



## **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](http://www.beaufortnc.org)

### **Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, May 15, 2023 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting**

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#### **Call to Order**

#### **Roll Call**

#### **Agenda Approval**

#### **Minutes Approval**

- [1.](#) PB Draft Minutes 3.20.23

#### **Public Comment**

#### **Public Hearing**

- [1.](#) To recommend approval or denial to the Board of Commissioners for the rezoning of two parcels off Professional Park Drive from R-20 & B-1 to TCA.

#### **New Business**

- [1.](#) Case #23-03 Special Use Permit for an Accessory Dwelling Unit at 308 Moore Street

#### **Commission / Board Comments**

#### **Staff Comments**

#### **Adjourn**



**Town of Beaufort, NC**

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

**Town of Beaufort Planning Board Regular Meeting  
6:00 PM Monday, March 20, 2023 - Train Depot, 614 Broad Street, Beaufort, NC 28516  
Minutes**

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**Call to Order**

Chair Ralph Merrill called the meeting to order at 6:03 p.m.

**Roll Call**

Elizabeth Lewis called the roll.

Members Present at the time of roll call: Becky Bowler, Ralph Merrill, John LoPiccolo and Jeff Vreugdenhil

Aaron Willis joined the meeting late.

Members Absent: Diane Meelheim and George Stanziale

Staff Present: Planning Director Kyle Garner, Town Attorney Arey Grady, Town Clerk Elizabeth Lewis and Town Manager Todd Clark

**Agenda Approval**

Chair Merrill asked if there were any changes to the agenda.

*Becky Bowler made a motion to move the public comment section after staff and the applicant's presentations and before the board votes. This would be noted after "new business" on the agenda.*

*Jeff Vreugdenhil seconded the motion. The motion passed unanimously.*

**Minutes Approval**

- 1. PB Draft Minutes 2.20.23

*Jeff Vreugdenhil made a motion to approve the minutes.*

*Becky Bowler seconded the motion. The motion passed unanimously.*

**Public Comment**

**New Business**

1. *To recommend approval or denial of a Staff proposed zoning text amendment creating an Affordable Housing District.*

Planning Director Kyle Garner explained that staff was asked at the February meeting to define ranges of affordability, provide information on the need for housing in Beaufort, and to verify the number of parking spaces that are in the area being considered. Updated information is included in the agenda packet and highlighted in yellow. The packet also includes a housing report from Carteret County and results from a staff parking assessment.

Garner stated that tonight we are only talking about the text amendment.

The applicant was asked to speak. Speakers representing Beaufort Housing Authority (BHA) included Dick DeButts (Chairman of BHA), Jamie Norment (lawyer), Rachel Carroll (Executive Director at BHA), and Reggie Barner (BHA consultants). Chris Fleming spoke on behalf of WinnDevelopment.

Norment addressed questions about what is the Housing Authority, what is affordable housing and how does this all fit into the future of Beaufort. He spoke about the creation of the Housing Authority. He stated the Housing Authority's only purpose is affordable housing.

Norment said that the Housing Authority is its own legal entity and does not function like a department of the town; the commissioners on the BHA board are appointed by the Mayor. The BHA is governed by HUD regulations. He explained that HUD will not spend Federal money to rebuild or build new public housing projects, but that they will use money to leverage private development and that is what the affordable housing district is about.

Winn Development was procured by BHA following all HUD regulations. Norment said it is a collaborative process and that there are not plans in place and that it is important to have appropriate options for redevelopment. He said currently duplexes are not permitted in the district, only multifamily which are 3 or more units. BHA is requesting the zoning text amendment change in order to have duplexes as an option.

Carroll explained HUD's annual income limits, discussed the high demand for rental housing in Carteret County to include workforce and senior housing and talked about the anticipated impacts on the area as a result of the addition of the I-42 highway project. Carroll reviewed the results of BHA's local market survey. She explained that they are limited on who they can help because of their current restrictions.

Barner explained the Rental Assistance Demonstration Program, RAD: HUD has identified it has a backlog of 50-70 years of deferred maintenance and no funding available from the Federal government. RAD is a volunteer program for housing authorities to enter a public-private partnership. HUD gave the money to buy the land and build the existing units but no longer has the money to keep them up. Under the RAD program, BHA will continue to own the land with a 99 year lease with the development partner. The private partner leverages the financial aspects. The 100 current tenants in public housing would be provided with tenant protection vouchers. This transfers how assistance is provided. The tenant uses the voucher to reside in the new development. The 100 would transfer to the new development and thus the project would not actually be creating more public housing but enabling the Housing Authority to offer more options to those who do not currently meet the income threshold and create workforce housing.

Merrill asked who would set the rent prices and if the Housing Authority is involved.

Norment explained rent would be set based on the type of program they have and HUD regulations. He said BHA would have to follow all town processes and procedures.

Bowler asked about section 8 vouchers and how many private landlords in Beaufort have accepted them. Her concern was where would the 100 current tenants go.

Barner stated that the tenants would not be dislocated and would remain in their current units until a new unit was ready for them.

Merrill asked the BHA how the existing zoning is inadequate to do what they are proposing.

Chris Fleming, Senior Project Manager, stated the language change is to target affordable housing and not only market rate housing development. The request would increase flexibility on various parcels.

Bowler asked of the 400 units would the 300 additional units all be rental units or if there would be an option for subsidized mortgage units.

Fleming discussed this was a concept that has been used effectively in other areas. The BHA would have control over that decision to create affordable home ownership.

LoPiccolo said we need to address the 40 ft height limit and need some type of agreement not to allow the applicant to go over 35 ft. in the downtown area.

Fleming said they are not going over 35 ft downtown, while 40 ft is important in the non-downtown areas because of the water table in order to get a third floor, it is not needed on the small parcels downtown.

Bowler asked how is this being funded and how it would effect citizens and asked specifically if BHA would look for a municipal bond.

The applicant said that is extremely unlikely and went over funding options available.

Vreugdenhil asked about open space requirements.

Merrill followed up with concerns about open space and asked where are the kids going to play. Zero open space is extreme when you are talking about adding 800 people.

Fleming responded and explained that going up to 3 stories doesn't affect the land that you are using. But we need to do a design and we will have development plans with open space, recreation areas and walking paths, it is whatever number of units fits well with the site. We are here to work with the community, this is a cooperative project.

**Public Comment**

Chair Merrill opened public comment and asked if anyone would like to speak.

**Robert Harper**, 1020 Broad Street, expressed concerns about the creation of a zone and the impacts it will have on the Town. Harper asked questions about who suggested the text amendment and expressed a concern for transparency. He shared concerns about the new zone and spot zoning along with NC laws. Urged the board to postpone making a decision until they have more information.

**RJ Lytle**, P.O. Box 124/240 Arrington Rd., a former teacher, principal and assistant superintendent, expressed concerns about the impact of this project with 400 units with 2-5 bedrooms per unit and an average of 2 children per unit. What is the impact on the school system going to be? Explained there will be a need for more teachers and funding for salaries and all staff involved in the operations of a school. He explained his concerns for the school include space needs in the school, extra buses, school supplies, computers etc. I believe this should not be approved.

**Bobbie Rouse**, 503 Goldeneye Court, said there are more than 300 families on a wait list in all of Carteret County. Are we taking all of them? Will other developers ask for the same thing? That many people in that small of space and crime will increase. Increased crime will decrease tourism. Expenses will fall on the taxpayers of Beaufort and I don't think that is right. Government is supposed to protect the citizens and their property and I don't think this is in any way protecting the citizens and property.

**Peter Grills**, 306 Pollock Street, general manager of Beaufort Hotel and on the board of the county TDA, discussed staffing needs. Running at 20% below what they should be at a staffing level because there are not workers to come to work. Most of my employees live in Newport, Havelock and even several from New Bern. There is a great need in this community for affordable housing and the need will only get greater.

**Heather Walker**, 1013 Cedar Street, said we are facing a housing affordability crisis. It seems that BHA has just given up and is transferring control of public interest property into the hands of a private company. Developers like this are in the poverty industry. She expressed concerns about the expiration of the 15-year obligation stating it could be a violation of fair housing laws by encouraging the practice of red lining. I ask that you deny this request and require the BHA to submit plans that conform with the existing zoning ordinances or to reconsider the entire project and solicit more community involvement in the planning, development and maintenance plans for this project.

**Jennifer Styron**, 350 Hwy 101, discussed the number of HUD units in Carteret County. Great need for affordability in housing. My own rent went from \$800 to \$1,200 and now \$2,400. If we build anything it needs to be for the workforce of Carteret County. We don't need people coming in from outside thinking they can come and live in our beautiful area when residents like myself that have been here for 42 years wouldn't be able to get because I make a little more to meet low income housing but not enough to buy a house because business owners, not just here, are selfish and don't want to pay their employees a decent wage. 300 units used as affordable housing or for lease at market value. I think we need more clarification on that. We need places for firefighters, police, teachers etc. Rent increase has been astronomical.

**Lynn Carraway**, 114 Pollock Street, said she grew up in Beaufort and left as soon as she could, but came back. Family history is here. Not against additional housing. Grandmother lived in the unit on the corner when it was new. My first home was a farm home loan. Concerned about the unclearness. The information tonight clarified some things but I heard a different number that we do need 400. It deserves a closer look. My question is if we need that housing now, why is advertising in NY and DC saying sign up for new housing in Beaufort.

**Charlie Deaton**, 711 Broad Street, thanked the Board for allowing public comment after the presentations. He said he has experienced living in Beaufort and being kicked out so the place could be turned into an Airbnb. He spoke on points from the last meeting including the units fitting into the neighborhood. As far as the units on Broad Street, I have been a neighbor for the last 7 years and it is a good fit. As far as flooding on Turner Street, that area is noted for high water levels and that is a valid concern. If this site is not used for affordable housing, we shouldn't use it for anything. If build on it, the board might want to consider requiring design standards/development standards to include increased resiliency features.

**Logan Louis**, 900 Cedar Street, said he is an advocate for affordable housing. What we are talking about tonight is one little thing and not what most everyone is talking about. We are talking about a text amendment to create a new zone. We don't need a new zone...listed examples of projects being built that meet current zoning....text amendment 16 units per acre, we don't have anything like that, we don't need that. Why put up a 40ft building...we don't need a 40 ft text amendment or 16 units per acre. The path to middle class is homeownership and you don't even have zoning for single family homes in this new zone. We don't need a zone like that for affordable housing. We have existing zoning.... Do a PUD and then everything is included...we don't need this.

Public Comment was closed.

*Bowler made a motion to give the applicant an opportunity to speak again.*

*LoPiccolo seconded the motion. The motion passed unanimously.*

Carroll wanted to correct some fair housing mistakes. We cannot discriminate for place of origin. We have to accept anybody and everybody as long as they qualify.

DeButts reiterated that the BHA is not going away but rather becoming a general partner with the developer. He said the developer is under contractual obligation; we share in the profits and we reinvest those dollars in the market. He said BHA is responsible for oversight of the project and we have to meet all of the Town's ordinances, environmental etc....We don't know exactly how many we can build as we are very early in this process.

Chair Merrill asked what is the necessity for the text amendment?

DeButts answered stating BHA would like to see somewhere around 400 units and this text amendment is a result of that.

Merrill asked how 400 was selected.

DeButts answered what we are trying to do is to build in units on the higher end; Two different categories on the higher end: workforce housing for incomes between 25-51,000 that will be 40% of the additional housing and 60% will fall into the higher workforce AMI range of up to \$102,000.

Becky Bowler asked why is this zone needed?

Norment explained it allows 40 ft height except in the historic district as well as it would make all housing authority property have the same zoning, same rules, same consistency which will be beneficial in making the development of the property easier to manage and assists in HUD financing.

Vreugdenhil asked how often will the BHA evaluate progress.

Norment said it would take 8-10 years to build out and will be a collaborative effort; BHA has authority throughout the whole process.

Chair Merrill directed the Board to have discussion.

Merrill said he felt the requirement for open space was missing, the 40ft vs. 35 ft. height was an issue and the requirement for 1.5 parking spaces per unit is inadequate.

John LoPiccolo said he is also concerned about open space and the impact to the area. He also expressed concern about the 40 ft height and not doing spot zoning.

Becky Bowler said she is a big proponent of affordable housing, but it must include things more than just shelter to include living wage jobs, healthcare, schools...she said she is not against it but that it is essential that more due diligence be done so there aren't any unintended consequences.

Jeff Vreugdenhil said the statues are to protect the property value of the general public and that he has pause over allowing 16-units per acre with a blanket permit over 7 different tracts and once this amendment is made it is out of our control.

Willis said he has hesitation on giving the text amendment when the rationale is that is what is necessary to get the funding.

Merrill said a few other things that haven't been brought up include the impact on sewer allocation and capacity in the future.

LoPiccolo expressed concern that there is no tax base to this so there is no tax base for that (sewer) or for the school systems.

Merrill explained that one approach is to make recommendations to what has been presented or to not make any changes and recommend approval just as it is. He said, another approach would be to make some changes like reducing density, parking spaces and height limitation. Those are the three big changes that we can recommend. There is a requirement in here that whatever is proposed must come in front of the Planning Board which elsewhere in our LDO it is only buildings above 5,000 sq. ft.

LoPiccolo expressed he didn't feel he had enough information and couldn't make a recommendation to approve it in its current stage.

Bowler agreed with LoPiccolo.

*Merrill made a motion to recommend approval of the proposed zoning text amendment to create a new district, with the following changes:*

- *Section 2- Change maximum density to 12 units per acre.*
- *Section 4- Add duplexes to the permitted uses.*
- *Section 6- Change the number of parking spaces required, making it two spaces per unit.*
- *Building height changed to 35 feet on tables 8.8 and 8.9.*
- *Add Section 8- Open Space Requirement consistent with a PUD, a minimum of 12%.*
- *Include BHA request on rezoning language- In section 1, "workforce and mixed income affordable housing projects" instead of "public housing projects."*

*John LoPiccolo seconded the motion.*

*Ms. Lewis called the roll for a vote.*

*Voting Yea: Jeff Vreugdenhil, John LoPiccolo, Ralph Merrill*

*Voting Nay: Becky Bowler, Aaron Willis*

*The motion carried with a 3-2 vote.*

**Commission / Board Comments**

**Aaron Willis:** Think it's a step in the right direction. We shall see what happens with the Board of Commissioners. Good conversation.

**Ralph Merrill:** I agree with Becky, it seems rushed. I have mixed feelings about it. The housing authority isn't probably totally happy with our vote. I think we need to look out for the Town and feel like we tried to do that.

**John LoPiccolo:** There is definitely a need for affordable housing in town. We have had other developers work on that and Beaufort has become in some ways the only place in the county for affordable housing as other communities haven't done anything...Concerned about consequences and rushing this through.

**Becky Bowler:** This board is just an advisory board and the decision rests with the Board of Commissioners (BOC) and I hope the BOC will take time to dig into this....and ensure that we get this right as this will have an impact on Beaufort for years to come....we elect the BOC to represent all of us and this is in their camp now.

