



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

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

Call to Order/Pledge of Allegiance

Roll Call

Agenda Approval

Items of Consent

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

Old Business

- [1.](#) Food Truck Ordinance Amendments, Chapter 113. Itinerant Merchants
- [2.](#) Amendment of Ordinances to Include, Section 90.12, "Living or Sleeping on Streets, Highways or Town Property Prohibited"

Public Comment

New Business

- [1.](#) Draft UDO Code Assessment Discussion
- [2.](#) 2025 Board of Commissioners Annual Retreat
- [3.](#) Beaufort Waterfront Operations and Finance Committee Update

Manager Report

Mayor/Commissioner Comments

Recess



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**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Meeting Minutes

REQUESTED ACTION:

Approval of draft minutes for the following meetings:

- September 9, 2024 Regular Meeting
- September 23, 2024, Work Session

SUMBITTED BY:

Elizabeth Lewis, Town Clerk



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Board of Commissioners
Regular Meeting
6:00 PM Monday, September 09, 2024
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

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

ABSENT:

Commissioner Spiegler

Agenda Approval

Mayor Harker asked to amend the agenda to add an update from the Beaufort Waterfront Operations and Finance Committee, as item number three under New Business.

Commissioner Cooper made a motion to amend the agenda. The motion carried unanimously.

Items of Consent

1. Meeting Minutes- August 12,15, & 26, 2024
2. Unsealing of Closed Session Minutes
3. Order Approving a Special Use Permit- 609 Hwy 101, Boat Storage
4. Amendment to the Town of Beaufort Code of Ordinances to Add- "Balloon Releases"

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

Public Comment

There was none.

New Business

1. Award of Construction Contract - 1809 Live Oak Water and Sewer Extensions Project

Sam Bell, Interim Town Engineer, shared the bid tabulation received for the construction project at 1809 Live Oak. He noted Thomas Simpson Construction Company lowest responsible bid at a total dollar amount of \$374,299 for the construction of water main and gravity sewer main extensions to the property. He explained, once completed, this will fulfill the Town’s obligation to extend services to this location based on a development agreement with current and previous property owners.

Commissioner Cooper made a motion to award the construction contract to Thomas Simpson Construction Company in the amount of \$374,299.

The motion carried unanimously.

2. Parks & Recreation Advisory Board Appointments

Commissioner Gillikin made a motion to open to floor for Parks and Recreation Advisory Board nominations for three positions, all four-year terms.

The motion carried unanimously.

Commissioner Cooper nominated Sheresa Elliot.

Commissioner LoPiccolo nominated Dave Inscoe.

Commissioner Oliver nominated Carol Beard.

Commissioner Cooper made a motion to close the nomination floor.

The motion carried unanimously.

Mayor Harker deemed a consensus to appoint the three nominated members.

3. Beaufort Waterfront Operations and Finance Committee Update

Commissioner Gillikin provided an update from the first committee meeting and encouraged the public to visit the Town's website for additional committee bios and other related information. She announced the date and time of the next meeting as well as potential topics that would be discussed.

Manager Report

Charlie Burgess, Interim Town Manager, shared the Town's grant writer was working on a letter of intent related to the BRIC Grant.

Mayor/Commissioner Comments

Mayor Harker thanked the Garden Club for their hard work throughout the Town. She spoke about her recent experience as a panelist at the 2024 North Carolina Women's Conference. She reminded the group the speed limit on Turner Street had been reduced to 25 mph in the residential area. She spoke about the USDA project and noted the importance of visiting the Town's website for updates.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at 6:20 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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Board of Commissioners Work Session Meeting
4:00 PM Monday, September 23, 2024
Train Depot, 614 Broad Street

Call To Order

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll:

PRESENT:

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

ABSENT:

None

Agenda Approval

Mayor Harker asked for an amendment to move item number six to the first on the agenda and to add "Meeting Street" as item number right.

Commissioner Cooper made a motion to approve the amended agenda.

The motion carried unanimously.

Items for Review and Discussion

1. Update on ISC 2024 FAI World Skydiving Championships
John D'Annunzio provided an update on the 2024 FAI World Skydiving Championships scheduled to take place at Michael J. Smith Airport in October of 2024.
2. Food Truck Ordinance
Michelle Eitner shared that she did not have a draft ordinance for proposal, but rather hoped to facilitate a discussion on food trucks to gather a better idea of what leadership is interested in regulating.

Commissioner Cooper discussed generators and the noise issues that can be associated with food trucks. He noted he did not want food trucks competing with restaurants on Front Street. He suggested regulating hours of operation and designating where they could be parked throughout Town.

Commissioner Gillikin suggested they should be sensitive to small businesses in terms of geographic area. She spoke on potential issues, such as audio amplification and drive through food trucks. She said she was on board with previous conversations about requiring plug in power sources.

Commissioner LoPiccolo referenced the Town's current ordinances in place that could address food trucks; e suggested building on those regulations.

Ms. Eitner shared that Chapter 113, Itinerant Merchants, identifies many different mechanisms of business, noting it predates the modern food truck and should be amended if that is the direction the Board of Commissioners want to go. She explained they need to identify whether food trucks should be allowed on public right of way, explaining there are situations now where food trucks are paying to park and setting up in those public spaces. She also proposed exemptions for Town events, special events and reoccurring events such as the farmer's market. She noted the importance of regulating food trucks that are serving as a business, not those that are providing a service at special events.

Commissioner LoPiccolo shared that he personally has problems with food trucks on public street and roads. He recommended zoning be considered for food trucks in certain areas. He noted the importance to make sure that private homeowners have the ability to have a food truck on their property if they have a private event. He suggested he did not believe the Town should be able to limit the number of food trucks a business owner has on their private property but did support requiring appropriate power sources to reduce the noise. He also suggested there should be some type of application or permit process for recurring events such as the farmer's market.

Ms. Eitner explained they were proposing the food truck ordinance should be independent from Health Department and Fire Marshall regulations.

Commissioner Spiegler recommended they need to find a balance in regulating food trucks. She suggested that food trucks can provide a service to both residents and visitors, not only during special events. She explained food trucks could be a more affordable option and provide a greater variety without competing with other restaurants in the area. She expressed her support of food trucks in Town and stressed the importance of finding a balance to regulate them. She was also in favor of the plug in power source to reduce generator noise.

Commissioner Oliver discussed the existing ordinance and explained that any publicly owned or controlled highway, street, alley, right of way or publicly controlled properties within the Town could not have vending. He suggested they focus on the existing regulations and use that as a starting point to better understand what it means. He noted there were areas to be addressed and issues that should be considered, such as competing restaurants, power sources, trash, and noise concerns. He spoke on the importance of checking all the boxes in relation to the Health Department, Fire Marshall and insurance requirements. He also mentioned the topic of sales tax, and how it was important to confirm revenue was being properly dispersed for any sales made within Beaufort.

Commissioner LoPiccolo pointed out there were hybrid food trucks downtown that were abiding by the current rules and regulation of not allowing the trucks on public streets. He suggested they should be consistent with the current regulations throughout Town.

Commissioner Gillikin recommended the consideration of food truck exceptions during hurricanes or other natural disasters.

3. Amendment to Ordinance, Section 71.07 and Addition of Ordinance, Section 90.12

Police Chief Paul Burdette explained there were two draft ordinances before the Board for consideration. One being an amendment to the ordinance that addresses parking trailers on public streets and the other being an addition of an ordinance to regulate living or sleeping on streets, highways or Town property.

In regard to Section 71.07, Chief Burdette explained was cleaning up the language a bit to encompass both attached and unattached trailers.

After discussion amongst the Board, the Mayor deemed a consensus to put the item on the consent agenda for the upcoming October 14th Regular Meeting, with an additional suggestion to change the word "automobile" to "vehicle".

In regard to the addition of Section 90.12, Chief Burdette explained the Town had received several complaints in segments of Beaufort where folks were essentially camping. He explained that camping was only addressed in the current ordinance under Park Rules, where it states no camping. He shared this was not a pervasive issue but an effort to get in front of something that could potentially become an issue in the future.

Commissioner Gillikin asked if taking a nap in her car on Town streets would apply to the proposed ordinance.

Chief Burdette explained these issues were complaint driven and each circumstance was different.

Commissioner Gillikin asked about homelessness complaints and how those were addressed.

Chief Burdette said this was not an attempt to try to criminalize homelessness, highlighting that the Beaufort Police Department believed in education over enforcement and providing proper resources.

Commissioner Oliver suggested in the first paragraph, the first two sentences were mutually exclusive of one another. He suggested those sentences addressed two separate issues and recommended the attorneys revisit that section.

