature below and shall remain in effect for a period of **[insert number] years**, unless terminated earlier in accordance with Section 8.

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**3. SCOPE OF SERVICES**

- The Town of Beaufort agrees to provide the Town of Cedar Point with a **Street Sweeper and a trained driver/operator** for street sweeping services.
  - The Street Sweeper will be made available for use **up to six (6) times per calendar year**, based on the need determined by the Town of Cedar Point and the **availability** of the unit in the Town of Beaufort.
  - Scheduling of services will be coordinated between the designated representatives of both municipalities.
- 

**4. COST AND BILLING**

- The Town of Cedar Point shall reimburse the Town of Beaufort for services rendered at a **fair and reasonable rate** calculated as follows:
  1. **Daily cost of the driver’s wages and benefits** (including applicable payroll costs); **plus**

- 2. The **current FEMA Equipment Rate** for the specific street sweeper provided.
  - The Town of Beaufort will invoice the Town of Cedar Point following completion of each service event, with payment due within **30 days** of the invoice date.
- 

## 5. EQUIPMENT AND OPERATOR RESPONSIBILITIES

- The Street Sweeper shall remain under the control and operation of the Town of Beaufort’s trained personnel at all times.
  - The Town of Beaufort will ensure the Street Sweeper is properly maintained, fueled, and in good working order before deployment.
  - The Town of Cedar Point shall provide reasonable assistance as needed, including traffic control support if required.
- 

## 6. LIABILITY AND INSURANCE

- Both parties agree to maintain liability insurance coverage as required by North Carolina law.
  - Each party shall be responsible for the acts and omissions of its employees, officers, and agents in the performance of this MOU, to the extent permitted by law.
  - Nothing in this MOU shall be construed to waive any governmental immunity or other legal defenses available under North Carolina law.
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## 7. INDEMNIFICATION

To the extent permitted by law, each party agrees to hold harmless and indemnify the other for any claims, damages, or liabilities caused by its own negligence or the negligence of its employees or agents while performing under this agreement.

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## 8. TERMINATION

Either party may terminate this MOU by providing **30 days’ written notice** to the other party.

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**9. POINTS OF CONTACT**

• **Town of Beaufort:**

Matthew Zapp, Town Manager  
701 Front Street, Beaufort, NC 28516  
252-528-8768 phone  
[m.zapp@beaufortnc.org](mailto:m.zapp@beaufortnc.org)

• **Town of Cedar Point:** [Name, Title, Contact Information]

**10. ENTIRE AGREEMENT**

This MOU constitutes the entire agreement between the parties and supersedes all prior discussions or agreements regarding the subject matter. Any modifications must be made in writing and signed by both parties.

**SIGNATURES**

**Town of Beaufort, NC**

By: \_\_\_\_\_

Name: Matthew R. Zapp

Title: Town Manager

Date:

**Town of Cedar Point, NC**

By: \_\_\_\_\_

Name:

Title:

Date:



**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  
Work Session**

**4:00 PM Monday, September 22, 2024**

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**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Tuition Reimbursement Contract

**BRIEF SUMMARY:**

The Town requests the Board’s consideration of a Tuition Reimbursement Contract for Elizabeth Lewis, who is currently pursuing her Master of Public Administration at the University of North Carolina Wilmington. The proposed agreement provides reimbursement for tuition, books, and related materials. In return, Miss Lewis agrees to remain employed with the Town of Beaufort for a period of five years following her graduation. This arrangement will support her professional development while ensuring the Town benefits from her continued service.

**REQUESTED ACTION:**

Approval of the draft employee tuition reimbursement contract.

**SUBMITTED BY:**

Matt Zapp, Town Manager

**BUDGET AMENDMENT REQUIRED:**

N/A

# TUITION REIMBURSEMENT AGREEMENT

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STATE OF NORTH CAROLINA

COUNTY OF CARTERET

**ASSISTANT TOWN MANAGER - ELIZABETH LEWIS**

This Agreement, made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between Elizabeth Lewis, hereinafter referred to as “Assistant Town Manager” or “ATM”; and the Town of Beaufort, a North Carolina Municipal Corporation, hereinafter referred to as “Town”;

**WITNESSETH:**

WHEREAS, the position of Assistant Town Manager for the Town of Beaufort is one which requires a wide range of professional skills, training, and experience; and

WHEREAS, the Town recognizes the importance of advanced education in enhancing the Assistant Town Manager’s ability to serve the community effectively and professionally; and

WHEREAS, the Town desires to support the Assistant Town Manager’s pursuit of a Master’s Degree in Public Administration (“MPA”) by providing tuition reimbursement for certain educational expenses; and

WHEREAS, the total tuition for the MPA program is estimated to be \$16,400 for 36 credit hours, and additional expenses such as books, travel, and seminars are anticipated not to exceed \$4,000; and

WHEREAS, the Town finds it in the public interest to offer tuition reimbursement under the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the sufficiency and receipt of which are acknowledged, the parties agree as follows:

**1. Tuition Reimbursement**

The Town agrees to reimburse the Assistant Town Manager for actual tuition costs incurred in pursuit of an accredited Master of Public Administration degree in an amount not to exceed Sixteen Thousand Four Hundred Dollars (\$16,400). In addition, the Town shall reimburse the Assistant Town Manager for books, travel, and seminar expenses directly related to the MPA program in an amount not to exceed Four Thousand Dollars (\$4,000).

Reimbursements will be made upon submission of proper documentation, including but not limited to tuition bills, payment receipts, travel logs, and course material invoices. Reimbursement shall only be made for courses in which the Assistant Town Manager earns a grade of “B” or better (or “Pass” in a pass/fail course).

The total tuition reimbursement provided under this Agreement, inclusive of any prior reimbursements made by the Town for MPA-related coursework (including the \$1,000 reimbursed in 2024), shall not exceed Sixteen Thousand Four Hundred Dollars (\$16,400).

**2. Claw-back Provision**

If the Assistant Town Manager remains continuously employed with the Town of Beaufort and maintains satisfactory job performance for a period of sixty (60) months following the date of the final reimbursement, then no repayment shall be required.

If the Assistant Town Manager voluntarily resigns, is involuntarily separated from employment, otherwise terminates employment with the Town , or transfers to a position with the Town which is outside of the training for which she received tuition reimbursement before the thirty-sixth (36th) month after final reimbursement, she shall repay 100% of the total reimbursed amount.

If such termination, separation or transfer occurs between the thirty-seventh (37th) and sixtieth (60th) month, the Assistant Town Manager shall repay 75% of the total reimbursed amount.

Any repayment required under this section shall be due to the Town within ninety (90) days of termination of employment, unless a written repayment schedule is mutually agreed upon.

**3. Verification & Documentation**

The Assistant Town Manager shall provide documentation sufficient to verify all costs incurred and the successful completion of each course. Reimbursement will be made only after submission of required documentation. The Town reserves the right to withhold payment for any ineligible expenses.

**4. Sovereign Immunity**

Nothing in this Agreement shall be deemed or construed to be a waiver of the Town’s sovereign immunity or governmental immunity, which immunity is expressly reserved.

**5. Entire Agreement**

This Agreement constitutes the entire understanding between the parties concerning the subject matter herein and supersedes all prior agreements or understandings. Any modification to this Agreement must be made in writing and signed by both parties.

**6. Execution**

This Agreement is executed by the parties freely and voluntarily, and with the intent to be legally bound. Each party represents they have full legal capacity and authority to enter into this Agreement.

**7. Counterparts**

This Agreement may be executed in counterparts, each of which shall be deemed an original and together shall constitute one and the same document. Electronic or facsimile signatures shall be deemed valid and enforceable.

**8. Binding Effect**

This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors, assigns, and legal representatives, to the extent allowed by law.

**9. Severability**

If any provision of this Agreement is held invalid or unenforceable, the remaining provisions shall remain in full force and effect.

**10. Tax Implications**

The Assistant Town Manager acknowledges that any reimbursement under this Agreement may have federal and/or state tax implications. The Town makes no representation regarding such matters, and the Assistant Town Manager is advised to consult a qualified tax advisor.

**11. Employment at Will**

The Assistant Town Manager acknowledges that this agreement is not intended to address all responsibilities between her and the Town, and understands that her employment is at will, and may be terminated at any time, with or without cause, and with or without notice.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first written above.

For the Town of Beaufort:

\_\_\_\_\_ (SEAL)

Honorable Sharon Harker, Mayor

ATTEST:

\_\_\_\_\_ (SEAL)

Christi Wood, Finance Director

\_\_\_\_\_ (SEAL)  
Matthew Zapp, Town Manager

Assistant Town Manager:

\_\_\_\_\_ (SEAL)  
Elizabeth Lewis



**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  
Work Session  
4:00 PM Monday, Sept. 22, 2025  
614 Broad Street, Train Depot**

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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Ann Street Park Project: Grant Award Resolution & Budget Amendment

**BRIEF SUMMARY:** The North Carolina Department of Environmental Quality (DEQ) for Public Beach & Coastal Waterfront Access grant fund has awarded the Town of Beaufort a grant in the amount of \$120,000 for the construction of the observation deck at Ann Street Waterfront Park.

The attached Resolution is to allow the Town of Beaufort to enter into a proposed contract with DEQ. The Town’s portion of the project is \$243,467, which encompasses both a cash match and in-kind work. The total project cost is estimated at \$363,467.

Funding for this project is to come from the Park Improvements Projects Fund, a separate account from the General Fund. Contributions to this fund have been made in the form of private donations and recreation fees. All funds in the account are specifically marked for parks either by the private donor or by state law, which governs the usage of recreation fees.

Budget Amendment #2 is included for the Ann Street Waterfront Park. This budget amendment requests appropriation of revenue from donations, recreation fees, and grant funds. Additionally, a new line item has been created for the Ann Street Park, as well as, a line item for future park projects. The total budget for Ann Street Park is \$364,000.

**REQUESTED ACTION:**

Approve as presented

**SUBMITTED BY:** Rachel Johnson, Parks Coordinator & Christi Wood, Finance Director

**BUDGET AMENDMENT REQUIRED:** Yes



Town of Beaufort  
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516  
252-728-2141 • 252-728-3982 fax  
[www.beaufortnc.org](http://www.beaufortnc.org)

**RESOLUTION AUTHORIZING LOCAL GOVERNMENT EXECUTION OF  
PUBLIC BEACH & COASTAL WATERFRONT ACCESS GRANT CONTRACT  
Resolution # \_\_\_\_\_**

MINUTES OF A REGULAR MEETING OF THE Board of Commissioners of the Town of Beaufort, North Carolina.

A regular meeting of the Board of Commissioners of the Town of Beaufort was held in the Beaufort Train Depot, 614 Broad Street, the regular meeting place, at 6 p.m. on September 22, 2025. There were 5 Commissioners and 1 Mayor present.

The Board of Commissioners was advised that a proposed contract between the Town of Beaufort and the North Carolina Department of Environmental Quality (DEQ) for Public Beach & Coastal Waterfront Access grant funds was presented for the project known as the Ann Street Waterfront Park Project and discussed; that, under the terms of the said contract, the Town of Beaufort will pay a total of **\$243, 467** as its local share of the total project costs.

BE IT RESOLVED, BY THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS:

- 1) That a contract between the Town of Beaufort and the North Carolina Department of Environmental Quality be and the same is hereby approved.
- 2) That the Mayor and the Town Manager are hereby authorized to sign and execute the said contract for and on behalf of the Town of Beaufort and forward the same to the North Carolina Department of Environmental Quality.
- 3) That upon final execution, a copy of said contract be filed with the minutes. Upon motion of \_\_\_\_\_, said resolution was passed \_\_\_\_\_.

I, Elizabeth Lewis Clerk of the Town of Beaufort, North Carolina do hereby certify that the foregoing is a true copy of so much of the proceedings of the Town of Beaufort Board of Commissioners at a meeting held on September 22, 2025 as related to the contract between the Town of Beaufort and the North Carolina Department of Environmental Quality, relative to the Ann Street Waterfront Project for the Town of Beaufort, North Carolina.

WITNESS my hand and the corporate seal of the said Beaufort, North Carolina, this the 22<sup>nd</sup> day of September, 2025.

**(SEAL)**

\_\_\_\_\_  
**(Clerk Signature)**

Mayor Sharon Harker  
Commissioner Melvin Cooper • Commissioner Paula Gillikin  
Commissioner John LoPiccolo • Commissioner Bucky Oliver • Commissioner Sarah Spiegler  
Town Ma \_\_\_\_\_ Matt Zapp



# NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT

## Public Beach and Coastal Waterfront Access Program

### GRANTEE'S FINAL RESPONSE TO RFP

#### TOWN OF BEAUFORT – ANN STREET WATERFRONT PARK – 2025-26

**CW#:** CW63374

**Local Government:** Town of Beaufort

**Local Project Administrator:**  
Rachel Johnson, Parks Coordinator  
701 Front Street  
Beaufort, NC 28516

**Phone:** O: (252) 528-8765

**Email:** [rjohnson@beaufortnc.org](mailto:rjohnson@beaufortnc.org)

**Project Budget:**

- Grant Amount:** \$120,000 (33%)
- Cash Match:** \$198,869 (54.7%)
- In-Kind Match:** \$44,598 (12.26%)
- Total Project Cost:** \$363,467 (100%)

**Site Location/ Address:** 99 Ann Street, Beaufort, NC 28516.

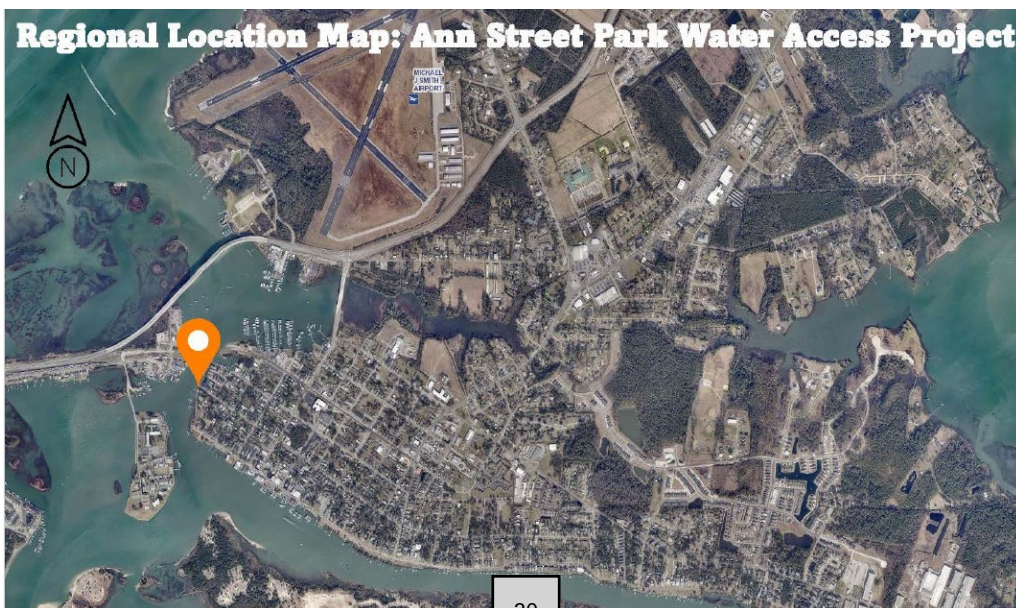
**Project Description:** The project consists of constructing a waterfront park with the following features:

- An approx. 1,008 sq. ft. (42' x 24') observation deck with built-in benches
- Seven standalone benches and two covered swing benches
- Two ADA-compliant picnic tables and an ADA walking path connecting the parking area to the observation deck, gardens, picnic areas, and key park elements.
- A parking area with spaces for four vehicles, three golf carts, and one ADA-compliant space
- Landscaping(rain gardens, native plantings, and shade trees to support stormwater infiltration), lighting, trash cans, a water bottle filling station, and a pet waste receptacles.

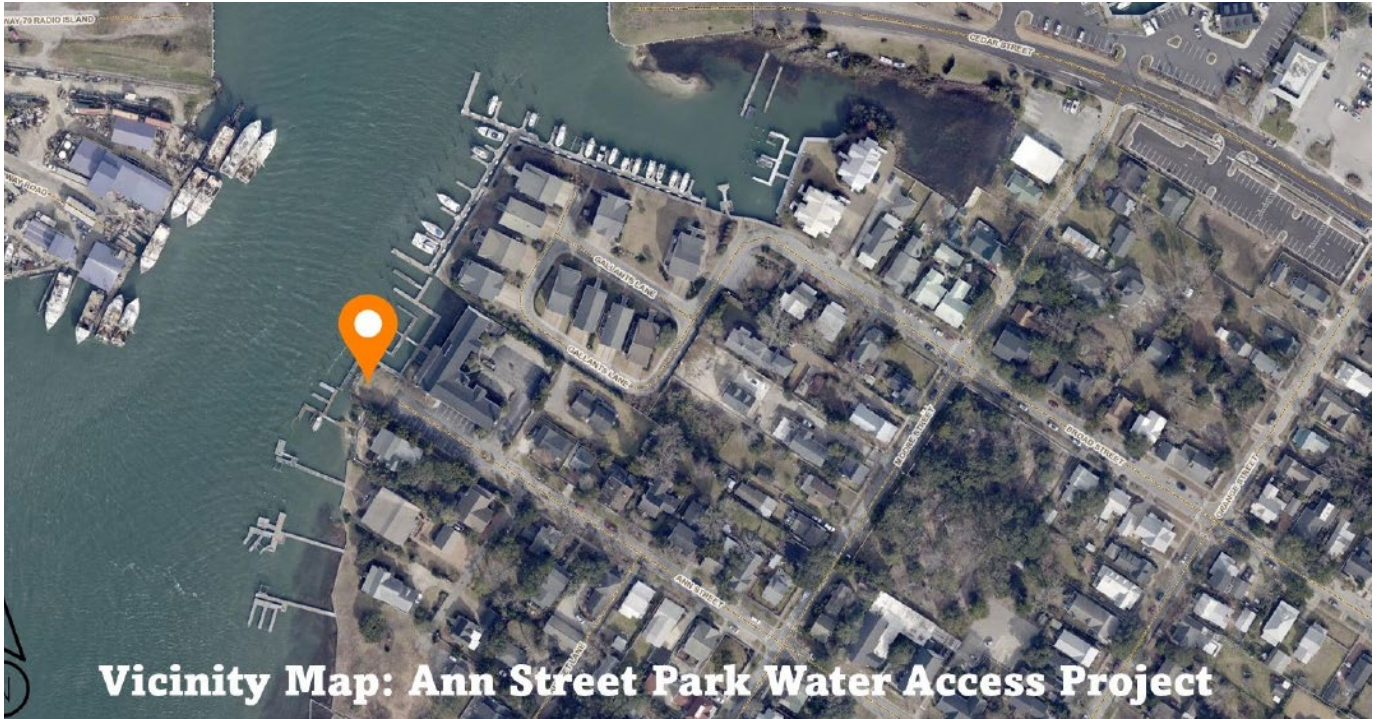
To address ongoing stormwater flooding challenges at the site, the Town will remove approximately 4,200 sq. ft. of impervious asphalt and replace it with pervious materials where feasible. Utilities to be installed include both water and electrical service. Stormwater infrastructure improvements will also include the installation of a 12-inch duckbill-style check valve to reduce tidal backflow and help mitigate persistent flooding.

**Site Description:** is a 0.365-acre parcel located at the end of Ann Street in Beaufort, along the Newport River. The property was historically used as a parking lot.