**Jeff Vreugdenhil:** Thanks to the staff for an excellent job.

**Staff Comments:** Inaudible.

**Adjourn**

*Jeff Vreugdenhil made a motion to adjourn the meeting at 8:30 p.m.*

*Becky Bowler seconded the motion. The motion carried unanimously.*

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Ralph Merrill, Chair

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Laurel Anderson, Board Secretary

*\*\*\*Minutes prepared by Deputy Clerk Rachel Johnson\*\*\*\*\**





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**Beaufort Planning Board Regular Meeting  
6:00 PM Monday, May 15, 2023 – 614 Broad Street- Train Depot**

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**AGENDA CATEGORY:** Public Hearing

**SUBJECT:** To recommend approval or denial to the Board of Commissioners for the rezoning of two parcels off Professional Park Drive from R-20 & B-1 to TCA.

**BRIEF SUMMARY:**

The applicant wishes to rezone two properties on Professional Park Drive, one of which is currently zoned B-1 and contains 2.43 acres and the other zoned R-20 contains 2.05 Acres totaling 4.48 acres to TCA.

**REQUESTED ACTION:**

Conduct Public Hearing  
Recommendation on Proposed Rezoning

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A



# Staff Report

**To:** Planning Board  
**From:** Kyle Garner, AICP

**Date:** 5/5/2023  
**Meeting Date:** 5/15/2023

## Case Number 22-14

### Summary of Request:

Rezone two properties on Professional Park Drive one of which is currently zoned B-1 and contains 2.43 acres and the other zoned R-20 contains 2.05 Acres totaling 4.48 acres to TCA

### Background

#### Location(s) & PIN

(730612765951000 – B-1) & (730611762614000 – R-20)

#### Owners Applicant

Mercer Building & Design, Gary & Judy Mercer

#### Current Zoning

B-1 & R-20

#### Lot(s) Size & Conformity Status

Conforming

#### Existing Land Use

B-1 property – Landscape Business – Another parcel is vacant

#### Adjoining Land Use & Zoning

**North** Proposed Single Family zoned – RS-5  
**South** Beaufort Middle School zoned – R-20  
**East** Single Family zoned – RS-5 & Eastport Apartments zoned TCA  
**West** Across US 70 by undeveloped commercial zoned property

#### Special Flood Hazard Area

Yes     No

#### Public Utilities

Water

Available     Not Available

Sewer

Available     Not Available

#### Additional Information

See Staff Comments

#### Requested Action

Conduct Public Hearing for Discussion.  
Provide recommendation to the Board of Commissioners to:

- Approve the request;
- Deny the request; or
- Recommend more restrictive zoning district

**Staff Comments**

Based on the combined acreage of 4.48 a total of 54 multi-family units would be allowed per TCA density.

**CAMA Core Land Use Plan – Future Land Use Classifications**

**Current:**

**Low Density Residential (corresponding to zone R-20)**

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

**Commercial Classifications (B-1)**

**General Commercial.** The General Commercial classification encompasses approximately 0.24 square miles (154 acres) or about 3.3 percent of the planning jurisdiction. The properties classified as General Commercial are located along the Town’s major road corridor, US Highway 70.

The General Commercial classification is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business services, and personal services. Areas classified as General Commercial may also include some heavy commercial uses as well as intensive public and institutional land uses. Minimum lot sizes typically range from 5,000 to 8,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Maximum floor area ratios (the total building floor area divided by the total lot area) range from 0.57 to 0.83. Land uses within General Commercial-designated areas are generally compatible with the B-1, General Business; B-W, Business Waterfront; and the TR, Transitional Zoning Districts. Public water service is needed to support the land uses characteristic of this classification. Public sewer service is needed to support the most intensive commercial uses. Streets with the capacity to accommodate higher traffic volumes are necessary to support commercial development. (*Core Land Use Plan*, Section IV: Plan for the Future, pg. 92)

**Proposed:**

**High Density Residential Classification.** The High-Density Residential classification encompasses approximately 0.05 square miles (32.6 acres) or about 0.7 percent of the total planning jurisdiction. The properties classified as High Density Residential are located in the northeastern portion of the Town’s planning jurisdiction along the US Highway 70 North corridor. The High-Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily developments. The residential density within this classification is generally 6 to 16 dwelling units per acre. The minimum lot size is 2,750 square feet. per unit unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within High Density Residential designated areas are generally compatible

with the RMF, Multi-Family High Density Residential and the R-5, Residential Cluster zoning classifications. Public water and sewer service is required to support the residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support High Density Residential development. The Town’s goals and policies support the use of land in High Density-classified areas for single-family and multifamily dwellings where adequate public utilities and streets are available or can be upgraded to support the higher residential densities encouraged in this classification. The higher density residential developments anticipated to occur during the planning period are encouraged within the High Density-classified areas.

**Additional Information**

The requested TCA **Standards – Multi-family**

Minimum Lot Size	2,750 Square Feet	Setbacks
Minimum Lot Width	80 Feet	Front 25 Feet
Maximum Building Height	35 Feet	Rear 25 Feet
*Covenants are also required at the Site Plan approval stage.		Side 8 Feet

Maximum Density is twelve units per acre.

**Attachments:**

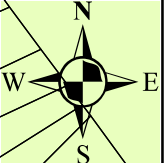
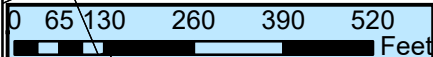
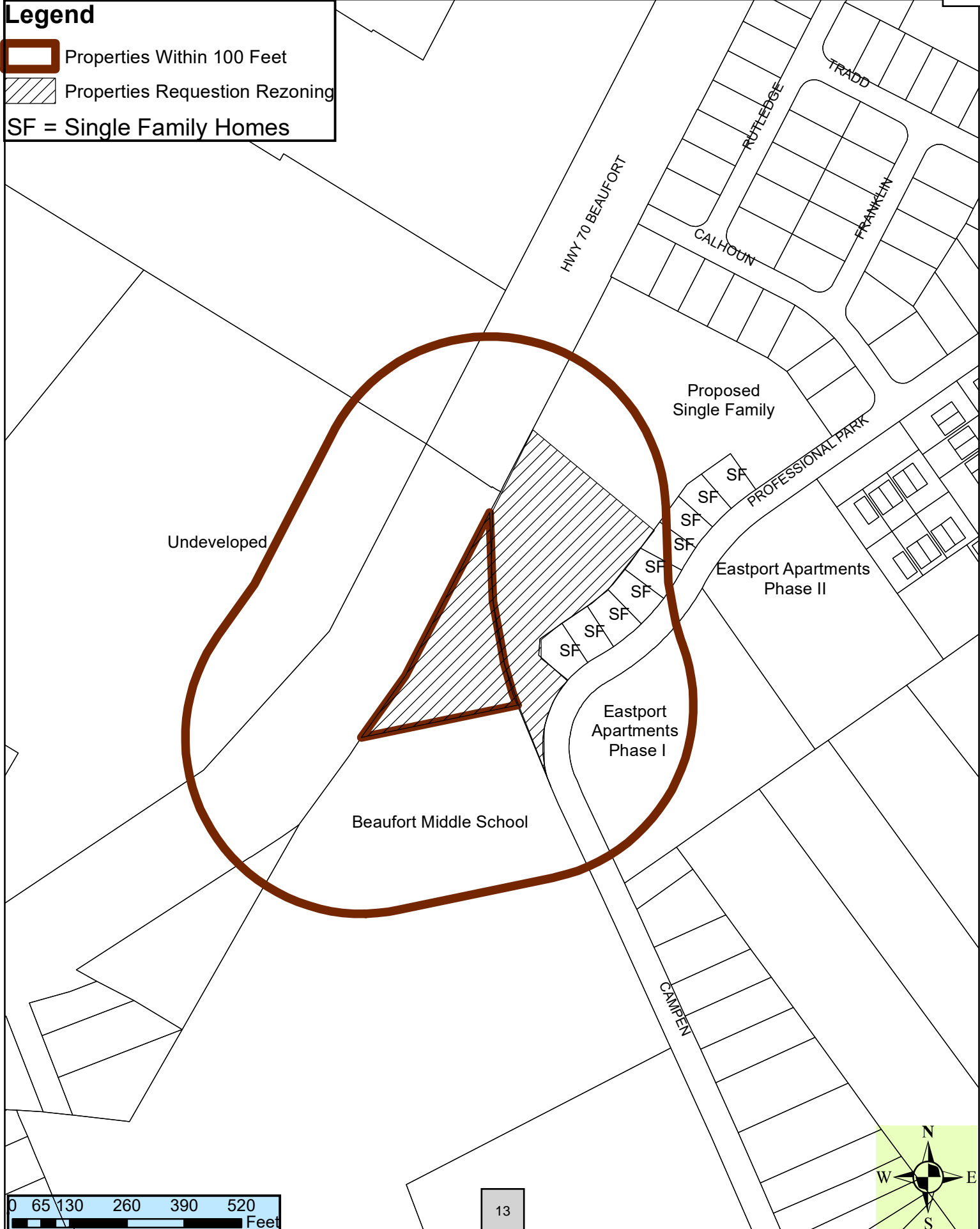
- Attachment B - Vicinity Map
- Attachment C - Zoning Map
- Attachment D - CAMA Map
- Attachment E - Owners Within 100 Feet
- Attachment F - Application 2.43 Acre Rezoning Package
- Attachment G - Application 2.05 Acre Rezoning Package
- Attachment H - CAMA Consistency Statement
- Attachment I - LDO Sections (R20, B1 &TCA)

# Vicinity Map - Case # 23-04 Professional Park Drive Rezoning from R-20 & B-1 to TCA

**Legend**

-  Properties Within 100 Feet
-  Properties Requestion Rezoning








SF = Single Family Homes

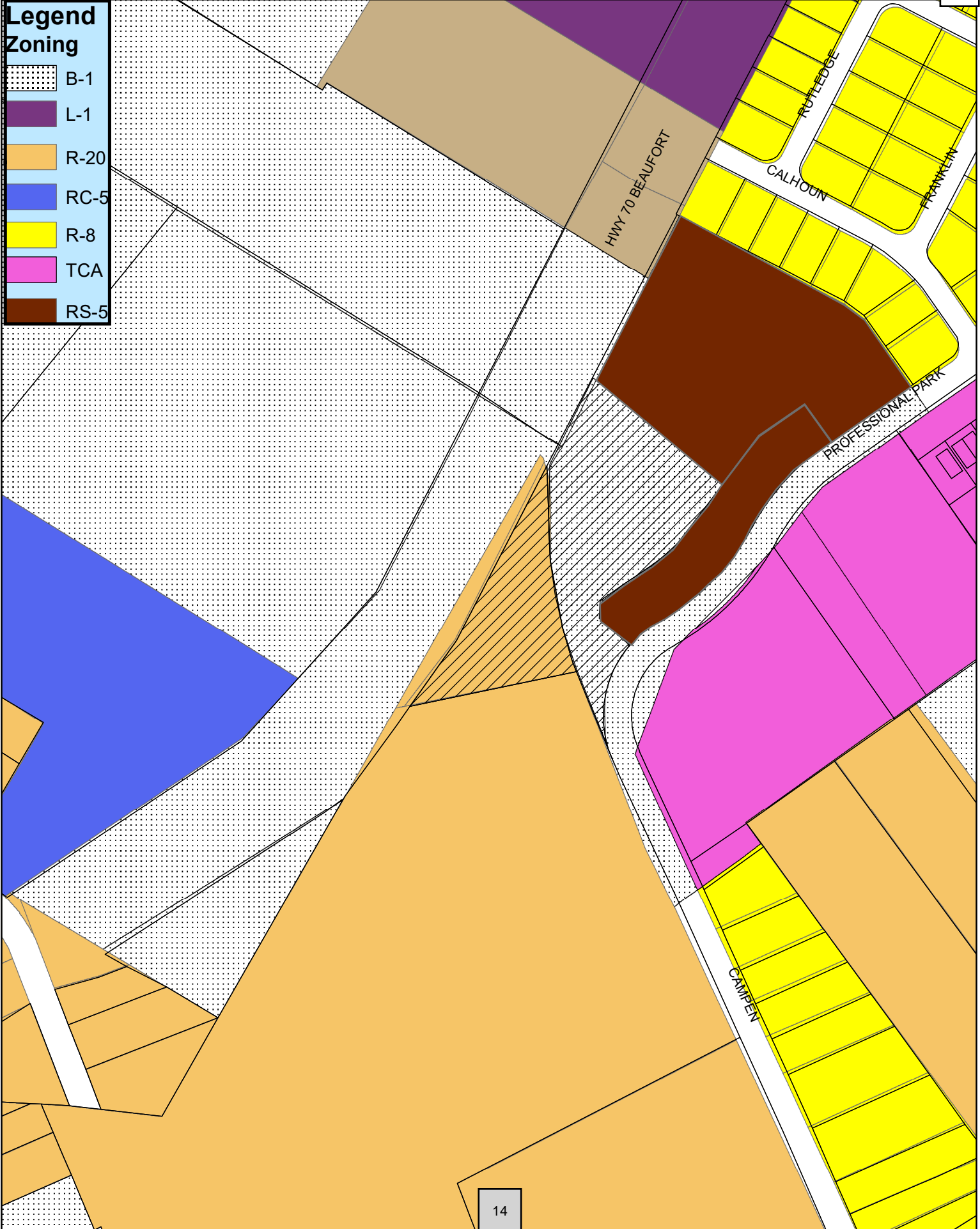


# Zoning Map - Case # 23-04 Professional Park Drive Rezoning from R-20 & B-1 to TCA

1.