Mayor Harker suggested bringing the proposed ordinance back for review at the next regular meeting.

4. Dockmasters Office Lease Extension

Ms. Lewis explained that when the Town acquired the dockmasters office in a property swap with Haywood Weeks, it was agreed upon to allow the lease to Beaufort Waterfront Enterprise (BWE) for the office to continue until the lease for the docks expired. Since the Town extended the dock lease until December 31, 2025, the dockmasters office lease should be extended to that as well.

Commissioner Cooper made a motion to extend the dockmasters office lease as presented.

The motion carried unanimously.

5. Town Manager Residency Requirement

The Board of Commissioners discussed whether the new Town Manager should be required to live in Beaufort. The Mayor deemed a consensus that a residency requirement should be advertised for the position of Town Manager. The group also discussed upcoming meetings related to the Town Manager search and review of applicants.

6. Island Express Ferry Service Request

Charlie Burgess, Interim Town Manager, shared that the Island Express Ferry Services, LLC is requesting a ten year lease of three boat slips on the Beaufort waterfront. Island Express Services currently occupies three spaces just west of Grayden Paul Park. The requested lease would commence January 1, 2026. It is recognized that the Beaufort

Waterfront may have significant changes to its dockage configuration in the future. Island Express Ferry Services understands this and is therefore not necessarily seeking an exact location for the requested ten-year term but is seeking affirmation the requested lease would be for slips located somewhere within the footprint of the Beaufort Waterfront. The request is coming forward currently as Island Express Ferry Services is preparing to respond to the National Park Service seeking a concessionaire to provide ferry services to Cape Lookout. The award of the contract will be for a period of ten years. As part of the submittal for consideration, the responding party must indicate where the ferry service operation will be located, from what waterfront. As the owner of Island Express Ferry Services, George Aswad is prepared to bring forward a contractual document for your review, modification of terms and conditions and ultimate approval. He noted that prior to the contract being developed, staff believes the Town should first indicate the desire to have the ferry service operate from the Beaufort Waterfront as opposed to the services being located at a different location.

Commissioner Gillikin said she believed the ferry service operating out of Beaufort was overall a great asset, as long as it continued to be Island Express Ferry Service for the purpose of providing services in terms of National Park Service visitors only.

Commissioner LoPiccolo agreed the ferry service was an asset to the Town of Beaufort and noted he had a hard time making such a long commitment without the recommendations of the Beaufort Waterfront Operations and Finance (BWO) Committee.

Commissioner Spiegler agreed with Commissioner Gillikin and asked for more information regarding the concessionaire contract through the National Park Service.

George Aswad explained in order to submit a proposal for the concessionaire contract, they have to project what is going to happen in the next ten years in terms of finances, number of passengers, expenses, and so forth. He suggested projecting those numbers would be difficult if they were not guaranteed dock space. He noted they had other options out of Morehead City and Harkers Island. He emphasized the importance of knowing where they would be running from, hence the push for an additional ten-year lease. He shared the concessionaire prospectus date kept getting pushed back, noting it had been delayed for a year.

Mr. Burgess asked what the response time was once it came out.

Mr. Aswad said it was typically 90 days.

Mr. Burgess asked if the Board of Commissioners were inclined to accept a ten-year lease and start contractual negotiations, would he have problems adhering to Commissioner Gillikin's comments regarding ferry service tours to National Park Service areas.

Mr. Aswad confirmed he had no problems with that.

Commissioner Oliver asked if Mr. Aswad had an agreement in place or an expectation of an agreement with the National Park Service through December 31, 2025.

Mr. Aswad said they had not put it out officially, but he had an expectation there would be a lease extension for four rights from the National Park Service through 2025.

Commissioner Oliver noted he also had an agreement with the Town of Beaufort to provide dock space for that same amount of time. He said he was in favor of Mr. Aswad and Island Express Ferry Service and suggested the request should go to the BWO Committee for recommendations.

Mayor Harker deemed a consensus to put it before the BWO Committee with a potential response by October or November.

7. BWO Committee Update

Commissioner Spiegler provided an update from the committee and noted the next scheduled meeting. She explained they planned to hear updates regarding finance,

construction and operations of the docks. She noted the more money they had in capital up front, the more leverage the Town is going to have with whatever option is chosen. She asked for a consensus from the Board of Commissioners in support of obtaining information on funding options such as grants, donations and legislative appropriations.

Commissioner LoPiccolo expressed his desire to learn more about the funding options as well as an anticipated timeframe for each one.

Commissioner Oliver suggested the committee needs to come up with alternative designs to better understand how much money to ask for in the process.

Commissioner Spiegler agreed and said they cannot go after the money unless they know what they are asking for and how much they need. She recognized the importance of determining how much money is needed, when is it needed and understanding if it be done on a phased approach.

8. Professional Park Drive Area Stormwater Inventory and Flood Study Update

Sam Bell, Interim Town Engineer, provided an update on the study as a response to recent flooding on Meeting Street during a Tropical Weather event. He noted the study should be wrapped up in October and final recommendations are anticipated to be complete by November 2024. He explained what the final product would encompass and noted the information has been on the Town's website during the duration of the project.

Mr. Burgess recommended after the final recommendations were complete, there should be a community outreach event to inform the residents in the area of potential solutions.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at 6:00 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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**Board of Commissioners
Regular Meeting
6:00 PM – Monday, Oct. 14, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Event Application - Dia de los Muertos (Day of the Dead) Festival

The Beaufort Picture Show has submitted an event application to host a Day of the Dead event on Friday, Nov. 1, 2024 in downtown Beaufort. The coordinators for this event are Liz Kopf and Billy Kane.

This second-year event anticipates an estimated 500-1,000 people to attend. Organizers describe the event as a block party with Mexican food, music, vendors and cultural activities related to the Mexican Day of the Dead celebration. The proposed event is from 5-9 p.m. with setup beginning at 7 a.m. and breakdown ending by 11 p.m.

Requests of the Town:

- Closure of Middle Lane from 6 a.m.-11 p.m. on Nov. 1, 2024
- Alcohol Waiver for Middle Lane
- Applicant is aware that they will be required to hire a minimum of two off-duty officers for the duration of the event at the for-hire rate.
- 8 Solid Waste cans & 6 Recycling cans

The applicant has spoken to businesses who will be impacted by the closure of Middle Lane. At this time, they are all working together to put on the event.

The Town’s Emergency Services Departments have reviewed the application and does not have any issues.

This event was very well coordinated in 2023. Staff doesn’t foresee any issues.

SUBMITTED BY: Rachel Johnson, Events Coordinator

Date Application Received:

9/26/24

2.

Permit Number:



TOWN of
BEAUFORT
NORTH CAROLINA

APPLICATION FOR SPECIAL EVENT PERMIT

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

Events Coordinator, Town of Beaufort

701 Front Street

P.O. Box 390

Beaufort, NC 28516

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

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

EVENT BASICS

Event Name: Die de los Muertos (Day of the Dead) Festival

Location of Event Site: Middle Lane

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

Run by: Beaufort Picture Show

Applicant (Organizer) Name: Elizabeth Kopf (Liz) Contact # 252-728-7446

Day of Event Contact #: 252-728-7446 Email: lizkopf@gmail.com

Type of Event:

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

- Music Event
- Other _____

Actual Event Date(s): Friday - November 1 Time of Event: 5:00pm - 9:00pm
 Set-Up Date: Friday - November 1 Start Time: 7:00 am - 5:00pm set-up
 Tear Down Date: Friday - November 1 End Time: 10:00 pm tear down done
 Estimated Attendance: 1,000 approx. Admission Fees: Free to public

Event Description:

2nd Annual - Street festival/cultural event with the goal of celebrating a Mexican holiday/integrating the local hispanic community. Event features a Salsa band, Mexican/Hispanic food trucks, Beer Garden, ofrendas honoring lost relatives, arts/craft activities for children, and a free showing of an animated children's movie.

ORGANIZER/APPLICANT INFORMATION

Name of Organization: Beaufort Picture Show - non-profit org.
 Primary Contact Person: Liz Kopf - Board Member/Event Organizer
 Mailing Address: 805 Broad St. Beaufort, NC 28516
 Email: lizkopf@gmail.com
 Daytime Phone #: 252-728-7446 Cell Phone #: 252-728-7446
 Alternate Contact Person: Billy Kane - President Phone #: 336-301-4670
 Is your group a non-profit organization? Yes. If yes, please provide documentation with your application.

SITE PLAN

Site Plan Attached

- Yes
- No

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

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

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

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

PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

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

Specific Requirements: (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule.