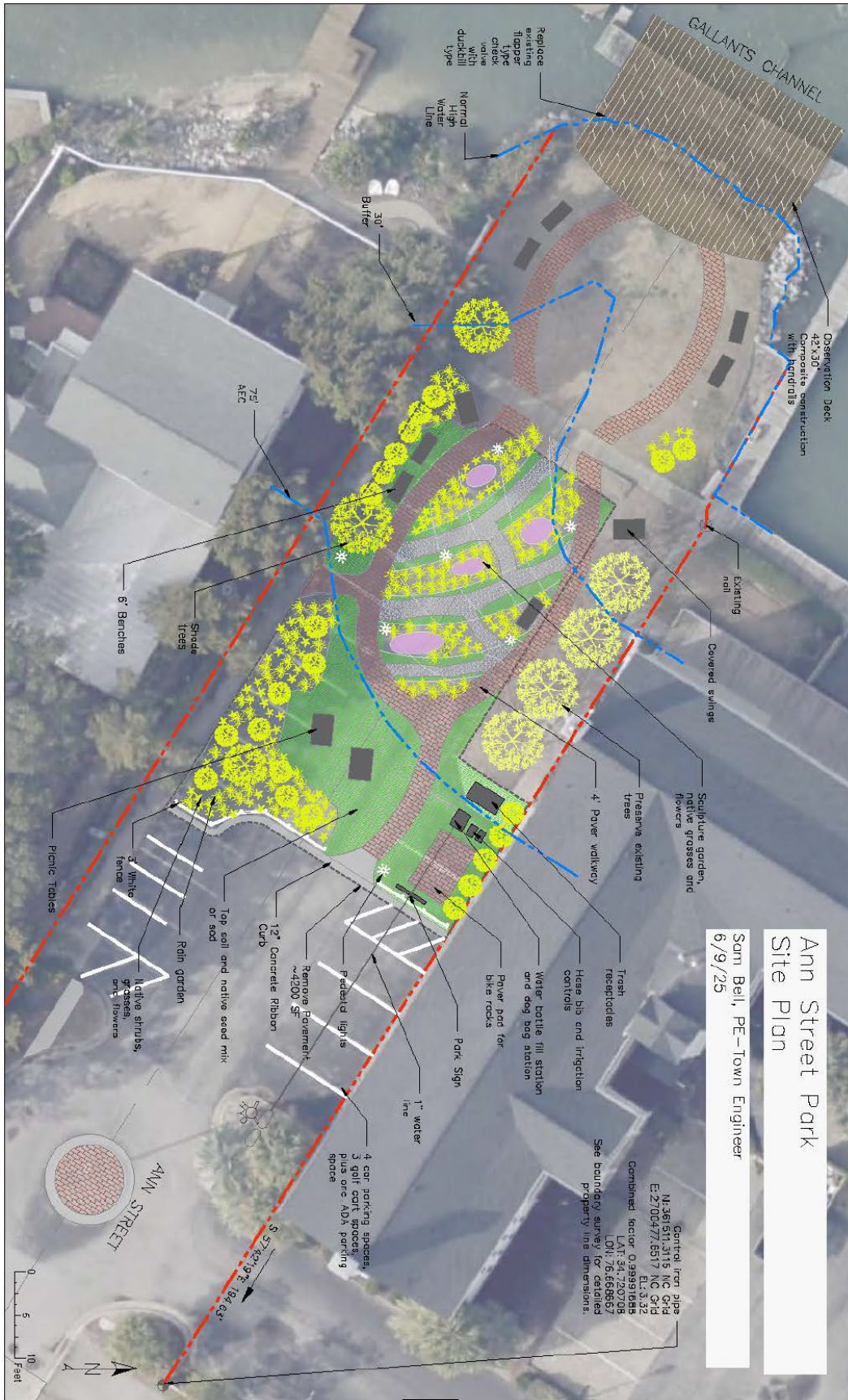
#### A. REGIONAL LOCATION MAP



**B. VICINITY MAP**



C. **PROJECT SITE PLAN:** Below is the Project Site Plan submitted by the local community. The site plan is provided for reference only. Only those improvements specifically mentioned in the Project Description on page 1 will be considered under the grant award.



Ann Street Park  
 Site Plan  
 Sam Bell, PE-Town Engineer  
 6/9/25

**D. BUDGET SUMMARY**

Project Elements	Grant	Cash Match	In Kind	Total
<b>Land Acquisition Costs</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$ 0.00
<b>Permit and Design Fees</b>				
CAMA Major Permit	\$	\$ 474.00	\$	\$ 474.00
Town of Beaufort Building Permit, COA, Electrical & Plumbing Permits	\$	\$	\$ 750.00	\$ 750.00
	\$	\$	\$	\$
<b>Site Improvement Costs: Materials</b>				
Observation Deck	\$ 120,000.00	\$	\$	\$ 120,000.00
Other (See Attachment: Ann Street Waterfront Park Project Budget)	\$	\$ 198,395.00	\$	\$ 198,395.00
	\$	\$	\$	\$
<b>Site Improvement Costs: Labor</b>				
Remove Asphalt Pavement/Grading	\$	\$	\$ 29,400.00	\$ 29,400.00
Public Works Labor - 2 Staff at 224 hours (14 days) at \$64.50 rate	\$	\$	\$ 14,448.00	\$ 14,448.00
	\$	\$	\$	\$
<b>Local Administrative Costs</b>				
Town Engineer	\$	\$	\$	\$ 0.00
Parks Coordinator	\$	\$	\$	\$ 0.00
Public Works Director	\$	\$	\$	\$ 0.00

<b>Totals</b>	\$ 120,000.00	\$ 198,869.00	\$ 44,598.00	\$ 363,467.00
<b>Match Percentages</b>	33 %	54.7 %	12.26 %	100 %

\* The match percentages represent the percentages of the total project cost. If a project is completed under budget the cost match percentages shall be used to adjust the final grant reimbursement.

**Ann St Park Preliminary Budget  
7-Jul-25**

Item	Units	Unit Price	Quantity	Estimated Amount
<b>Site Work</b>				
Observation Deck	LS	\$ 120,000.00	1	\$ 120,000
Remove Asphalt Pavement	SF	\$ 5.00	4200	\$ 21,000
Granite Rip-Rap	TON	\$ 103.00	100	\$ 10,300
Select Fill	CY	\$ 60.00	250	\$ 15,000
Topsoil	CY	\$ 100.00	155	\$ 15,500
Pavement Marking, 4" White	LF	\$ 2.00	180	\$ 360
Reinforced Concrete Sculpture Base, 12" Thick	SF	\$ 100.00	100	\$ 10,000
Concrete Pad, 4" Thick	SF	\$ 25.00	130	\$ 3,250
Building Permit, COA, Electrical & Plumbing Permits	All	\$ 750.00	1	\$ 750
CAMA Major Permit	EA	\$ 474.00	1	\$ 474
Concrete Ribbon Curb, 18"	LF	\$ 25.00	134	\$ 3,350
<b>Subtotal</b>				<b>\$ 199,984</b>
<b>Permeable Walkway</b>				
Pavers	SF	\$ 25.00	1347	\$ 33,675
57 Stone	TON	\$ 45.00	24	\$ 1,080
78 Stone	TON	\$ 45.00	6	\$ 270
Crushed Gravel and Shell	CY	\$ 100.00	10	\$ 1,000
Edge Restraint	LF	\$ 10.00	464	\$ 4,640
Filter Fabric	SF	\$ 0.33	1347	\$ 445
<b>Subtotal</b>				<b>\$ 41,110</b>
<b>Bioretention Cells</b>				
Mulch	CY	\$ 50.00	4.5	\$ 225
Grading	SF	\$ 2.00	4200	\$ 8,400
<b>Subtotal</b>				<b>\$ 8,625</b>
<b>Plants</b>				
Wholesale Order	LS	\$ 30,000.00	1	\$ 30,000
Installation	LS	\$ 2,000.00	1	\$ 2,000
Ground Cover	SF	\$ 50.00	360	\$ 18,000
Sod	SF	\$ 2.00	1600	\$ 3,200
<b>Subtotal</b>				<b>\$ 53,200</b>
<b>Utilities and Amenities</b>				
Water Bottle Filling Station	LS	\$ 5,000.00	1	\$ 5,000
1-Inch Water Service Line	LF	\$ 15.00	40	\$ 600
Backflow Preventer in Insulated Enclosure	LS	\$ 2,600.00	1	\$ 2,600
6' Bench	Ea	\$ 1,000.00	7	\$ 7,000
Covered Swing	Ea	\$ 800.00	2	\$ 1,600
Irrigation	LS	\$ 10,000.00	1	\$ 10,000
Bike Rack, 6' Composite	Ea	\$ 1,000.00	2	\$ 2,000
Duckbill Style Stormwater Check Valve, 12"	Ea	\$ 7,500.00	1	\$ 7,500
3' Wooden Fence, White	LF	\$ 20.00	50	\$ 1,000
Park Sign	Ea	\$ 1,200.00	1	\$ 1,200
Trash can receptacle	Ea	\$ 1,200.00	1	\$ 1,200
Electrical Wiring	LS	\$ 5,000.00	1	\$ 5,000
Pedestal Light	Ea	\$ 200.00	7	\$ 1,400
Public Works Labor - 2 Staff at 224 hours (14 days) at \$64.50	Hr	\$ 64.50	224	\$ 14,448
<b>Subtotal</b>				<b>\$ 60,548</b>
<b>Total</b>				<b>\$ 363,467</b>



Town of Beaufort • 701 Front Street • Beaufort, NC 28516

**E. PROJECT SCHEDULE & ACTIVITIES CHART**

Below is the Project Timeline for improvements under the grant award, including progress monitoring at six-month intervals throughout the 18-month contract period. Any adjustments to the timeline require approval by the Contract Administrator. The chart illustrates grant and local cash match amounts tied to deliverables for each project period; local funds must be expended before drawing down grant funds. In-kind cash match amounts are not shown in the chart but must still be documented and reported at project closeout.

Total Grant Funds: \$ 120,000 + Total Local Funds: \$ 198,869 = Total: \$ 363,467

PROJECT PERIOD 1	
<p>Grant funds to be spent \$ <u>0</u></p> <p>Local Funds to be spent \$ <u>63,024</u></p>	<p>Work to be completed <u>    </u> %</p> <ul style="list-style-type: none"> <li>• Permitting</li> <li>• Topsoil</li> <li>• Asphalt Removal</li> <li>• Granite Rip-Rap</li> <li>• Select Fill</li> </ul>
PROJECT PERIOD 2	
<p>Grant funds to be spent \$ <u>108,000</u></p> <p>Local Funds to be spent \$ <u>135,845</u></p>	<p>Work to be completed <u>70</u> %</p> <ul style="list-style-type: none"> <li>• Observation Deck Construction</li> <li>• Permeable Walkway</li> <li>• Bioretention Cells/Landscaping</li> <li>• Installation of Utilities</li> <li>• Installation of Amenities</li> </ul>
PROJECT PERIOD 3	
<p>Grant funds to be spent \$ <u>12,000</u></p> <p>Local Funds to be spent \$ <u>0</u></p>	<p>Work to be completed <u>5</u> %</p> <ul style="list-style-type: none"> <li>• Final Inspections</li> <li>• Closeout</li> <li>•</li> <li>•</li> <li>•</li> </ul>

\*The final project period includes a holdback of 10% of the grant award, which is retained until a Closeout Package is received and approved by the Contract Administrator.

**F. SITE CONTROL**

1. Site Control: The Grantee must own or have at least a 25-year lease or easement on the property where improvements or renovated facilities will be located. The Grantee must submit copies of the deed or of the signed lease or easement, as well as the opinion by the Grantee’s attorney, regarding site control as part of the Final Application submittal. Proposals that include the leasing or acquisition of easements as part of the total project cost must include them in both the project description and budget chart. Leases and easements shall be recorded in a similar manner as Section G., Condition 2.
2. Joint-Use Agreement: Where property is owned or controlled by another governmental entity or agency, a joint-use agreement may suffice, subject to approval of DEQ. A local government and a school system or state or federal agency must include a draft Joint Use Agreement with the final application. The agreement must describe the hours of use of the facilities by the public and how the site will be maintained. DCM staff must approve the formal agreement prior to a reimbursement of grant funds. It is the Grantee’s responsibility to ensure that the agreement is acceptable to DCM/DEQ prior to the expenditure of local funds to be reimbursed. Recording the Joint Use Agreement may be required.
3. When to Take Title to Land/Leases/Easements: All Grantees must sign a contract with the State before accepting title/lease/easement to land that will be purchased or controlled using grant funds, unless otherwise approved by DCM. This also applies to property that is donated to the local government. The exception is when the intent is to use it toward in-kind match.

**G. LAND ACQUISITION PROJECTS**

1. The acquisition cost or fair market value of real property, including interests in donated lands, must be based on the appraisal of a licensed appraiser, with appraisal reports provided for review and acceptance by DEQ/DCM; grant funds dispersed for acquisition cannot exceed the fair market value of the real property associated with the award, and if the negotiated purchase price or a subsequent appraisal value exceeds the project cost presented in the final application, the Grantee must pay the additional cost.
2. Dedication for public access: Land acquired with Public Beach and Coastal Waterfront Access program funds shall be dedicated in perpetuity for public access and benefit of the general public, and the [Notice of Limitation of Use and Restrictions](#) dedication shall be recorded in the local Register of Deeds by the Grantee. Donated property used as a local match, or leases or easements acquired with a grant from DCM will require a similar dedication.
3. Acquisition and Development of the Site: The grant may be used to acquire land with plans to make improvements later. The Grantee must provide a “Plan for Future Development” as part of a final application for inclusion in this document. The Plan must include a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing the proposed development; and a timeline for developing the site. Following acquisition, the Grantee has five years after closing the contract to begin developing facilities that ensure the site is useable for public beach and water access. Failure to ensure the property is accessible for public access after five years will be the basis for meeting Section H. Condition 3(i).
4. Property lease or easement: Arrangements must be for the life of the project (25 years).
5. Any tract or parcel of, or interest in, real property subject to being purchased under the provisions of the grant award that is determined by DEQ/DCM for any reason not to be suitable can be the basis for all obligations of the State to cease with regard to the property associated with the award.

**H. ADDITIONAL GRANT REQUIREMENTS, CONDITIONS, AND RESTRICTIONS**

1. Costs ineligible for grant award reimbursement or local match, unless specifically included in project description:
  - a. The purchase of tools, maintenance equipment, office equipment and indoor furniture are not eligible for reimbursement with grant funds.
  - b. Environmental Assessments other than preliminary work associated with site planning and wetland delineation.
  - c. Remediation Plans associated with contaminated sites. However, some costs of actual remediation or clean up may be eligible for in-kind match.
  - d. Restoration Plans: Wetland restoration may be eligible for cash or in-kind match.
  - e. Attorney Fees: No fees for permitting, condemnation of other litigation will be considered.
2. Development plans and specifications are required to be available for review by DEQ/DCM upon request. All significant deviations from the project proposal outlined in the grant award will be required to be submitted to DEQ/DCM for prior approval
3. The Grantee is required to allow the inspection of property and facilities acquired or in development pursuant to the grant award by DEQ/DCM to ensure work progress is in accordance with the grant award, including a final inspection upon project completion.
4. Development plans and specifications are required to be available for review by DEQ/DCM upon request. All significant deviations from the project proposal outlined in the grant award will be required to be submitted to DEQ/DCM for prior approval.
5. Other state and federal requirements:
  - a. All utility lines funded with a grant award must be placed underground unless otherwise agreed to within the contract.
  - b. All facilities funded with a grant award must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Prior to closing out a project and receiving final payment of grant funds, the Grantee’s local building official will be required to provide a letter certifying compliance.
6. Project signage: The Grantee is required to install CAMA public access signs at the project site(s). The State will provide these signs at no cost to the Grantee.
7. Operation and Maintenance: The Grantee is required to agree to operate and maintain solely at its own expense, insofar as it is legally empowered to do so, for as long as they exist, the facilities and areas covered by the grant award contract. Acquired or developed property is required to be operated and maintained as follows:
  - a. The property must be maintained in such a manner that DEQ/DCM finds it to appear attractive and inviting to the public.
  - b. Sanitation must be kept at reasonable standards for public use. Fire protection and other similar services must be maintained in accordance with applicable state and local public health standards.
  - c. Properties must be kept reasonably safe for public use. The community will determine the level of maintenance and supervision necessary to maintain the facility in a safe condition.
  - d. Buildings, roads, and other structures and improvements must be kept in reasonable repair throughout their estimated lifetime, so as to prevent undue deterioration and not to discourage public use.
  - e. Buildings, roads, and other structures and improvements must be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.
  - f. Local governments with public access sites funded by the Division of Coastal Management pursuant to G.S. 113A-134.3 may charge user fees as long as those fees are used exclusively for the operation,

maintenance, and enhancement of existing public access sites, including trash removal, law enforcement and public safety, beach nourishment projects or the provision of new public access sites through acquisition or easement. Local governments shall prepare annual accounting reports for fees generated by Public Beach and Coastal Waterfront Access Program funded access sites and shall make the report available upon request. Any local government that has not made the most recent required accounting report available shall not receive further funding under this program until the inconsistency is corrected.

8. Use, Retention, and Disposal of Grant-Assisted Property

- a. The use of property acquired or developed with grant assistance may not be changed from that proposed and approved in the grant award, unless approval is obtained from DEQ/DCM. Any future improvements, modifications, or changes to the project site are required to be subject to full review and approval by DEQ/DCM. This can include any changes that require permits or any modifications (reductions or additions) to recreational amenities. Unapproved changes to the project site may be or can be the cause for DEQ to seek repayment of previously granted funds for site acquisition and improvements.
- b. Reasonable Use Limitations: The Grantee may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with grant assistance when such a limitation is necessary for maintenance or preservation. All limitations will be required to be in accord with the applicable grant contract.
- c. Notice of Limitations of Use and Restrictions: The community and/or owner of the real property acquired or improved with grant funds awarded is required to file in the office of the local Register of Deeds a [Notice of Limitation of Use and Restrictions](#) that sets forth the land-use restrictions outlined in the grant award contract and to provide a copy to DEQ/DCM.
- d. Retention of Use: Any property acquired or developed with grant assistance is required to be retained and used for public access. If the local government uses the property for a purpose other than beach or coastal waters access or elects to sell or otherwise dispose of the property, the local government shall reimburse the State an amount that is the greater of (i) the amount of Program grant funds provided to purchase the property or (ii) an amount equal to the same proportion of the current market value of the property as the proportion of the original purchase price of the property funded with Program grant funds per § 113A-134.3(c).
- a. Use of Proceeds of Sales of assisted areas and facilities: The proceeds of sale of assisted areas and facilities will be required to be held by DEQ/DCM or community and be disposed of only in accordance with a plan approved by DEQ/DCM.

**I. PROJECT CONSTRUCTION, MATCH, and REIMBURSEMENT**

- 1. The project and all deliverables outlined in the Project Description and Project Schedule, Budget Summary, and Activities Chart will be required to be completed consistent with 15A NCAC 7M SECTION .0300.
- 2. Consistent with the Project Schedule & Activities Chart, the grantee will be required to submit reports as to the status and progress of the project. The DCM Contract Administrator will provide the periodic and final closeout report form templates.

- 3. Required Development permits and Construction Restrictions: Receipt of a grant award shall not constitute or be construed as approval of a CAMA development permit or any other permit required by law. Prior to commencing any construction, site work, or other activities under this Agreement, the Grantee shall obtain all permits required by applicable federal, state, and local laws and regulations. The Grantee shall contact its [DCM Field Representative](#) for guidance on applying for a CAMA permit. A local government Grantee shall not issue a CAMA Minor Permit to itself or grant itself an exemption from CAMA permit requirements. The Grantee shall coordinate with all relevant permitting agencies to ensure compliance with permit conditions and to minimize impacts on coastal resources.

**Cash & In-kind Match**

- 4. In general, in-kind contributions are derived from resources already on hand or from donations, whereas, cash contributions will be utilized to purchase new services or equipment necessary for proper completion of the access project.
- 5. Cash and In-kind Contributions (General): Cash and in-kind contributions may be claimed as part of the Grantee’s match when such contributions meet all of the following criteria:
  - a. Are provided for in the project budget approved by DCM;
  - b. Are verifiable from the grantee’s records;
  - c. Are necessary and reasonable for proper and efficient completion of the project;
  - d. Are not included as contributions for matching any other state or federally assisted projects or program, except where authorized by state or federal statute;
  - e. Use of other state or federal funds for local cash match must be identified to ensure that double matching does not occur;
  - f. Do not include N.C. state sales tax; and
  - g. Conform to other provisions of these guidelines, as applicable.