**Legend**  
**Zoning**

	B-1
	L-1
	R-20
	RC-5
	R-8
	TCA
	RS-5



14

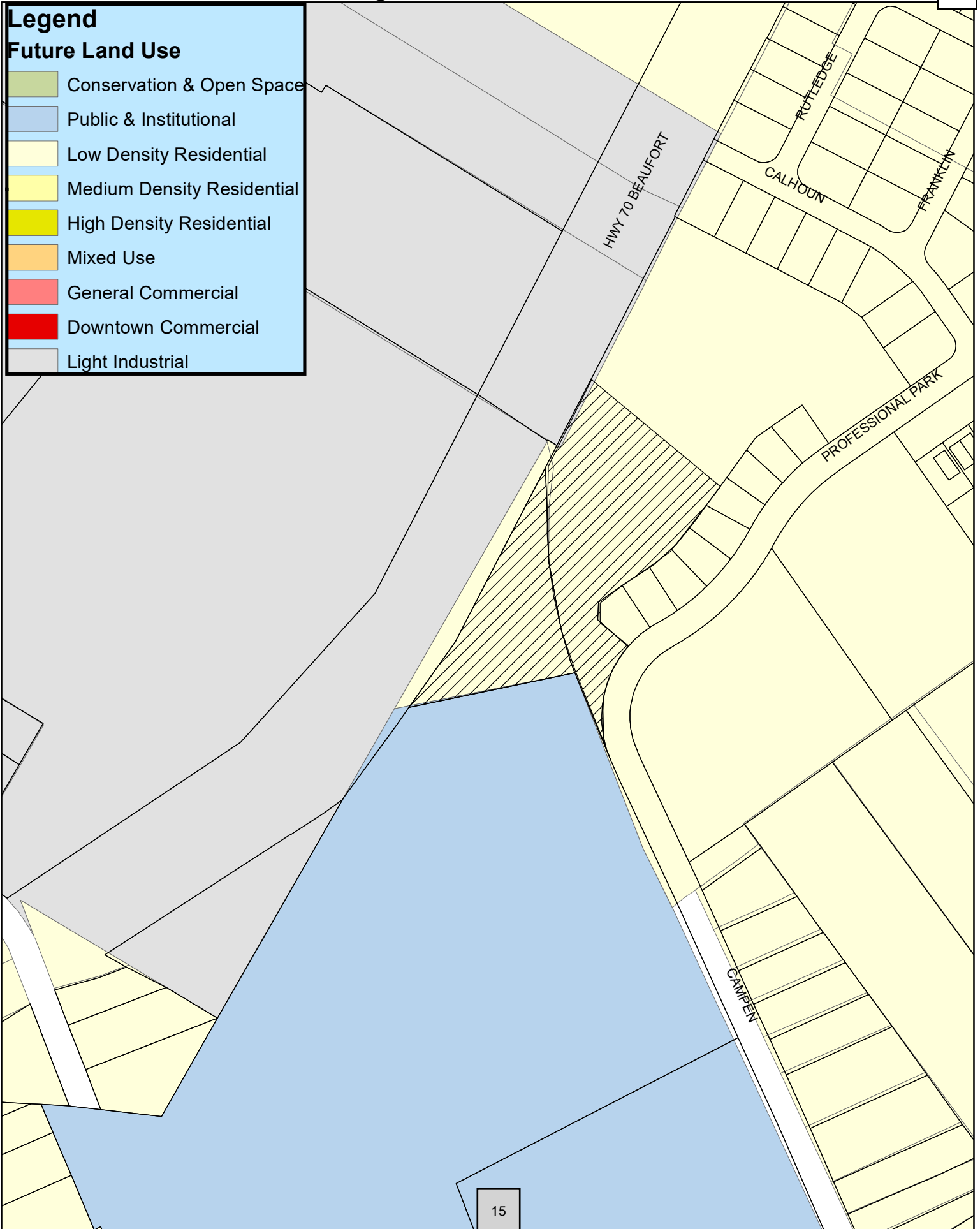
# CAMA Map - Case # 23-04 Professional Park Drive Rezoning from R-20 & B-1 to TCA

1.

## Legend

### Future Land Use

- Conservation & Open Space
- Public & Institutional
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- General Commercial
- Downtown Commercial
- Light Industrial



15

<u>OWNER</u>	<u>MAIL_HOUSE</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>MAIL_STATE</u>	<u>MAIL_ZIP</u>	<u>MAIL_ADD2</u>
CHADWICK,RICHARD III ETUX	642	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
COUNTY OF CARTERET	302	COURTHOUSE SQUARE	BEAUFORT	NC	28516	SUITE 200
DAUGHERTY,JESSE S ETUX SHELIA	634	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
DAVIS,ROBIN BEACHAM	650	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
EASTPORT AT THE PARK LLC			BEAUFORT	NC	28516	PO BOX 2400
FESMIRE-KENNEDY,TERRI MICHELE	646	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
MCCALL,CAMDEN	630	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
MERCER BUILDING & DESIGN INC	106D	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
MERCER,GARY A ETUX JUDITH S	106D	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
PETTIT,DAWN	638	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	
R & L OF BEAUFORT LLC	7706	SIX FORKS ROAD	RALEIGH	NC	27615	
TAYLOR-SCHUELE,ARDIS CAREN	626	PROFESSIONAL PARK DR	BEAUFORT	NC	28516	





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

**Instructions:**

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

**APPLICANT INFORMATION**

Applicant Name: Mercer Building & Design Inc  
Applicant Address: 106D Professional Park Drive  
Phone Number: (252) 728-6636 Email: judy@mercerrealtyinc.com

Property Owner Name: same  
Address of Property Owner: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION**

Property Address: N/A  
15-Digit PIN: 730612765951000 Lot/Block Number: \_\_\_\_\_  
Size of Property (in square feet or acres): 2.43 acres  
Current Zoning: B-1 Requested Zoning: TCA  
Current Use of Property: Residential Vacant Commercial Other: Maintenance yard

Applicant Signature  
*Ronald D. Culley, agent*  
Property Owner Signature (if different than applicant)

Date of Applicant's Signature  
4/24/23  
Date of Owner's Signature

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

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

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

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

1. A statement as to whether or not the proposed zoning amendment is consistent with the Beaufort Land Use Plan.
2. A statement as to how the zoning amendment will promote the public health, safety or general welfare of the Town of Beaufort.
3. Proof of ownership (For example: a copy of the deed or city tax statement).  
  
If a property is owned by more than one individual or if multiple properties under different ownership are applying under one request, attach a statement and signatures indicating that all owners have given consent to request the zoning change.
4. An area map of property to scale which includes:
  - North Arrow;
  - All Property lines and accurate property line dimensions;
  - Adjacent streets and names;
  - Location of all easements;
  - Location of all structures;
  - Zoning classifications of all abutting properties.
5. Please submit one digital/electronic copy of any drawings or plans associated with the amendment. At least one paper copy of the drawings or plans should also be submitted.
6. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requested to be rezoned (notification of adjacent property owners by the Town is required by North Carolina law).

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

The Town’s website is [www.beaufortnc.org](http://www.beaufortnc.org).

**OFFICE USE ONLY**

Revised 08/2020

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

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

Date Deemed Complete and Accepted: \_\_\_\_\_

2.43 ACRE TRACT  
NCPIN 730612765951000  
Mercer Building & Design

**Owner List within 100 Feet**

**Mercer Building & Design Inc**  
106 D Professional Park Dr  
Beaufort, NC 28516

**NCDOT – Dwayne Smith**  
209 S Glenburnie Rd  
New Bern, NC 28560

**Davis, Robin Beacham**  
650 Professional Park Dr  
Beaufort, NC 28516

**Mercer, Gary A etux Judith S**  
106 D Professional Park Dr  
Beaufort, NC 28516

**Fesmire-Kennedy, Terri Michele**  
646 Professional Park Dr  
Beaufort, NC 28516

**Chadwick, Richard III**  
642 Professional Park Dr  
Beaufort, NC 28516

**Pettit, Dawn**  
638 Professional Park Dr  
Beaufort, NC 28516

**Daugherty, Jesse S etux Shelia**  
634 Professional Park Dr  
Beaufort, NC 28516

**McCall, Camden**  
630 Professional Park Dr  
Beaufort, NC 28516

**White, Dennis D etux Susanne J**  
626 Professional Park Dr  
Beaufort, NC 28516

**County of Carteret**  
302 Courthouse Square, Suite 200  
Beaufort, NC 28516



**THE CULLIPHER GROUP, P.A.**  
**ENGINEERING & SURVEYING SERVICES**

REZONING REQUEST  
B1 TO TCA  
2.43 ACRES PIN 730612765951000

APPLICANT  
MERCER BUILDING AND DESIGN INC  
106C PROFESSIONAL PARK DR  
BEAUFORT, NC 28516

CONSULTANT  
THE CULLIPHER GROUP, PA  
151A HWY 24  
MOREHEAD CITY, NC 28557

- I. THE 2006 FUTURE LAND USE MAP HAS IDENTIFIED THIS AREA AS LOW-DENSITY RESIDENTIAL AREAS WITH TARGET DENSITIES OF LESS THAN TWO UNITS PER ACRE. WITH THE TCA ZONING HIGHER DENSITIES ARE POSSIBLE ONCE THE PROPERTY IS SERVED BY PUBLIC WATER AND SEWER. A CHANGE IN THE LAND USE PLAN WOULD BE REQUIRED.
- II. THIS ZONING AMENDMENT IF APPROVED WOULD PROVIDE FOR ADDITIONAL HOUSING OPPORTUNITIES THAT ARE NOT AVAILABLE WITH IT'S CURRENT ZONING. THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE WOULD BE IMPROVED IF REZONED SINCE THE BUSINESS OPPORTUNITIES WOULD BE REMOVED ELIMINATING MANY OF THE ASPECTS ASSOCIATED WITH BUSINESS USES AND KEEP THE SETTING SIMILAR TO OTHER COMMUNITIES IN THE NEIGHBORHOOD.

① #3000

NORTH CAROLINA, CARTERET COUNTY  
The foregoing certificate(s) of Melanie Arthur  
is (are) certified to be correct. This instrument was pre-  
sented for registration and recorded in this office in  
Book 843 Page 362 at 4:46 P  
This 7 day of December 1998 M  
Melanie Arthur  
Register of Deeds

12/17/98  
\$3000.00  
STATE OF NORTH CAROLINA  
Real Estate Excise Tax  
Excise Tax \$0.00 3,000<sup>00</sup>

By Nancy Davis  
Assistant/Deputy

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 23060988649  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
by \_\_\_\_\_

Mail after recording to Traditional Farms, LLC, 1301 Lennoxville Road, Beaufort, North Carolina 28516  
This instrument was prepared by RICHARD L. STANLEY, P. O. BOX 150, BEAUFORT, NC 28516  
Brief description for the Index HIGHWAYS 101 AND 70, BEAUFORT TOWNSHIP

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 17<sup>th</sup> day of December, 1998, by and between

GRANTOR  
R. Neal Campen and wife,  
Carrie Campen

GRANTEE  
Traditional Farms, LLC, a  
North Carolina Limited  
Liability Company  
1301 Lennoxville Road  
Beaufort, NC 28516

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

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

see Exhibit A attached hereto;

BOOK 843 PAGE 362  
21

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in

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

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

Title to the property hereinabove described is subject to the following exceptions:  
Easements and Restrictions of record.

1998 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....  
(Corporate Name)

By: .....

..... President

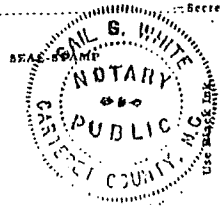
ATTEST: .....

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

*R. Neal Campen* ..... (SEAL)  
R. Neal Campen

*Carrie B. Campen* ..... (SEAL)  
Carrie Campen



NORTH CAROLINA, ..... CARTERET ..... County.

I, a Notary Public of the County and State aforesaid, certify that *R. Neal Campen and wife, Carrie Campen* ..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this *17th* day of *December*, 19*98*.

My commission expires: *2/6-2003* *Neil S. White* Notary Public

SEAL-STAMP NORTH CAROLINA, ..... County.

I, a Notary Public of the County and State aforesaid, certify that ..... Secretary of  
personally came before me this day and acknowledged that ..... he is  
..... a North Carolina corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its  
President, sealed with its corporate seal and attested by ..... as its Secretary.  
Witness my hand and official stamp or seal, this ..... day of ..... 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

..... REGISTER OF DEEDS FOR ..... COUNTY

By: ..... Deputy/Assistant - Register of Deeds

EXHIBIT A to Deed  
Campen to Traditional Farms, LLC

TRACT I:

In or near the Town of Beaufort, Beaufort Township, Carteret County, North Carolina:

Beginning at point on the east line of North Carolina Highway 101 at the Leonard Jarman southwest corner located South 4-36-42 East 114.91 feet from the point of intersection of the centerlines of NC Highway 101 and State Road 1169; running thence along the Leonard Jarman lot South 78-42 East 81.6 feet, South 53-38-32 East 109.07 feet, and North 37-53 East 39.1 feet to the south line of a farm road; thence North 37-25 East 15.0 feet to the centerline of said road; thence South 52-34-32 East 2,296.54 feet to a point; thence South 39-47-08 West 45.39 feet; thence North 54-33 West 16.5 feet; thence South 35-26-08 West 1,379.6 feet to a stone; thence North 54-18-34 West 502.92 feet to the north line of an access road into Calvary Baptist Church; thence continuing with said access road North 45-47-08 West 137.2 feet to the Calvary Baptist Church southeast corner; thence with the Calvary Baptist Church property North 35-54-52 East 239.75 feet, North 53-10-36 West 423.94 feet, and North 36-12-09 East 469.77 feet to a point; thence along Hunnings and Eubanks property North 52-06-12 West 1017.79 feet to North Carolina Highway 101; thence with North Carolina Highway 101 North 0-26-24 West 329.95 feet, North 5-12-09 East 209.67 feet, and North 9-00-03 East 205.86 feet to the point of beginning; and constituting 52.71 acres as shown on a Pittman Surveying Company plat dated July 3, 1997.

TRACT II:

Beginning at a point at the northwest terminus of Campen Road and running thence with the H. T. Carraway property North 19-01-26 West 368.29 feet; thence continuing with the Carraway North 15-4654 West 256.19 feet; thence North 7-43-19 West 83.74 feet; thence North 0-27-16 East 78.69 feet; thence North 3-15-43 East 218.07 feet; thence North 39-47-08 East 45.39 feet; thence along the George Broda property North 33-09-34 East 3536.0 feet to an iron pipe; thence South 27-17-30 East 710.91 feet to an iron pipe; thence South 39-37-47 West 730.0 feet to an iron pipe; thence South 23-00-43 East 1,496.31 feet to an iron pipe at the northeast corner of the Food Lion or Down East Trading Post property; thence along the north line of the Down East Trading Post property South 50-37-15 West 382.07 feet and South 60-42-31 West 2,029.01 feet to an iron pipe; thence South 31-16-52 East 62.5 feet and South 59-46-32 West 217.2 feet to the point of beginning; and constituting 97.15 acres and being shown on a Pittman Surveying Company plat dated July 3, 1997.

TRACT III:

There are further included all drainage easements, farm roads, privileges and easements appurtenant to the above-described properties, to expressly include the following 50 foot easement reserved in the deed from R. Neal Campen to Down East Trading Post

BOOK 843 PAGE 362

as recorded in Book 706, Page 935, Carteret County Registry, said 50 foot easement being described as follows:

Beginning at a point on the west line of U.S. Highway 70 located North 8-24-11 East 128.46 feet from the point of intersection of the north line of Howland Rock Road (State Road 1303) and the east line of U.S. Highway 70; running thence with the south line of the Beaufort Free Will Baptist Church property North 22-13-49 West 1027.78 feet to an existing pipe; thence South 50-37-15 West 52.33 feet to a point; thence South 22-13-49 East 1027.78 feet, more or less, to the west line of U.S. Highway 70; thence North 36-00-11 East 50.0 feet, more or less, to the point of beginning.

The easement conveyed herein is subject to the rights of Down East Trading Post and its successors and assigns, invitees and guests, as to the use of the same for access purposes, as well as the rights of the Town of Beaufort and its successors and assigns, as to the placement, maintenance, and continued use of a portion of said easement for water and sewer lines and equipment, lift stations, and related equipment, which Grantee acknowledges is within easement area.

