

## SECTION 8 Transitional Zoning Districts

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

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

1) Maximum Overall Density.

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

2) Minimum Lot Size.

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

3) Minimum Lot Width.

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

4) Building Setback and Building Height Requirements and Limitations.

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

**Table 8-1 Interior Lot Requirements**

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

**Table 8-2 Corner Lot Requirements**

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

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

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

5) Accessory Building Setback Requirements.

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

6) Covenants.

In any development proposing common areas, jointly-used structures, or private streets, restrictive and protective covenants which provide for party wall rights, harmony of external design, continuing maintenance of building exteriors, grounds, or other general use improvements and similar matters, shall be submitted to the Town and approved by

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

7) Permitted Uses.

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

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

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

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

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

1) Minimum Lot Size.

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

2) Minimum Lot Width.

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

3) Building Setback and Building Height Requirements and Limitations.

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

**Table 8-4 Lot Requirements**

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

**Table 8-5 Other Lot Requirements**

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

4) Accessory Building Setback Requirements.

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

5) Permitted Uses.

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

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

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

|  |  |
|--|--|
| Accessory Dwelling Unit                  | Museum                                   |
| Aquaculture                              | Other Freestanding Towers                |
| Financial Institution                    | Outdoor Amphitheater, Public             |
| Cemetery/Graveyard                       | Parking Lot                              |
| Concealed (Stealth) Antennae &<br>Towers | Preschool                                |
| Day Care Center                          | Produce Stand/Farmers' Market            |
| Day Care/Child Care Home                 | Retail Store                             |
| Dwelling, Duplex                         | Satellite Dish Antenna                   |
| Golf Course, Privately Owned             | School, K-12                             |
| Golf Driving Range                       | School, Post-Secondary                   |
| Hotel or Motel                           | Tavern/Bar/ Pub with Indoor<br>Operation |
| Kennel, Indoor/Outdoor Operation         | Utility Facility                         |
| Marina                                   |  |

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

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

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

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

During consideration and approval of the master plan for a PUD project, or a preliminary plat for a section of the master plan of the PUD project, the BOC, following a recommendation from the planning board, may vary the minimum requirements of this Ordinance or the *Town of Beaufort Subdivision Ordinance*. The master plan or preliminary plat applicant must show how the PUD will be enhanced aesthetically, the environment will be better protected, or for any other reason the BOC determines appropriate, as long as the BOC determines such variance does not harm the public interest. Density within a mixed use district may be varied from the limit specified within the district as long as the maximum overall density limit of six dwelling units per acre is maintained.

1) Accessory Building Setback Requirements.

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

2) Building Height Limitations.

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

3) Permitted Uses.

All uses are allowed in the PUD District as a Special Use.

4) PUD Minimum Size.

Twenty-five acres.

5) Maximum Overall Density.

Six dwelling units per acre.

6) Open Space Requirements.

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

7) Owner Association Required.

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

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

8) Residential Development.

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

9) Commercial Development.

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

**Table 8-6 Transitional Zoning District Table of Uses**

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

**Permitted Use**

**Special Use**

Table 8-6 Transitional Zoning District Table of Uses

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

Permitted Use

Special Use



**Table 8-6 Transitional Zoning District Table of Uses**

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

**Permitted Use**

**Special Use**