**Cash Contributions**

- 6. Local cash contributions may be claimed for the following accountable items: planning and project design fees, permit fees, land acquisition (including survey and appraisal), labor (other than local government salaried employees), materials, construction equipment rental, amenities, and infrastructure. These costs must be incurred during the contract period.
- 7. Site Amenities: The cost of other amenities purchased by the Grantee during a contract period may be included as part of the cash contribution if it is an integral part of the access facility or its construction as presented in this document. Examples include park benches, bike racks, water fountains, trashcans and lights.
- 8. Construction Equipment Rental: If the local government must rent construction equipment to complete the proposed project, such as front loaders, graders or dump trucks, rental costs may be included as cash contribution.
- 9. State and Federal Funds: State and federal funds may be counted as cash match, provided the funds are not being used as a match for other programs and are identified within the project’s Budget Summary chart.

**In-kind Contributions**

- 10. In-kind contributions may be claimed for the following accountable items: project design fees, permit fees, land acquisition (including survey and appraisal), labor (including local government salaried employees and reasonable local government time), materials, construction equipment rental, amenities, and

infrastructure. These costs must be incurred during the contract period, except as specifically indicated below.

- a. Site Assessments: Title opinions, property appraisals, boundary surveys, and wetland delineations associated with land acquisitions and site improvements may be counted toward in-kind match, provided the costs are incurred within three (3) years of the grant award date. Please note the DCM Contract Administrator can require a more current appraisal.
- b. Permits: Project permit fees and design and engineering fees associated with permits that are expended prior to a contract may be counted toward and in-kind match, provided the costs are incurred within three (3) years of the grant award date. Fees for preparing a grant or permit proposal are not eligible.
- c. Attorney Fees: Fees associated with the title opinion and other property transaction costs may be included as an in-kind match, provided the costs are incurred within three (3) years of the grant award date.
- d. FEMA Buyout Properties: The value of eligible FEMA buyout property may be counted as in-kind match, provided the original buyout conditions do not conflict with the proposed improvements. Such property will be treated the same as previously purchased or donated property for in-kind match purposes.
- e. Donations of Land/Structures - If the local government has land that has recently been donated or that will be donated, or structures for an access facility, and the donation is allowed by DCM to be counted as local contribution, the value of the donation for purposes of in-kind contributions shall be established by an independent licensed appraiser. The donor of the land must be a private or non-profit organization, or individual. The Grantee must provide a five-year history of conveyance for the property. Land that is transferred to the Grantee due to a statute or rule is not considered a donation. Donation to, or acquisition of, the property/structure by the local government must have occurred within five (5) years of the grant award date to qualify as an in-kind match. A long-term easement (more than 25 years from the date of the grant award) of land may also be considered under this guideline.
- f. Bargain Sale Donation: If a landowner is proposing to sell land to the community for less than the appraised value, the amount of the donation is the difference between the appraised value and the amount paid by the Grantee. Donation to, or acquisition of, the property/structure by the local government must have occurred within five (5) years of the grant award to qualify as an in-kind match. A long-term easement (more than 25 years from the date of the grant award) of land may also be considered.
- g. Property Lease: When property is leased to the local government for an annual fee, the first year's lease payment may be considered as in-kind contribution.
- h. Professional Fees: If the usual fees of a licensed professional, such as architects and engineers, are waived or donated to the local government for work associated with the access project, the fees may be claimed as in-kind contributions. Rates shall be consistent with local pay scales. Partial contribution of a fee (for example, the balance of a discount rate) will not be considered as in-kind match. All waived or donated services must be documented by invoice showing the billing rate for the service and the number of hours, and that the charges are forgiven.
- i. Construction Equipment: The use of privately-owned construction equipment (graders, loaders, dump trucks, etc.) donated for construction of the access facility may be claimed as in-kind contribution. The use value of the rented equipment shall not exceed its fair rental value.

- j. Donated Building Materials, Site Amenities and Landscaping Materials: Building materials (lumber, hardware, marl, etc.), site amenities (benches, bike racks, water fountains, etc.) and landscaping materials (plants, soil, timbers) donated to the project may be claimed as in-kind contribution. The value of any of these goods shall not exceed fair market value at the time of donation. To be eligible as in-kind contributions, the building material, amenities or landscape materials must be an integral part of the original access project as presented in the Final Application submitted to DCM and specified in the contract.

**Reimbursement of project costs**

- 11. If the Grantee subcontracts with a company engaged in another project(s) for the locality, all accounting and reporting specific to the project associated with the grant award will be required to be wholly separate from that of the other project(s).
- 12. DEQ/DCM will not process any reimbursement requests until the Grantee has met the required local cash match. The initial disbursement of grant funds will be withheld until the Grantee provides documentation verifying the expenditure of the local cash match.
- 13. Grantees may request partial reimbursements throughout the project or a single final payment upon completion. A 10% holdback of the total grant award will be retained until the Closeout Package is submitted and approved by the DCM Contract Administrator.
- 14. Grants are disbursed as reimbursements for actual expenses incurred by the Grantee. If a project comes in under budget reimbursements will follow the cost ratios specified in Section. D, based on the final total eligible project cost. Actual payments will be based on the DCM Contract Administrator’s approval of a Closeout Package.
- 15. Final requisitions and invoices for payment shall be submitted to DCM no later than thirty (30) calendar days following the expiration of the grant contract period. Instructions and forms for grant closeout are available on [DCMs website](#). The State shall release the final ten percent (10%) of grant funds, as provided in the contract, upon DCM’s approval of the complete Closeout Package. The Grantee shall document the in-kind services match and submit such documentation to DCM as part of the contract closeout materials.
- 16. Grant funds will not be disbursed until a Title Opinion for the site has been submitted to and approved by the DCM Contract Administrator.
- 17. The Grantee is required to maintain and make available to DEQ/DCM upon request all bid documents and accurate records of all expenditures for costs applicable to the grant award, and to submit properly certified billings for such costs on forms as may be prescribed by DEQ/DCM. The Grantee will need to keep complete accounting records, including original invoices, payrolls, contracts, or other documents clearly showing the nature and property of all costs incurred under the grant award for a period of six years following project completion, or until an audit has been completed, whichever is later. All accounting records and supporting documents must clearly display the project’s contract number assigned by the State.
- 18. The Grantee will be required to agree to refund to DEQ/DCM, subsequent to an audit of the project financial records by DEQ/DCM, any funds not expended in compliance with the grant contract.

**J. SIGNATURE**

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**TOWN OF BEAUFORT  
CAPITAL PROJECT BUDGET AMENDMENT #2  
PARK IMPROVEMENT PROJECTS FUND**

WHEREAS, the Town of Beaufort adopted a Capital Project Budget Ordinance for Community Improvement Projects on February 8, 2016, and

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

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Capital Project Budget Ordinance for the Community Improvement Projects as follows and changes the name from Community Improvements to Parks Improvements:

**SECTION I: REVNUUE**

**INCREASE**

DONATIONS .....	\$ 10,000
RECREATION FEES .....	\$ 12,656
GRANTS .....	\$120,000
<b>TOTAL REVENUE</b> .....	<b>\$ 142,656</b>

**SECTION II: EXPENDITURES**

**INCREASE**

ANN STREET WATERFRONT PARK .....	\$ 364,000
FUTURE PARK PROJECTS .....	\$ 294,656

**DECREASE**

CEDAR STREET /RANDOLPH JOHNSON PARK .....	\$ 516,000
<b>TOTAL INCREASE EXPENDITURES</b> .....	<b>\$ 142,656</b>

**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 22<sup>th</sup> day of September 2025.

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis  
Town Clerk

\_\_\_\_\_  
Sharon E. Harker  
Mayor



**Town of Beaufort, NC**

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

**Board of Commissioners  
Work Session  
4:00 PM Monday, September 22, 2025**

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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** HMGP Advance Assistance Resolution

**BRIEF SUMMARY:**

The FEMA Hazard Mitigation Grant Program (HMGP) has been identified as a potential funding source for the Waterfront Bulkhead and Boardwalk Reconstruction project. \$1.4B in funding has been allocated to the State for flood mitigation projects. This project has been identified through previous grant applications as a good contender for a full application by State grant officials. The requested resolution will allow the Town to apply for advance assistance to cover the \$500K in estimated design and grant application costs to bring the project to shovel-ready status for the HMGP application due in December of 2025.

**REQUESTED ACTION:**

Consider adopting the resolution authorizing application for HMGP advance assistance for the Waterfront Bulkhead and Boardwalk Reconstruction project.

**SUBMITTED BY:**

Sam Bell, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**

No-not at this time

**RESOLUTION  
DESIGNATION OF APPLICANT'S AGENT  
North Carolina Division of Emergency Management**

Organization Name (hereafter named Organization) Town of Beaufort Disaster Number DR-4827-

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): N/A

Applicant's Fiscal Year (FY) Start: 2025 Month: July Day: 01

Applicant's Federal Employer's Identification Number: 56 - 6001173

Applicant's Federal Information Processing Standards (FIPS) Number: 04260

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Matt Zapp	Agent's Name Sam Bell
Organization Town of Beaufort	Organization Town of Beaufort
Official Position Town Manager	Official Position Town Engineer
Mailing Address 701 Front Street	Mailing Address 701 Front Street
City, State, Zip Beaufort, NC 28516	City, State, Zip Beaufort, NC 28516
Daytime Telephone (252) 728-2141 ext. 230	Daytime Telephone 252-728-2141 ext. 234
Facsimile Number n/a	Facsimile Number n/a
Pager or Cellular Number n/a	Pager or Cellular Number n/a

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof.** BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

PASSED AND APPROVED this 22nd day of September, 2025

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Board of Commissioners	Name Sharon Harker
Name and Title	Official Position Mayor
Name and Title	Daytime Telephone n/a

CERTIFICATION

I Sharon Harker, (name) duly appointed and Mayor (title) of the Governing Body, do hereby certify that the above is true and correct copy of a resolution passes and approved by the Governing Body of (organization) on the 22nd day of September, 20 25

Date: 09/22/2025 Signature: \_\_\_\_\_

## APPLICANT ASSURANCES

6.

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMCO 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

## STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.



**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  
Work Session**

**4:00 PM- Monday, September 22, 2025  
614 Broad Street, Beaufort NC**

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**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Amendments to Personnel Policy

**REQUESTED ACTION:** Amend Article IV: Section 23 –Return to Work – to add Section 23A - Return to Work. This section is being added to address return-to-work requirements for non-work-related injuries or illnesses. See attached.

**SUBMITTED BY:** Barbara Cooper, Human Resources Manager

**BUDGET AMENDMENT REQUIRED:** None

**Section 23 A. Medical Leave – Return to Work**

Before an employee may return to work from a medical leave of absence (for non–work-related injury, illness, or other medical condition) at full or light duty, the employee must provide a physician’s note or a **Fitness-for-Duty certification** to his/her Department Head and Human Resources indicating that he/she is released and capable of resuming duties, and specifying any restrictions that may be in place.

If the employee retains some temporary medical limitations that prevent successful performance in his/her original position, efforts will be made to place the employee in a **modified duty assignment** when feasible. A modified duty assignment is a temporary position to which an employee may be assigned when he/she is unable to return to his/her regular position due to non–work-related medical restrictions. The modified duty assignment temporarily accommodates the restrictions placed on the employee by the treating physician.

For work to be considered suitable modified employment, the following conditions must be met:

- The employee must meet the required qualifications for the modified duty assignment.
- The work must be a meaningful and productive part of the department’s operations.
- The work must conform to the medical restrictions set by the treating physician or medical provider.
- The modified duty assignment and/or modified work schedule cannot exceed ninety (90) days without approval of the Town Manager.

If the employee’s regular department is unable to meet the need for modified duty, the Town may consider other departments for suitable temporary work. If the employee is placed in a modified duty position in another department, the employee’s regular department will be responsible for payment of the employee’s salary and benefits. A salary equivalent to the salary of other employees holding the same position may be paid during the modified duty assignment.

The Town cannot guarantee placement and is under no obligation to offer or create any specific position for purposes of offering modified duty. An employee may choose to accept or refuse the modified duty job offer. However, refusal of a reasonable offer may be grounds for disciplinary action, provided the employee is no longer covered under the provisions of the FMLA.

When an employee who has returned to work with medical restrictions needs to be absent for follow-up appointments or treatment as part of the recovery plan, such absences during normal work hours will be considered authorized but will not be included in the calculation of overtime.

If an employee remains in a no-work status after exhaustion of FMLA, he/she may request an **extended leave of absence** under Section 21 of this Policy. A request for extended leave will be processed in the same manner as other such requests and does not guarantee continued employment. The Town reserves the right to consider separation of employment for any employee whose extended absence creates a hardship for the department.

If an employee is unable to return to his/her regular position following a non–work-related medical condition, the Human Resources Office will assist the employee in reviewing all available options.



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**Board of Commissioners  
Work Session**

**4:00 PM Monday, September 22, 2024**

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**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** The Enclave at Beaufort Club: Developer Request

**BRIEF SUMMARY:**

In November 2024, during its monthly workshop, the Board of Commissioners approved sewer allocation for the Enclave subdivision, with the condition that the final plat would not be approved until the agreed-upon second point of access was provided from Cedar Avenue through Windswept.

On July 14, the Board approved the preliminary plat for the Enclave at the Beaufort Club with the following conditions:

- Each lot within the Enclave subdivision must include two trees of at least two inches in caliper at the time of planting.
- The access from Cedar Avenue must receive both preliminary and final plat approval prior to submission of the final plat for the Enclave.

Recently, the developer of the Enclave, Mr. Todd Saieed, submitted a request to return before the Board of Commissioners to seek an amendment to the original conditions. Specifically, Mr. Saieed is requesting that the Cedar Avenue access not be opened for public use and instead be designated for emergency access only. Attached, please, find the formal request and documents in which the developer submitted.

**SUBMITTED BY:**

Kyle Garner, Planning and Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A

Dear Respected Commissioners,

Subject: Request for Hearing Regarding Development of the Enclave Portion of the Beaufort Club

I am writing to formally request a hearing concerning the development of the Enclave portion of the Beaufort Club.

To provide some context, the sequence of events related to the Enclave is as follows: Initially, we approached the Board to request a sewer allocation reservation. This request was granted, enabling us to proceed with the development of the necessary construction and engineering drawings. Subsequently, we considered an additional scope—namely, the construction of an emergency access road connecting the end of Cedar Road with Windswept Road. We agreed to this and designed the gravel road in accordance with Fire Department specifications. The design included gated emergency controls, with access to be managed by the Fire Department.

During the most recent hearing, a request was made to modify the emergency access road to allow non-gated, public access. We wish to highlight that converting this gated emergency access to a public road would trigger significant DOT road improvements at the entrance to Cedar Avenue on Highway 70.

Enclosed are preliminary design drawings from our engineer of record for your review. Our primary request tonight is for the Board to consider removing the condition that mandates the road be a public access road and to retain its original plan as a gated emergency access road.

Additionally, we are actively planning for the Lots located to the north of the development. As part of this process, we are exploring alternative concepts for a secondary entrance into the community, which we believe would optimally utilize any DOT improvements by providing a well-planned secondary ingress route.

Thank you for your consideration. We appreciate your attention to this matter and look forward to your deliberation.

Sincerely,  
Todd A. Saieed  
CEO  
Beaufort Club Community

**Date:** August 04, 2025

**Re:** Enclave at Beaufort Club  
NCDOT Improvements at Cedar Avenue

**Attn: Mr. Todd Saieed**

Mr. Saieed,

Following our recent discussions with NCDOT, it has been confirmed that substantial improvements to US-70 will be required if gates are not provided for the proposed Access at Cedar Avenue.

Given that the Board of Commissioners requested this Access be available for both public use as well as emergency use during their latest meeting, gated access is no longer a feasible option. As a result, a traffic study is expected to be warranted, and we anticipate the following roadway improvements will be required, including but not limited to:

- Extension of the center turn lane on US-70 from 2399 US-70 to Olga Road
- Addition of a right turn lane on US-70 at Cedar Ave
- Private Utility Relocations
- Roadway ditch grading and drainage improvements

Collectively, these upgrades represent a significant road-widening effort and will involve considerable cost. I've attached an exhibit with the anticipated limits of these improvements and a preliminary cost estimate for your reference.

Sincerely,

ADVANCED CIVIL DESIGN, INC.



Spence Hutcheson, PE  
[shutcheson@advancedcivildesign.com](mailto:shutcheson@advancedcivildesign.com)

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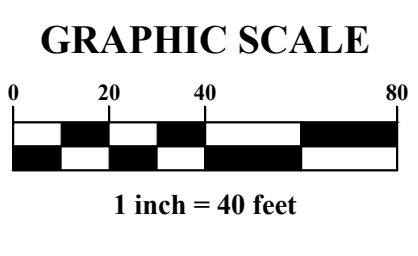


SEE SHEET 2  
FOR  
PROPOSED  
IMPROVEMENTS

PLAN PREPARED BY:  
FIRM # C-2798

51 Kilmayne Drive  
Suite 102  
Cary, North Carolina 27511  
ph 919.481.6290  
fax 919.336.5127

**ADVANCED**  
CIVIL DESIGN  
ENGINEERS SURVEYORS



**OWNER**  
BEAUFORT COVE LLC  
1000 SOCIAL STREET, SUITE 1200  
RALEIGH, NORTH CAROLINA 27609  
PHONE: 919-863-1000

**DEVELOPER**  
DEWITT CAROLINAS, INC.  
1000 SOCIAL STREET, SUITE 1200  
RALEIGH, NORTH CAROLINA 27609  
PHONE: 919-863-1000



**ENGINEER**  
ADVANCED CIVIL DESIGN, INC.  
51 KILMAYNE DRIVE, SUITE 102  
CARY, NORTH CAROLINA 27511  
PHONE: 919-481-6290