BOOK 813 PAGE 362





VICINITY MAP: NTS

U.S. HIGHWAY 70  
200' PUBLIC RIGHT OF WAY

OWNER N/F  
MERCER, GARY A  
ETUX JUDITH S  
NCPIN 730611762614000  
ZONE R20

OWNER N/F  
COUNTY OF CARTERET  
NCPIN 730615649861000  
ZONE R20

OWNER N/F  
MERCER BUILDING & DESIGN INC  
NCPIN 730612765951000  
ZONE RS-5

OWNER N/F  
MCCALL, CAMDEN  
NCPIN 730612767986000  
ZONE RS-5

OWNER N/F  
DAUGHERTY, JESSES  
ETUX SHELIA  
NCPIN 730612767951000  
ZONE RS-5

OWNER N/F  
PETTIT, DAWN  
NCPIN 730612767815000  
ZONE RS-5

OWNER N/F  
CHADWICK, RICHARD III  
NCPIN 730612766861000  
ZONE RS-5

OWNER N/F  
FESMIRE-KENNEDY  
TERRI MICHELE  
NCPIN 730612766706000  
ZONE RS-5

OWNER N/F  
DAVIS, ROBIN BEACHAM  
NCPIN 730611765742000  
ZONE RS-5

OWNER N/F  
EASTPORT AT THE PARK LLC  
NCPIN 730612767425000  
ZONE TCA

PROFESSIONAL PARK DRIVE  
60' PUBLIC RIGHT OF WAY

CURVE DATA  
C1  
RADIUS 230.00  
ARC LENGTH 258.90  
CHORD LENGTH 245.44  
CHORD BEARING S08°47'59"W

REFERENCE:  
OWNER N/F: MERCER BUILDING & DESIGN INC  
MB. 33 P. 845  
DB. 843 P. 362  
NCPIN: 730612765951000  
ADDRESS: (N/A)

REVISIONS:			
No.	BY	DATE	DESCRIPTION

REZONING MAP: B1 TO TCA

**2.43 ACRE TRACT**

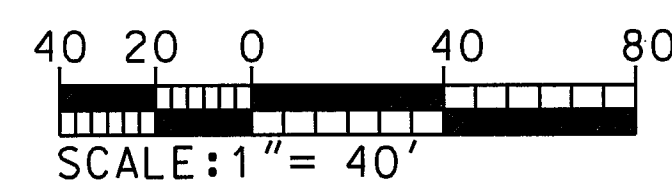
BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: MERCER BUILDING & DESIGN, INC  
ADDRESS: 106C PROFESSIONAL PARK DR  
BEAUFORT, NC 28516  
PHONE: (252) 728-6636

DESIGNED: NA  
DRAWN: LFC  
CHECKED: RDC  
APPROVED: RDC

DATE: 4/24/2023  
SCALE: 1" = 40'

THE CULLIPHER GROUP, P.A.  
ENGINEERING & SURVEYING SERVICES  
151A HIGHWAY 24  
MOREHEAD CITY, N.C. 28557  
(252) 793-0090  
LICENSE NO. C-448P  
RONALD D. CULLIPHER, P.E.





**TOWN OF BEAUFORT  
PLANNING BOARD**

**RZ23-04**

**RESOLUTION ADVISING THAT PROPOSED AMENDMENTS  
TO THE ZONING ORDINANCE AND COMPREHENSIVE FUTURE LAND USE PLAN  
ARE IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS; ARE/ARE  
NOT REASONABLE; AND ARE/ARE NOT IN THE PUBLIC INTEREST.**

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

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

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

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Planning Board finds that the proposed amendments to the Ordinance **are/are not** in accordance with all officially adopted Town plans for the reasons stated in the Staff Report for Rezoning Case 23-04 attached hereto and incorporated herein by reference, and therefore recommends **adoption/denial** by the Board of Commissioners. Specifically the Planning Board finds that the proposed amendments **are/are not** in furtherance of the Town plans, ordinances and regulations; and better clarify all the Ordinance regulations.

This Resolution is effective upon its adoption this 15th day of May 2023.

**TOWN OF BEAUFORT  
PLANNING BOARD**

\_\_\_\_\_  
\_\_\_\_\_, Chairman

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Secretary



## SECTION 7 Residential Zoning Districts

### A) R-20 Residential Single-Family District.

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

1) Minimum Lot Size.

All lots in this district shall be a minimum of twenty thousand square feet (20,000 ft<sup>2</sup>).

2) Minimum Lot Width.

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

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 7-1 Interior Lot Requirements**

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

**Table 7-2 Corner Lot Requirements**

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

**Table 7-3 Double Frontage Lot Requirements**

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

4) Accessory Building Setback Requirements.

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

5) Permitted Uses.

Agritourism  
Antenna Co-Location on Existing  
Tower

Aquaculture  
Assisted Living  
Athletic Field, Public

*Land Development Ordinance for the Town of Beaufort*

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

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

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

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

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

Land Development Ordinance for the Town of Beaufort

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					
<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

Land Development Ordinance for the Town of Beaufort

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>							
Animal Services	Kennel, Indoor Operation Only	S					
	Kennel, Indoor/Outdoor Operation	S					
Assembly	Club, Lodge, or Hall	P		S	S		S
Financial Institutions	Financial Institution						
Food and Beverage Services	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						
Offices	Office: Business, Professional, or Medical						
	Office: Small Business	S					
Public Accommodations	Bed & Breakfast	S		S	S	S	S
	Hotel or Motel						
Indoor Recreation & Entertainment, Privately Owned	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						
	Theater, Small						
	Athletic Field, Private	P	S	S	S		
Outdoor Recreation & Entertainment, Privately Owned	Commercial Outdoor Amphitheater						
	Commercial, Outdoor Recreation Facility						
	Golf Course, Privately-Owned	S	S	S			S
	Golf Driving Range	S	S	S			S
	Motor Vehicle Raceway						
Retail Sales and Services	Adult-Oriented Retail Establishment						
	Convenience Store						
	Mortuaries/Funeral Homes/Crematoriums						
	Liquor Store						
	Personal Service Establishment						
	Retail Store						
Vehicle Storage Facilities	Dry Boat Storage	S					
	Marina	S		S		S	S
	Parking Lot						
	Parking Structure						
Vehicles and Equipment Facilities	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**



*Land Development Ordinance for the Town of Beaufort*

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

The General Business District is established as the 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 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 must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

- Amusement Establishment
- Antenna Co-Location on Existing Tower
- Aquaculture
- Assisted Living
- Athletic Field, Public
- Bed & Breakfast
- Boat Sales/Rentals
- Car Wash
- Club, Lodge, or Hall
- Commercial Indoor Recreation Facility
- Community Garden
- Concealed (Stealth) Antennae & Towers
- Convenience Store
- Day Care Center
- Dock
- Dry Boat Storage
- Financial Institution
- Government/Non-Profit Owned/Operated Facilities & Services
- Hospital
- Hotel or Motel
- Kennel, Indoor Operation Only
- Library
- Liquor Store
- Moped/Golf Cart Sales/Rentals
- Mortuary/Funeral Home/Crematorium
- Motor Vehicle Sales/Rentals
- Museum
- Neighborhood Recreation Center, Public
- Nursing Home
- Office: Business, Professional, or Medical

*Land Development Ordinance for the Town of Beaufort*

Other Building-Mounted Antennae & Towers  
 Outdoor Retail Display/Sales  
 Park, Public  
 Parking Lot  
 Parking Structure  
 Personal Service Establishment  
 Pool Hall or Billiard Hall  
 Produce Stand/Farmers' Market  
 Public Safety Station  
 Public Utility Facility  
 Religious Institution  
 Resource Conservation Area

Restaurant with Drive-Thru Service  
 Restaurant with Indoor Operation  
 Retail Store  
 Satellite Dish Antenna  
 Signs, Commercial Free-Standing  
 Tavern/Bar/Pub with Indoor Operation  
 Temporary Construction Trailer  
 Theater, Small  
 Transportation Facility  
 Utility Minor  
 Vehicle Charging Station  
 Vehicle Service

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

Adult-Oriented Retail Establishment  
 Commercial Outdoor Amphitheater  
 Commercial Outdoor Recreation Facility  
 Commercial Waterfront Facility  
 Gas/Service Station  
 Golf Driving Range  
 Hazardous Material Storage  
 Kennel, Indoor/Outdoor Operation  
 Manufacturing, Light  
 Marina  
 Microbrewery  
 Microdistillery

Mini-Storage  
 Mixed Use  
 Outdoor Amphitheater, Public  
 Outdoor Storage  
 Preschool  
 Restaurant with Outdoor Operation  
 School, K-12  
 School, Post-Secondary  
 Tavern/Bar/Pub with Outdoor Operation  
 Theater, Large  
 Utility Facility  
 Wholesale Establishment

Land Development Ordinance for the Town of Beaufort

Table 9-9 Nonresidential Zoning Districts Table of Uses

Land Development Ordinance Uses		H-BD	H-WBD	B-I	B-W	L-I	L-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

Land Development Ordinance for the Town of Beaufort

Table 9-9 Nonresidential Zoning Districts Table of Uses

Land Development Ordinance Uses		II-BD	II-WBD	B-I	B-W	L-I	L-W
Agricultural	Agritourism						
	Aquaculture		S	P	P	P	P
	Farming, General					P	P
	Forestry						
	Produce Stand/Farmers' Market	S		P	P		
<b>Commercial Uses</b>							
Animal Services	Kennel, Indoor Operation Only			P	P	P	P
	Kennel, Indoor/Outdoor Operation			S	S	P	P
Assembly	Club, Lodge, or Hall	P	P	P	P	P	P
Financial Institutions	Financial Institution	P	P	P	P		
Food and Beverage Services	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
Offices	Office: Business, Professional, or Medical	P	P	P	P	P	P
	Office: Small Business						
Public Accommodations	Bed & Breakfast	P	P	P	P		
	Hotel or Motel	P	S	P	P		
Indoor Recreation & Entertainment, Privately Owned	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
Outdoor Recreation & Entertainment, Privately Owned	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						
Retail Sales and Services	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

Land Development Ordinance for the Town of Beaufort

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

*Land Development Ordinance for the Town of Beaufort*

## SECTION 8 Transitional Zoning Districts

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

This 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**

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

**Table 8-2 Corner Lot Requirements**

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

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

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

5) **Accessory Building Setback Requirements.**

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



Land Development Ordinance for the Town of Beaufort

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 BOC. Condominium development must submit evidence of compliance with the North Carolina Condominium Act.

7) Permitted Uses.

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

8) Special Uses (*Special Uses* text 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 |  |

Land Development Ordinance for the Town of Beaufort

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	
<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

Land Development Ordinance for the Town of Beaufort

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
<b>Commercial Uses</b>					
Animal Services	Kennel, Indoor Operation Only		S	S	
	Kennel, Indoor/Outdoor Operation			S	
Assembly	Club, Lodge, or Hall		P	S	
Financial Institutions	Financial Institution		S	S	P
Food and Beverage Services	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	
Offices	Office: Business, Professional, or Medical		P	S	P
	Office: Small Business				
Public Accommodations	Bed & Breakfast		P	S	
	Hotel or Motel	S	S	S	P
Indoor Recreation & Entertainment, Privately Owned	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	
Outdoor Recreation & Entertainment, Privately Owned	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	
Retail Sales and Services	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
Vehicle Storage Facilities	Dry Boat Storage			S	
	Marina	S	S	S	
	Parking Lot		S	S	
	Parking Structure			S	

Permitted Use

Special Use

Land Development Ordinance for the Town of Beaufort

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
Vehicles and Equipment Facilities	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>					
Industrial Service Uses	General Industrial Service			S	
Manufacturing and Production Uses	Manufacturing, Heavy			S	
	Manufacturing, Light			S	
	Resource Extraction			S	
Telecommunications Facilities	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	
Warehouse and Freight Movement Uses	Commercial Waterfront Facility			S	
	Hazardous Material Storage			S	
	Mini-Storage			S	
	Outdoor Storage			S	
	Warehousing and Distribution Establishment			S	
	Wholesale Establishment			S	
Waste-Related Uses	Recycling & Salvage Operation			S	
<b>Accessory Uses and Structures</b>					
Accessory Uses	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

*Land Development Ordinance for the Town of Beaufort*



**Town of Beaufort, NC**

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

**Town of Beaufort Planning Board Regular Meeting  
6:00 PM Monday, May 15, 2023 – 614 Broad Street Train Depot**

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**AGENDA CATEGORY:** New Business  
**SUBJECT:** Case #23-03 Special Use Permit for an Accessory Dwelling Unit at 308 Moore Street

**BRIEF SUMMARY:**

The applicant wishes to apply for a Special Use Permit for an Accessory Dwelling Unit for 308 Moore Street in a rear structure on the property to also house a garage.

**REQUESTED ACTION:**

Recommendation to Board of Commissioners

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A

# PLANNING BOARD STAFF REPORT

**To:** Planning Board Members  
**From:** Kyle Garner, AICP, Planning Director  
**Date:** May 5, 2023  
**Case No.:** 23-03

**THE REQUEST:** Special Use Permit for Accessory Dwelling Unit

**BACKGROUND:**

Location: 308 Moore Street  
Owner: Ben & Tamara Lapsley  
Applicant: Owner  
Requested Action: Provide Recommendation to Board of Commissioners  
CAMA Land Use: Medium Density Residential  
PIN: 730617113608000  
Size: 0.301acres  
Existing Land Use: Vacant Lot – Former First Baptist Parsonage  
Adjoining Land Use & Zoning: North - Single-Family Residence; Zoned R-8  
South – Single-Family Residence – Zoned R-8  
West – Single Family Residence - Zoned R-8  
East – Single-Family Residence; Zoned R-8

**SPECIAL INFORMATION:** In March of this year this property was issued a Certificate of Appropriateness from the Historic Commission to construct a single-family dwelling with detached garage.