(Trash/Recycling Carts: \$10 each, Electricity: \$50)

9 Trash Cans
& Recycling Carts

OTHER EVENT DETAILS

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

Beaufort Event Rentals
Advanced Portable Toilets

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

ALCOHOL

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

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

x [Signature] (Applicant's Signature)

We are requesting that the Town allow alcohol consumption on public property.

ROAD CLOSURES

Does your event require a road closure? YES NO

Please provide specifics below:

Friday, November 1 only for closure ^{road}

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
<u>Middle lane</u>	<u>7:00am-5:00pm</u>	<u>5:00pm</u>	<u>9:00 pm</u>	<u>9:00pm-10:00pm</u>

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

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

PARKING/PARKING LOTS

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

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

N/A

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

All vendors will be on Middle Lane only. N/A

Bicycle Parking: Yes No Bike racks on Middle Lane - public & private.

Additional Handicap Parking: Yes No Location: _____

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

Attendees will utilize town parking in Beaufort, just as they did in 2023 at the event.

PARADE/WALK INFORMATION

Parade Assembly Area: _____ Time: _____

Parade Dismissal Area: _____ Time: _____

Parade Start Time: _____

N/A

EMERGENCY MANAGEMENT

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

Designated Emergency personal/liaison (onsite): Liz Kopf

Cell #: 252-728-7446 Other Contact: Billy Kane - 336-301-4670

How will your event staff react to severe weather?

In the event of severe weather, the event will be canceled.

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

Evacuation orders or other critical information announcements will be made from the P.A. system at the stage. Volunteers will also assist in this event.

RISK ASSESSMENT

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

Organizers will monitor weather & cancel event if necessary. Food vendors will be inspected & monitored for safety concerns, etc. Beer Garden volunteers will have alcohol training. No open flames or fire will be allowed.

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

The majority of volunteers will be Copin volunteers who also worked the event last year. Pre-event meetings will be held including alcohol training, security concerns, inclement weather, etc.

TENTS

Will you have tents at your event? YES NO

Please list the tent sizes: No tent rentals - only 10x10 pop-up tents.

If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit.

There is a \$50 fee. Please contact Tammy Turek at (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

FOOD

Will there be food served at your event? YES NO

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

Beaufort Grocery Company, Turner Street Market, Clawson's, Marmalade's, Taqueria Suptare

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

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

VENDORS

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

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

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

CHECKLIST

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

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

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

Applicant's Signature Elizabeth C. Kopf Date 9/24/24

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

Permit Issue Date: _____
 Authorized Signature: _____

Insurance Certificate: Yes ___ No ___
 Permit Fee: Yes ___ No ___
 BOC Approval Date: _____
 Police Chief Approval: _____
 Fire Chief Approval: _____



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**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Amendment to Ordinances, Section 71.07, "Parking Trailers on Public Streets Prohibited"

REQUESTED ACTION:

Approval of the draft ordinance to amend, Section 71.07, "Parking Trailers on Public Streets Prohibited". For clarity, the language has been updated to reflect the term "vehicle" rather than "automobile".

SUMBITTED BY:

Chief Burdette, Police Department



**AN ORDINANCE OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS
AMENDING THE TOWN OF BEAUFORT CODE OF ORDINANCES
TO PROHIBIT PARKING TRAILERS ON PUBLIC STREETS
ORDINANCE NO. 24-_____**

WHEREAS, pursuant to North Carolina General Statutes 160A-174, a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, in furtherance of the public health, safety and welfare it is necessary to regulate certain activities upon the streets, highways and property owned by the Town which impede transportation and the ability of residents and visitors to safely traverse Town streets; and

WHEREAS, it is necessary to regulate certain activities to promote orderly transportation and ample parking within the Town.

NOW THEREFORE BE IT ORDAINED by the Town Board of Commissioners of the Town of Beaufort, North Carolina:

The Code of Ordinances, Town of Beaufort, North Carolina, is hereby amended by adding a section, to be numbered 71.07, titled "Parking Trailers on Public Streets Prohibited", which shall read as follows:

Sec. 71.07

A. It shall be unlawful to park and leave standing any freestanding vehicle trailer (not attached to a motor vehicle) on streets owned and operated by the Town. It shall be unlawful to park and leave standing any vehicle trailer attached to a motor vehicle on streets owned and operated by the Town for longer than one hour. Vehicle trailers shall include, but are not limited to, boat trailers, campers, utility trailers, and any other trailer that is designed to be towed by a motor vehicle.

B. Penalties for violation of this Section:
In addition to other remedies and penalties which apply to violations of the Town's Code of Ordinances, any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$50.00, which must be paid within ten days from the date on which the offending party is cited for the violation. The Town will recover any such penalty in a civil action in the nature of a debt if the penalty is not timely paid in full.



Adopted this _____ day of October, 2024

Sharon E. Harker, Mayor

(Seal)

ATTEST:

Elizabeth Lewis, Town Clerk



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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

AGENDA CATEGORY: Items of Consent
SUBJECT: 2025 BOC Meeting Schedule

REQUESTED ACTION:

Approval of the 2025 Board of Commissioners Meeting schedule which reflects all regular meetings and work session dates.

SUMBITTED BY:
Elizabeth Lewis, Town Clerk

TOWN OF BEAUFORT BOARD OF COMMISSIONERS 2025 MEETING DATES

Location: Beaufort Train Depot- 614 Broad Street, Beaufort, NC 28516

Regular Meeting
2nd Monday, unless otherwise
noted

Work Session
4th Monday, unless otherwise
noted

January 13, 2025

January 27, 2025

February 10, 2025

February 24, 2025

March 10, 2025

March 24, 2025

April 14, 2025

April 28, 2025

May 12, 2025

*May 27, 2025

June 9, 2025

June 23, 2025

July 14, 2025

July 28, 2025

August 11, 2025

August 25, 2025

September 8, 2025

September 22, 2025

October 13, 2025

October 27, 2025

November 10, 2025

November 24, 2025

December 8, 2025

December 22, 2025

Time: 6:00 pm

Time: 4:00 pm

**Moved due to holiday schedule*



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Resolution Regarding Surplus Property- Beaufort Fire Department

SUMMARY:

Beaufort Fire Chief has been in contact with the North Carolina State Firefighters' Association and would like to donate Fire Engine 4, a 2008 Rosenbauer, and several other items to assist fire departments affected by the Hurricane Helene disaster in coordination with the North Carolina State Firefighters' Association.

REQUESTED ACTION:

Approval of the draft resolution.

SUMBITTED BY:

Jack Fleeman, Deputy Fire Chief



RESOLUTION OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS TO DONATE SURPLUS PROPERTY TO THE NORTH CAROLINA STATE FIREFIGHTER’S ASSOCIATION RESOLUTION NO. 24-_____

WHEREAS, Hurricane Helene hit North Carolina on September 27, 2024, causing devastation and loss of life in areas including Western North Carolina; and,

WHEREAS, the Town of Beaufort (hereinafter “Town”) has determined the North Carolina State Firefighter’s Association, a non-profit organization incorporated in the State of North Carolina, would be assisted in recovery, rescue and repair efforts by the receipt of surplus, obsolete and/or unused property previously used by the Town’s Fire Department; and,

WHEREAS, the Town of Beaufort wishes to donate surplus property and miscellaneous equipment the Town owns but no longer uses in its Fire Department or otherwise; and,

WHEREAS, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused, can be conveyed to a governmental unit, sister city, nonprofit, or charter school pursuant to the authority granted by N.C. Gen. Stat. §160A-280; and,

WHEREAS, the Town wishes to donate to the North Carolina State Firefighters’ Association the following items to assist fire departments affected by the Hurricane Helene disaster:

- 2008 Rosenbauer Spartan Pumper (VIN #4S7HT2B987C056180),
- 1200’ Rubber hose,
- Hurst hydraulic extrication portable pump and tool set,
- (25) Nozzles, adapters and appliances,
- (1) Kobalt Sawzall,
- (5) Scene lights,
- (9) Assorted tools (halogen, pickaxe, spanner wrench, etc.),
- (3) Smoke ejectors,
- (2) Cord Reels, and
- (1) Gas PPV Fan; and,

WHEREAS, the apparatus and equipment are no longer being used by the Beaufort Fire Department and/or are surplus and/or obsolete.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF BEAUFORT HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are made an integral component of the actions of the Commissioners taken herein.

Section 2. The Town hereby declares the property identified herein as unused, surplus or obsolete, and donates same to the North Carolina State Firefighter’s Association to assist with recovery, rescue and repair efforts related to Hurricane Helene.

Section 3. This resolution shall be effective upon adoption.

