

Sec. 106-1912. Water dependant uses.

Waterways are the domain of the public, and should be regulated to maintain their pristine quality for the citizens of Beaufort County. Areas of ecological significance should be identified and protected. Water dependent uses should be spaced as far apart as feasible, consistent with minimal adverse impacts. The following shall apply to all water dependent uses:

(a) *Navigational structures or aids.* The regulation of navigational structures or aids shall be under the jurisdiction of the state ocean and coastal resource management office or appropriate federal regulators.

(b) *Docks, piers, and wharfs.*

(1) Tidal creeks and shallows are the most sensitive, ecologically, and are, therefore, being regulated.

(2) Small tidal creeks and shallows, which fall within the county, are defined as those bodies of water, [being tidally influenced] as per the Beaufort County official small tidal creek delineation map. Private docks and community docks in small tidal creeks may be allowed on both existing lots of record, and new subdivisions under the following criteria:

a. Lots in new subdivisions must have a minimum of 250 feet of frontage along the waterbody. Existing lots of record are exempt from this requirement. Major subdivision of lots, as defined in section 106-18, fronting tidal creeks and shallows that includes construction of a community dock in lieu of private individual docks, shall also be exempt from the minimum frontage requirement of 250 feet. Major subdivisions with no proposed docking facility or a community dock shall be permitted at allowable lot widths set forth in section 106-1556 table, Lot and Building Standards, and provisions set forth in article XII, Subdivision Design.

b. Dock facilities will neither interfere nor adversely impact navigation. No dock shall be permitted to be constructed where the length of the dock shall exceed 300 feet in total length, inclusive of pierheads, floats, boatlifts, ramps, mooring, pilings and other associated structures, with the exception of existing lots of record where two or more owners of adjoining lots agree to create a community dock, in lieu of individual private docks. In these cases a bonus of one foot of dock length over 300 feet, for every foot of waterfront footage exceeding 300 feet shall be granted to permit a community dock with a maximum length of 500 feet.

c. The dock, pier, boat lift, floating dock, walkway and any appendages thereto allowed under this section shall normally be constructed within the extended property lines of the owner and shall further adhere to the setback requirements of the ZDSO, more specifically, be no closer than 20 feet from extended side property lines, however construction may be allowed closer than 20 feet, or over extended property lines where there is no material harm to the policies of this section.

d. The maximum width of the walkway or pier between the highland and the pier head shall be four feet, unless compelling circumstances exist whereunder the four-foot limit would render the dock unusable by the owner, members of his or her family, or reasonably anticipated users. The walkway may have a railing, but shall have no walls which impede the flow of air through the walkway. The walkway, pier head, and floating dock shall not be enclosed nor shall there be any walls of any kind on any side of the same. However, safety rails with slats at least two inches apart shall be allowed provided that they do not exceed three feet in height.

e. Electrical cutoff fixture lighting shall be allowed along the walkway and at the head of the dock, provided said lighting is shielded to direct the light down onto the dock and away from any adjoining residences and the creek, and further, provided the electrical power is constructed and attached in conformance with applicable electrical safety codes as delineated in the Southern Building Codes, as adopted by Beaufort County.

f. No plumbing shall be allowed, except for water sinks and faucets. All toilets, port-o-lets, or any other means of sewage collection or disposal is strictly prohibited.

g. Boat lifts shall be allowed, provided that no portion of the boat when fully elevated shall extend higher than 12 feet above mean high water, excluding masts, tower, antennae, and outriggers.

h. The use of docks shall be limited to private, non-commercial uses, unless allowed for as part of a Commercial Fishing Village Overlay District.

i. All docks, associated structures and boats secured thereto, shall be maintained to ensure safe usage and to prevent any potential hazard to navigation.

(3) Notwithstanding any other provision of this section, and pursuant to subsection (4) below pertaining to reconstruction or repairs, any owner of a lot on the date of enactment of this section [May 8, 2000] who has in his or her possession a permit for construction of a dock in a size or length exceeding these specifications, may construct the dock in compliance with the permit, as long as the permit remains valid.

(4) Notwithstanding any other provision of this section, any dock, pier, boat lift, floating dock or walkway, properly permitted prior to the date of enactment of this section and fully constructed within 12 months of the date of enactment of this section [May 8, 2000], may be repaired or reconstructed in the same size and length in the event any portion of the structure is damaged or destroyed. However, any dock, pier, boat lift, floating dock or walkway, constructed in a size and/or length exceeding this section pursuant to an existing permit at the date of enactment of this section, but not fully constructed within 12 months of the date of enactment of this section, may not be repaired or reconstructed in a length or size exceeding this section in the event it is damaged by more than 50 percent of its replacement value.

(Ord. No. 99-12, § 1 (05.326), 4-26-1999; Ord. No. 2000-2, 1-24-2000; Ord. No. 2000-24, 5-8-2000)