**Public Utilities:** Water Existing Service  
Sanitary Sewer Existing Service

**ACTION:**

1. Provide consistency statement to the Board of Commissioners; and
2. Provide comments, concerns and suggestions to the Board of Commissioners



**STAFF COMMENTS:**

- This application is for a Special Use Permit for an Accessory Dwelling Unit per the R-8 Zoning District.
- The property owner has been through the Historic Commission to obtain a Certificate of Appropriateness.
- Accessory Dwelling Units are not uncommon in the historic district as there are several within two to three blocks of this property.
- The request is consistent with the current Land Use Plan – (*See Application*)

**SECTION 20 Special Use Permit (*Town of Beaufort Land Development Ordinance*)**

**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 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.

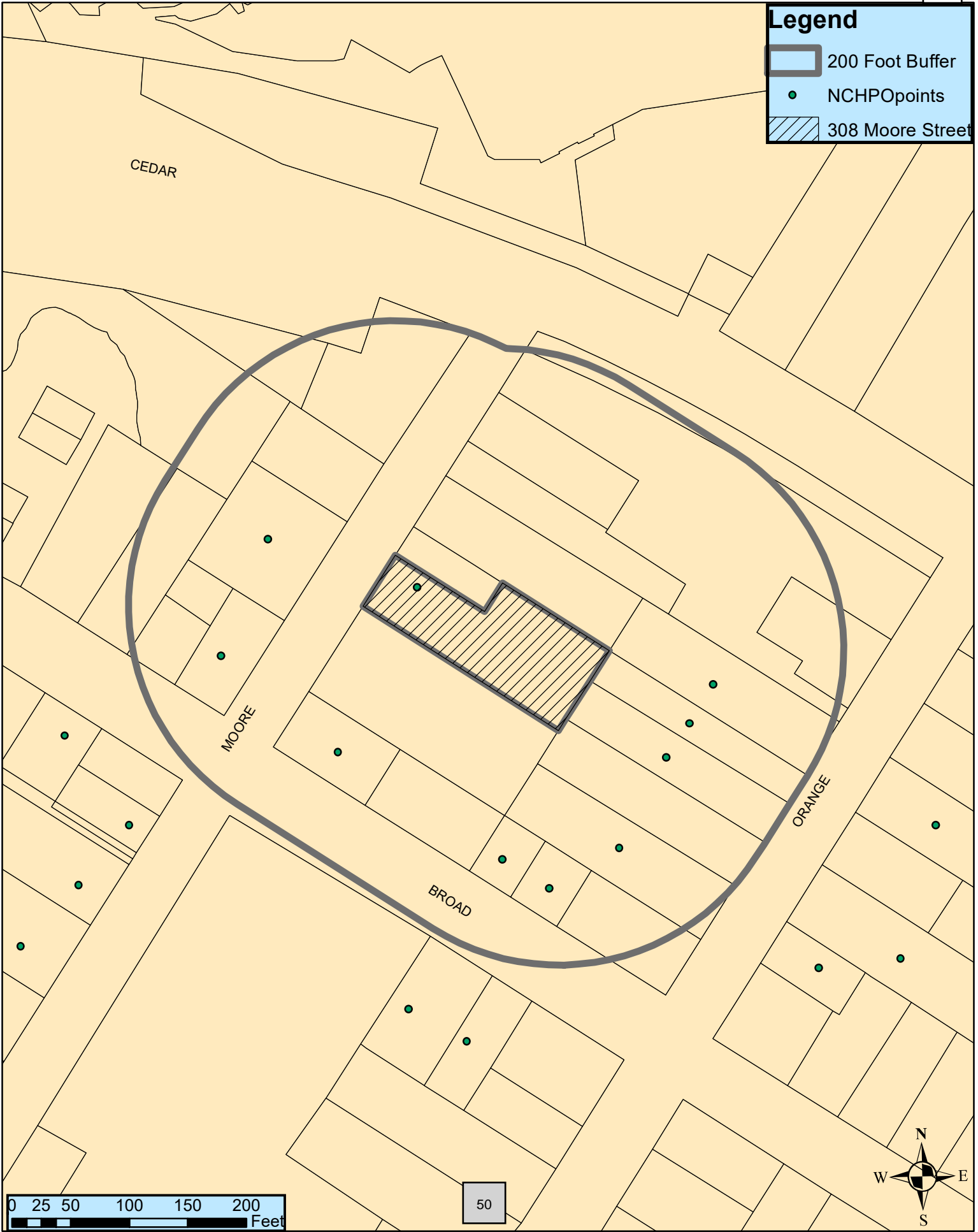




**Exhibits:**

- B- Vicinity Map
- C - Zoning Map
- D - CAMA Land Use Map
- E – List of Property Owners within 200 feet
- F - Application to include Site Plan
- G - Section 20 Special Use Permit Information

# Case # 23-03 Special Use Permit - Owners Within 200 Feet - 308 Moore Street

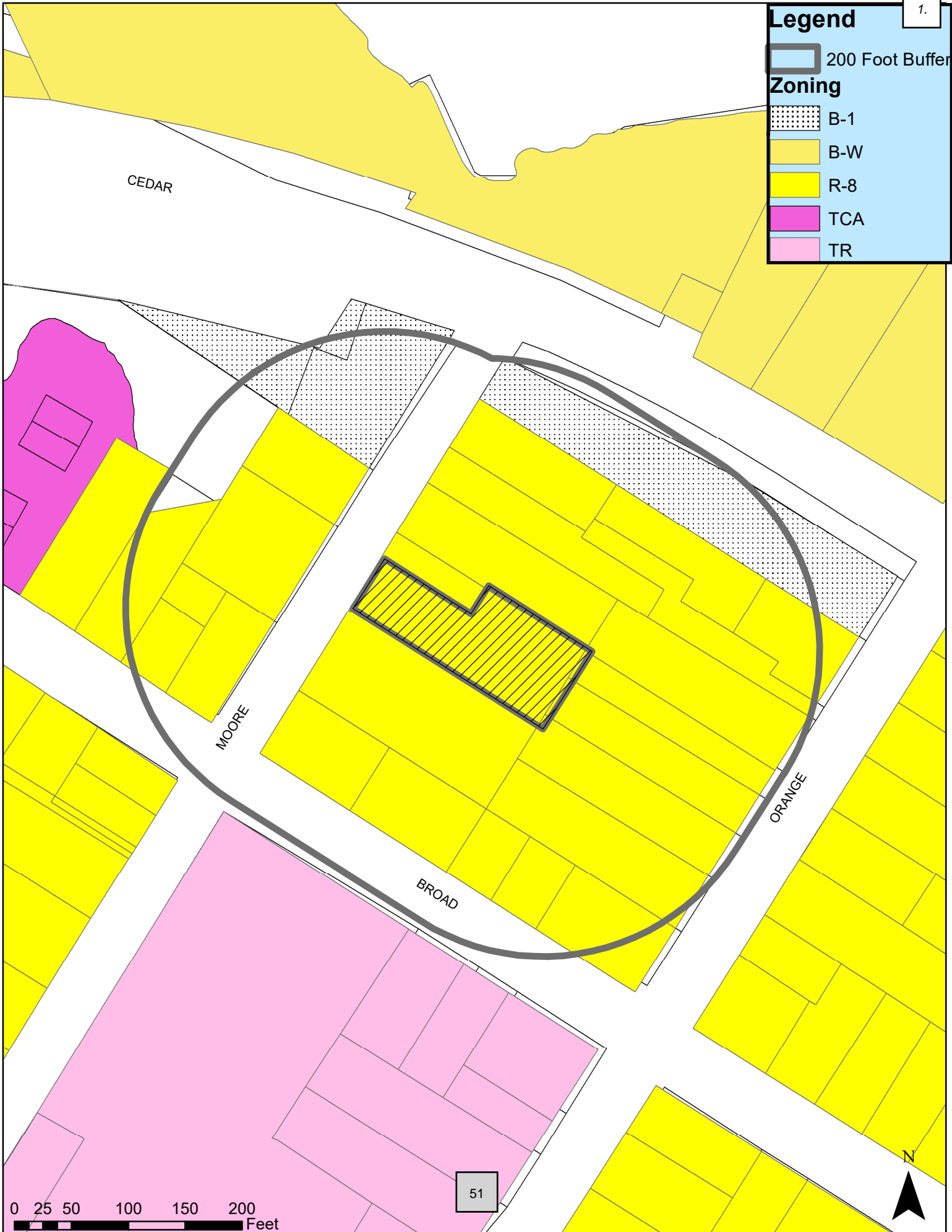


# Case # 23-03 Special Use Permit - Zoning Map - 308 Moore Street

1.

**Legend**

- 200 Foot Buffer
- Zoning**
- B-1
- B-W
- R-8
- TCA
- TR



0 25 50 100 150 200 Feet

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# Case # 23-03 Special Use Permit - Owners Within 200 Feet - 308 Moore Street

1.

**Legend**

**Future Land Use**

- Mixed Use
- Public & Institutional
- Medium Density Residential

**Legend**

- 200 Foot Buffer
- NCHPOpoints
- 308 Moore Street



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<u>OWNER</u>	<u>AIL_HOU:</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>L_ST</u>	<u>AIL_ZI</u>	<u>MAIL_ZI</u>	<u>MAIL_ADD2</u>
BEAIRD,TOM ETUX CAROL	113	BROAD STREET	BEAUFORT	NC	2108	28516	
BEAUFORT PARTNERS LLC			NEW BERN	NC		28561	PO BOX 14165
CURRIER,ANNE R	115	BROAD ST	BEAUFORT	NC		28516	
FAULKNER,CHRISTOPHER L ETAL TR	1823	W. FRIENDLY AVE	GREENSBORO	NC		27403	
FLOWERS,JOHN D ETUX KAREN S	321	ORANGE STREET	BEAUFORT	NC	1820	28516	
HAMILTON,JULIAN CRAIG	795	SEASHORE DRIVE	ATLANTIC	NC		28511	
HAMRICK,RICHARD L ETUX JENNIFE	2234	THE CIRCLE	RALEIGH	NC	1448	27608	
HAUS,THOMAS REILLY ETUX MARY B	801	OAKLAWN AVE	WINSTON SALEM	NC	2221	27104	
HOLLAND,LAURA ELLEN	305	MOORE STREET	BEAUFORT	NC	1814	28516	
LAPSLEY,BENJAMIN ETUX TAMARA	102	LIONS MOUTH COURT	CARY	NC		27518	
LAWRENCE,EARLENE R	600	NORTH 35TH STREET	MOREHEAD CITY	NC		28557	UNIT 301
MILLS,STEPHEN D ETUX ETAL			SNOW CAMP	NC		27349	PO BOX 520
PATTERSON,ELIZABETH F ETAL DON	206	EAST GRAVERS LANE	PHILADELPHIA	PA		19118	
PICKERING,SANDRA ETVIR JEFFREY	203	BROAD ST	BEAUFORT	NC		28516	
SOUND SHORE CONSTRUCTION INC	1913	FRONT STREET	BEAUFORT	NC		28516	
SOUTHGATE MANAGEMENT LLC	305	MOORE STREET	BEAUFORT	NC		28516	
TAYLOR,PAULA J	217	BROAD STREET	BEAUFORT	NC	2110	28516	
TUTTLE,JOHN R JR ETUX NANCY			ATLANTIC BEACH	NC		28512	PO BOX 83
ULRICH,ROBERT G ETUX LISA B	213	BROAD STREET	BEAUFORT	NC		28516	
VANDOVER,CINDY LEE	201	BROAD STREET	BEAUFORT	NC		28516	
VICK,WILLIAM TEMPLE	144	NORTH HARBOR DRIVE	BEAUFORT	NC		28516	
WIGGINS,IRMA BEST	1677	WEST NEW HOPE ROAD	GOLDSBORO	NC		27534	
WILSON,MAMRE	302	MOORE STREET	BEAUFORT	NC		28516	

**Ben & Tamara Lapsley  
102 Lions Mouth Ct  
Cary NC 27518**

Kyle Garner  
Town of Beaufort Planning Department  
701 Front St.  
Beaufort, NC 28516

RE: 308 Moore Street Special Use Permit

Dear Kyle,

As we have discussed, we plan to include a bedroom and finished space above the garage in our proposed plan for 308 Moore Street. Since purchasing the lot, we've hoped to have a space we could use to proactively invite our family and friends from 30 years in Cary to visit. Down the road, it could also enable us to support in-home care arrangements when those become needed.

Under our current plan, the space would match the characteristics described below so would require a Special Use Permit

***Accessory Dwelling Units/Structures.*** *Accessory Dwelling Units/Structures* are commonly understood to be a separate additional living unit or structure, including kitchen, sleeping, and bathroom facilities, attached to or detached from the primary residential unit, on a single-family lot. (Land Development Ordinance, page 16)

Attached are the materials supporting the Special Use Permit application. Could you please include this application in the next Planning Board meeting?

Thanks for your assistance and please contact me if anything is missing or unclear.

Regards,

*Ben*

Ben Lapsley  
919-632-3710

### **Comments in Support of Findings Required**

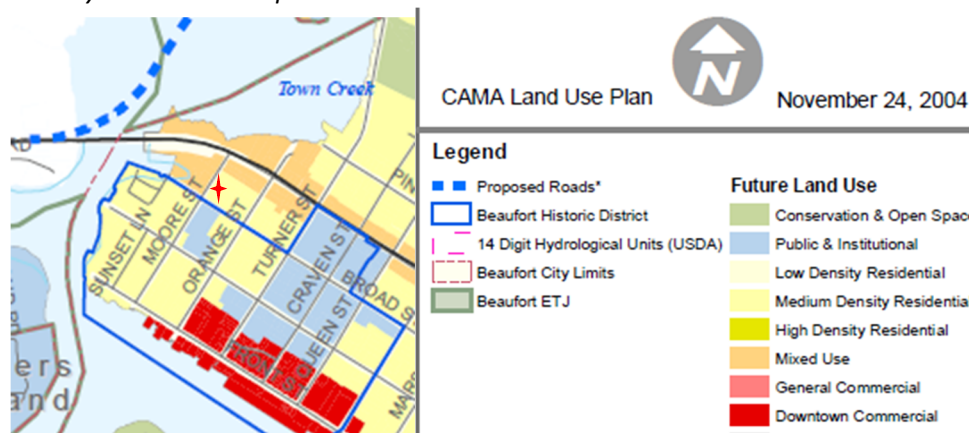
We considered below the findings required per Section 20 of the Land Development Ordinance:

**a) The proposed use is an allowable special use in the zoning district it is being located within;**  
*The property is within the R-8 Zoning District, and Accessory Dwelling Units are listed as a special use item with the Land Development Ordinance (page 82)*

**b) The application is complete;**

**c) The location and character of the use will be in conformity with the Town’s land use plan and other comprehensive planning elements;**

*This will make 4 bedrooms on a relatively large lot. The proposed site design is consistent with Medium Density Residential as per the CAMA Land Use Plan*



**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;**

*We have proposed a site plan with typical residential driveway and off-street parking space.*

**e) The proposed special use will not substantially injure the value of adjoining or abutting properties;**  
*Inclusion of kitchen space under the special use will not change the planned building footprint or any of the exterior designs.*

**f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,**

*We understand there are a number of accessory dwelling units in the downtown area and have designed the garage accessory building to be compatible with the main house and nearby homes.*

**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.**

*The proposed use is allowed per the Town of Beaufort, NC Land Development Ordinance, and the CAMA Core Land Use Plan.*



## **APPLICATION FOR A SPECIAL USE PERMIT**

### **Instructions:**

Please complete the form below including all required attachments, a **\$400.00 application fee**, and return to the Beaufort Town Hall; 701 Front Street; P.O. Box 390; Beaufort, N.C.; 28516. Incomplete applications will not be processed but will be returned to the applicant. Please call Planning and Inspections at (252) 728-2142 if there are any questions.