Section 4. That the Town Manager, Town Clerk and/or Town Attorney are authorized to take all actions necessary to accomplish the purposes of this Resolution.

ADOPTED THIS _____ DAY OF OCTOBER, 2024.

TOWN OF BEAUFORT

By: _____
SHARON E. HARKER, Mayor

(Town Seal)

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

AGENDA CATEGORY: Old Business

SUBJECT: Food Truck Ordinance Amendments

BRIEF SUMMARY:

At the Board’s September 23, 2024 worksession, discussion was held as to potential ordinance options to regulate food trucks. Staff updated and integrated the discussed amendments into the existing Chapter 113 Itinerant Merchants of the Code of Ordinance’s Title XI Business Regulations. Following review by the Town Attorneys, these ordinance amendments are presented for discussion.

REQUESTED ACTION:

Discussion on the proposed text amendment and direction moving forward.

EXPECTED LENGTH OF PRESENTATION:

15 minutes

SUBMITTED BY:

Michelle Eitner
Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



TOWN OF BEAUFORT, NORTH CAROLINA

PLANNING & INSPECTIONS DEPARTMENT
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
(252) 728-2142
Fax (252) 728-3982
www.beaufortnc.org

Michelle Eitner
(252)528-8767
m.eitner@beaufortnc.org

Memorandum

To: Mayor and Board of Commissioners
From: Michelle Eitner, Town Planner
Date: October 4, 2024
Re: Proposed Food Truck Ordinance

As discussed in the September 23rd worksession, with guidance from the Town Attorney, Staff provides the attached draft amendments to Chapter 113 Itinerant Merchants of the Code of Ordinances. This Chapter, which seems largely unused in recent years, is proposed to be updated to remove outdated provisions and include the Board’s current policy decisions.

The amendments, shown with additions as blue underline and deletions as ~~red strikethrough~~, include:

- Section 113.01 Definitions – this section defines itinerant merchants.
 - o Food trucks/carts fall under this definition.
 - o The definition includes a list of exclusions to the regulations, including updated language allowing the Olde Beaufort Farmer’s Market and town-approved special events to operate outside of the proposed prohibitions.
 - o An outdated provision was removed which excluded from regulation those itinerant merchants connected to permanent locations in the county. This was appropriate in the context of privilege licenses and taxes, but not in the amended ordinance regarding location and operation regulation.
 - o The private catering/delivery provision was added.
- Section 113.02 (old) Temporary business – This section is removed entirely, which is consistent with the removal of the outdated licensing provisions. Allows the LDO to regulate accessory/temporary uses, which will be expanded in the creation of the UDO.
- Section 113.02 (renumbered) Prohibited conduct – This section provides the regulations with which itinerant merchants must adhere.
 - o The existing prohibition of activity on public property or right-of-way is carried forward as-is.
 - o Generator prohibition is added, with post-storm/emergency exemption per BOC.
 - o No use of town’s trash receptacles
 - o No use of audio amplification
 - o No use of drive through
 - o Addition of 100ft setback between itinerant merchants or between an itinerant merchant and a restaurant.

- No use of parking spaces required for operation of the primary use
- No operation in violation of other ordinances, such as the Fire Marshal or health department. This allows for the Town's ordinance to operate concurrently but separate from other agencies having jurisdiction.
- Article II License – This section is proposed to be repealed nearly entirely.
 - The licensing program, established in 1985, requires the Town Clerk and Tax Collector to provide a sort of temporary privilege license for the itinerant merchant. Now that privilege licenses are not issued by municipalities, this “licensing” is outdated.
 - Staff is recommending not to pursue a permitting program for itinerant merchants at this time. Simply updating these requirements and educating itinerant merchants should provide the desired effects.
 - Should the Board desire to pursue a permitting program, discussion will be necessary whether to conduct this through the Police Department (maintains enforcement of this Chapter through amendments) or the Planning Department (provides permitting of zoning and building codes), which seem to be the two departments used in other jurisdictions for permitting programs.
 - Section 113.03 (renumbered) Enforcement by police – This section is carried forward from the licensing article to allow the continued enforcement of the Chapter by the Police Department.
- Section 113.99 Penalty – This points to enforcement through an external Section 10.99 of the Code of Ordinances, which identifies a civil penalty of \$500 and other remedies.

Beaufort, North Carolina, Code of Ordinances

TITLE XI BUSINESS REGULATIONS

CHAPTER 113. ITINERANT MERCHANTS¹

ARTICLE I. GENERAL PROVISIONS

Sec. 113.01. Definitions.

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

Itinerant merchant, transient merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the town or not, who engages in a temporary business of selling and delivering goods, wares, foods and food products, and merchandise within the town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, boat, public room and hotels, lodging homes, apartments, shops, or any street, alley, property or other place within the town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include:

- (1) Any person selling edible farm produce, such as fruits and vegetables;
- (2) Any person selling shellfish, fish or other seafood so long as the person either caught the seafood or holds a valid seafood wholesale license issued by the state;
- (3) Any person who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery only;
- (4) Any person selling at ~~a farmer's market~~ [the Olde Beaufort Farmer's Market](#) or special event ~~sponsored approved~~ by the town ~~or another local government~~;
- (5) Any person selling used household furnishings and used personal property owned by the person at a yard sale being conducted by the person or in which the person is participating;
- (6) Any person who otherwise meets the definition above but who is part of a group of ten or more merchants selling at a shopping area or trade show; is selling at the invitation of the shopping area or trade show; which person has the written permission of the shopping center, shopping area or trade show to be present on the premises; and where such sales activities do not last longer than seven days;
- (7) Any person who otherwise meets the definition above but who is part of a group of three or more merchants exposing for sale goods, wares or merchandise on the premises of a building being operated as a flea market, and such person has the written permission of the owner or operator of the flea market premises to be present on the premises;

¹State law reference(s)—Authority to regulate solicitation campaigns and itinerant merchants, see G.S. 160A-178.

(8) Any person, club, organization or association selling subscriptions, goods, wares, merchandise and other personal property exclusively for nonprofit benevolent, religious, patriotic, historical, educational, scientific, civic, governmental or other similar charitable purposes. As defined herein a *charitable purpose* is one that has humane and philanthropic objectives, and is an activity that benefits humanity or a segment of the community without expectation of pecuniary profit or reward. No person so engaged shall be relieved from complying from the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer;

~~(9) Any person who maintains a fixed permanent location in the county at or in which at least 90 percent of his or her total sales volume is made and who pays all applicable state and local taxes for such fixed permanent locations shall not be deemed an itinerant merchant or itinerant vendor with respect to other sales which may be made from vehicles within the town.~~

(9) Any person providing catering and deliveries to private events not serving the general public.

(1992 Code, § 11-166; Ord. passed 7-8-1985)

~~Sec. 113.02. Temporary business.~~

~~(A) A transient merchant, itinerant merchant or itinerant vendor shall be deemed to engage in a temporary business of selling and delivering goods, wares, foods and food products, and merchandise within the meaning of this chapter if the business is conducted within the town for less than six consecutive months, except in case of discontinuance for one or more of the reasons hereinafter mentioned.~~

~~(B) When a salesperson or merchant beginning a business applies for a town privilege license under the privilege license ordinance and G.S. Chapter 105, it shall be the duty of the salesman or merchant prior to beginning the business to state in writing to the Town Clerk or his or her duly authorized agent or assistant his or her intention to operate as a regular merchant from a building and property location within the town properly zoned under the zoning ordinance for the business.~~

~~(C) If after investigating the facts and circumstances regarding the salesman or merchant and his or her stated intention to operate as a regular merchant for six months or longer, the Town Clerk or his or her duly authorized agent may, in his or her discretion, require the salesperson or merchant to post a satisfactory bond or make a cash deposit in the amount required by § 113.18, if the Town Clerk or his or her assistant finds that there is a reasonable basis to believe that the merchant or salesperson may operate as an itinerant merchant. The bond or deposit shall be forfeited to the town if such salesperson or merchant discontinues business in the town within less than six months for any reason other than death or disablement of the salesperson or merchant, insolvency of the business, or destruction of the stock, machinery and property of the business by fire or other catastrophe. The bond or deposit shall be payable to the town and shall have the same or similar conditions as required by § 113.18. Additionally, the bond may be used for payment of any fees required by this chapter. When any salesperson or merchant, having been first required to post the bond or deposit, has conducted the business for six consecutive months, or has discontinued the business within six months for one of the reasons specifically mentioned herein, he or she shall be entitled to have the bond canceled or the deposit returned.~~

(1992 Code, § 11-167; Ord. passed 7-8-1985)

Sec. 113.02~~3~~. Prohibited conduct.