**SITE CONSTRUCTION PLAN**  
TOWN OF BEAUFORT, CARTERET COUNTY, NORTH CAROLINA

**EMERGENCY ACCESS AT BEAUFORT CLUB**  
FOR  
**DEWITT CAROLINAS**  
**AERIAL - EXISTING CONDITIONS**

Issue Dates: SKETCH PLAN SUBMITTAL  
06/20/2025

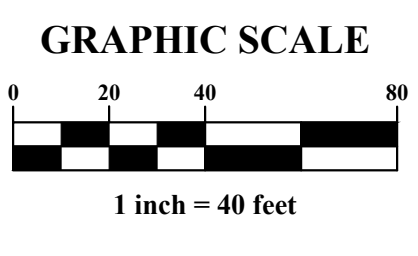
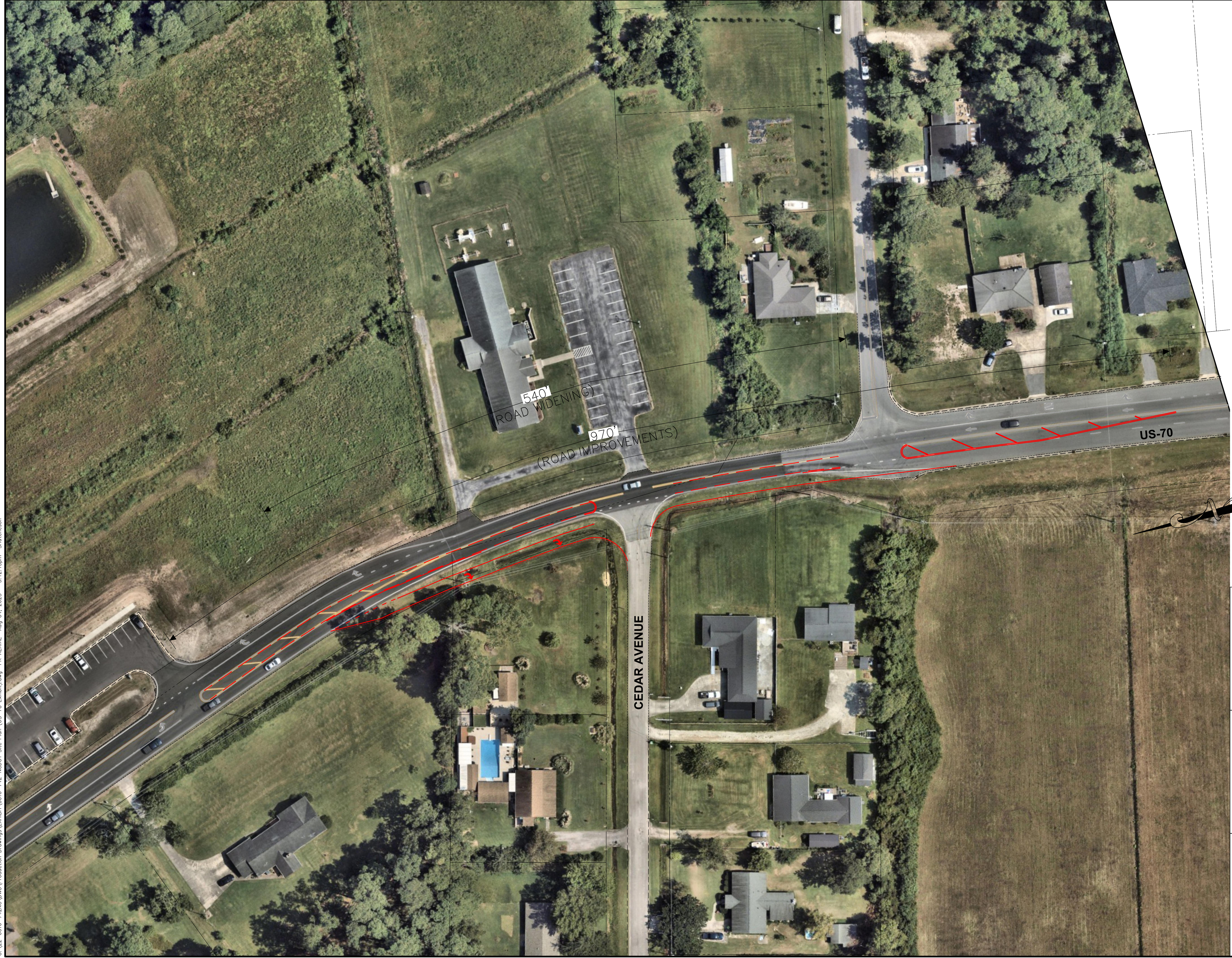
Date: 06/25/2025  
Scale: 1" = 60'

Drawn By: JLB      Checked By: JDW

Project Number:  
22-0016-742

Drawing Number:  
**1 / 4**

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**OWNER**  
 BEAUFORT COVE LLC  
 1000 SOCIAL STREET, SUITE 1200  
 RALEIGH, NORTH CAROLINA 27609  
 PHONE: 919-863-1000

**DEVELOPER**  
 DEWITT CAROLINAS, INC.  
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**SITE CONSTRUCTION PLAN**  
 TOWN OF BEAUFORT, CARTERET COUNTY, NORTH CAROLINA  
**EMERGENCY ACCESS AT BEAUFORT CLUB**  
 FOR  
**DEWITT CAROLINAS**  
**EXISTING CONDITIONS**

Issue Dates: SKETCH PLAN SUBMITTAL  
 06/20/2025

Date: 06/25/2025  
 Scale: 1" = 60'  
 Drawn By: JLB  
 Checked By: JDW  
 Project Number:  
 22-0016-742  
 Drawing Number:  
**1 / 1**



PLAN PREPARED BY:  
 FIRM # C-2798

**ADVANCED CIVIL DESIGN**  
 ENGINEERS SURVEYORS  
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**Town of Beaufort, NC**

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252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners  
Work Session**

**4:00 PM Monday, September 22, 2024**

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**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** CIP Approval

**BRIEF SUMMARY:**

The Town requests the Board’s consideration of approving a Capital Improvement Plan (CIP). Staff has identified potential needs, associated costs, and anticipated timelines for large-scale items, defined as those exceeding \$50,000. The plan is intended to establish a clear roadmap for the immediate 5-year cycle, while also providing a long-term vision extending 10–20 years.

The Board will be asked to consider this item on September 22, 2025, for inclusion in upcoming Q4 grant applications, with the opportunity to revisit and refine the working document at the FY 26/27 Budget Retreat.

**SUBMITTED BY:**

Matt Zapp, Town Manager

**BUDGET AMENDMENT REQUIRED:**

N/A

## Capital Projects - General Fund

Potential			FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35	FY36	Beyond
Department	Funding Source	Item												
Engineering	Unknown	Street Paving- USDA Full Pave Area Only	2,300,000											
Engineering	Unknown	Street Paving		6,375,000										
Fire	Annual	Fire Station 1 Tanker				500,000								
Fire	Annual	Fire Station 3 Pumper Truck						1,200,000						
Fire	Annual	Fire Mobile & Portable Radios		265,000										
Fire	Unknown	Fire Station 3							3,750,000					
Non-Departmental	Unknown	Town Hall					8,802,140							
Planning	Annual	CAMA - New Landuse Plan									300,000			
Planning	Annual	UDO Update	150,000	130,000										
Planning	Annual	Planning Project - Resilient Project					175,000							
Police	Unknown	Police Department Facility					8,658,345							
PW	Annual	Mid-Size Excavator				120,000								
PW	Annual	Dump Truck (replacing 2004- 8 ton)		100,000										
PW	Annual	Sweeper Truck				235,000								
PW	Unknown	Oceanview Cemetery Wall Replacement												350,000
PW	Unknown	Public Works Facility			11,436,879									
PW- Parks	Project Fund	Ann Street Park- \$120k CAMA Grant; \$244k Park Fund)	364,000											
PW- Parks	Unknown	Kayak/picnic facilities West Beaufort Rd			200,000									
PW- Parks	Unknown	Lennoxville Road Multi-Use Path												1,300,000
PW-Parks	Unknown	RJ Park/ Water Tower Park					9,000,000							
PW-Parks	Grant	Town Creek Trestle Trail - Seeking Grant Funds (FY29 Planning Only)				1,500,000								8,000,000
<b>Total</b>			<b>\$2,814,000</b>	<b>\$6,870,000</b>	<b>\$11,636,879</b>	<b>\$2,355,000</b>	<b>\$26,635,485</b>	<b>\$1,200,000</b>	<b>\$3,750,000</b>	<b>\$0</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,650,000</b>

## Capital Projects - Waterfront

Department	Potential Funding Source	Item	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35	FY36 Beyond	
Waterfront	Annual	Fuel Farm - Debt Service	268,000	268,000	268,000	268,000	268,000							
Waterfront	Annual	BPD- Harbor Management	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	
Waterfront	Annual	BPD- Marine Operations	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	
Waterfront	Annual	BFD- Marine Operations	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	
Waterfront	Annual/Donation	Relocation of BPD & BFD Boats to Cedar Street		130,000										
Waterfront	Annual	BPD- Outboard Replacement					25,000							
Waterfront	Annual	Dredging	112,500	115,000	115,000	125,000	125,000	130,000	135,000	135,000	140,000	140,000	145,000	
Waterfront	Annual/Grant	BPD- Boat Replacement										150,000		
Waterfront	Annual	BFD- Outboard Replacement			20,000									
Waterfront	Grant/Unknown	18" Bulkhead Cap/Utility Updates Along Bulkhead (HMGP)		3,850,000										
Waterfront	Grant/Unknown	BFD- Watercraft							600,000					
PW- Parks	Annual	Grayden Paul Dock Rehab				85,000								
PW- Parks	Annual	Curtis Perry Dock Rehab								50,000				
<b>Total</b>			<b>\$400,500</b>	<b>\$4,383,000</b>	<b>\$423,000</b>	<b>\$498,000</b>	<b>\$438,000</b>	<b>\$150,000</b>	<b>\$755,000</b>	<b>\$205,000</b>	<b>\$160,000</b>	<b>\$310,000</b>	<b>\$165,000</b>	<b>\$0</b>

## Capital Projects - Stormwater Fund

Department	Potential Funding		FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35	FY36 Beyond	
	Source	Item												
Stormwater	Annual	USDA Debt Service- FY 2026 Completion/40 Year Note	118,000	118,000	118,000	118,000	118,000	118,000	118,000	118,000	118,000	118,000	118,000	
Stormwater	Annual	General Maintenance (remaining funds)	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	
Stormwater	Grant	Meeting Street Stormwater Improvements (CCG Grant)	535,000											
Stormwater	Unknown	Town Crk-Taylor Crk-Davis Bay Watershed Priority 1 SW Improvements		130,000	1,032,000									
Stormwater	Unknown	Town Crk-Taylor Crk-Davis Bay Watershed Priority 2 SW Improvements				205,000	1,638,000							
Stormwater	Unknown	Town Crk-Taylor Crk-Davis Bay Watershed Priority 3 SW Improvements						764,000	3,058,000	3,058,000				
<b>Total</b>			\$715,000	\$310,000	\$1,212,000	\$385,000	\$1,818,000	\$944,000	\$3,238,000	\$3,238,000	\$180,000	\$180,000	\$180,000	\$0

## Capital Projects - Utility Fund

Department	Potential Funding Source	Item/Project	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35	Beyond
Non-Dept.	Unknown	Public Utilities Administrative Office Addition					1,212,500						
Non-Dept.	Annual	Public Utilities Vehicle Garage Addition				100,000							
Sewer	Unknown/Grant	Sewer Pump Station #7 Replacement (\$985k Capital Reserve)	1,600,000										
Sewer	Unknown	Sewer Pump Station #1 Replacement		1,000,000									
Sewer	Unknown	WWTP Headworks Odor Control System (Additional)											300,000
Sewer	Annual	WWTP Replacement Front-End Loader		175,000									
Sewer	Annual	SCADA Upgrades	125,000	150,000									
Sewer	Unknown	Sewer Pump Station #6 Rehabilitation		496,000									
Sewer	Unknown	Sewer Pump Station #5 Replacement		83,000	632,000								
Sewer	Unknown	Sewer Pump Station #2 Replacement			93,000	664,000							
Sewer	Unknown	Sewer Pump Station #3 Replacement				113,000	702,000						
Sewer	Unknown	Sewer Pump Station #8 Rehabilitation					78,000	496,000					
Sewer	Annual	Vacuum Truck			375,000								
sewer	Annual	Flush Truck					150,000						
Sewer	Unknown	Remainder of USDA work cut from original project				2,500,000	2,500,000						
Sewer	Annual	Post USDA I&I Study		350,000									
Water	Unknown	New Water Treatment Plant- New Plant Location TBD- includes wells & land		1,600,000	700,000	950,000	1,750,000	11,525,000	10,975,000				
Water	Annual	Carraway Drive Waterline Extension		35,000									
Water	Unknown	WAMP Project 2A Live Oak-Chestnut Dr-Circle Dr		560,700	2,390,000								
Water	Unknown	WAMP Project 3 Live Oak-Mulberry-Pine St Area, Phase 2 (Pine Street)				750,000							
Water	Unknown	WAMP Project 5 Downtown Area, Phase 2					1,580,000						
Water	Unknown	WAMP Project 6 West Ann St and Queen St, Phase 2					202,600	863,000					
Water	Unknown	WAMP Project 7 Front St-Gordon St Area, Phase 2						277,100	1,181,000				
Water	Unknown	WAMP Project 8 Front St-Gordon St Area, Phase 2							272,500	1,162,000			
Water	Unknown	WAMP Project 9 Front St-Ocean St (Bell Aire to Island View)								172,400	735,000		
Water	Unknown	WAMP Project 10 East Ann St (Bell Aire to Laurel Lane)									224,000		
<b>Total</b>			\$1,725,000	\$4,449,700	\$4,190,000	\$5,077,000	\$8,175,100	\$13,161,100	\$12,428,500	\$1,334,400	\$959,000	\$0	\$300,000



**Town of Beaufort, NC**  
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**Board of Commissioners  
Work Session Meeting  
4:00 PM Monday, September 22, 2025**

---

**AGENDA CATEGORY:** Items for Discussion and Consideration

**SUBJECT:** Draft LDO Amendments - Accessory Mobile Vending Space with SUP

**BRIEF SUMMARY:**

Beaufort has reviewed regulations regarding mobile vending over the past year. Recent and proposed timeline as follows:

- 6/24/25 – Work session review of proposed updates to Code of Ordinances Ch 113 Itinerant Merchants, to present at 7/14/25 regular meeting
- 7/14/25 – BOC reviewed amendments to update Ch 113 Itinerant Merchants, continued to 7/28/25 work session
- 7/28/25 – Work session continued review of Ch 113 amendments, approved effective 8/12/25 to allow requests for temporary waivers to continue operation on public property
- 8/11/25 – BOC received two temporary itinerant merchant operation requests (one approved, one denied)
- 9/22/25 – Work session review of proposed LDO amendments to allow accessory mobile vending as a special use in certain zoning districts.
- 10/20/25 – Pending favorable review and direction from BOC at 9/22/25 work session, staff will present LDO amendments to Planning Board for review and recommendation
- 11/10/25 – Pending review and recommendation at 10/20/25 Planning Board meeting, staff will present LDO amendments prior to a public hearing for decision and adoption.

Staff worked with the Town Attorney to provide amendments to propose a new Accessory Mobile Vending Space as a special use in the Land Development Ordinance. Amendments are shown in LDO Section 4 Definitions to add a definition for mobile vending; Sections 7, 8, 9, & 10 to show which zoning districts are proposed to allow the accessory mobile vending with SUP; and Section 20 Special Use Permits to provide application requirements for accessory SUP requests and specific regulations for Accessory Mobile Vending Space SUPs.

**REQUESTED ACTION:**

Discussion and direction on proposed LDO amendments

**EXPECTED LENGTH OF PRESENTATION:**

30 minutes

**SUBMITTED BY:**

Michelle Eitner, Town Planner

## SECTION 4 Definitions

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Mobile Vending - Any person that operates on a permanent or temporary basis, in an outdoor setting, on the premises of a different established fixed business or vacant lot in the Town. Mobile vending operations may be offered from a vehicle, tent, cart, trailer, or other similar device as an accessory use to an existing principle use. Examples of these are food trucks, ice cream carts, and produce stands. Such definition shall not be construed to include:

1. Any person selling at a farmer's market held on the county's courthouse property or at a special event approved by the Town.
2. Any person selling used household furnishings and used personal property owned by the person at a yard sale being conducted on residentially zoned property by the person or in which the person is participating.
3. Any person who otherwise meets the definition above but who is part of a group of three or more merchants exposing for sale goods, wares or merchandise on the premises of a building being operated as a flea market, and such person has the written permission of the owner or operator of the flea market premises to be present on the premises
4. Any person selling subscriptions, goods, wares, merchandise and other personal property exclusively for nonprofit charitable, benevolent, religious, patriotic, historical, educational, scientific, civic, governmental or other similar nonprofit purposes. As defined herein a *charitable purpose* is one that has humane and philanthropic objectives, and is an activity that benefits humanity or a segment of the community without expectation of pecuniary profit or reward of any private individual. No person so engaged shall be exempted under this subsection merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer engaged in such charitable purpose, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer engaged in such charitable purpose.
5. Any person providing catering and deliveries to private events not serving the general public.

## SECTION 7 Residential Zoning Districts

Table 7-20 Residential Zoning Districts Table of Uses

Land Development Ordinance Uses		R-20	R-8MH	R-8	R-8A	RC-5	RS-5
<b>Residential Uses</b>							
<b>Group Living</b>	Assisted Living	P					
	Dormitory						
	Group Home	P		P			
	Nursing Home	P					
	Family Care Home	P	P	P	P	P	P
<b>Household Living</b>	Accessory Dwelling Unit	S		S	S		S
	Dwelling, Duplex/Townhome					P	
	Dwelling, Multi-Family						
	Dwelling, Single-Family	P	P	P	P	P	P
	Manufactured Home	P	P				
	Manufactured Home Park		S				
	Recreational Vehicle Park		S				
<b>Mixed Uses</b>							
	Mixed Use						
<b>Public/Institutional Uses</b>							
<b>Aviation</b>	Airport/Landing Strip						
<b>Cemeteries/Graveyards</b>	Cemetery/Graveyard	S		S			S
<b>Cultural Facilities</b>	Library						
	Museum	S					
<b>Day Care</b>	Day Care Center	P					
	Day Care/Child Care Home	S		S	S		
<b>Government Services</b>	Government/Non-Profit Owned/ Operated Facilities & Services	P	P	P	P	P	P
	Public Safety Station	S	S	S	S	P	P
	Public Utility Facility	P	P	P	P	P	P
<b>Hospitals</b>	Hospital						
<b>Parks and Athletic Fields, Public Use</b>	Athletic Field, Public	P	P	S		P	
	Community Garden	P	P	P	P	P	P
	Neighborhood Recreation Center, Public	P	P	S		P	P
	Outdoor Amphitheater, Public	S	S	S	S		S
	Park, Public	P	P	P	P	P	P
	Resource Conservation Area	P	P	P	P	P	P
<b>Religious Uses</b>	Religious Institution	P	S	S	S	S	S
<b>Educational Uses</b>	Preschool	S	S	S	S	S	S
	School, K-12	S					
	School, Post-Secondary	S	S	S	S	S	S
<b>Non-Governmental Facilities</b>	Transportation Facility					S	S
	Utility Facility	S	S	S	S	S	
	Utility Minor	P	P	P	P	P	P
<b>Agricultural Uses</b>	Agritourism	P					
	Aquaculture	P					
	Farming, General	P					
	Forestry	P					
	Produce Stand/Farmers' Market	P		S			

**Permitted Use**

**Special Use**

**Table 7-20 Residential Zoning Districts Table of Uses**

Land Development Ordinance Uses		R-20	R-8MH	R-8	R-8A	RC-5	RS-5
<b>Commercial Uses</b>							
<b>Animal Services</b>	Kennel, Indoor Operation Only	S					
	Kennel, Indoor/Outdoor Operation	S					
<b>Assembly</b>	Club, Lodge, or Hall	P		S	S		S
<b>Financial Institutions</b>	Financial Institution						
<b>Food and Beverage Services</b>	Microbrewery						
	Restaurant, with Drive-Thru Service						
	Restaurant, with Indoor Operation						
	Restaurant, with Outdoor Operation						
	Tavern/Bar/Pub with Indoor Operation						
	Tavern/Bar/Pub with Outdoor Operation						
<b>Offices</b>	Accessory Mobile Vending Space						
	Office: Business, Professional, or Medical						
<b>Public Accommodations</b>	Office: Small Business	S					
	Bed & Breakfast	S		S	S	S	S
<b>Indoor Recreation &amp; Entertainment, Privately Owned</b>	Hotel or Motel						
	Adult Entertainment						
	Amusement Establishment						
	Commercial Indoor Recreation Facility						
	Neighborhood Recreation Center Indoor/Outdoor, Private	P	P	S		P	P
	Pool Hall or Billiard Hall						
	Theater, Large						
<b>Outdoor Recreation &amp; Entertainment, Privately Owned</b>	Theater, Small						
	Athletic Field, Private	P	S	S	S		
	Commercial Outdoor Amphitheater						
	Commercial, Outdoor Recreation Facility						
	Golf Course, Privately-Owned	S	S	S			S
	Golf Driving Range	S	S	S			S
<b>Retail Sales and Services</b>	Motor Vehicle Raceway						
	Adult-Oriented Retail Establishment						
	Convenience Store						
	Mortuaries/Funeral Homes/Crematoriums						
	Liquor Store						
	Personal Service Establishment						
<b>Vehicle Storage Facilities</b>	Retail Store						
	Dry Boat Storage	S					
	Marina	S		S		S	S
	Parking Lot						
<b>Vehicles and Equipment Facilities</b>	Parking Structure						
	Boat Sales/Rentals	S					
	Car Wash						
	Gas/Service Station						
	Heavy Equipment Sales/Rentals						
	Heavy Vehicle Repair						
	Moped/Golf Cart Sales/Rentals						
	Motor Vehicle Sales/Rentals						
Towing & Vehicle Storage							
Vehicle Service							

**Permitted Use**

**Special Use**

**Table 7-20 Residential Zoning Districts Table of Uses**

Land Development Ordinance Uses		R-20	R-8MH	R-8	R-8A	RC-5	RS-5
<b>Industrial Uses</b>							
<b>Industrial Service Uses</b>	General Industrial Service						
<b>Manufacturing and Production Uses</b>	Manufacturing, Heavy						
	Manufacturing, Light						
	Resource Extraction						
<b>Telecommunication Facilities</b>	Antenna Co-Location on Existing Tower	P	P	P		P	P
	Concealed (Stealth) Antennae & Towers	S	S	S		S	S
	Other Building-Mounted Antennae & Towers						
	Other Freestanding Towers	S					
<b>Warehouse and Freight Movement Uses</b>	Commercial Waterfront Facility						
	Hazardous Material Storage						
	Mini-Storage						
	Outdoor Storage						
	Warehousing & Distribution Establishment						
Wholesale Establishment							
<b>Waste-Related Uses</b>	Recycling and Salvage Operation						
<b>Accessory Uses and Structures</b>							
<b>Accessory Uses</b>	Carport	P	P	P	P	P	P
	Dock	P	P	P	P	P	P
	Garage, Private Detached	P	P	P	P	P	P
	Home Occupation	P	P	P	P	P	P
	Outdoor Retail Display/Sales						
	Satellite Dish Antenna	P	S	S	S	S	S
	Shed	P	P	P	P	P	P
	Signs, Commercial Free-Standing						
	Swimming Pool (Personal Use)	P	P	P	P	P	P
	Temporary Construction Trailer	P	P	P	P	P	P
	Vehicle Charging Station	P	P	P	P	P	P

**Permitted Use**

**Special Use**

## SECTION 8 Transitional Zoning Districts

### A) *TCA Townhomes, Condominiums, Apartments District.*

This zoning district is established to provide a high-density district in which the primary uses are multi-family residences and duplexes. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Maximum Overall Density.