### **APPLICANT INFORMATION**

Applicant Name: Benjamin Lapsley

Applicant Address: 102 Lions Mouth Ct, Cary NC 27518

Phone Number: 919-632-3710 Email: blapsley@bellsouth.net

Property Owner Name: Benjamin & Tamara Lapsley

Address of Property Owner: 102 Lions Mouth Ct, Cary NC 27518

Phone Number: 919-632-3710 Email: blapsley@bellsouth.net

### **PROPERTY INFORMATION**

Property Address: 308 Moore Street, Beaufort NC 28516

15-Digit PIN: 730617113608000 Lot/Block #: \_\_\_\_\_

Size of Property (in square feet or acres): .301 ac Current Zoning: R-8

Current Use of Property: Vacant lot Requested Use: Single family residential

An application fee of **\$400.00**, either in cash, money order, or check made payable to the "Town of Beaufort" must accompany this application (a credit card payment can be made in person at Town Hall). The complete application, payment, and supporting materials must be received by Town Staff at least 15 working days prior to a regularly scheduled Planning Board meeting date.

Please refer to the Town's **Land Development Ordinance**, Sections 20 & 27, and all other pertinent sections of the Ordinance for information required to accompany this application. Any plans or documents submitted should be submitted in an electronic or digital format and one printed color copy of such documents submitted with the application.

The town's website address is [www.beaufortnc.org](http://www.beaufortnc.org).

Ben R. Lapsley  
Applicant Signature

4/20/23  
Date of Applicant's Signature

\_\_\_\_\_  
Property Owner Signature (if different than above)

\_\_\_\_\_  
Date of Owner's Signature

OFFICE USE ONLY

Revised 8/2020

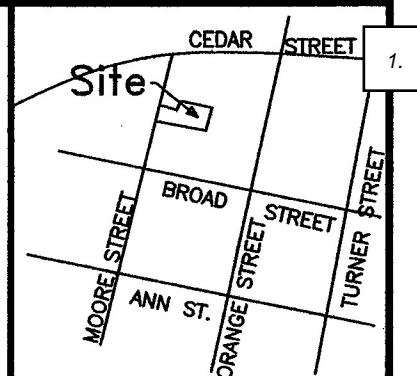
Date: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

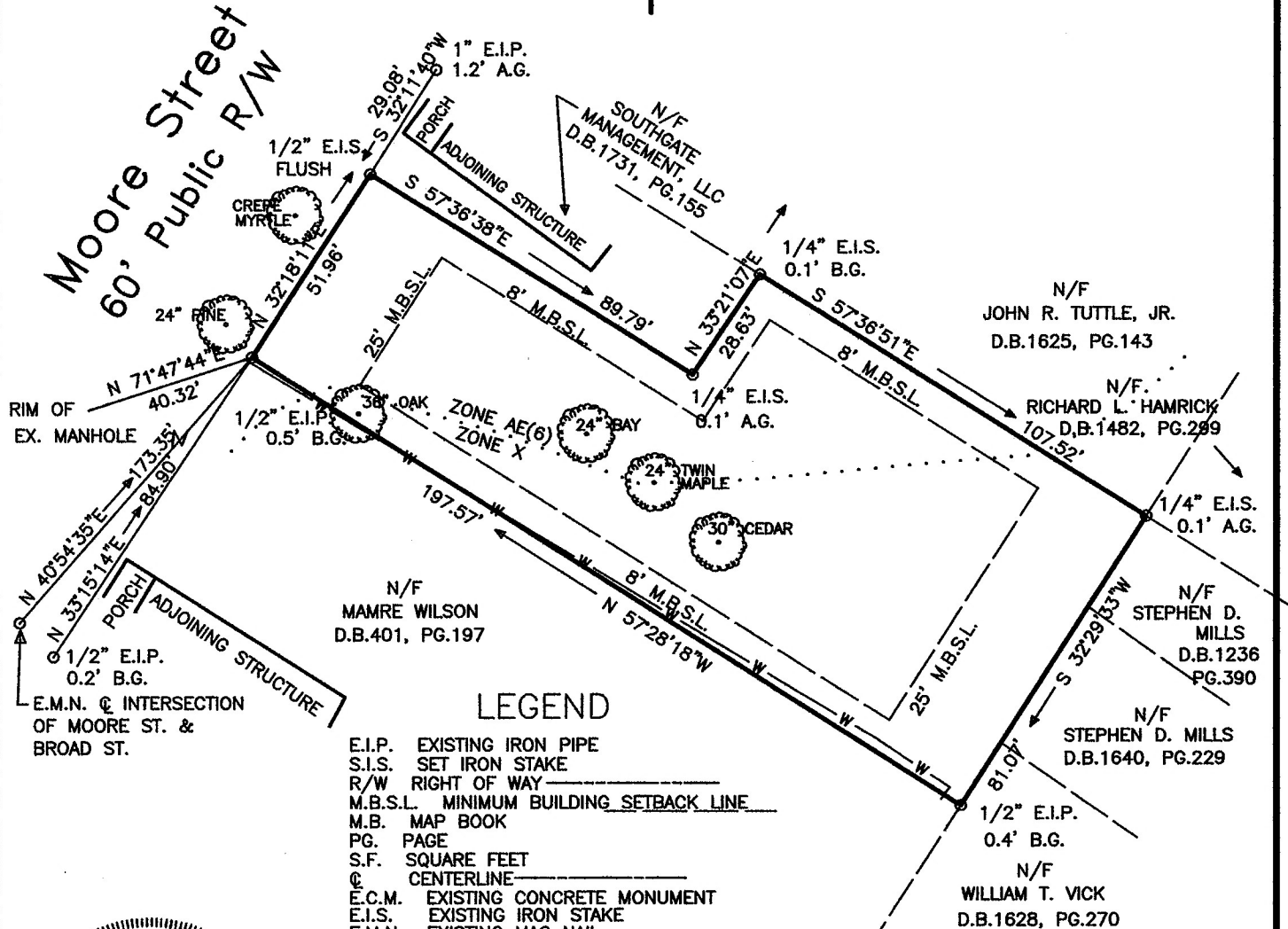
Received by: \_\_\_\_\_

56 Date Deemed Complete and Accepted: \_\_\_\_\_





Vicinity Map  
not to scale

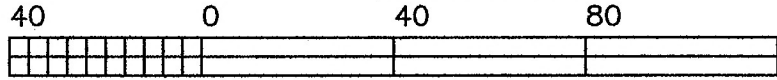


LEGEND

- E.I.P. EXISTING IRON PIPE
- S.I.S. SET IRON STAKE
- R/W RIGHT OF WAY
- M.B.S.L. MINIMUM BUILDING SETBACK LINE
- M.B. MAP BOOK
- PG. PAGE
- S.F. SQUARE FEET
- © CENTERLINE
- E.C.M. EXISTING CONCRETE MONUMENT
- E.I.S. EXISTING IRON STAKE
- E.M.N. EXISTING MAG NAIL
- S.M.N. SET MAG NAIL
- A.G. ABOVE GRADE
- B.G. BELOW GRADE
- U.P. UTILITY POLE
- G.A. GUY ANCHOR
- C.P. COMMUNICATION PEDESTAL
- W.M. WATER METER
- W.V. WATER VALVE
- S.S. SANITARY SEWER
- BOUNDARY LINE
- ADJOINER LINE
- BUILDING LINE
- WOOD FENCE
- N/F NOW OR FORMERLY

NOTES

- 1.) AREA = 13,401.85 S.F.(BY COORDINATE COMPUTATION).
- 2.) CLOSURE = 1:10,000+
- 3.) REFERENCE : D.B.1749, PG.21.
- 4.) P.I.N. 730617113608.
- 5.) FLOOD ZONE : ZONES SHOWN PER F.I.R.M. 3720730600J, 7-16-2003.
- 6.) FINAL MAP RECORDED : N/A
- 7.) THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, AGREEMENTS, AND RIGHTS OF WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT.
- 8.) ADDRESS: 308 MOORE STREET



GRAPHIC SCALE - FEET

THIS MAP IS NOT FOR RECORDING.

"I certify that this map was drawn by me from an actual survey made under my supervision (see description recorded in Book 1749, Page 21 or other reference source) that the boundaries not surveyed are indicated as drawn from information in Book \_\_\_\_\_, Page \_\_\_\_\_ or other reference source SEE MAP; that the ratio of precision is 1:10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)." This 16th day of November, 2022.

*John A. Odom*  
Professional Land Surveyor License No. L-3062

SURVEYED BY REB DATE SEPTEMBER 8, 2022  
FIELD BOOK N/E47 DRAWN BY JAO  
PAGE 22

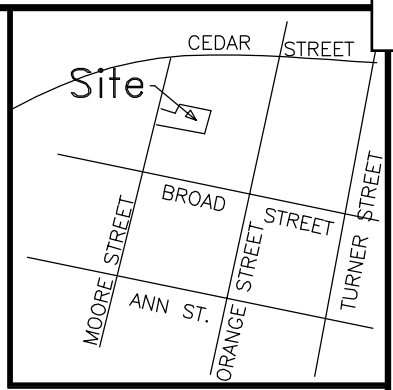
SURVEY FOR  
**Benjamin Lapsley**  
and wife  
**Tamara Lapsley**

LOT PER D.B.1749, PG. 21  
A PORTION OF LOTS 115,116 TOWN OF BEAUFORT

COUNTY	CARTERET	CITY	BEAUFORT, NC
TOWNSHIP	BEAUFORT		
SCALE	DATE	PROJECT NO.	
1"=40'	NOVEMBER 16, 2022	2022130	

**Prestige**  
Land Surveying, P.A.

501 W. B. McLean Blvd. - Cape Carteret  
Swansboro, North Carolina 28584  
Corporation License Number C-0980  
252-393-2129 prestigesurveying@embarqmail.com (Fax)252-393-3075

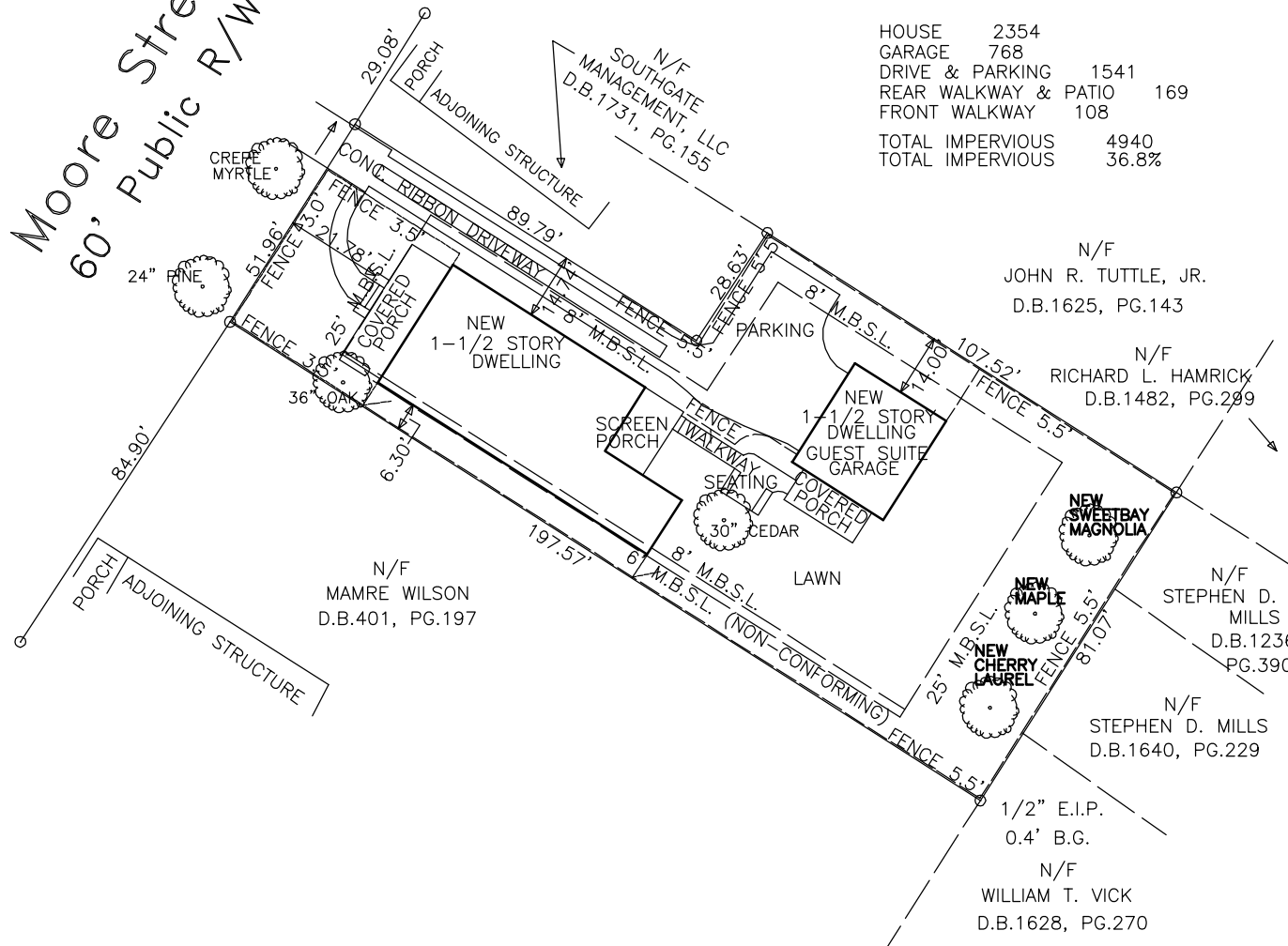


Vicinity Map  
not to scale



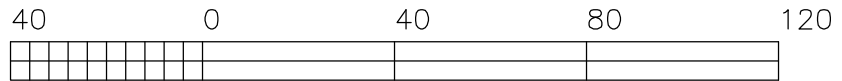
Moore Street  
60' Public R/W

HOUSE	2354
GARAGE	768
DRIVE & PARKING	1541
REAR WALKWAY & PATIO	169
FRONT WALKWAY	108
TOTAL IMPERVIOUS	4940
TOTAL IMPERVIOUS	36.8%