It shall be unlawful for any transient merchant, itinerant merchant or itinerant vendor to:

(A) Engage in the business of selling and delivering goods, foods, and food products, wares and merchandise at any location within the town for which the transient merchant, itinerant merchant or

itinerant vendor does not have the notarized, written permission of the property owner on which the business is to be conducted designating the dates for which permission is being given;

- (B) Make any sale or delivery of goods, foods, food products, or wares and merchandise from any location in violation of the town zoning ordinance or any other town or state ordinance, regulation or law; and
- (C) Make any sale or delivery of goods, foods, food products, or wares and merchandise on or from any publicly owned or controlled highway, street or alley right-of-way, or publicly owned or publicly controlled properties, within the town.
- (D) Utilize a vehicle motor, generator, or external power source other than a permanent power source on site. The Board of Commissioners may allow an exemption from this prohibition for a limited period of time following a natural disaster or other emergency situation.
- (E) Utilize town trash receptacles
- (F) Utilize audio amplification devices.
- (G) Operate utilizing a drive-through window or otherwise service vehicular traffic.
- (H) Operate such that the any portion of the subject itinerant merchant's operation is within 100 feet of any portion of another itinerant merchant's operation or within 100 feet of any customer entrance to a restaurant open for business to the public.
- (I) Operate in a parking space which is required by the zoning ordinance for the operation permanent uses on site
- (I) Operate in violation of any applicable local, state or federal law, standard, or regulation, including but not limited to those promulgated or enforced by the town police and fire departments, county health department and N.C. Department of Revenue.

(1992 Code, § 11-168; Ord. passed 7-8-1985)

Cross reference(s)—Penalty, see § 113.99.

ARTICLE II. LICENSE

Sec. 113.15. Required.

~~It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such a business within the town without first obtaining a license in compliance with provisions of this chapter and without complying with the requirements of this chapter.~~

~~(1992 Code, § 11-186; Ord. passed 7-8-1985)~~

~~Cross reference(s)—Penalty, see § 113.99.~~

Sec. 113.16. Application.

~~Applicants for a license under this chapter shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the Town Clerk, showing:~~

- ~~(A) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the town; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is,~~

whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the corporation is incorporated;

(B) Proof of a North Carolina sales tax reporting number issued by the state's Department of Revenue;

(C) The place or places in the town where the applicant proposes to conduct business, the length of time during which it is proposed that the business shall be conducted, proof of written permission from the owner or lessee of the property to be used allowing the applicant to conduct business at the proposed location, and a written statement from the town zoning enforcement officer indicating that the proposed sales activity is a permitted use at the proposed location if the location is located in an area zoned under the town's Zoning Ordinance;

(D) The place or places, other than the permanent place of business of the applicant where the applicant was conducting business within the last six months;

(E) A statement of the nature, character and quality of the goods, foods or food products, wares or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, foods or food products, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where the goods or products are located at the time the application is filed;

(F) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and copies of all advertising, whether by handbills, circular, newspaper advertising or otherwise, shall be attached to the application;

(G) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime or the violation of any local ordinance, the nature of the offense and the punishment assessed thereof;

(H) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(I) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Town Clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

(1992 Code, § 11-187; Ord. passed 7-8-1985)

Sec. 113.17. Investigation; issuance or denial.

Upon receipt of the application for a license under this chapter, the Town Clerk shall forward it to the Police Department for investigation. The Police Department shall complete the investigation within seven days. If as a result of such investigation the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If as a result of the investigation the character and business reputation appear to be satisfactory, the Tax Collector shall so certify in writing, and a license shall be issued by the Tax Collector. The Tax Collector shall keep a full record of all licenses issued. Such license shall contain the number of the license, the date it is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the names of the persons authorized to carry on the business.

(1992 Code, § 11-188; Ord. passed 7-8-1985; Am. Ord. passed 7-10-2006)

Sec. 113.18. Bond.

~~Before any license shall be issued under the provisions of § 113.17 for engaging in a transient or itinerant business, an applicant shall file with the Town Clerk a bond running to the town in the sum of \$1,000.00 executed by the applicant, as principal, and a surety upon which service of process may be made in the state. The bond shall be approved by the Town Administrator, or his or her written designee, and shall be conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the town and the statutes of the state regulating and concerning the sale of goods, foods and food products, wares and merchandise, and will pay all judgments rendered against the applicant for any violation of such ordinances or statutes, together with all judgments and costs that may be recovered against him or her by any person for damage arising out of any misrepresentation or deception practiced on any person transacting the business with the applicant, whether the misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, foods and food products, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the town to the use of the aggrieved person. The bond required by this section shall be posted and remain in effect for a period of one year from the date of any renewal, of any license issued under this chapter.~~

~~(1992 Code, § 11-189; Ord. passed 7-8-1985)~~

Sec. 113.19. Service of process.

~~Before any license may be issued for engaging in business as an itinerant merchant, the applicant shall file with the Town Clerk an instrument appointing a person located in the county to be the agent of the applicant for service of process with respect to any matters connected with or arising out of the business transacted under the license given and the bond required by this chapter.~~

~~(1992 Code, § 11-190; Ord. passed 7-8-1985)~~

Sec. 113.20. Posting of license.

~~The license issued under this chapter shall be posted conspicuously in the place of business named therein. If the applicant desires to do business in more than one place within the town, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.~~

~~(1992 Code, § 11-191; Ord. passed 7-8-1985)~~

Sec. 113.21. Fees.

~~(A) Before issuing a license under this chapter, the Tax Collector shall collect an administrative processing fee. This fee is to cover the administrative costs of processing the application required by this chapter and shall not be considered a tax, nor shall it relieve the applicant of paying any other state or local taxes required by law.~~

~~(B) The Tax Collector shall collect an administrative processing fee for each renewal issued under § 113.26.~~

~~(1992 Code, § 11-192; Ord. passed 7-8-1985; Am. Ord. passed 7-10-2006)~~

Sec. 113.22. Transfer.

~~No license issued under this chapter shall be transferable.~~

~~(1992 Code, § 11-193; Ord. passed 7-8-1985)~~

Sec. 113.203. Enforcement by police.

It shall be the duty of the Police Department to enforce the provisions of this chapter.

(1992 Code, § 11-194; Ord. passed 7-8-1985)

Sec. 113.24. Revocation.

(A) Any licenses issued pursuant to this chapter may be revoked by the Town Clerk, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, foods, food products, wares or merchandise;
- (3) Any violation of this chapter;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; and/or
- (5) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the licensee, at his or her last known address, at least five days prior to the date set for the hearing.

(1992 Code, § 11-195; Ord. passed 7-8-1985)

Sec. 113.25. Appeal.

Any person aggrieved by a decision of the Town Clerk to deny an application for a license under this chapter or to revoke a license may appeal to the Board of Commissioners. Such appeal shall be taken by filing a written statement setting forth the grounds for the appeal with the Board within 14 days after notice of the decision by the Town Clerk has been mailed to such person's last known address. The board shall set the time and place for a hearing on the appeal, and notice of the hearing shall be given to such person in the same manner as provided in § 113.24 for notice of hearing on revocation. The order of the Board on the appeal shall be final.

(1992 Code, § 11-196; Ord. passed 7-8-1985)

Sec. 113.26. Expiration and renewal.

(A) All licenses issued under the provisions of this chapter shall expire 90 days after the date of issuance unless an earlier date is stated on the license.

(B) Any license issued under the provisions of this chapter may be renewed any number of times upon the following conditions:

- (1) The applicant makes a written application for renewal stating that the person or persons managing the business are the same as those listed in the original application, that the place or places where the applicant proposes to conduct business have not changed, and a statement explaining any material change in circumstances from the information given in the original application.
- (2) The applicant shall show to the satisfaction of the Town Administrator that the bond covering the applicant's business will be valid for at least one year from the date of any license renewal.

~~(3) That the Town Clerk is satisfied that there is no cause for revocation under § 113.24.
(1992 Code, § 11-197; Ord. passed 7-8-1985)~~

Sec. 113.99. Penalty.

- (A) Any violation of this chapter shall subject the offender to punishment as provided in § 10.99.
- (B) Notwithstanding subsection (A) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.
- (C) In addition to or in lieu of remedies authorized in subsections (A) and (B) above, violations of this chapter maybe prosecuted as a misdemeanor in accordance with § 10.99.

(1992 Code, § 11-169; Ord. passed 7-8-1985)



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

AGENDA CATEGORY: Old Business

SUBJECT: Amendment of Ordinances to Include, Section 90.12,
“Living or Sleeping on Streets, Highways or Town Property
Prohibited”

REQUESTED ACTION:

Approval of draft Ordinance to Include, Section 90.12, “Living or Sleeping on Streets, Highways or Town Property Prohibited”. Town Staff and attorneys have reviewed the language presented and feel it suffices for the intended purpose of the regulation.