The TCA district shall have a maximum density of twelve units per acre.

2) Minimum Lot Size.

All lots in the TCA district shall be a minimum of two thousand, seven hundred, and fifty square feet (2,750 ft<sup>2</sup>) per dwelling unit.

3) Minimum Lot Width.

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

4) Building Setback and Building Height Requirements and Limitations.

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

**Table 8-1 Interior Lot Requirements**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TCA	25 feet	25 feet	8 feet	35 feet

**Table 8-2 Corner Lot Requirements**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
TCA	25 feet	15 feet	30 feet	8 feet	35 feet

**Table 8-3 Double Frontage Lot Requirements**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TCA	25 feet	15 feet	8 feet	35 feet

5) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

6) Covenants.

In any development proposing common areas, jointly used structures, or private streets, restrictive and protective covenants which provide for party wall rights, harmony of external design, continuing maintenance of building exteriors, grounds, or other general use improvements and similar matters, shall be submitted to the Town and approved by the Town as part of the development approval process. Condominium development must submit evidence of compliance with the North Carolina Condominium Act.

7) Permitted Uses.

Antenna Co-Location on Existing Tower	Group Home
Assisted Living	Home Occupation
Athletic Field, Public	Neighborhood Recreation Center Indoor/Outdoor, Private
Carport	Neighborhood Recreation Center, Public
Community Garden	Nursing Home
Concealed (Stealth) Antennae & Towers	Park, Public
Dock	Public Safety Station
Dormitory	Public Utility Facility
Dwelling, Duplex/Townhome	Resource Conservation Area
Dwelling, Multi-Family	Shed
Family Care Homes	Signs, Commercial Free-Standing
Garage, Private Detached	Temporary Construction Trailer
Government/Non-Profit Owned/ Operated Facilities & Services	Utility Minor
	Vehicle Charging Station

8) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Athletic Field, Private	Restaurant with Indoor Operation
Dwelling, Single-Family	Restaurant with Outdoor Operation
Golf Course, Privately-Owned	Retail Store
Golf Driving Range	Satellite Dish Antennas
Hotel or Motel	School, Post-Secondary
Marina	Tavern/Bar/ Pub with Indoor Operation
Mixed Use	Tavern/Bar/ Pub with Outdoor Operation
Outdoor Amphitheater, Public	Theater, Small
Personal Service Establishment	Transportation Facility
Preschool	Utility Facility
Religious Institution	
Restaurant with Drive-Thru Service	

**B) Transitional District (TR).**

The intent of this zoning district is to serve as a transition between residential and more intensive districts. This includes residential and commercial uses with a low noise and traffic impact which would generally be considered compatible with a residential area which may or may not have buffering requirements as documented in Section 19 of this Ordinance. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

All lots in the TR district shall be a minimum of eight thousand square feet (8,000 ft<sup>2</sup>).

2) Minimum Lot Width.

All lots in the TR district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 8-4 Lot Requirements**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TR	25 feet	25 feet	15 feet	35 feet

**Table 8-5 Other Lot Requirements**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TR	25 feet	25 feet	8 feet	35 feet

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

Antenna Co-Location on Existing Tower  
 Assisted Living  
 Athletic Field, Public  
 Bed & Breakfast  
 Carport  
 Club, Lodge, or Hall  
 Commercial Indoor Recreational Facility  
 Community Garden  
 Dock  
 Dormitory  
 Dwelling, Duplex  
 Dwelling, Single-Family  
 Family Care Homes  
 Garage, Private Detached  
 Government/Non-Profit Owned/Operated Facilities & Services  
 Group Home  
 Home Occupation  
 Library  
 Mixed Use

Mortuary/Funeral Home/ Crematorium  
 Neighborhood Recreation Center Indoor/Outdoor, Private  
 Neighborhood Recreation Center, Public  
 Nursing Home  
 Office: Business, Professional, or Medical  
 Park, Public  
 Personal Service Establishment  
 Public Safety Station  
 Public Utility Facility  
 Religious Institution  
 Resource Conservation Area  
 Restaurant with Indoor Operation  
 Shed  
 Signs, Commercial Free-Standing  
 Swimming Pool (Personal Use)  
 Temporary Construction Trailer  
 Utility Minor  
 Vehicle Charging Station

6) Special Uses. (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Accessory Dwelling Unit  
 Accessory Mobile Vending Space  
 Aquaculture  
 Financial Institution  
 Cemetery/Graveyard  
 Concealed (Stealth) Antennae & Towers  
 Day Care Center  
 Day Care/Child Care Home  
 Golf Course, Privately Owned  
 Golf Driving Range  
 Hotel or Motel  
 Kennel, Indoor/Outdoor Operation

Marina  
 Museum  
 Other Freestanding Towers  
 Outdoor Amphitheater, Public  
 Parking Lot  
 Preschool  
 Produce Stand/Farmers' Market  
 Retail Store  
 Satellite Dish Antenna  
 School, K-12  
 School, Post-Secondary  
 Tavern/Bar/ Pub with Indoor Operation  
 Utility Facility

**C) *Planned Unit Development (PUD) District.***

This district is defined as an area characterized by an orderly integration of residential, commercial (inclusive of offices and institutions), industrial, and open space land uses which conform to the design requirements contained herein.

The procedure for establishment of a PUD is provided in Section 34, Subdivision Regulations. The Town recognizes the PUD as a special district where the developer/owner proposes an integrated expansion of land combining mixed uses. The PUD will be divided into sub-districts with each sub-district being one of the recognized districts within this Ordinance. Development within such sub-districts must be consistent with the requirements and limitations of the normal district it correlates with, and of this PUD section, the most stringent requirements will apply.

PUD developers are required to submit a site plan for review, as established in Section 18 of this Ordinance, in order for the Planning Board and Board of Commissioners (BOC) to look at the relationships between the mixed use development. There are no minimum lot sizes or setback requirements in this district; however when the PUD comes for review, those items will be evaluated to make sure they conform to the standards set forth in this section of this Ordinance.

During consideration and approval of the master plan for a PUD project, or a preliminary plat for a section of the master plan of the PUD project, the BOC, following a recommendation from the Planning Board, may vary the minimum requirements of this Ordinance or the Subdivision Regulations in Section 34 of the Ordinance, in accordance with the standards set forth in Section 21 (I) herein. The master plan or preliminary plat applicant must show how the PUD will be enhanced aesthetically, the environment will be better protected, or for any other reason the BOC determines appropriate, as long as the BOC determines such variance does not harm the public interest. Density within a mixed use district may be varied from the limit specified within the district as long as the maximum overall density limit of six dwelling units per acre is maintained.

1) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

2) Building Height Limitations.

The maximum building height for this district is forty feet (40').

3) Permitted Uses. All uses are allowed in the PUD District as a Special Use.

4) PUD Minimum Size.

Fifteen acres.

5) Maximum Overall Density.

Six dwelling units per acre.

6) Open Space Requirements.

A minimum of fifteen percent (15%) of the total PUD area shall be maintained as open space. Street rights-of-way, parking lots, building areas (as defined), and lots held in individual ownership shall not constitute any part of the required open space; however, building areas for recreational facilities may be computed as open space. The BOC may also require the owner/developer of the PUD to provide the Town with an option to purchase open space sites at a fair market value for the development of future public recreational areas and/or municipal facilities. This option shall become null and void if the Town has not exercised the option prior to the completion of seventy percent (70%) of the proposed dwelling units within the PUD.

Any open space land use not included under the approval of the PUD preliminary plat must be reviewed by the Planning Board and approved by the BOC prior to its development.

7) Owner Association Required.

The creation of an owners' association shall be mandatory for all PUD developments.

- a) The owners' association shall be organized and established as a legal entity prior to the conveyance of any lot, townhome, or condominium within the PUD project.
- b) Membership in the owners' association shall be mandatory for each owner of a lot, townhome, or condominium within the PUD project.
- c) The owners' association shall have the authority to assess its members to produce revenues to cover the expenses of the association. Such assessments will be secured by a lien.
- d) The association shall be responsible for the payment of premiums for liability insurance, taxes, maintenance of recreational and other facilities located on common areas, payment of assessment for public and private capital improvements made to or for the benefit of the common areas, payment of assessment and maintenance of any private street, and for such other purposes as the organizing documents provide.
- e) A PUD may have a master association where all lot, townhome, and condominium owners are mandatory members. There also may be additional owners' associations or "section associations" for the individual housing sections developed within a PUD where only the lot, townhome, or condominium owners in such section are members.

8) Residential Development.

The applicable area, yard, and height requirements in Section 4 of this Ordinance shall be adhered to. With the exception of pre-designated lots employing the zero lot line provisions, the applicable yard setback requirements for single-family structures shall be based upon the square footage of the lot. All multi-family developments shall adhere to the applicable development regulations contained herein. The approved preliminary and final site plans for the PUD project shall designate the district category which shall apply to each parcel of property.

9) Commercial Development.

Any commercial land use will be developed under the regulations of this Ordinance. No commercial construction may begin until at least fifty percent (50%) of the proposed residential dwelling units or five hundred TCA dwelling units within the PUD, whichever is smaller, are completed and ready for occupancy.

D) ***Cedar Street Mixed-Use Zoning District (CS-MU)***

1) Purpose.

The purpose of this zoning district is to protect, enhance and guide the redevelopment of the Cedar Street corridor by reducing visual clutter through the implementation of commercial design standards and selecting the appropriate type of uses for this district. These standards are designed to improve the aesthetics, traffic congestion and provide for a solid and vibrant tax base as well as promote the public health, safety and welfare of the Town.

2) Adoption.

The Cedar Street Mixed Use Zoning District (CS-MU) for the Town, as set forth on a map so entitled and dated 07/08/2019, is hereby adopted and incorporated by reference as part of this Ordinance and the Official Zoning Map of the Town.

3) Permitted Uses.

The uses listed here, with the exception of single-family residential uses, shall be subject to the Development Standards listed below.

Convenience Store	Park, Public
Dwelling, Single-family	Personal Service Establishment
Dwelling, Multi-family	Produce Stand/Farmers' Market
Financial Institution	Public Utility Facility
Hotel or Motel	Religious Institution
Mixed Use	Restaurant with Indoor & Outdoor
Office, Business, Professional, or	Operations
Medical*	Retail Store
Outdoor Retail Display/Sales	Utility Minor

\*Includes Government Offices

4) Special Uses (*Special Use Requirements* may be found in Section 20 of the *LDO*).

Any commercial use which results in a structure or combination of structures with over 15,000 square feet.

- Microbrewery
- Tavern/Bar/Pub with Indoor Operation
- Tavern/Bar/Pub with Outdoor Operation
- Accessory Mobile Vending Space

5) Prohibited Uses.

Any use not listed in Sections 8(D)(3) or 8(D) (4) of this Ordinance is prohibited.

6) Development Standards.

a) Design Criteria.

The intent of the following design criteria is to maintain and strengthen the unique character of Cedar Street by ensuring new development projects are architecturally compatible with the characteristics of the community. These characteristics include building forms, proportions, treatments, exterior materials, and architectural styles. It is intended that front elevations and overall massing of new structures shall be of human scale and related to the street. All design criteria will be reviewed and approved by the Zoning Administrator.

It is not the intent for new structures to closely duplicate existing historic structures. The intent is for new structures to include elements in ways which achieve a design compatible with and complementary to the historic character of the Town.

b) Site Plan Submission.

A detailed site plan, meeting all N.C. State Building Codes and Town Ordinances, shall be required for all commercial and mixed-use development within this zoning district.

c) Signage.

Whenever the regulations made under the authority of this section are in conflict with any other provisions of this Ordinance, the restrictions of this section shall supersede.

- i. Only attached wall or projecting type signs made of wood or substitute materials which have the appearance of wood are permitted.
- ii. The use of internally lit, flashing or free-standing signs of any kind is prohibited.

- iii. Subject to the provisions of this section, the maximum sign surface area permitted in this district shall not be more than 0.75 square feet per linear foot of total lot frontage.
- d) Landscaping.  
Any new commercial site plan with on-site parking shall provide a detailed landscape plan identifying all shrub and tree types as well as the number of such trees and shrubs as per Section 14 and Section 19 of this Ordinance. Additionally, if developing adjacent to a different type of land use, a screening and buffering plan shall also be required.
- e) Exterior Siding Materials (Commercial & Mixed-Use Structures Only).  
The primary siding material constituting a minimum of eighty percent (80%) of the exterior shall be one or a combination of two of the following materials:
  - i) Brick;
  - ii) Stone: Natural, Limestone or Granite;
  - iii) Fiber Cement (Lap or Board & Batten Siding);
  - iv) Treated Wood excluding plywood (Board & Batten or Clapboard Design only); and/or,
  - v) Cedar Shake.
  - vi) Other materials or combinations thereof can be submitted to the Planning Board and BOC for consideration. Detailed elevation drawings and product specifications shall be required.
- f) Outside Walls (Commercial & Mixed-Use Structures Only).
  - i) The total area of glass, windows, and/or any similar transparent areas for any side of a commercial structure shall not exceed thirty-five percent (35%) of the surface area for such side of the building, and must be positioned uniformly along the face of the structure. This percentage may be increased if it needs to meet the state fire code. Each exterior wall of a building viewable from any public or private right-of-way shall incorporate architectural design features to create a visual break at least every one hundred feet (100') along the exterior wall in order to avoid a box like appearance. All plans for exterior walls shall be approved by the BOC as part of the site plan approval process.
- g) Roof Forms (Commercial & Mixed-Use Structures Only).
  - i) The dominant shape of roof forms shall be gabled, hipped or parapet. If pitched, the minimum pitch shall be five over twelve (5/12).
  - ii) All roof top mounted equipment shall be fully screened from view and the method of screening shall be integrated into the overall building design, for example within or behind pitched roofs. Hipped or gabled roofs with a mechanical element will not be considered mansard roofs when the roof appears to be a true hipped or gabled roof design.
- h) Driveway Limitations (Commercial & Mixed-Use Structures With Onsite Parking Only).
  - i) Two driveways entering the same street from a single lot shall only be permitted if the minimum distance between the closest edges of the driveways equals to or exceeds one hundred feet (100').
  - ii) In no case shall the total width of all driveways exceed fifty percent (50%) of the total property frontage.
  - iii) No driveway shall be located within a hundred feet (100') of an intersection except in cases where no other access to a public street is available.

- i) **Parking Requirements.**
  - i) Mixed use, multi-family and single-family lots shall provide 1.5 onsite parking spaces/unit;
  - ii) Commercial lots with an area less than 5000 ft<sup>2</sup> have no requirements for onsite parking; and,
  - iii) Commercial lots with an area more than 5000 ft<sup>2</sup> shall provide 1 onsite parking space for every 600 ft<sup>2</sup> of gross floor area.
- j) **Exterior Elevation Drawings (Commercial & Mixed-Use Structures Only).**  
 Exterior elevation drawings shall be submitted to determine the visual break of exterior walls for the structure or structures.

7) **Minimum Lot Size.**

The Cedar Street Mixed-Use Zoning District will not have a minimum lot size.

8) **Minimum Lot Width.**

No minimum lot width is required in the Cedar Street Mixed-Use Zoning District at the minimum building line.

9) **Building Setback and Building Height Requirements and Limitations.**

Subject to the exemptions of this Ordinance, each structure on said lot in this zoning district shall be set back from the boundary line of the lot at least the distance provided in the tables set forth in this section. The building height limitation in this district is also provided in the tables of this section.