NOTES

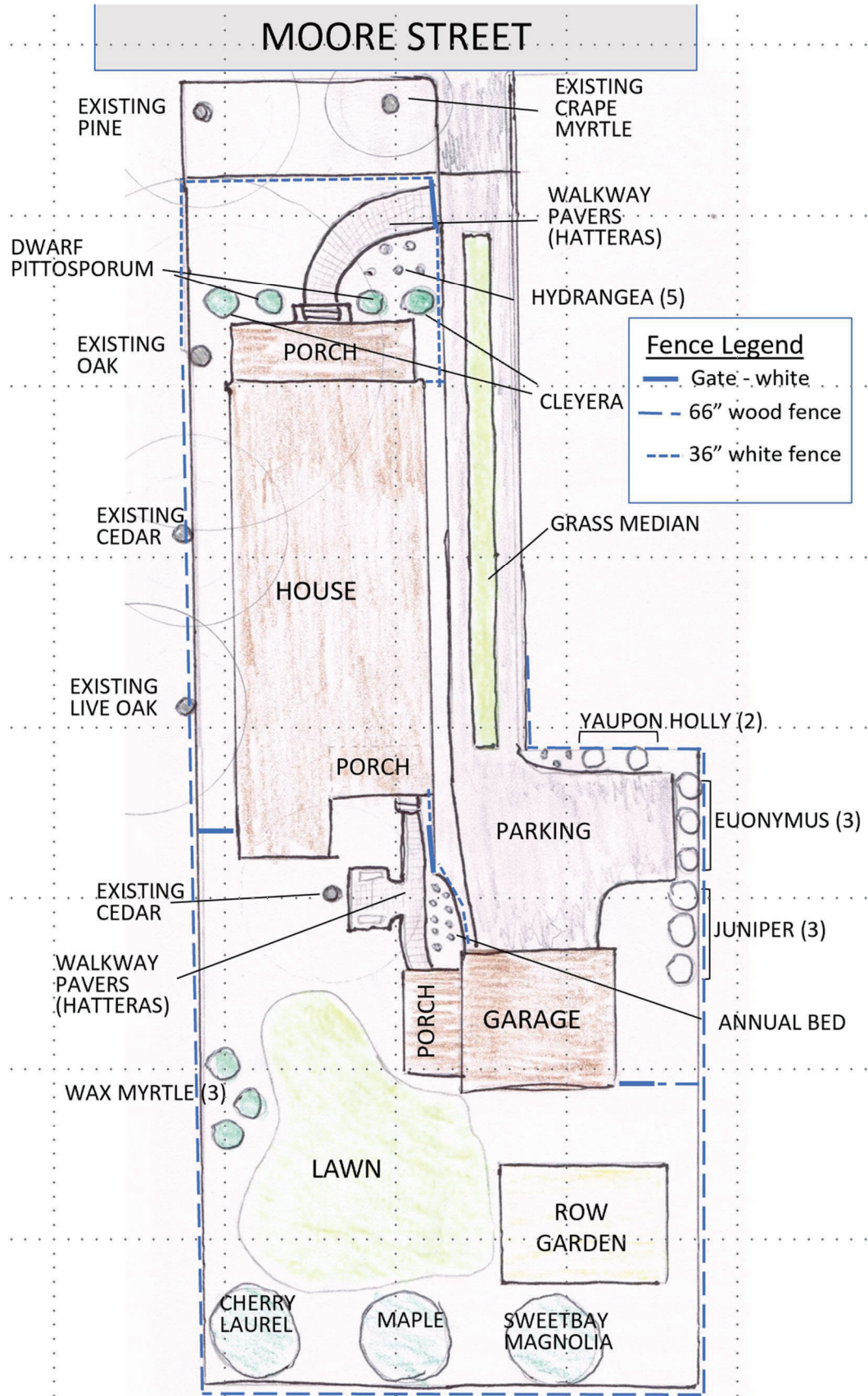
- 1.) AREA = 13,401.85 S.F.(BY COORDINATE COMPUTATION).
- 2.) CLOSURE = 1:10,000+
- 3.) REFERENCE : D.B.1749, PG.21.
- 4.) P.I.N. 730617113608.
- 5.) FLOOD ZONE : ZONES SHOWN PER F.I.R.M. 3720730600J, 7-16-2003.
- 6.) FINAL MAP RECORDED : N/A
- 7.) THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, AGREEMENTS, AND RIGHTS OF WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT.
- 8.) ADDRESS: 308 MOORE STREET

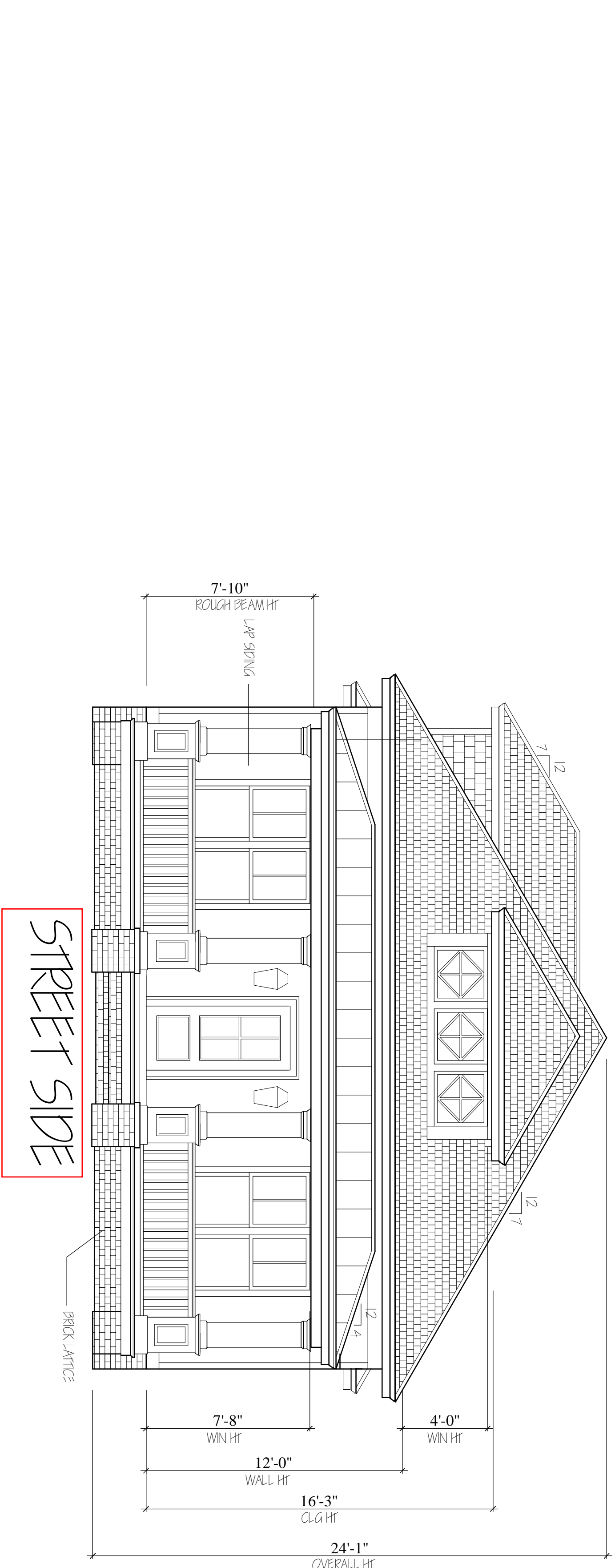


GRAPHIC SCALE - FEET  
**THIS MAP IS NOT FOR RECORDING.**

<p><b>Benjamin Lapsley</b> and wife <b>Tamara Lapsley</b></p> <p>LOT PER D.B.1749, PG. 21 A PORTION OF LOTS 115,116 TOWN OF BEAUFORT</p>			
<b>COUNTY</b>	CARTERET	<b>CITY</b>	BEAUFORT, NC
<b>TOWNSHIP</b>	BEAUFORT		
<b>SCALE</b>	<b>DATE</b>	<b>PROJECT NO.</b>	
1"=40'	NOVEMBER 16, 2022	2022130	
<p><b>PLOT PLAN</b></p>			
<b>SURVEYED BY</b>	<b>DATE</b>		
REB	SEPTEMBER 8, 2022		
<b>FIELD BOOK</b>	<b>DRAWN BY</b>		
N/E47 PAGE 22	JAO		

# LANDSCAPING PLAN



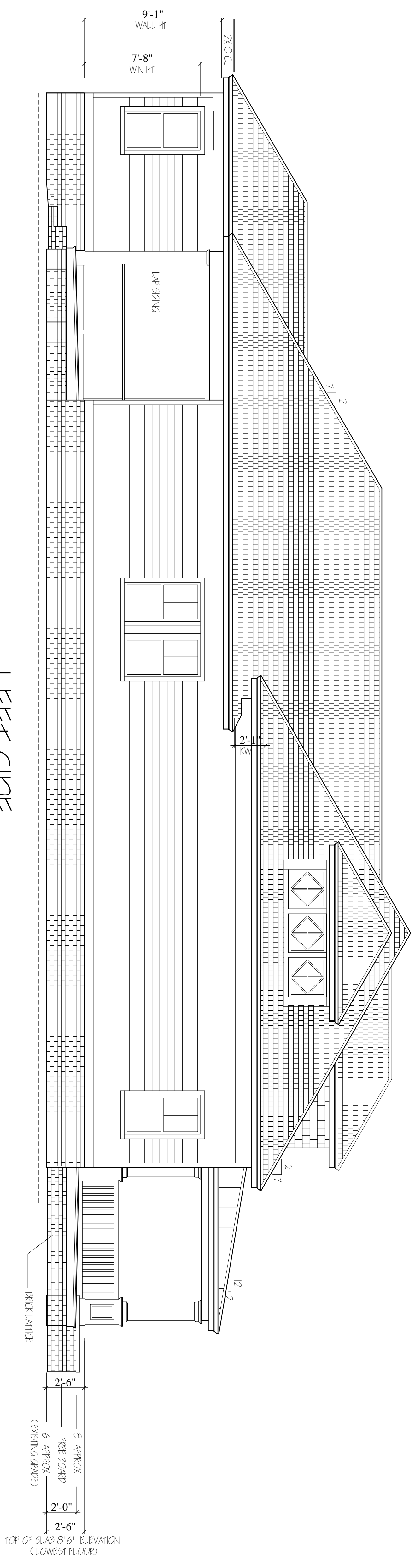


STREET SIDE

8

LAPSELY RESIDENCE  
 308 MOORE STREET  
 BEAUFORT, NC  
 DRAWN BY: CG  
 FEBRUARY 3, 2023  
 SCALE: 1/4" = 1'0"

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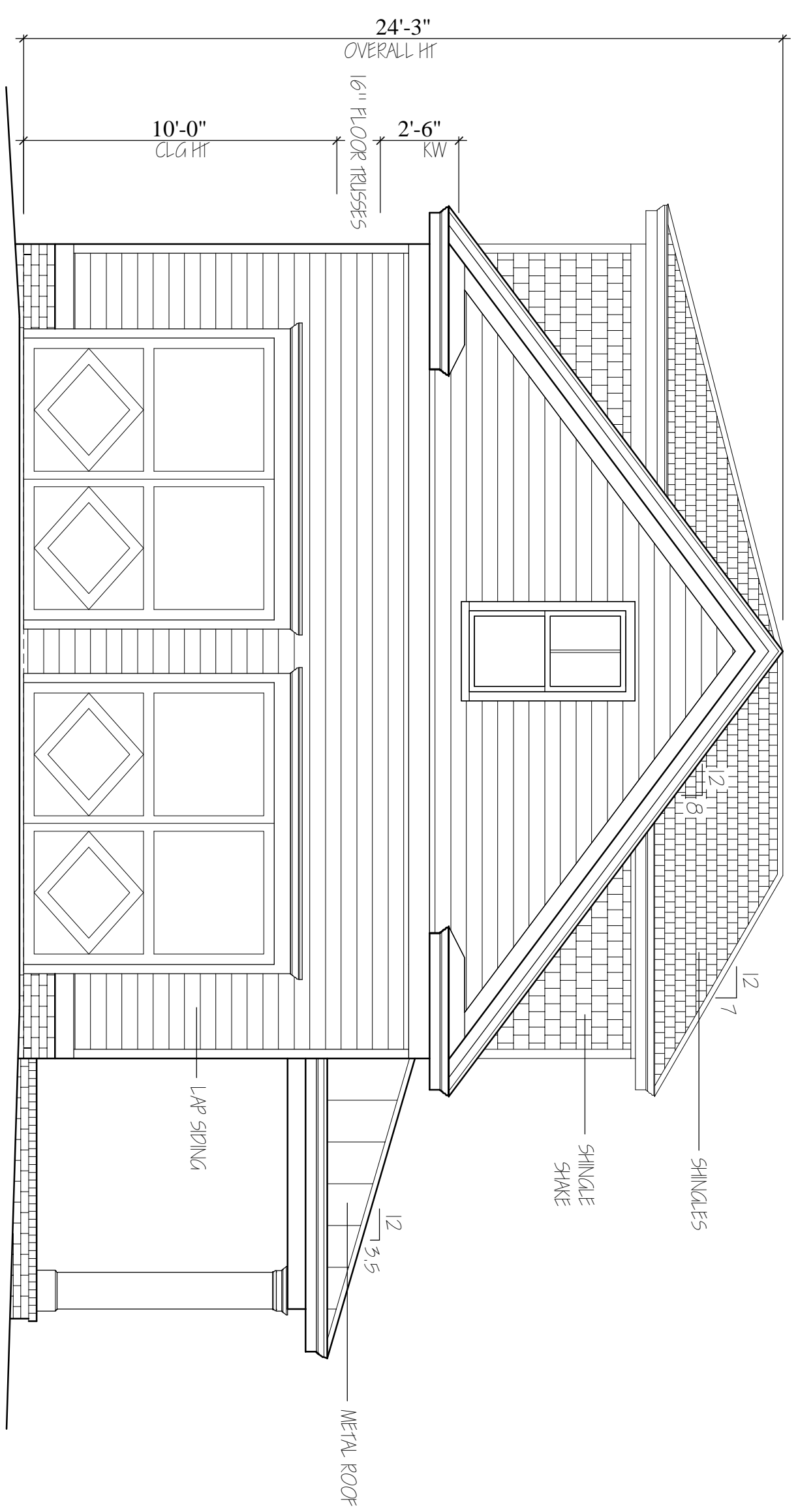
LEFT SIDE