SUMBITTED BY:

Chief Burdette, Police Department



**AN ORDINANCE OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS
AMENDING THE TOWN OF BEAUFORT CODE OF ORDINANCES TO PROHIBIT LIVING OR
SLEEPING ON STREETS, HIGHWAYS OR TOWN PROPERTY
ORDINANCE NO 24-_____**

WHEREAS, pursuant to North Carolina General Statutes 160A-174, a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, in furtherance of the public health, safety and welfare it is necessary to regulate certain activities upon the streets, highways and property owned by the Town which degrade or cause harm to these areas; jeopardize the efficiency, effectiveness, and/or safety of Town operations in these areas; and/or cause deteriorating conditions in the areas in which Town residents live and work; and

WHEREAS, it is necessary to regulate certain activities to protect the well-being of the natural environment, to protect the orderly operations of the Town, and to protect the safety of Town residents and visitors.

NOW THEREFORE BE IT ORDAINED by the Town Board of Commissioners of the Town of Beaufort, North Carolina:

The Code of Ordinances, Town of Beaufort, North Carolina, is hereby amended by adding a section, to be numbered 90.12, titled "Living or Sleeping on Streets, Highways or Town Property Prohibited", which shall read as follows:

Sec. 90.12

- A. No person shall engage in any act of residing or sleeping in any automobile or vehicle on any street, highway, or property owned by the Town.
- B. No person shall pitch a tent or erect a shelter on property owned by the Town except as expressly permitted by the Town. "Shelter" shall include tents, tarps, lean-tos, sleeping bags, blankets and any form of cover or protection from the elements other than clothing.
- C. Penalties for violation of this Section:
In addition to other remedies and penalties which apply to violations of the Town's Code of Ordinances, any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$250.00, which must be paid within ten days from the date on which the offending party is cited for the violation. The Town will recover any such penalty in a civil action in the nature of a debt if the penalty is not timely paid in full.



Adopted this _____ day of October, 2024

Sharon E. Harker, Mayor

(Seal)

ATTEST:

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

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

AGENDA CATEGORY: New Business

SUBJECT: Draft UDO Code Assessment Discussion

BRIEF SUMMARY:

Consultants with White & Smith will present the draft Code Assessment to the Board of Commissioners and discuss feedback on the document, which reflects the Town’s priority subject areas to be addressed during the UDO re-write phase.

REQUESTED ACTION:

Discussion on the draft code assessment document

EXPECTED LENGTH OF PRESENTATION:

15 minutes

SUBMITTED BY:

Michelle Eitner
Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



Town of Beaufort
North Carolina

Codes Assessment **Unified Development Ordinance**

Board of Commissioners Review Draft | September 27, 2024





All Images by White & Smith, LLC

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*Prepared for the
Town of Beaufort by:*



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1 Introduction

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

The Town plans to consolidate its current zoning, subdivision, minimum housing, and flood damage prevention regulations into a single, cohesive “unified development ordinance” (UDO). The goal of this Codes Assessment is to develop a clear picture of what will be addressed during development of the UDO and a consensus process for finalizing code policy alternatives so that the rewrite is efficient, effective, and a reflection of BOC policy today. The UDO will implement land use- and development-related policies from the Comprehensive & CAMA Land Use Plan, Small Area Plan, and Watershed Restoration Plan.

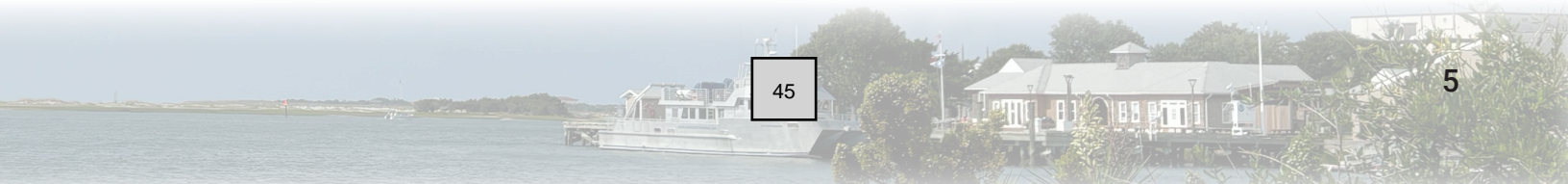
In June 2024, White & Smith team members met with the Board of Commissioners (BOC), Planning Board, UDO Steering Committee, and community to receive input on the strengths and weaknesses of

the current ordinances. This input, along with input from staff and the White & Smith team, is incorporated into this Codes Assessment. This is Phase 1 of a two-phase project. Phase 2 will be the development of the UDO itself.

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

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

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



2 Equity & Balance in Planning & Process

2.1 In General

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

2.2 Historically Underrepresented & Socially Vulnerable Communities

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

Second, UDO standards, including regulations and procedures, must reflect the varied needs and characteristics of the Town communities and populations.

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

2.3 Growth Trends & Public Facilities Capacity

A common theme heard during the Phase 1 kick-off was that the Town should balance the amount and nature of future growth to be accommodated with the need for ongoing economic activity and opportunities across all communities.¹

¹ Some kick-off meeting participants suggested the UDO effort should start with a concise articulation of the Town’s vision for growth, building on Land Use Plan’s more general policies. We can discuss this with staff and the Board as the Assessment is finalized.

Therefore, the UDO will be crafted so growth rates and patterns are consistent with the Town’s long-term vision for Beaufort, balanced against the availability of adequate public facility capacity. Some noted that the capacity of the Town’s water and wastewater systems is important to allocate consistent with the overall vision of future planned growth and reflective of known deficiencies or threats to available capacity (e.g., wastewater line inflow and infiltration, “I & I”).²

2.4 Private Property Rights & the Public Interest

Stakeholders noted the important balance the Town must strike as it does its work on the UDO between the public interest and private property rights, both of which the Town is obligated to protect. This balance will be a common theme during development of the UDO.

² We can discuss whether the UDO rewrite phase should include exploration of “concurrency,” fee-in-lieu, capacity allocation, or other formal programming to address and prioritize the Town’s desired rate of growth.

3 Resiliency & the Non-Intensification Zone

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- A. The Town recently received a grant through the North Carolina Resilient Coastal Communities Program to amend its development codes to incorporate “resilience updates.” Since the grant timeframe is relatively short, the Town intends to begin Phase 2, Development of the UDO, with these updates, which include:
1. Impervious coverage standards (see [Section 8.2 Lot Coverage, Setbacks, & Height](#));
 2. Low impact development incentives/standards;
 3. Stormwater retrofit requirements for major renovations in existing high density/coverage areas (e.g., impervious coverage disconnection, retention installation, etc.);
 4. Non-intensification zone (NIZ) standards and potential zoning overlay district;
 5. Regulatory implementation of increased construction standards; and
 6. Initial shoreline management ordinances to address current shorelines as well as encourage living shorelines.
- B. Resilient Beaufort and the associated policies in the CAMA Land Use Plan will guide the UDO’s development and be implemented, as applicable, through the UDO. The UDO, generally speaking, is not anticipated to be a process for revisiting previously-adopted plan policies.
- C. The UDO will evaluate limiting allowed uses in the NIZ. For example, construction of new critical facilities, such as government buildings, schools, and nursing homes, may no longer be allowed in the NIZ, or may only be allowed with particular conditions and mitigating aspects of design.
- D. The UDO will explore alternative means of measuring the height of structures and will include consideration of a reduced height limit in the NIZ.
- E. The UDO will revise the required elevation of a building’s lowest floor above minimum base flood elevation (i.e., “freeboard”) by an additional foot. UDO discussions will include the suitability of flood-proofing where appropriate and lawful and will revisit dock construction materials and use of structured covered areas for docks.
- F. Stricter nonconformity provisions in the NIZ will be considered in the new UDO.
- G. The new UDO will consider not just flooding but other aspects of climate resiliency as well, including post-storm recovery.