**Table 8-6 Single Family Detached Setback Requirements**

<i>District</i>	<i>Cedar Street Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	15 feet minimum	25 feet	8 feet	40 feet
	20 feet maximum	25 feet	8 feet	40 feet

**Table 8-7 Corner Lot and Interior Lot Requirements for Commercial and Mixed Use**

<i>District</i>	<i>Cedar Street Front Setback (Right-of-Way)</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	10 feet minimum	0 feet	20 feet	0 feet	40 feet
	20 feet maximum	0 feet	20 feet	0 feet	40 feet

**Table 8-8 Transitional Zoning District Table of Uses**

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
<b>Residential Uses</b>					
<b>Group Living</b>	Assisted Living	P	P	S	
	Dormitory	P	P	S	
	Group Home	P	P	S	
	Nursing Home	P	P	S	
	Family Care Home	P	P	P	P
<b>Household Living</b>	Accessory Dwelling Unit		S	S	
	Dwelling, Duplex/Townhome	P	P	S	
	Dwelling, Multi-Family	P		S	P
	Dwelling, Single-Family	S	P	S	P
	Manufactured Home			S	
	Manufactured Home Park			S	
	Recreational Vehicle Park			S	
<b>Mixed Uses</b>					
	Mixed Use	S	P	S	P
<b>Public/Institutional Uses</b>					
<b>Aviation</b>	Airport/Landing Strip			S	
<b>Cemeteries/ Graveyards</b>	Cemetery/Graveyard		S	S	
<b>Cultural Facilities</b>	Library		P	S	
	Museum		S	S	
<b>Day Care</b>	Day Care Center		S	S	
	Day Care/Child Care Home		S	S	
<b>Government Services</b>	Government/Non-Profit Owned/ Operated Facilities & Services	P	P	S	
	Public Safety Station	P	P	S	
	Public Utility Facility	P	P	S	P
<b>Hospitals</b>	Hospital			S	
<b>Park and Athletic Fields, Public Use</b>	Athletic Field, Public			S	
	Community Garden	P	P	S	
	Neighborhood Recreation Center, Public	P	P	S	
	Outdoor Amphitheater, Public	S	S	S	
	Park, Public	P	P	S	P
	Resource Conservation Area	P	P	S	
<b>Religious Uses</b>	Religious Institution	S	P	S	P
<b>Educational Uses</b>	Preschool	S	S	S	
	School, K-12		S	S	
	School, Post-Secondary	S	S	S	
<b>Non-Governmental Facilities</b>	Transportation Facility	S		S	
	Utility Facility	S	S	S	P
	Utility Minor	P	P	S	P
<b>Agricultural Uses</b>	Agritourism			S	
	Aquaculture		S	S	
	Farming, General			S	
	Forestry			S	
	Produce Stand/Farmers' Market		S	S	P

Permitted Use

Special Use

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
<b>Commercial Uses</b>					
<b>Animal Services</b>	Kennel, Indoor Operation Only		S	S	
	Kennel, Indoor/Outdoor Operation			S	
<b>Assembly</b>	Club, Lodge, or Hall		P	S	
<b>Financial Institutions</b>	Financial Institution		S	S	P
<b>Food and Beverage Services</b>	Microbrewery			S	S
	Restaurant, with Drive-Thru Service	S		S	
	Restaurant, with Indoor Operation	S	P	S	P
	Restaurant, with Outdoor Operation	S		S	P
	Tavern/Bar/Pub with Indoor Operation	S	S	S	S
	Tavern/Bar/Pub with Outdoor Operation	S		S	S
	Accessory Mobile Vending Space		S		S
<b>Offices</b>	Office: Business, Professional, or Medical		P	S	P
	Office: Small Business				
<b>Public Accommodations</b>	Bed & Breakfast		P	S	
	Hotel or Motel	S	S	S	P
<b>Indoor Recreation &amp; Entertainment, Privately Owned</b>	Adult Entertainment			S	
	Amusement Establishment			S	
	Commercial Indoor Recreation Facility		P	S	
	Neighborhood Recreation Center Indoor/ Outdoor, Private	P	P	S	
	Pool Hall or Billiard Hall			S	
	Theater, Large			S	
	Theater, Small	S		S	
<b>Outdoor Recreation &amp; Entertainment, Privately Owned</b>	Athletic Field, Private			S	
	Commercial Outdoor Amphitheater			S	
	Commercial, Outdoor Recreation Facility			S	
	Golf Course, Privately-Owned		S	S	
	Golf Driving Range		S	S	
	Motor Vehicle Raceway			S	
<b>Retail Sales and Services</b>	Adult-Oriented Retail Establishment			S	
	Convenience Store			S	P
	Mortuary/Funeral Home/ Crematorium		P	S	
	Liquor Store			S	
	Personal Service Establishment	S	P	S	P
	Retail Store	S	S	S	P
<b>Vehicle Storage Facilities</b>	Dry Boat Storage			S	
	Marina	S	S	S	
	Parking Lot		S	S	
	Parking Structure			S	

Permitted Use

Special Use

**Table 8-8 Transitional Zoning District Table of Uses**

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
<b>Vehicles and Equipment Facilities</b>	Boat Sales/Rental			S	
	Car Wash			S	
	Gas/Service Station			S	
	Heavy Equipment Sales/Rental			S	
	Heavy Vehicle Repair			S	
	Moped/Golf Cart Sales/Rental			S	
	Motor Vehicle Sales/Rental			S	
	Towing & Vehicle Storage			S	
	Vehicle Service			S	
<b>Industrial Uses</b>					
<b>Industrial Service Uses</b>	General Industrial Service			S	
<b>Manufacturing and Production Uses</b>	Manufacturing, Heavy			S	
	Manufacturing, Light			S	
	Resource Extraction			S	
<b>Telecommunications Facilities</b>	Antenna Co-Location on Existing Tower	P	P	S	
	Concealed (Stealth) Antennae & Towers	P	S	S	
	Other Building-Mounted Antennae & Towers			S	
	Other Freestanding Towers		S	S	
<b>Warehouse and Freight Movement Uses</b>	Commercial Waterfront Facility			S	
	Hazardous Material Storage			S	
	Mini-Storage			S	
	Outdoor Storage			S	
	Warehousing and Distribution Establishment			S	
	Wholesale Establishment			S	
<b>Waste-Related Uses</b>	Recycling & Salvage Operation			S	
<b>Accessory Uses and Structures</b>					
<b>Accessory Uses</b>	Carport	P	P	S	
	Dock	P	P	S	
	Garage, Private Detached	P	P	S	
	Home Occupation	P	P	S	
	Outdoor Retail Display/Sales			S	P
	Satellite Dish Antenna		S	S	
	Shed	P	P	S	
	Signs, Commercial Free- Standing	P	P	S	
	Swimming Pool (Personal Use)		P	S	
	Temporary Construction Trailer	P	P	S	
	Vehicle Charging Station	P	P	S	

**Permitted Use**

**Special Use**

## SECTION 9 Nonresidential Zoning Districts

### A) *H-BD Historic Business District.*

The intent of this zoning district is to allow land and structures which provide personal services, retailing, and business services compatible with the district’s historic character. This district should be limited to the Town's Historic Overlay District and may be subject to additional requirements found within the “*Design Guidelines for the Beaufort Historic District & Landmarks.*” Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

The H-BD district will not have a minimum lot size.

2) Minimum Lot Width.

No minimum lot width is required in the H-BD district at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 9-1 Interior Lot Requirements for Residential Use**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
H-BD	25 feet	30 feet	8/0* feet	35 feet

\*0 feet if it connects to a common wall.

**Table 9-2 Corner Lot Requirements for Residential Use**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
H-BD	25 feet	25 feet	30 feet	8 feet	35 feet

**Table 9-3 Corner Lot and Interior Lot Requirements for Commercial Use**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
H-BD	0 feet	0 feet	0 feet	0 feet	35 feet

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

Antenna Co-Location on Existing  
Tower

Bed & Breakfast  
Boat Sales/Rentals

- |   |  |
|---|--|
| Club, Lodge, or Hall  | Office: Business, Professional, or Medical |
| Commercial Indoor Recreation Facility                       | Park, Public                               |
| Community Garden  | Parking Lot                                |
| Concealed (Stealth) Antennae & Towers                       | Parking Structure                          |
| Day Care Center   | Personal Service Establishment             |
| Dock  | Pool Hall or Billiard Hall                 |
| Dwelling, Single-Family                                     | Public Safety Station                      |
| Financial Institution                                       | Public Utility Facility                    |
| Government/Non-Profit Owned/ Operated Facilities & Services | Resource Conservation Area                 |
| Hospital  | Restaurant with Indoor Operation           |
| Hotel or Motel  | Retail Store                               |
| Library   | Shed                                       |
| Mixed Use   | Swimming Pool (Personal Use)               |
| Moped/Golf Cart Sales, Rentals                              | Signs, Commercial Free-Standing            |
| Mortuary/Funeral Home/ Crematorium                          | Tavern/Bar/Pub with Indoor Operation       |
| Museum  | Temporary Construction Trailer             |
| Neighborhood Recreation Center, Public                      | Theater, Small                             |
|   | Transportation Facility                    |
|   | Utility Minor                              |

6) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

- |  |                                       |
|--|---------------------------------------|
| Accessory Mobile Vending Space           | Outdoor Amphitheater, Public          |
| Commercial Outdoor Amphitheater          | Preschool                             |
| Commercial Waterfront Facility           | Produce Stand/Farmers' Market         |
| Convenience Store                        | Restaurant with Outdoor Operation     |
| Gas/Service Station                      | Satellite Dish Antenna                |
| Golf Driving Range                       | School, K-12                          |
| Marina                                   | School, Post-Secondary                |
| Microbrewery                             | Tavern/Bar/Pub with Outdoor Operation |
| Microdistillery                          | Theater, Large                        |
| Other Building-Mounted Antennae & Towers | Utility Facility                      |
| Other Freestanding Towers                | Vehicle Service                       |

B) ***H-WBD Historic Waterfront Business District.***

The function of this district is to protect the character of the commercial development along the historic waterfront of the Town. This district is also part of the Town's Historic Overlay District and may be subject to additional requirements found within the "*Design Guidelines for the Beaufort Historic District & Landmarks.*"

- 1) Minimum Lot Size.  
All lots in the H-WBD shall be a minimum of three thousand square feet (3,000 ft<sup>2</sup>).
- 2) Minimum Lot Width.  
No minimum lot width is required in the H-WBD district at the minimum building line.
- 3) Building Setback and Building Height Requirements and Limitations.  
Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section.

**Table 9-4 Interior Lot Requirements**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
H-WBD	0 feet	0 feet	0 feet	35 feet

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

Antenna Co-Location on Existing Tower	Neighborhood Recreation Center, Public
Bed & Breakfast	Office: Business, Professional, or Medical
Club, Lodge, or Hall	Park, Public
Commercial Indoor Recreation Facility	Parking Lot
Community Garden	Parking Structure
Concealed (Stealth) Antennae & Towers	Personal Service Establishment
Day Care Center	Pool Hall or Billiard Hall
Dock	Public Safety Station
Financial Institutions	Public Utility Facility
Government/Non-Profit Owned/Operated Facilities & Services	Resource Conservation Area
Library	Restaurant with Indoor Operation
Mixed Use	Retail Store
Moped/Golf Cart Sales, Rentals	Tavern/Bar/Pub with Indoor Operation
Mortuary/Funeral Home/Crematorium	Temporary Construction Trailer
Museum	Theater, Small
	Transportation Facility
	Utility Minor

6) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Aquaculture	Towers
Boat Sales/Rentals	Outdoor Amphitheater, Public
Commercial Outdoor Amphitheater	Preschool
Commercial Waterfront Facility	Restaurant with Outdoor Operation
Gas/Service Station	Satellite Dish Antenna
Hotel or Motel	School, K-12
Marina	School, Post-Secondary
Microbrewery	Tavern/Bar/Pub with Outdoor Operation
Microdistillery	Theater, Large
Other Building-Mounted Antennae &	Utility Facility

C) ***B-1 General Business District.***

The General Business District is established as the zoning district in which a wide variety of sales and service facilities may be provided to the general public. This district will be located throughout the Town's planning and development regulation jurisdiction.

1) Minimum Lot Size.

All lots in the B-1 district shall be a minimum of five thousand square feet (5,000 ft<sup>2</sup>).

2) Minimum Lot Width.

All lots in the B-1 district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 9-5 Lot Requirements**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
B-1	30 feet	15 feet	15 feet	40 feet

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

- |  |  |
|--|--|
| Amusement Establishment  | Neighborhood Recreation Center,            |
| Antenna Co-Location on Existing Tower                          | Public                                     |
| Aquaculture  | Nursing Home                               |
| Assisted Living  | Office: Business, Professional, or Medical |
| Athletic Field, Public   | Other Building-Mounted Antennae &          |
| Bed & Breakfast  | Towers                                     |
| Boat Sales/Rentals   | Outdoor Retail Display/Sales               |
| Car Wash   | Park, Public                               |
| Club, Lodge, or Hall   | Parking Lot                                |
| Commercial Indoor Recreation Facility                          | Parking Structure                          |
| Community Garden   | Personal Service Establishment             |
| Concealed (Stealth) Antennae & Towers                          | Pool Hall or Billiard Hall                 |
| Convenience Store  | Produce Stand/Farmers' Market              |
| Day Care Center  | Public Safety Station                      |
| Dock   | Public Utility Facility                    |
| Dry Boat Storage   | Religious Institution                      |
| Financial Institution  | Resource Conservation Area                 |
| Government/Non-Profit Owned/<br>Operated Facilities & Services | Restaurant with Drive-Thru Service         |
| Hospital   | Restaurant with Indoor Operation           |
| Hotel or Motel   | Retail Store                               |
| Kennel, Indoor Operation Only                                  | Satellite Dish Antenna                     |
| Library  | Signs, Commercial Free-Standing            |
| Liquor Store   | Tavern/Bar/Pub with Indoor Operation       |
| Moped/Golf Cart Sales/Rentals                                  | Temporary Construction Trailer             |
| Mortuary/Funeral Home/Crematorium                              | Theater, Small                             |
| Motor Vehicle Sales/Rentals                                    | Transportation Facility                    |
| Museum   | Utility Minor                              |
|  | Vehicle Charging Station                   |
|  | Vehicle Service                            |

6) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

- |  |                                       |
|--|---------------------------------------|
| Accessory Mobile Vending Space         | Microdistillery                       |
| Adult-Oriented Retail Establishment    | Mini-Storage                          |
| Commercial Outdoor Amphitheater        | Mixed Use                             |
| Commercial Outdoor Recreation Facility | Outdoor Amphitheater, Public          |
| Commercial Waterfront Facility         | Outdoor Storage                       |
| Gas/Service Station                    | Preschool                             |
| Golf Driving Range                     | Restaurant with Outdoor Operation     |
| Hazardous Material Storage             | School, K-12                          |
| Kennel, Indoor/Outdoor Operation       | School, Post-Secondary                |
| Manufacturing, Light                   | Tavern/Bar/Pub with Outdoor Operation |
| Marina                                 | Theater, Large                        |
| Microbrewery                           | Utility Facility                      |
|  | Wholesale Establishment               |

D) ***B-W Business Waterfront District.***

The objective of this zoning district shall be to protect the character of the commercial development along the waterfront of the Town.

1) Minimum Lot Size.

All lots in the B-W shall be a minimum of six thousand square feet (6,000 ft<sup>2</sup>).

2) Minimum Lot Width.

All lots in the B-W district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 9-6 Lot Requirements**

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

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| Amusement Establishment               | Commercial Indoor Recreation Facility |
| Antenna Co-Location on Existing Tower | Community Garden                      |
| Aquaculture                           | Concealed (Stealth) Antennae & Towers |
| Assisted Living                       | Convenience Store                     |
| Bed & Breakfast                       | Day Care Center                       |
| Boat Sales/Rentals                    | Dock                                  |
| Car Wash                              | Dry Boat Storage                      |
| Club, Lodge, or Hall                  | Financial Institution                 |

- |  |                                      |
|--|--------------------------------------|
| Government/Non-Profit Owned/ Operated<br>Facilities & Services | Parking Structure                    |
| Hospital   | Personal Service Establishment       |
| Hotel or Motel   | Pool Hall or Billiard Hall           |
| Kennel, Indoor Operation Only                                  | Produce Stand/Farmers' Market        |
| Library  | Public Safety Station                |
| Liquor Store   | Public Utility Facility              |
| Mortuary/Funeral Home/Crematorium                              | Religious Institution                |
| Motor Vehicle Sales/Rentals                                    | Resource Conservation Area           |
| Museum   | Restaurant with Indoor Operation     |
| Neighborhood Recreation Center, Public                         | Retail Store                         |
| Nursing Home   | Satellite Dish Antenna               |
| Office, Business, Professional, or<br>Medical                  | Signs, Commercial Free-Standing      |
| Other Building-Mounted Antennae &<br>Towers                    | Tavern/Bar/Pub with Indoor Operation |
| Outdoor Retail Display/Sales                                   | Temporary Construction Trailer       |
| Park, Public   | Theater, Small                       |
| Parking Lot  | Transportation Facility              |
|  | Utility Minor                        |
|  | Vehicle Charging Station             |
|  | Vehicle Service                      |

6) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

- |  |  |
|--|--|
| Accessory Mobile Vending Space         | Mini-Storage                             |
| Adult-Oriented Retail Establishment    | Mixed Use                                |
| Athletic Field, Public                 | Outdoor Amphitheater, Public             |
| Commercial Outdoor Amphitheater        | Outdoor Storage                          |
| Commercial Outdoor Recreation Facility | Preschool                                |
| Commercial Waterfront Facility         | Restaurant with Drive-Thru Service       |
| Gas/Service Station                    | Restaurant with Outdoor Operation        |
| Golf Driving Range                     | School, K-12                             |
| Hazardous Material                     | School, Post-Secondary                   |
| Kennels, Outdoor Operation             | Tavern/Bar/Pub with Outdoor<br>Operation |
| Manufacturing, Light                   | Theater, Large                           |
| Marina                                 | Utility Facility                         |
| Microbrewery                           | Wholesale Establishment                  |
| Microdistillery                        |  |

E) ***L-I Light Industrial District.***

This zoning district is established to provide for the industries and for certain commercial establishments which in their normal operations have little or no adverse effect upon adjoining properties.

1) Minimum Lot Size.

All lots in the L-I district shall be a minimum of eight thousand square feet (8,000 ft<sup>2</sup>).

2) Minimum Lot Width.

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

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 9-7 Lot Requirements**

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

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

- |  |   |
|--|---|
| Antenna Co-Location on Existing Tower                          | Towers  |
| Aquaculture  | Outdoor Retail Display/Sales                  |
| Athletic Field, Public   | Outdoor Storage                               |
| Boat Sale/Rentals  | Park, Public                                  |
| Car Wash   | Parking Lot                                   |
| Club, Lodge, or Hall   | Parking Structure                             |
| Community Garden   | Personal Service Establishment                |
| Concealed (Stealth) Antennae & Towers                          | Public Safety Station                         |
| Dock   | Public Utility Facility                       |
| Dry Boat Storage   | Religious Institution                         |
| Farming, General   | Resource Conservation Area                    |
| General Industrial Service                                     | Satellite Dish Antenna                        |
| Government/Non-Profit Owned/<br>Operated Facilities & Services | Signs, Commercial Free-Standing               |
| Heavy Equipment Sale/Rentals                                   | Temporary Construction Trailer                |
| Heavy Vehicle Repair   | Towing & Vehicle Service                      |
| Kennel, Indoor Operation Only                                  | Transportation Facility                       |
| Kennel, Indoor/Outdoor Operation                               | Utility Minor                                 |
| Manufacturing, Light   | Vehicle Charging Station                      |
| Mini-Storage   | Vehicle Service                               |
| Motor Vehicle Sale/Rentals                                     | Warehousing and Distribution<br>Establishment |
| Neighborhood Recreation Center, Public                         | Wholesale Establishment                       |
| Office: Business, Professional, or Medical                     |   |
| Other Building Mounted Antennae &                              |   |

- 6) Special Use (*Special Uses* requirements may be found in Section 20 of this Ordinance).
- |   |                                      |
|---|--------------------------------------|
| Accessory Mobile Vending Space          | Microdistillery                      |
| Adult Entertainment                     | Mixed Use                            |
| Adult-Oriented Retail Establishment     | Other Freestanding Towers            |
| Commercial Indoor Recreation Facility   | School, Post-Secondary               |
| Commercial Outdoor Amphitheater         | Tavern/Bar/Pub with Indoor Operation |
| Commercial Waterfront Facility          | Tavern/Bar/Pub with Outdoor          |
| Commercial, Outdoor Recreation Facility | Operation                            |
| Gas/Service Station                     | Theater, Large                       |
| Golf Driving Range                      | Theater, Small                       |
| Marina                                  | Utility Facility                     |
| Microbrewery                            |                                      |

F) ***I-W Industrial Warehouse District.***

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

- 1) Minimum Lot Size.  
All lots in the I-W district shall be a minimum of eight thousand square feet (8,000 ft<sup>2</sup>).
- 2) Minimum Lot Width.  
All lots in the I-W district shall have a minimum lot width of eighty feet (80') at the minimum building line.
- 3) Building Setback and Building Height Requirements and Limitations.  
Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

**Table 9-8 Lot Requirements**

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

- 4) Accessory Building Setback Requirements.  
All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.
- 5) Permitted Uses.