Main House  
 FRONT & LEFT SIDE ELEVATION

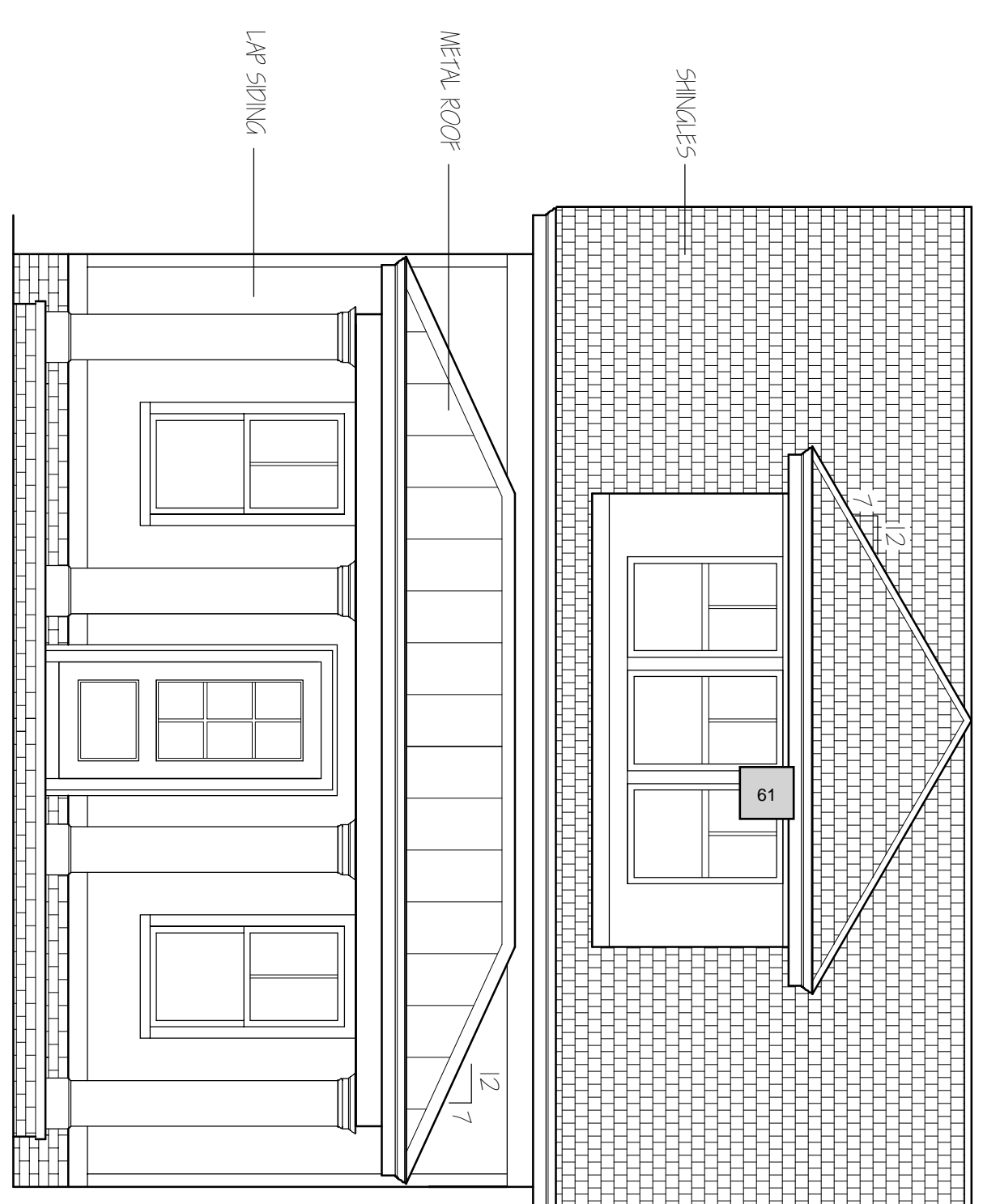
A1.1

Craven Gardner Designs & Build

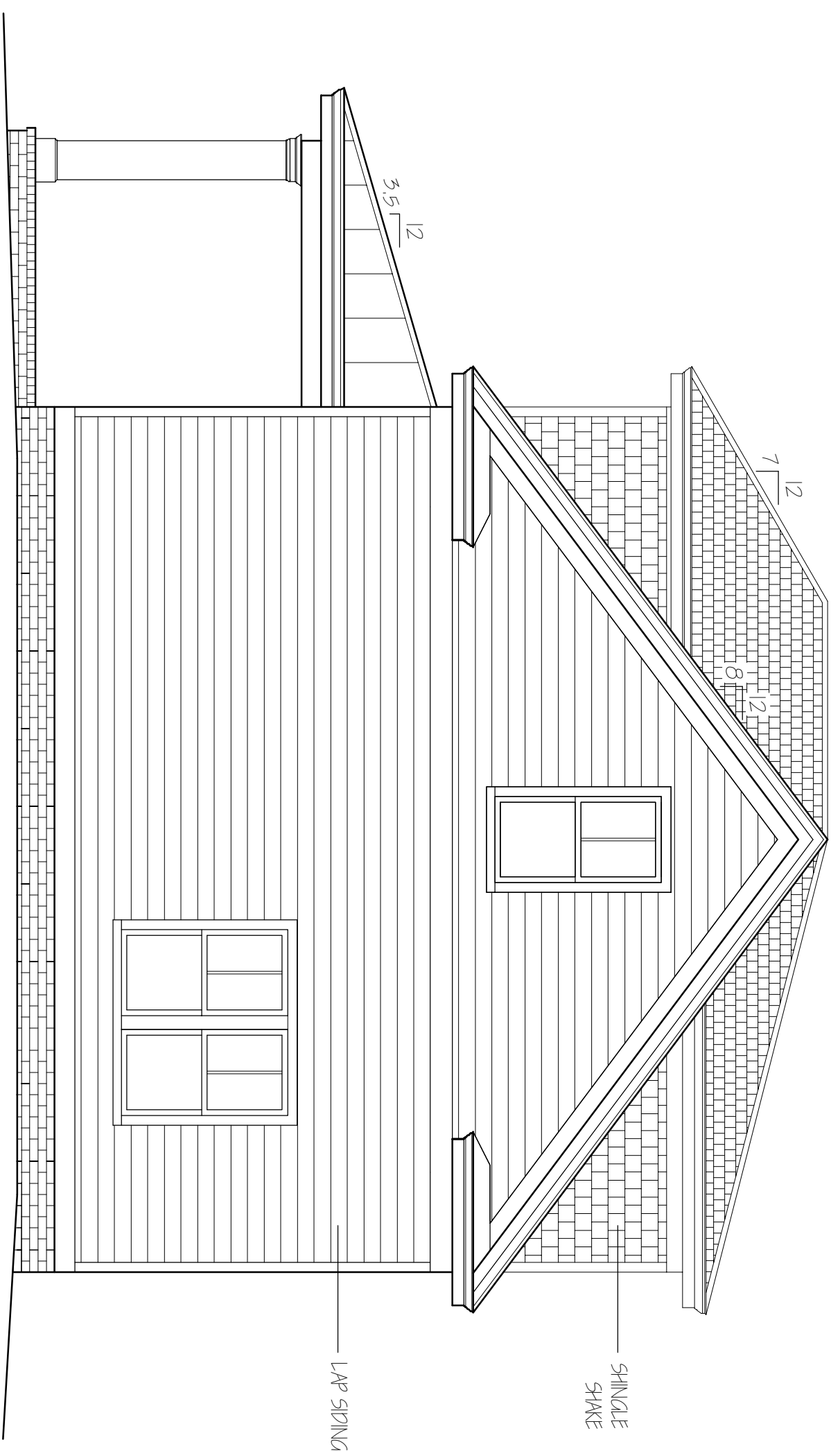
301 E. Fort Macon Rd. Atlantic Beach, NC 28512  
 (252) 247-0111 craven@gardner.com



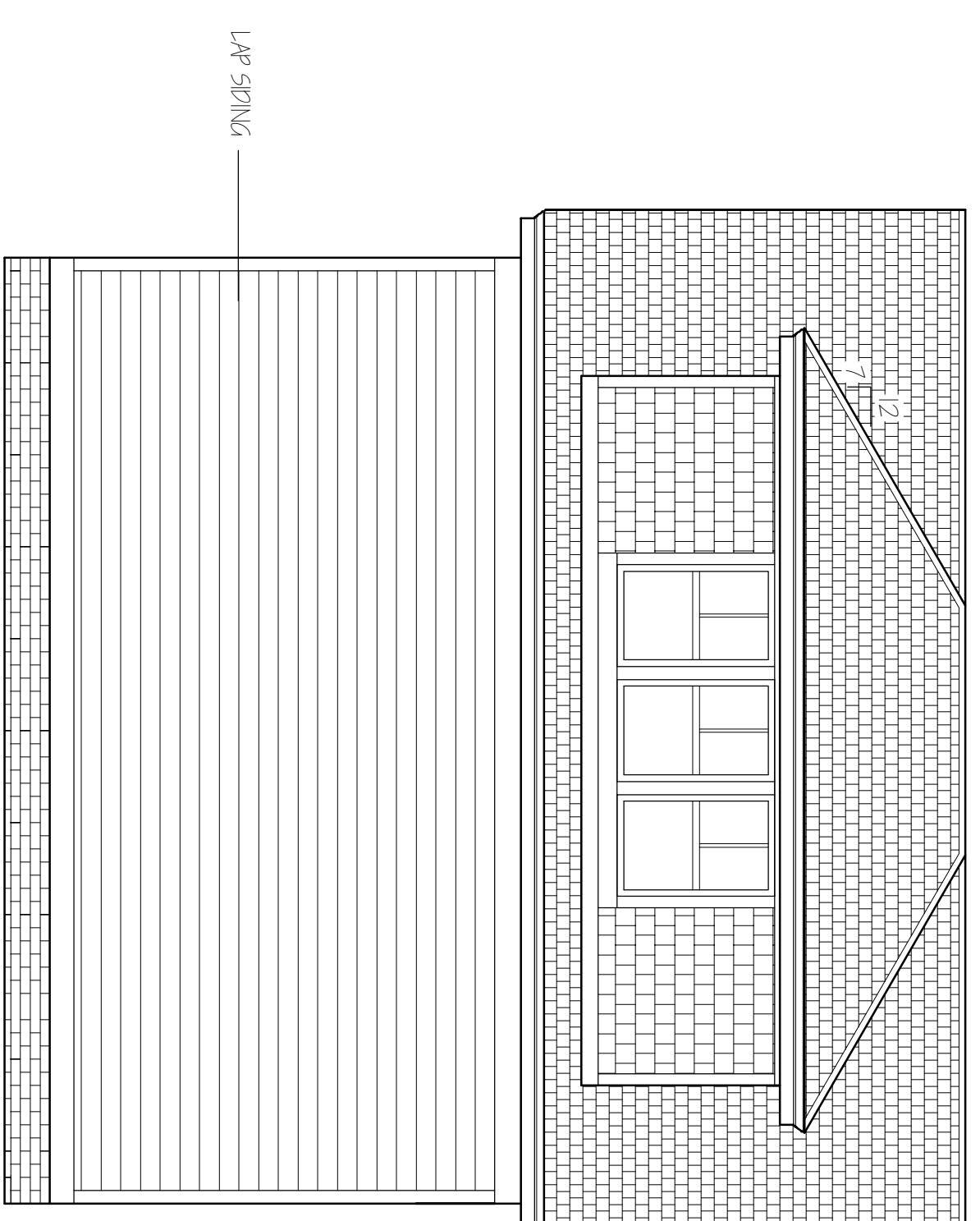
**STREET VIEW**



**RIGHT SIDE**



**REAR**



**LEFT SIDE**

LAPSELY RESIDENCE

308 MOORE STREET

BEAUFORT, NC

DRAWN BY: CG

FEBRUARY 3, 2023

SCALE: 1/4" = 1'0"

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**CRAVEN GARDNER DESIGN & BUILD**

301 E. Fort Macon Rd. Atlantic Beach, NC 28512

(252) 247-0111 craven@cravengardner.com

GARAGE ELEVATIONS

A1.3

Garage @nd Floor



**Photographs of the streetscape and nearby homes**

302 Moore Street (immediate south of property)



310 Moore Street (immediate north of property – adjoins front portion)



312 Moore Street (immediate north of property – adjoins rear portion)





314 Moore Street



316 Moore Street



305 Moore Street (across Moore Street)



309 Moore Street (across Moore Street)



## SECTION 20 Special Use Permits

### A) *General.*

Special uses are practices which are not permitted by right in any zoning district in the Town of Beaufort, but may only be granted after due consideration by the Board of Commissioners (BOC). The consideration of a special use application is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. Special use permits may only be granted by the BOC following a recommendation by the planning board and the quasi-judicial review process as stipulated in this section.

### 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-M 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 features 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 insure the building(s) compatibility with the surrounding residential structures; and,

*Land Development Ordinance for the Town of Beaufort*

- c) Additionally, the BOC and town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) The application shall be reviewed by town staff and submitted with comments and recommendation to the planning board for review. After the planning board makes its recommendation, the application shall be forwarded to the BOC for consideration.

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

The Town shall schedule a quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and planning board review by providing public notice no more than thirty days after receipt of the completed application. The notice of a quasi-judicial proceeding shall be given using the standards set forth in section 3-E of this Ordinance with the exception of the following:

- 1) The notice shall be given once a week for two successive calendar weeks and published in a newspaper having general circulation within Town. The first publishing shall not be less than ten days or not more than twenty-five days before the date affixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included as documented.
- 2) All property owners within two hundred feet (200') of the lot boundaries on all sides of the subject lot as listed in the county tax records shall be mailed by the Town a notice of the quasi-judicial proceeding on the proposed special use application by first class mail at the address listed for such owners on the county tax abstracts. The notice shall identify the location and briefly describe the proposed special use. Section 3-E (2) of this Ordinance gives direction on when the notices shall be mailed.
- 3) The Town shall prominently post a sign giving notice of the quasi-judicial proceeding on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use public hearing not more than ten days prior to the hearing date. The wording of such sign should be similar to what is in section 3-E (4) of this Ordinance.

**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 hold the quasi-judicial proceeding and consider relevant information regarding whether the required findings under subsection E of this section exist and whether the special use is appropriate in the proposed location. The BOC shall hear relevant information from the applicant, adjoining property owners, the Town Manager, the planning board, planning officials, and any interested or affected members of the public. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in subsection E of this section. The BOC need not make the required findings at the time of the hearing and may call for additional information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under subsection E of this section have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in subsection E of this section.
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the quasi-judicial proceeding for the proposed special use application.

*Land Development Ordinance for the Town of Beaufort*

The BOC need not issue a decision at the time of the hearing if additional information is needed and may continue said hearing until a later date.

- 4) If the application is found not to be in compliance with one or more of the required findings of subsection E of this section 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. It shall be conclusively presumed the application complies with all requirements not noted by the BOC in their motion to deny the application.
- 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 subsection E of this section. The BOC may place an expiration date on the special use permit if a building permit is not secured within a certain period of time. If the special use permit is not renewed periodically by the recipient of the permit, it will expire on the date given to the permit by the BOC.
- 6) After the BOC renders its decision on the special use permit application, the reasons for granting or denying the application shall be made in writing. A written copy of the conclusion(s) of the BOC about the facts of the case and the board's corresponding decision shall be forwarded to the applicant within ten days.

**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 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 evidence" as described in N.C.G.S. 160A-393 (k) and will be cognizant the statute provides in part "competent evidence" shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
  - a) The use of property in a particular way would affect the value of other property.
  - b) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

- c) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- 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, child care, nursery school, day care, K-12 school, public playground, or church situated within the Town limits or the ETJ.
- 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.

*Land Development Ordinance for the Town of Beaufort*

- 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 with written approval by the BOC.
- 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.
- 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 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 district in which the tower is located.
- k) Towers shall be lighted to satisfy the FAA requirements.

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- l) Towers shall be removed within ninety 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.
  - 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.

5) Marinas.

- 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 subsections 5a) and 5b) of this section.
  - 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 subsection B of this section, 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.