4 Codes Organization, Formatting, & Usability

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- A. Consolidate the Town of Beaufort's current Land Development Ordinance, which includes zoning, subdivision, and minimum housing regulations, and Flood Damage Prevention Ordinance into a single, cohesive unified development ordinance.
- B. The UDO should:
 1. Be straightforward and intuitive to property owners and applicants.
 2. Be logically organized, with like provisions consolidated.
 3. Include graphics and diagrams where needed to clarify development standards.
 4. Include tables to present quantitative standards (e.g., setbacks, height).
 5. Where possible, reduce the need for administrative interpretation by clarifying common requirements, based on the Town's experience using current codes.
 6. Be searchable and well cross-referenced.
 7. Use consistent terminology.
- C. UDO procedures (whether current or revised) should:
 1. Be laid out as clear and certain as possible.
 2. Enhance predictability in the development process.
 3. Use common and clear definitions, text, and standards.
- D. Use plain language as much as possible, while ensuring legal clarity in processes and requirements.
- E. Introduce new planning and zoning approaches that will modernize the Town's approach to today's particular land use and environmental challenges.
- F. Prepare the UDO in a format that allows the document to be maintained over time, including via online platforms and/or downloadable files.

5 Definitions

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- A. Update and expand current definitions. Strive for a single consolidated definition section for the UDO.
- B. Use graphics and illustrations to clarify the definition of terms that are new to the community or may otherwise be confusing to the individual user.
- C. Strive to remove regulatory requirements or standards from UDO definitions, since the individual user is not naturally referencing the definition to understand development standards.
- D. Clarify land use definitions, including for example:
 - 1. Outdoor bars
 - 2. Governmental uses
 - 3. Tiny homes
 - 4. Short-term rentals
 - 5. Social/public gathering locations



6 Zoning Districts

6.1 Residential Districts

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

6.2 Density

- A. Stakeholders recognized that increases in residential density may be appropriate or necessary to accomplish housing affordability and resilience objectives. Any increases, however, should be limited to amounts and locations consistent with the Land Use Plan and necessary to achieve critical Town goals.
- B. Consider offering a density bonus for developments that provide more open space than required.
- C. In the TCA District, consider a density bonus for developments that provide workforce housing. For example, the base density could be 10 dwelling units per acre, with a 2 du/ac bonus. The UDO should establish a definition for workforce housing (or other categories identified specifically to address affordability), perhaps based on a percentage of Beaufort’s median family income. If the UDO establishes incentives for the provision of workforce housing, it must define eligibility criteria such as income limits, rent limits, and maximum sales prices.

6.3 Conditional Zoning

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

6.4 Planned Unit Development District

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



6.5 Overlay Districts

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

7 Uses & Use Regulations

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7.1 In General

- A. Consolidate the use tables into a single table and eliminate the lists of allowed uses under each zoning district section.
- B. The code update should modernize allowed uses and ensure the uses (including uses that require a special use permit) align with the purpose of the district(s) in which they are allowed.
- C. Consider whether the UDO should require a Special Use Permit (SUP) for additional uses and/or include additional criteria for current SUP uses.
- D. The UDO should confirm that change of use requirements and approvals are sufficient to avoid land use conflicts, incompatibilities, and unintended outcomes.
- E. Consider a minimum separation distance between certain uses that have the potential to create negative impacts, such as gas stations, and residential uses and zoning districts.
- F. The UDO should clarify which uses are intended to be prohibited in a zoning district, in order to clarify how uses that are not expressly listed will be handled. See also discussion regarding clarifying land use definitions in [Section 5](#).
- G. Consider establishing use-specific standards for certain uses, such as bars and solar panels. The Town could also consider eliminating the SUP process for certain uses with impacts that can be addressed through objective standards, such as small business offices.
- H. Clarify how to determine whether a use is an accessory use or a second principal use. Evaluate whether the UDO should prohibit an accessory use in a zoning district that does not allow the use as a principal use.
- I. Clarify the regulations pertaining to temporary uses.
- J. Review the criteria for home occupations and ensure the standards are measurable. Consider different tiers of use intensity based on lot size or zoning district.
- K. Review current telecommunication provisions for consistency with State and federal regulations. We do not anticipate substantive changes to current design and placement standards.

7.2 Transitional Areas

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

- B. The TR, Transitional, District is intended to serve as a transition between residential and more intensive districts. Stakeholders generally find professional offices to be an appropriate transitional use. Some stakeholders feel the UDO should continue to allow medical offices in TR as well. However, medical office uses generate significant vehicle trips, which can impact adjacent neighborhoods. Some stakeholders envision commercial uses transitioning to higher density residential and then to lower density residential.
1. The UDO will address these concerns by revisiting the uses allowed in areas that mark a transition from higher intensity uses to lower intensity uses.
 2. Consideration will be given to behavioral benchmarks (like traffic generation) by land use type, incompatible uses and impacts, the potential for limited mixed use transitions, and to compatible adjacent residential and non-residential uses.

7.3 Housing Types & Affordability

- A. Consider focused areas of increased density, where appropriate, if it may result in meaningful provision of housing available to the workforce.
- B. Development of the UDO should bear in mind the trend in recent years of housing that has been relatively affordable and available to long-term residents converting to housing or land uses that is no longer affordable or available to the permanent population of Beaufort.
- C. The UDO should result in additional multi-family types, including subcategories of multi-family housing that are in demand but for which the current codes may not fully address, such as triplexes. Some raised the potential for “tiny home” development in appropriate places.
- D. The UDO should implement site design standards for new multi-family developments, such as street trees, landscaping, pedestrian/bicycle facilities, and open space.
- E. In addition, stakeholders confirmed there is a growing market for detached houses on smaller lots in Beaufort but are concerned about how to incorporate this type of development without compromising community character.



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

7.4 Accessory Dwelling Units

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

7.5 Short-Term Rentals

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



8 Development & Design Standards

8.1 Stormwater, Erosion, & Sediment Control

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

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

8.2 Lot Coverage, Setbacks, & Height

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

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

8.3 Urban Design, Infill, & Rural Character

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

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



8.4 Building Design

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

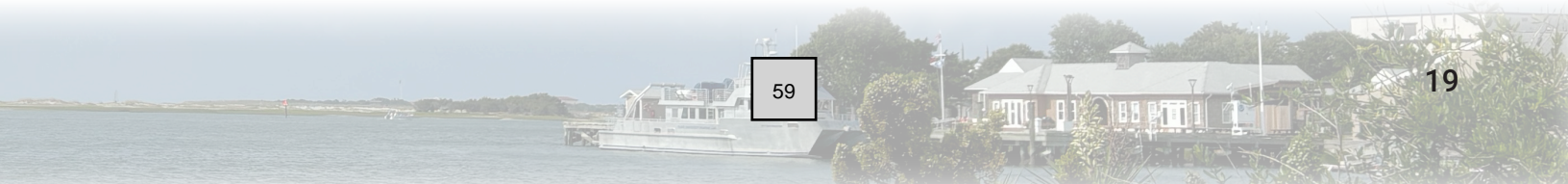
8.5 Trees, Landscaping, & Bufferyards

- A. The UDO will consider augmented tree and tree canopy regulations (including street trees) in areas of the Town identified by the Board and standards related to tree removal and protection, as allowed by state law. The Town supports working towards a [Tree City USA](#) designation for the Town of Beaufort and a UDO that advances this designation.
- B. The UDO will prioritize native vegetation and habitats for meeting open space and/or landscaping requirements. The UDO should carry forward, and potentially enhance, current requirements for native vegetation.

- C. The UDO will address inadequate landscape standards for new and improved vehicle accommodation areas and include consideration of new bufferyard standards for major commercial corridors. Also, during the UDO, stakeholders will consider eliminating the administrative currently form used to determine landscaping required for vehicle accommodation areas.
- D. Review the current bufferyard standards and consider whether changes are needed. Some stakeholders suggest the UDO should require larger, mostly undisturbed bufferyards between new developments and residential uses. Others suggested applying bufferyards based on use may not be the best approach. In addition, the UDO process will consider whether bufferyards for some districts should require eight-foot tall fences and, if so, clarify that a building permit is required.
- E. Stakeholders feel the landscaping requirements are confusing and can be difficult to administer and that Illustrations would help.



- F. Currently, the Land Development Ordinance appears to only require landscaping for off-street parking and other vehicular use areas, So the UDO process will include consideration of new requirements for foundation plantings around the base of buildings in order to avoid blank walls and “soften” a building’s appearance.
 - G. Stakeholders noted the impact pesticide applications can have on the environment, so consideration will be given to this during the UDO, noting the legal extent of Town authority in areas of environmental regulation.
 - H. During the UDO process, the Town will consider implementing a landscaping guarantee to more effectively ensure required landscaping is maintained. A landscaping guarantee could also be used to ensure required planting occurs during the appropriate season when plants have the best chance for long-term survival.
- 8.6 Parking**
- A. The UDO is an opportunity to consider whether use of a minimum parking space standard is effective or whether current minimums should be revised. The UDO will align uses with those in the land use table.
 - B. The UDO process also will include review of provisions for parking space reductions and determine whether to continue or expand the allowance.
 - C. Vehicle accommodation area standards will be evaluated to determine whether to allow pervious pavement and other stormwater management features for areas with more than 10 parking spaces.
 - D. The Town will review provisions for on-street parking and determine whether the UDO should prohibit it in certain locations to preserve sufficient access for emergency vehicles. Parking can be a limiting factor for redevelopment and adaptive reuse.
 - E. Where compatibility and other land use concerns can still be maintained, the UDO will incorporate flexibility in the parking standards to encourage redevelopment and reuse of existing structures. Flexible design standards could include:
 1. Tandem parking for employee spaces;
 2. Dimensions for compact spaces;
 3. Fewer large spaces; or
 4. Reduced ratios with more landscaping.
 - F. The UDO will consider the most appropriate threshold for requiring compliance with minimum parking standards, such as a certain percentage increase in gross floor area or the total area occupied by a use (i.e., including areas outside a building).