Antenna Co-Location on Existing Towers	Dock
Aquaculture	Dry Boat Storage
Athletic Field, Public	Farming, General
Boat Sales/Rentals	General Industrial Service
Car Wash	Governmental/Non-Profit Owned/ Operated Facilities & Services
Club, Lodge, or Hall	Heavy Equipment Sales/Rentals
Community Garden	Heavy Vehicle Repair
Concealed (Stealth) Antennae & Towers	

Kennel, Indoor Operation Only  
Kennel, Indoor/Outdoor Operation  
Manufacturing, Light  
Mini-Storage  
Motor Vehicle Sales/Rentals  
Neighborhood Recreation Center, Public  
Office: Business, Professional, or  
Medical  
Other Building Mounted Antennae &  
Towers  
Outdoor Retail Display/Sales  
Outdoor Storage  
Park, Public  
Parking Lot  
Parking Structure  
Personal Service Establishment

Public Safety Station  
Public Utility Facility  
Religious Institution  
Resource Conservation Area  
Satellite Dish Antenna  
Signs, Commercial Free-Standing  
Temporary Construction Trailer  
Towing & Vehicle Service  
Transportation Facility  
Utility Minor  
Vehicle Charging Station  
Vehicle Service  
Warehousing and Distribution  
Establishment  
Wholesale Establishment

6) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Accessory Mobile Vending Space  
Adult Entertainment  
Adult-Oriented Retail Establishment  
Airport/Landing Strip  
Commercial Indoor Recreation  
Facility  
Commercial Outdoor Amphitheater  
Commercial Waterfront Facility  
Commercial, Outdoor Recreation  
Facility  
Gas/Service Station  
Golf Driving Range  
Hazardous Material Storage

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

**Table 9-9 Nonresidential Zoning Districts Table of Uses**

Land Development Ordinance Uses		H-BD	H-WBD	B-I	B-W	L-I	I-W
<b>Residential Uses</b>							
<b>Group Living</b>	Assisted Living			P	P		
	Dormitory						
	Group Home						
	Nursing Home			P	P		
<b>Household Living</b>	Accessory Dwelling Unit						
	Dwelling, Duplex/Townhome						
	Dwelling, Multi-Family						
	Dwelling, Single-Family	P					
	Manufactured Home						
	Manufactured Home Park						
	Recreational Vehicle Park						
<b>Mixed Uses</b>							
	Mixed Use	P	P	P	S	S	
<b>Public/Institutional Uses</b>							
<b>Aviation</b>	Airport/Landing Strip						S
<b>Cemeteries/Graveyards</b>	Cemetery/Graveyard						
<b>Cultural Facilities</b>	Library	P	P	P	P		
	Museum	P	P	P	P		
<b>Day Care</b>	Day Care Center	P	P	P	P		
	Day Care/Child Care Home						
<b>Government Services</b>	Government/Non-Profit Owned/ Operated Facilities & Services	P	P	P	P	P	P
	Public Safety Station	P	P	P	P	P	P
	Public Utility Facility	P	P	P	P	P	P
<b>Hospitals</b>	Hospital	P		P	P		
<b>Park and Athletic Fields, Public Use</b>	Athletic Field, Public			P	S	P	P
	Community Garden	P	P	P	P	P	P
	Neighborhood Recreation Center, Public	P	P	P	P	P	P
	Outdoor Amphitheater, Public	S	S	S	S		
	Park, Public	P	P	P	P	P	P
	Resource Conservation Area	P	P	P	P	P	P
<b>Religious Uses</b>	Religious Institution			P	P	P	P
<b>Educational Uses</b>	Preschool	S	S	S	S		
	School, K-12	S	S	S	S		
	School, Post-Secondary	S	S	S	S	S	S
<b>Non-Governmental Facilities</b>	Transportation Facility	P	P	P	P	P	P
	Utility Facility	S	S	S	S	S	S
	Utility Minor	P	P	P	P	P	P

**Permitted Use**

**Special Use**

**Table 9-9 Nonresidential Zoning Districts Table of Uses**

Land Development Ordinance Uses		H-BD	H-WBD	B-1	B-W	L-1	L-W
<b>Agricultural</b>	Agritourism						
	Aquaculture		S	P	P	P	P
	Farming, General					P	P
	Forestry						
	Produce Stand/Farmers' Market	S		P	P		
<b>Commercial Uses</b>							
<b>Animal Services</b>	Kennel, Indoor Operation Only			P	P	P	P
	Kennel, Indoor/Outdoor Operation			S	S	P	P
<b>Assembly</b>	Club, Lodge, or Hall	P	P	P	P	P	P
<b>Financial Institutions</b>	Financial Institution	P	P	P	P		
<b>Food and Beverage Services</b>	Microbrewery/Microdistillery	S	S	S	S	S	
	Restaurant, with Drive-Thru Service			P	S		
	Restaurant, with Indoor Operation	P	P	P	P		
	Restaurant, with Outdoor Operation	S	S	S	S		
	Tavern/Bar/Pub with Indoor Operation	P	P	P	P	S	S
	Tavern/Bar/Pub with Outdoor Operation	S	S	S	S	S	S
	Accessory Mobile Vending Space	S		S	S	S	S
<b>Offices</b>	Office: Business, Professional, or Medical	P	P	P	P	P	P
	Office: Small Business						
<b>Public Accommodations</b>	Bed & Breakfast	P	P	P	P		
	Hotel or Motel	P	S	P	P		
<b>Indoor Recreation &amp; Entertainment, Privately Owned</b>	Adult Entertainment					S	S
	Amusement Establishment			P	P		
	Commercial Indoor Recreation Facility	P	P	P	P	S	
	Neighborhood Recreation Center Indoor/Outdoor, Private						
	Pool Hall or Billiard Hall	P	P	P	P		
	Theater, Large	S	S	S	S	S	S
	Theater, Small	P	P	P	P	S	S
<b>Outdoor Recreation &amp; Entertainment, Privately Owned</b>	Athletic Field, Private						
	Commercial Outdoor Amphitheater	S	S	S	S	S	S
	Commercial, Outdoor Recreation Facility			S	S	S	S
	Golf Course, Privately-Owned						
	Golf Driving Range			S	S	S	S
	Motor Vehicle Raceway						
<b>Retail Sales and Services</b>	Adult-Oriented Retail Establishment			S	S	S	S
	Convenience Store			P	P		
	Mortuary/Funeral Home/ Crematorium	P	P	P	P		
	Liquor Store			P	P		
	Personal Service Establishment	P	P	P	P	P	P
	Retail Store	P	P	P	P		

Permitted Use

Special Use

Table 9-9 Nonresidential Zoning Districts Table of Uses

Land Development Ordinance Uses		H-BD	H-WBD	B-1	B-W	L-1	I-W
Vehicle Storage Facilities	Dry Boat Storage			P	P	P	P
	Marina	S	S	S	S	S	S
	Parking Lot	P	P	P	P	P	P
	Parking Structure	P	P	P	P	P	P
Vehicles and Equipment Facilities	Boat Sales/Rentals	P	S	P	P	P	P
	Car Wash			P	P	P	P
	Gas/Service Station	S	S	S	S	S	S
	Heavy Equipment Sales/ Rentals					P	P
	Heavy Vehicle Repair					P	P
	Moped/Golf Cart Sales/Rentals	P	P	P			
	Motor Vehicle Sales/Rentals			P	P	P	P
	Towing & Vehicle Storage					P	P
	Vehicle Service	S		P	P	P	P
<b>Industrial Uses</b>							
Industrial Service Uses	General Industrial Service					P	P
Manufacturing and Production Uses	Manufacturing, Heavy						
	Manufacturing, Light			S	S	S	
	Resource Extraction						
Telecommunications Facilities	Antenna Co-Location on Existing Tower	P	P	P	P	P	P
	Concealed (Stealth) Antennae & Towers	P	P	P	P	P	P
	Other Building-Mounted Antennae & Towers	S	S	P	P	P	P
	Other Freestanding Towers	S				S	S
Warehouse and Freight Movement Uses	Commercial Waterfront Facility	S	S	S	S	S	S
	Hazardous Material Storage			S	S		S
	Mini-Storage			S	S	P	P
	Outdoor Storage			S	S	P	P
	Warehousing and Distribution Establishment					P	P
	Wholesale Establishment			S	S	P	P
Waste-Related Uses	Recycling & Salvage Operation						S
<b>Accessory Uses and Structures</b>							
Accessory Uses	Carport						
	Dock	P	P	P	P	P	P
	Garage, Private Detached						
	Home Occupation						
	Outdoor Retail Display/Sales			P	P	P	P
	Satellite Dish Antenna	S	S	P	P	P	P
	Shed	P					
	Signs, Commercial Free-Standing			P	P	P	P
	Swimming Pool (Personal Use)	P					
	Temporary Construction Trailer	P	P	P	P	P	P
	Vehicle Charging Station			P	P	P	P

Permitted Use

Special Use

## SECTION 10 Overlay/Conservation/Companion Zoning Districts

### A) OS Open Space District.

The Open Space District is established as a zoning district where the land is predominately reserved for flood control, public recreation, natural or man-made bodies of water, forests, and other similar open space use. In promoting the general purposes of this Ordinance, the specific intent of this section is:

- To discourage investing in improvements which may be subject to flooding or located on land unsuitable for urban development due to natural conditions.
- To avoid the possibility of having to spend public funds to protect threatened private investments.
- To encourage the preservation of and continued use of the land for conservation purposes.

There shall be no residential structures of any type including homes, manufactured homes, townhomes, apartments, duplexes, motels, hotels, etc., and there shall be no commercial or industrial uses permitted in any area designated as open space.

#### 1) Permitted Uses.

Athletic Fields, Public  
Community Gardens

Park, Public  
Resource Conservation Area

#### 2) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Dock

### B) H-L Historic-Local District.

The function of the historic district regulations is to promote the education, culture, and general welfare of the public through the preservation and protection of historical buildings, places, and areas and to maintain such lands as examples of past architectural styles. The H-L District shall consist of areas which are deemed to be especially significant in terms of their history, architecture, and/or culture; and possess integrity of design, setting, materials, feeling, and association. This district may be subject to additional requirements found within the “Design Guidelines for the Beaufort Historic District & Landmarks.” The requirements, restrictions, and conditions in this Ordinance pertaining to historic preservation are in addition to those provided for the underlying district.

C) **H-N Historic-National District.** The National Register is the nation’s official list of buildings and districts worthy of preservation and recognition because of their architectural and/or historical significance. The National Register is a federal program administered by the National Parks Service. Properties within the Town’s Historic National District are subject to review by the Beaufort Historic Preservation Commission (BHPC) only if they are also within the Historic Local District boundaries or if they are designated as a local landmark.

### D) EC Entry Corridor Overlay District.

There is a need to enhance the entryways into the Town to maintain the historical context and aesthetics of the community. There are three main entry corridors points providing access to the Town which in turn will be the core of the Entry Overlay Corridor District. These overlay districts will enhance the arrival experience and create a sense of identity utilizing streetscape, landscape, and transportation strategies which can be implemented within roadway rights-of-way.

E) ***A-ED Airport Environmental District.***

1) Purpose.

The objective of the Airport Environmental District (A-ED) is to establish noise mitigation measures and to provide mechanisms for the notification of property owners around the airport of potential noise and vibration impacts from the Michael J. Smith Field.

2) Applicability.

The A-ED applies to designated property in the vicinity of the Michael J. Smith Field.

- a) The district regulations are imposed in addition to those of the underlying zoning district(s) regulations.
- b) None of the provisions of the A-ED regarding noise and vibration reduction shall be construed to prohibit the continuance, expansion, or reestablishment of any existing land use. The noise level reduction design standards only apply to new development of land and not to the expansion of or to structural additions of existing properties or existing uses within this district.
- c) Nothing in this district is intended to state that objectionable levels of noise from overhead aircraft will be confined to the limits of this district.

3) A-ED Boundary.

The Increased Noise Potential Zone boundary extends outward of 1,200 feet from the centerline of each of the current and future airport runways as shown on the Federal Aviation Administration's (FAA) Official Map.

4) A-ED Requirements.

The following are required for all new properties and for all property transfers located within the increased noise potential zone.

- a) Noise Abatement Building Requirements: New construction of structures intended for residential occupancy shall be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB). This performance measure may be achieved by any suitable combination of building design, building materials, and construction standards so as to reduce the interior noise levels from potential overhead aircraft flights. Prior to the issuance of a residential use building permit in the A-ED Zone, construction methods and materials being used to construct the residential use will be reviewed to make sure they achieve at least a 30 dB noise reduction.

*See page 121, for the A-ED and A-RE map.*

F) ***A-RE Airport Runway Exclusion District.***

1) Purpose.

The intent of the Airport Runway Exclusion District (A-RE) is to reduce high density development in zones with high aircraft possibilities and where a crash could result in catastrophic loss of life, structure, and property. It is also to encourage development which is compatible to the airport use characteristics within the intent and purpose of the zoning. The intent is to also provide public notice on the Carteret County land records indicating the properties which could be subjected to an airport crash.

- 2) Applicability. The A-RE applies to designated property in the vicinity of the Michael J. Smith Field. These district regulations are imposed in addition to those of the underlying zoning district(s).

3) A-RE Boundaries.

For runways labeled 8-26, 14-32, and 3-21, the runway protection zone (RPZ) shall be described as follows: a 500-foot line parallel to and 200 feet from the end of each runway, two line extending 1,000 feet away from the airport from each end of the line parallel to the end of the runway, and a fourth line 700 feet long and parallel to the 500 foot line which connects both of the 1,000 foot lines. For all of the runways, current and future, the end of the runway shall be determined by the Airport Authority and the center line of the trapezoid protection zone shall be in line with the centerline of the runway. The A-RE District is shown on the Federal Aviation Administration's (FAA) Official Map and a copy is retained at Town Hall in Beaufort, N.C.

4) A-RE Requirements.

a) Require any new construction not to exceed a height of 25 feet and if required, to file a Form 7460-1 to the FAA indicating construction activities will be occurring at certain times and what types of equipment may be used. An example of Form 7460-1 can be found on page 119 herein.

b) Notwithstanding the permitted uses listed within the zoning regulations, the following uses are not permitted within the RPZ: fuel storage, multifamily residential, schools or day care facilities, churches, hospitals or medical clinics, office and professional buildings exceeding 10,000 cumulative square feet of heated space per acre, commercial retail buildings exceeding 10,000 cumulative square feet of heated space per acre, public safety, public cultural uses, and public recreation.

c) Lighting and electronics signals that interfere with air traffic, communications, or navigational aids are prohibited as determined by the FAA.

5) A-RE Existing Nonconforming Exception.

When an existing nonconforming structure and/or use is damaged by fire, flood, wind, or act of God, the structure may be repaired and restored to its pre-event dimensions on the pre-event footprint provided the structure meets all applicable building codes.

However if a nonconforming structure and/or use is discontinued for any reason for a continuous period of one hundred eighty (180) days or superseded at any time by a permitted use, any subsequent use of the land shall conform fully to this Ordinance.

*See page 121, for the A-ED and A-RE map.*

**G) CZ Companion District – Conditional Zoning.**

The Companion Conditional Zoning Districts set forth herein are authorized by N.C. Gen. Stat. §703(b). Companion Conditional Zoning Districts are districts which parallel general zoning districts outlined in this Ordinance. Companion Districts-Conditional Zoning are identical to their corresponding general zoning district in all respects except that only those conditions approved by the Town and consented to by the petitioner in writing may be incorporated into the conditional zoning regulations.

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**(H) Live Oak Street Corridor Overlay**

1) Purpose.

The purpose of this overlay district is to protect, enhance and guide the development of the Live Oak Street commercial corridor by reducing visual clutter through the implementation of commercial design

standards. These standards are designed to improve the aesthetics, traffic congestion and provide for a solid and vibrant tax base as well as promote the public health, safety and welfare of the town.

- 2) The Live Oak Street Corridor Overlay District for the Town of Beaufort, as set forth on a map so entitled and dated 05-26-2020, is hereby adopted by reference as an element of the *Land Development Ordinance* hereafter known as the *LDO*, and the Official Zoning Map of the Town of Beaufort. And where as any section of the overlay regulations conflicts with the underlying zoning, the overlay shall take precedence unless it is specifically otherwise stated.
- 3) Permitted Uses.  
The underlying uses, with the exception of single-family residential uses, located within the Live Oak Street Corridor Overlay District shall be subject to the Development Standards listed below.
- 4) Prohibited Uses.  
Any use not listed in underlying zoning districts is prohibited.
- 5) Development Standards.
  - a) Design Criteria.  
The intent of the following design criteria is to maintain and strengthen the unique character of Beaufort’s gateway corridors by insuring new development projects are architecturally compatible with the historic characteristics of the community. These characteristics include building forms, proportions, treatments, exterior materials, and architectural styles. It is intended for front elevations and overall massing of new structures shall be of human scale and related to the street.  
  
It is not the intent for new structures to closely duplicate existing historic structures. The intent is for new structures to include elements in ways which achieve a design compatible with and complementary to the historic character of the Town.
  - b) Site Plan Submission.  
A detailed site plan, meeting all N.C. State Building Codes and Town Ordinances, shall be required for all development within this overlay zone.
  - c) Signage.
    - i) The use of internally lit or flashing signs of any kind is prohibited. The use of ground-mounted spotlights concealed by landscaping to light signs during night hours is acceptable.
    - ii) The total square footage of wall signage allowed shall not exceed .75 sq. ft. per linear foot of lot frontage.
    - iii) All existing freestanding signage will have a period of five (5) years to come into compliance. At the end of the five (5) year amortization period, the Town will follow code enforcement violation procedures that may include fines and the removal of signage by the Town.
    - iv) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this section, and the remnants of the former sign shall be cleared from the land. For the purpose of this section, a nonconforming sign is “destroyed” if damaged to an extent of the cost to repair the sign to its former stature or replacing it with an equivalent sign equals or exceeds fifty percent (50%) of the replacement value of the sign so damaged.

Subject to the other provisions of this section, nonconforming signs may be repaired and renovated as long as the cost of such work does not exceed fifty percent (50%) of the replacement value of such sign within any twelve-month period.

d) Landscaping.

A detailed landscape plan identifying all shrub and tree types as well as the number of such trees and shrubs shall be submitted for review and approval as per section 14 of the *LDO*. Additionally if developing adjacent to a different type of land use, a screening and buffering plan shall be required.

e) Exterior Siding Materials.

The primary siding material constituting a minimum of eighty 80% of the exterior shall be one or a combination of two of the following materials:

- i) Brick;
- ii) Stone: Natural, Limestone or Granite;
- iii) Fiber Cement Siding; (Lap or Board & Batten Siding); and/or,
- iv) Treated Wood excluding plywood (Bead Board & Batten or Clapboard Design only)
- v) Cedar Shake
- vi) Other materials or combinations thereof can be submitted to the Planning Board and Board of Commissioners for consideration. Detailed elevation drawings and product specifications shall be required

f) Outside Walls.

- i) The total area of glass, windows, and/or any similar transparent areas for any side of a commercial structure shall not exceed thirty-five (35%) of the surface area for such side of the building and must be positioned uniformly along the face of the structure. This percentage may be increased if it needs to meet the state fire code.
- ii) Each exterior wall of a building viewable from any public or private right-of-way shall incorporate architectural design features to create a visual break at least every one hundred feet (100') along the exterior wall in order to avoid a box like appearance. All plans for exterior walls shall be approved by the Board of Commissioners as part of the site plan approval process.

g) Roof Forms.

- i) Roof forms shall be similar to those used on historic structures. The dominant shape shall be gabled, hipped or parapet. If pitched the minimum pitch shall be five over twelve (5/12) with a maximum pitch of twelve over twelve (12/12).

h) All roof top mounted equipment shall be fully screened from view and the method of screening shall be integrated into the overall building design, for example within or behind pitched roofs. Hipped or gabled roofs with a mechanical element will not be considered mansard roofs when the roof appears to be a true hipped or gabled roof design.

i) Driveway Limitations.

- i) Two driveways entering the same street from a single lot shall only be permitted if the minimum distance between the closest edges of the driveways equals to or exceeds one hundred feet (100').

- ii) In no case shall the total width of all driveways exceed fifty percent (50%) of the total property frontage.
  - iii) No driveway shall be located within ten feet (10') of an adjacent property except in the case of a shared driveway utilized by two or more lots.
  - iv) No driveway shall be located within a hundred feet (100') of an intersection except in cases where no other access to a public street is available.
- j) **Parking.**  
 Parking and vehicle accommodation areas (VAAs) shall meet the requirements set forth in section 15 of the *LDO*.
- k) **Exterior Drawings.**  
 Exterior elevation drawings shall be submitted in color to determine the visual break of exterior walls and the color palate chosen for the structure or structures.

**Table 10-1 Corner Lot and Interior Lot Requirements for Commercial Use**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	15 feet minimum	15 feet	15 feet	10 feet	40 feet
	20 feet maximum	15 feet	15 feet	10 feet	40 feet

**Table 10-2 Overlay/Conservation Zoning Districts Table of Uses**

Land Development Ordinance Uses		OS	H-L	H-N	EC	A-ED	A-RE	CZ	LOSC
<b>Residential Uses</b>									
<b>Group Living</b>	Assisted Living						N		
	Dormitory						N		
	Group Home						N		
	Nursing Home						N		
<b>Household Living</b>	Accessory Dwelling Unit						N		
	Dwelling, Duplex/Townhome						N		
	Dwelling, Multi-Family						N		
	Dwelling, Single-Family						P		
	Manufactured Home						P		
	Manufactured Home Park						N		
	Recreational Vehicle Park						N		
<b>Mixed Uses</b>									
	Mixed Use						S		
<b>Public/Institutional Uses</b>									
<b>Aviation</b>	Airport/Landing Strip						P		
<b>Cemeteries/Graveyards</b>	Cemetery/Graveyard						P		
<b>Cultural Facilities</b>	Library						S		
	Museum						S		
<b>Day Care</b>	Day Care Center						N		
	Day Care/Child Care Home								
<b>Government Services</b>	Government/Non-Profit Owned/Operated Facilities & Services								
	Public Safety Station						S		
	Public Utility Facility								
<b>Hospitals</b>	Hospital						N		
<b>Park and Athletic Fields, Public Use</b>	Athletic Field, Public	P					S		
	Community Garden	P							
	Neighborhood Recreation Center, Public								
	Outdoor Amphitheater, Public						S		
	Park, Public						P		
	Resource Conservation Area	P							
<b>Religious Uses</b>	Religious Institution						N		
<b>Educational Uses</b>	Preschool						N		
	School, K-12						N		
	School, Post-Secondary						N		
<b>Non-Governmental Facilities</b>	Transportation Facility						S		
	Utility Facility						S		
	Utility Minor						S		
<b>Agricultural Uses</b>	Agritourism								
	Aquaculture								
	Farming, General						P		
	Forestry						P		
	Produce Stand/Farmers' Market								

**Non-Permitted**

**Permitted Use**

**Special Use**

**Table 10-2 Overlay/Conservation Zoning Districts Table of Uses**

Land Development Ordinance Uses		OS	H-L	H-N	EC	A-ED	A-RE	CZ	LOSC
<b>Commercial Uses</b>									
<b>Animal Services</b>	Kennel, Indoor Operation Only								
	Kennel, Indoor/Outdoor Operation								
<b>Assembly</b>	Club, Lodge, or Hall						N		
<b>Financial Institutions</b>	Financial Institution						S		
<b>Food and Beverage Services</b>	Microbrewery						S		
	Restaurant, with Drive-Thru Service						N		
	Restaurant, with Indoor Operation						N		
	Restaurant, with Outdoor Operation						N		
	Tavern/Bar/Pub with Indoor Operation						N		
	Tavern/Bar/Pub with Outdoor Operation						N		
	Accessory Mobile Vending Space						N		
<b>Offices</b>	Office: Business, Professional, or Medical						S		
	Office: Small Business								
<b>Public Accommodations</b>	Bed & Breakfast						N		
	Hotel or Motel						N		
<b>Indoor Recreation &amp; Entertainment Privately Owned</b>	Adult Entertainment						N		
	Amusement Establishment						N		
	Commercial Indoor Recreation Facility						N		
	Neighborhood Recreation Center Indoor/Outdoor, Private						N		
	Pool Hall or Billiard Hall						N		
	Theater, Large						N		
	Theater, Small						N		
<b>Outdoor Recreation &amp; Entertainment, Privately Owned</b>	Athletic Field, Private								
	Commercial Outdoor Amphitheater						N		
	Commercial, Outdoor Recreation Facility						S		
	Golf Course, Privately-Owned								
	Golf Driving Range								
	Motor Vehicle Raceway						N		
<b>Retail Sales and Services</b>	Adult-Oriented Retail Establishment						N		
	Convenience Store						N		
	Mortuary/Funeral Home/Crematorium						N		
	Liquor Store						N		
	Personal Service Establishment						N		
	Retail Store						N		
<b>Vehicle Storage Facilities</b>	Dry Boat Storage						S		
	Marina						S		
	Parking Lot						S		
	Parking Structure						S		
<b>Vehicles and Equipment Facilities</b>	Boat Sales/Rentals						S		
	Car Wash						S		
	Gas/Service Station						N		
	Heavy Equipment Sales/Rentals						S		
	Heavy Vehicle Repair						S		
	Moped/Golf Cart Sales/Rentals						S		
	Motor Vehicle Sales/Rentals						S		
	Towing & Vehicle Storage						S		
Vehicle Services						S			

Non-Permitted

Permitted Use

Special Use

**Table 10-2 Overlay/Conservation Zoning Districts Table of Uses**

Land Development Ordinance Uses		OS	H-L	H-N	EC	A-ED	A-RE	CZ	LOSC
<b>Industrial Uses</b>									
<b>Industrial Service Uses</b>	General Industrial Service						S		
<b>Manufacturing and Production Uses</b>	Manufacturing, Heavy						S		
	Manufacturing, Light						S		
	Resource Extraction								
<b>Telecommunications Facilities</b>	Antenna Co-Location on Existing Tower						N		
	Concealed (Stealth) Antennae & Towers								
	Other Building-Mounted Antennae & Towers								
	Other Freestanding Towers						N		
<b>Warehouse and Freight Movement Uses</b>	Commercial Waterfront Facility						S		
	Hazardous Material Storage								
	Mini-Storage						P		
	Outdoor Storage								
	Warehousing and Distribution Establishment								
Wholesale Establishment									
<b>Waste-Related Uses</b>	Recycling and Salvage Operation								
<b>Accessory Uses and Structures</b>									
<b>Accessory Uses</b>	Carport								
	Dock	S							
	Garage, Private Detached								
	Home Occupation								
	Outdoor Retail Display/Sales								
	Satellite Dish Antenna								
	Shed								
	Signs, Commercial Free-Standing								
	Swimming Pool (Personal Use)								
	Temporary Construction Trailer								
Vehicle Charging Station									

Non-Permitted

Permitted Use

Special Use

## SECTION 20 Special Use Permits

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### A) *General.*

Special uses are practices which are not permitted by right in any zoning district in the Town but may only be granted after due consideration by the BOC. The consideration of a special use application is a quasi-judicial function to be conducted in accordance with the procedure set forth in Section 32, Quasi-Judicial Procedure. Special use permits may only be granted by the BOC following a recommendation by the Planning Board and the completion of the quasi-judicial review process by the BOC as outlined in Section 32.

A Special Use Permit is a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

### B) *Special Use Permit Application Procedures.*

- 1) A written application for a special use permit in all zones shall be submitted to the Town's Planning and Inspections Department in accordance with the requirements of Section 1 and Section 31 of this Ordinance and all applicable administrative regulations. The application shall include:
  - a) A proposed use site plan which contains information documented in Section 18(C) of this Ordinance and the specific information below:
    - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
    - ii) A legend identifying all symbols on the map;
    - iii) A North arrow and a scale;
    - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
    - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size;
    - vi) The map book, page number, and deed book information;
    - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
    - viii) Any other related information requested by Town staff, the Planning Board, or the BOC.
    - ix) All required environmental permit improvements needed for the property.
  - b) The special use permit sought; and,
  - c) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.

- 2) Whenever an application is submitted for a special use permit in a residential zone, the applicant shall also include:
  - a) A narrative which illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural design features which make the proposed use and associated building compatible with the urban character of the residential neighborhood;
  - b) The submitted site plan shall also include all street front architectural elevation drawings to ensure the compatibility of the building(s) with the surrounding residential structures; and,
  - c) Additionally, the BOC and Town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) Whenever an application is submitted for a special use permit to operate an accessory use, the application shall include:
  - a) A proposed site plan including the following:
    - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
    - ii) A legend identifying all symbols on the map;
    - iii) A North arrow and a scale;
    - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
    - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s) and use area(s), site zoning, and total acreage,
    - vi) The map book, page number, and deed book information;
    - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
    - viii) Any other related information requested by Town staff, the Planning Board, or the BOC.
  - b) All required external permits needed for the accessory use;
  - c) The special use permit sought; and,
  - d) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.
- 4) The application shall be reviewed by Town staff and submitted to the Planning Board for review. The Planning Board shall review the application for a special use permit and make a recommendation as to whether it should be approved or denied. After the Planning Board makes its recommendation, the application shall be forwarded to the BOC for consideration.

**C) *Quasi-Judicial Proceeding Notification Requirements.***

The Planning Board will review and make recommendations regarding all applications for a special use permit. The BOC shall schedule a quasi-judicial proceeding for the application and BOC

consideration after reasonable opportunity for staff and Planning Board review. In considering the application, the BOC shall follow the procedures set forth in Section 32, Quasi-Judicial Procedure.

**D) *Procedures on Special Use Applications.***

In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall conduct an evidentiary hearing in accordance with the provisions of Section 32, Quasi-Judicial Procedure, herein. And consider relevant information regarding whether the required findings under Section 20(E) exist and whether the special use is appropriate in the proposed location.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in Section 20(E). The BOC need not make the required findings at the time of the hearing and may vote to table the matter and request information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under Section 20(E) have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in Section 20(E).
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the evidentiary hearing for the proposed special use application. The BOC need not issue a decision at the time of the hearing if additional information is needed and may table the matter until a later date.
- 4) If the application is found not to be in compliance with one or more of the required findings of Section 20(E) or any other applicable section of this Ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet.
- 5) Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under Section 20(E).
- 6) The BOC shall render its decision on the special use permit application, in writing, in accordance with the provisions of Section 32 herein.

**E) *Required Findings.***

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
  - a) The proposed use is an allowable special use in the zoning district it is being located within;
  - b) The application is complete;
  - c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
  - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
  - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;

- f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
  - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent, material and substantial evidence" as described in N.C. Gen. Stat. §160D-406 in accordance with the procedures set forth in Section 32 herein.
- 3) **Compatibility Standards for Special Uses in Residential Zones:**  
In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
- a) Size (footprint);
  - b) Height;
  - c) Proportion and scale;
  - d) Roof shape(s);
  - e) Setbacks;
  - f) Location, size, and number of openings (doors and windows);
  - g) Materials;
  - h) Color; and,
  - i) Texture.

F) ***Special Use Guidelines.***

1) **Adult Establishments.**

- a) No building, structure, or any portion thereof nor any portion of a lot or parcel or property shall be used for an adult establishment at a location closer than one thousand feet (1000') from any other adult establishment; or closer than one thousand feet (1000') from any residentially zoned property, pre-school, childcare, nursery school, day care, K-12 school, public playground, or church situated within the Town's planning and development regulation jurisdiction.
- b) Plans are required and must show:
  - i) Locations of buildings and signs and the size of the plan;
  - ii) Proposed points of access and egress and patterns of circulation;
  - iii) Layout of parking spaces;
  - iv) Lighting plan inclusive of wattage and illumination; and,
  - v) Landscape plan.

2) **Day Care Centers (Including Kindergarten).**

- a) One parking space shall be provided for each adult attendant and one parking space provided for every six children or fraction thereof.
- b) Section 19 of this Ordinance gives the screening/buffering and fencing guidelines required for this application.
- c) Plans are required and must show:

- i) Location and approximate size of all existing and proposed structures and buildings within the site and on the lots adjacent thereto;
  - ii) Proposed points of access and egress and pattern of circulation;
  - iii) Layout of parking spaces;
  - iv) Location and extent of open play area(s);
  - v) Day care center shall provide one hundred square feet (100 ft<sup>2</sup>) of play area space per pupil.
  - vi) Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet (4') in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot, a solid fence or wall at least six feet (6') high or the maximum applicable fence or wall height limitation for the district or an open fence at least four feet high (4') and a screen planting designed to grow three feet (3') thick and six feet (6') high shall be created. The BOC may at its discretion, require additional screening/buffering and/or fencing elements to be located adjacent to abutting nonresidential land uses.
  - vii) In residential districts, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. unless permitted under the special use permit as issued.
  - viii) Landscape plan.
- 3) Radio or Television Transmitter.
- a) Minimum lot area – at least three acres in area.
  - b) One parking space is required at the site.
  - c) Plans are required and must show:
    - i) Location and approximate size of all existing and proposed structures within the site and within one thousand linear feet in all directions;
    - ii) Proposed points of access and egress;
    - iii) Proposed off-street parking spaces; and,
    - iv) Protective fencing at least six feet (6') high with three stands of barbed wire turned out and ten feet (10') from the perimeter of the antenna base shall be established.
- 4) Telecommunication Tower.
- a) Guy-wire towers shall not be permitted.
  - b) Co-location towers shall be permitted in accordance with the provisions of N.C. Gen. Stat. §160D-935.
  - c) Height of communication towers shall be regulated by the Federal Aviation Administration (FAA).
  - d) Communication towers are prohibited in front yards and shall be in compliance with the Telecommunication Act of 1996.
  - e) Local governments have no ability to prohibit towers on the basis of environmental or health issues according to the Federal Radio Frequency Emission Standards.
  - f) The BOC may deny a permit based upon a tower's influence on property value or aesthetics.
  - g) A minimum lot size of one-half acre per tower shall be met; however, the Telecommunication Tower shall be placed on a lot of sufficient size, and in a position on

- the lot, if the tower falls, no part of it will fall onto adjacent property. Variances of this requirement shall not be allowed.
- h) Landscaping and screening/buffering are required as approved by the Planning Board and according to Section 15 and Section 19 of this Ordinance.
  - i) A six-foot (6') high protective barrier shall be required around the base of the tower. The barrier shall be a masonry wall, chain link fence, solid wood fence, or opaque barrier as described in Section 19 of this Ordinance.
  - j) Setback requirements shall be according to the zoning district in which the tower is located.
  - k) Towers shall be lighted to satisfy the FAA requirements.
  - l) Towers shall be removed within one hundred eighty days following abandonment of such towers.
  - m) Towers shall be removed by the property owner within one hundred eighty days following damage or termination of operation resulting in inoperable towers or towers where the owner of the tower shows no intent to repair said tower. Blown over towers shall also be removed by the owner of such tower under this guideline.
  - n) Any advertising signage is strictly prohibited on towers.
  - o) Towers shall be painted blue or gray if not otherwise required by the FAA.
  - p) The owner must provide adequate insurance coverage for any potential damage caused by or caused to the tower.
  - q) For permitting purposes, site plans are required as defined in Section 18 of this Ordinance and shall show all of the following additional features:
    - i) Identification of intended user of tower.
    - ii) Documentation by registered engineer shows tower has sufficient structural integrity to accommodate more than one user.
    - iii) Statement from owner indicating his intent to allow shared use of the tower and how others will be accommodated.
    - iv) Evidence the property owners of residentially zoned/used property within three hundred feet of the base of the proposed tower would be notified prior to the special use application being heard by the BOC in addition to those parties entitled to receive notice under Section 32(B).
    - v) Documentation which shows towers over a certain height are absolutely necessary for the provision of service (i.e., a tower up to one hundred ninety-six feet (196') cannot provide a reasonable level of service).
  - r) The BOC shall determine if a tower is in harmony with the area and compatible with adjacent properties and may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics. The BOC may disapprove a tower based on the grounds the aesthetic effects are unacceptable and a new site should be proposed. The following factors shall be considered:
    - i) Protection of the view in scenic areas, unique natural features, scenic roadways, historic sites, etc.
    - ii) Prevention of a concentration of towers in one certain area; and,
    - iii) Height, design, placement, and other characteristics could be modified to have a less intrusive visual impact.

- s) In considering an application for a telecommunication tower, the Town shall comply with the standards set forth in N.C. Gen. Stat. §160D-930 through N.C. Gen. Stat. §160D-938.

5) Marina.

The requirements below are for marinas and for proper disposal of sewage from boats:

- a) All slips over thirty feet (30') shall provide a permanent pump-out connection so a hose of not more than thirty feet (30') can reach the mid-point of the slip.
- b) Any vessel with a permanently installed marine sanitation devise shall be located so the holding tank can be pumped-out using a hose not to exceed thirty feet (30').
- c) Mobile pump-out equipment may not be used to meet the requirements of Sections 20(F)(5)(a) and 20(F)(5)(b).
- d) A marina may not charge marina tenants an additional fee to pump-out their holding tanks.
- e) When a T-head of a dock is unoccupied during regular business hours, the marina shall provide public access to the pump-out facility for a nominal fee.

6) Office: Small Business.

Property owners may be granted a special use permit for an Office: Small Business in a residential zoning district if identified as a *Small Business* as defined in Section 4 of this Ordinance.

- a) In addition to application requirements outlined in Section 20(B), special use permit applications must include the following:
  - i) Detailed narrative describing the activities associated with the requested use;
  - ii) Number of employees requested to work on site;
  - iii) Requested business hours of operation;
  - iv) Estimated number of clients served on site per day; and,
  - v) Detailed drawing or photographs, including measurements of signage if requested.
- b) Signage will be reviewed by the BOC at the time of the special use permit and will meet the following standards:
  - i) Not more than one sign is permitted;
  - ii) Sign will not exceed an area of two square feet (2 ft<sup>2</sup>);
  - iii) Colors will be compatible with those of the structure and will not detract from the residential characteristics of the structure;
  - iv) Sign will be affixed flatly against the building; and,
  - v) Directly lighted and/or neon signage is not permitted.
- c) Conditions: The BOC may impose reasonable conditions as it deems necessary for the protection of the public health, general welfare, and public interest regarding:
  - i) Compatibility. The compatibility of the proposal, regarding both use and appearance, with the surrounding neighborhood;
  - ii) Hours of Operation. The frequency and duration of indoor/outdoor activities and the impact of the surrounding area;
  - iii) Noise. The added noise level created by activities associated with the request;
  - iv) Parking. The request will not generate a need for additional parking; and,
  - v) Appearance. The general appearance will not be adversely affected by the location of the proposed use on the property.

7) Accessory Mobile Vending Space

A space for mobile vending is allowed as an accessory use to an existing principle use in certain zoning districts pursuant to a special use permit.

- a. In addition to application requirements outlined in Section 20.B, special use permit applications must include the following:
  - i. Written permission of the subject property owner
  - ii. Site map showing dimensions of space proposed to be used with setbacks to property lines and other buildings within 50 feet
  - iii. Detailed narrative regarding compliance with each site requirement listed in Section 20.F.7.b.
- b. Sites for Accessory Mobile Vending Spaces must provide the following:
  - i. Sufficient size for the mobile vending vehicle (truck, trailer, cart, stand, or otherwise) which does not utilize parking spaces or drive aisles required by this Ordinance to operate the principle use on site
  - ii. Sufficient space for waiting, queuing, and circulation of patrons which does not block vehicular or pedestrian traffic on or adjacent to the site
  - iii. Trash/recycling disposal facilities
- c. Accessory Mobile Vending Spaces shall not:
  - i. Utilize audio amplification devices like radios, microphones, or bullhorns
  - ii. Utilize town trash/recycling receptacles
  - iii. Allow for operation of mobile vendors when the principal use is not in operation
  - iv. Be located on Town-owned property or within a public right of way
  - v. Operate in violation of any applicable local, state or federal law, standard, or regulation, including but not limited to those promulgated or enforced by the town police and fire departments, county health department and N.C. Department of Revenue.



**Town of Beaufort, NC**

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252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners  
Work Session**

**4:00 PM Monday, September 22, 2024**

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**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Godette Hotel (400 Pollock) Encroachment Agreement

**BRIEF SUMMARY:**

Town Attorney, Arey Grady, will update the Board on the status of the encroachment agreement with property owners at 400 Pollock Street. This topic was last discussed at the Board's August 11, 2025, Regular Meeting, with anticipation the Town would receive an acceptable construction timeline from the owner by 5:00 pm on September 15, 2025.

**SUBMITTED BY:**

Elizabeth Lewis, Assistant Town Manager

**BUDGET AMENDMENT REQUIRED:**

N/A



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**Board of Commissioners  
Work Session  
4:00 PM Monday, September 22, 2024**

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**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Cedar Street Business Corridor Proposal

**BRIEF SUMMARY:**

Commissioner Cooper has requested that the Board engage in a discussion regarding the potential designation of Cedar Street as a business corridor. Commissioner Cooper will facilitate this conversation by outlining the rationale behind the proposal and presenting preliminary ideas for the Board’s consideration.

**SUBMITTED BY:**

Elizabeth Lewis, Assistant Town Manager

**BUDGET AMENDMENT REQUIRED:**

N/A