- G. For residential developments, the UDO will clarify whether parking spaces located in private garages count towards required parking, and consider prohibiting tandem parking for required spaces.
- H. The UDO however, will maintain provisions for shared parking and consider whether the Town should require formal shared parking agreements.

8.7 Signs

- A. During the UDO process, the Town should review current sign regulations to ensure consistency with content-neutrality standards set forth by the U.S. Supreme Court in *Reed v. Town of Gilbert*, and in subsequent cases interpreting *Reed*.
- B. The design (including materials), placement, and size of signs should be revisited during the UDO rewrite, particularly outside the Town historic core, to ensure new and replacement signs are appealing and appropriate.
- C. The UDO will consider revisions to standards for sign lighting, particularly as it relates to a movement towards Dark-Sky-compliant exterior lighting. In addition, some stakeholders suggest the Town consider prohibiting internally illuminated signs.

- D. Some stakeholders expressed concern with the size and height of existing signs outside the Historic District. The maximum allowed height of freestanding signs does seem rather tall for most of the Town's main corridors, particularly the 35-foot limit in B-1. Therefore, the Town will consider whether pole signs continue to be an appropriate sign type in all zoning districts.

8.8 Exterior Lighting

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



9 Subdivision & Land Development

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9.1 Miscellaneous

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

9.2 Open Space & Conservation Areas

- A. The Town should consider requirements for open space set asides, clustering, and density transfers where appropriate in the subdivision process.
- B. The Town should consider whether new subdivisions should require protection of archaeological sites, such as buffers.

9.3 Mobility

- A. The UDO will consider stakeholder input that new developments be required to provide sidewalks, and that all subdivisions should sidewalks on both sides of the street.
- B. In addition, stakeholders indicate a desire for pedestrian and bike facility improvements to be maintained, expanded, and/or required throughout the Town, noting the level of improvements and standards of design may well vary from on community to the next.

- C. The UDO should clarify and update, as needed, the Town's current standards for pedestrian and bicycle facilities, as well as provisions for greenways and trails which are typically located off-street.
- D. In areas without existing sidewalks, requiring the construction of sidewalks in conjunction with development or redevelopment can result in a disconnected sidewalk system. However, this may be the most cost effective way to provide improved sidewalks over the long-term.



10 Procedures & Administration

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- A. The Town needs to evaluate ways the UDO can better encourage public participation in the development process taking into consideration the Town's current and potential capacity to enforce the provisions of the UDO when drafting standards and procedures.
- B. The UDO should expand public notice standards beyond the current 10 to 25 days.
- C. During the UDO process, the Town needs to evaluate application submittal deadlines to ensure they provide adequate time for staff review.
- D. The UDO should update the Certificate of Occupancy (CO) procedure to require an approved Final Elevation Certificate for properties in a Special Flood Hazard Area prior to issuance of a CO.
- E. Some stakeholders expressed the concern that the Town should not be required to bear the costs of development-specific impact studies and should be authorized to identify appropriate consultants and experts. This will be considered during the UDO process as well.
- F. The UDO should clarify the roles of the relevant boards at various points in the development review process, including the scope of authority each has to implement objective standard and/or discretion by type of approval.
- G. Stakeholders did not express any concerns with the annexation process. However, the UDO should clarify the process, as well as the procedure for determining and applying the appropriate zoning district following annexation.
- H. Ensure application review criteria are consistent with state law and best practices among other communities in North Carolina.
- I. The UDO needs to add a procedure for review of minor subdivisions (e.g., five or fewer lots).
- J. Consider authorizing staff to approve preliminary and final plats. Pursuant to N.C.G.S. [§ 160D-801](#), "decisions on approval or denial of preliminary or final plats must be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance."

- K. Consider whether to maintain the option for the Planning Board to require environmental impact statements (EIS) for certain preliminary plats and certain site plans. If maintained, the UDO should establish triggers for completion of the EIS, identify who prepares the EIS, determine whether the developer or Town pays for the EIS, and identify the elements/issues the EIS must address.
- L. Stakeholders suggest commercial use changes should require site plan review. The UDO will evaluate this concern and will consider implementing a Zoning Permit procedure to address it.
- M. Revise the current site plan procedure for commercial and residential developments with over 5,000 square feet to clarify the procedure and improve administration.
- N. The UDO should consider requiring pre-application meetings , particularly for major developments. Stakeholders feel developers would benefit from staff's technical expertise early in the development process. The Town already uses this approach for the sketch design process of subdivision review, so the current process could be expanded.
- O. The Town should consider implementing requirements for a traffic impact analysis for developments that exceed a certain size. If implemented, the UDO should establish triggers for completion of the analysis, such as peak hour trips or average daily trips associated with a proposed development.
- P. Consider whether application requirements should be maintained in the UDO or in application checklists maintained outside the UDO.
- Q. The UDO should update nonconformity provisions to address nonconforming site improvements, such as parking and landscaping.

11 Public Outreach During Phase 2

- A. The UDO process should include:
1. Outreach at the farmer's market and other town-wide and community-specific gatherings that, taken together, provide easy exposure to all communities and demographics in Beaufort.
 2. Outreach should include hardcopy, downloadable, and web-based (via websites and social media) information and notice of public input meetings.
 3. Communications, notices, meeting times, and locations should vary to ensure engagement that is "community-specific." Stakeholders noted that some meetings held outside a government building are important and will encourage participation among some communities.
 4. Individual input sessions at key points in the development of the UDO may be held in multiple locations and at varied times to ensure widespread and easy engagement to all communities.
- B. Community volunteers should be engaged to provide outreach, including by working at information booths, canvassing, and meeting location coordination.
- C. The UDO development process should include a community survey that prompts thorough community input, which should be available online, in hardcopy, and through a live-polling session.
- D. The UDO should include a community visioning component that uses images from the Town and other locations to illustrate various urban and rural development standards and patterns, in order to facilitate not only the public input as to future growth, but also to provide a procedural and temporal context for how familiar locations were developed over a period of years.

12 Process for Phase 2 Development of the UDO

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

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

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

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

- » Impervious coverage standards;
- » Low impact development incentives/standards;
- » Stormwater retrofit requirements;
- » Non-intensification zone standards and overlay standards;

- » Regulatory implementation of increased construction standards; and
- » Initial shoreline management ordinances.

We anticipate the following topics for subsequent modules:

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

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



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

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

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

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

Once all modules are drafted and stakeholder input incorporated, White & Smith will prepare a final draft of the consolidated UDO for review by staff. Following receipt of staff comments on the final draft, White & Smith will prepare a public hearing draft for consideration by the PB and BOC.¹

¹ White & Smith UDO projects can include a public commenting feature using the Konveio platform, allowing members of the public to comment directly in draft documents. For example, we recently set this up for [Chatham County's UDO](#), subject to public review and comment in September and October of this year. We will discuss with staff and the BOC whether this is a feature the Town believes would be useful to include.





Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
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**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

AGENDA CATEGORY: New Business

SUBJECT: 2025 Board of Commissioners Annual Retreat

SUMMARY:

Mayor Harker and staff have been working to put together tentative details for the 2025 Board of Commissioners Annual Retreat. The Carteret Community College Hospitality and Culinary Arts Center has agreed to let the Town of Beaufort use their space for the two-day retreat. Culinary students will use this opportunity to share their talents and provide meals during the event. In working with the college and facilitator, Fountainworks, the dates of February 6-7, 2025, were suggested based off availability.

Mayor Harker will lead this discussion on the tentative plans of the 2025 BOC Retreat.

SUMBITTED BY:

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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**Board of Commissioners
Regular Meeting
6:00 PM Monday, October 14, 2024**

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

SUMMARY:

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

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

SUBMITTED BY:
Elizabeth Lewis, Town Clerk