

**MINUTES
BREVARD PLANNING BOARD MEETING
OCTOBER 17, 2017**

Brevard Planning Board met for a regular meeting, Tuesday, October 17, 2017, at 6:00 PM in Council Chambers of City Hall.

Members Present: Jimmy Perkins, Chair
Chris Strassner
Katie Thompson
Frank Porter
Donna Ross
Demi Loftis, Vice Chair
Keenan Smith

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Planner

I. Welcome

At 6:00 PM, Chair, Jimmy Perkins called the meeting to order and welcomed those in attendance.

II. Introduction of Planning Board Members

Board members and Staff introduced themselves and there was a moment of silent reflection.

III. Certification of Quorum

Chair, Jimmy Perkins confirmed that a quorum of the board was present.

IV. Approval of Agenda

C. Strassner made a motion to approve the agenda, seconded by F. Porter, unanimously carried.

V. Approval of Minutes

a. Minutes of the September 19, 2017 meeting, motion to approve by D. Ross, seconded by K. Thompson, unanimously carried.

VI. Public Comment – None.

VII. New Business

a. Voluntary Non-Contiguous Annexation request of JRW Capital Investments, LLC, Agent for Little Mountain Properties, LLC annexation of the following parcels: 2.49 acres, PIN # 8597-67-8330-000 and 2.51 acres, PIN # 8597-77-0460-000 located at 3041 & 3043 Asheville Highway bordering the City's Extraterritorial Jurisdiction.

A. Bland, Planner, introduced topic by displaying map for viewing and gave a background of annexation review, including steps for Council's review.

A. Bland presented his staff report a portion of which is included as follows:

Background

On October 2, 2017 the City Clerk received a petition (Attachment A) requesting a non-contiguous annexation from Joel Dobbs, Randy Dobbs, and Will Hines of JRW Capital Investments LLC (collectively referred to as "applicant") of two properties located at 3041 & 3043 Asheville Highway, PINs 8597-67-8330-000 and 8597-77-0460-000. The proposed use of the site is an assisted living and memory care facility with approximately 60 beds.

Discussion

New water and sewer lines approximately 2,300 feet in length will have to be installed to serve the property. It is assumed that the developer will wish to dedicate these to be maintained by the City. Both the Water Treatment Plant and Wastewater Treatment Plant have capacity to serve the proposed buildout of the site.

It is anticipated that the extension of these utilities will stimulate other annexation requests along the highway which could, over time, exacerbate traffic issues along the stretch of NC 280 between Forest Gate Shopping Center and the subject parcels.

General Fund and Utility Fund revenues for the City will increase from property taxes and water/sewer charges.

Policy Analysis

Voluntary, noncontiguous annexations are governed by North Carolina General Statute §160A-58.1. The subject property qualifies for annexation under NCGS §160A-58.1(b).

The enabling legislation for noncontiguous annexations, North Carolina General Statute §160A-58.1, puts a limit on the noncontiguous area that can be annexed by a municipality. NCGS §160A-58.1(b)(5) states that the combined area of all satellite annexations "may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city."

The City is currently at 6.84% out of the 10% limit, and this proposed annexation would raise the City to 6.99%. The subject parcels were included in the study area of the City's 2002 Land Use Plan and therefore long-range planning of this site is established and expansion of the City's tax base is a key goal in the 2015 Comprehensive Plan.

Staff Recommendation

Staff recommends approval of the proposed annexation.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the annexation as presented.
2. Recommend approval of the annexation as presented.

A. Bland further explained that there would be no sidewalks to maintain and that Staff had done preliminary review of costs of services, but are working on updating numbers based on more precise information.

He stated that the Board could table discussion/decision until the November meeting and that review by Council would be in December.

A. Bland explained that Staff's only real concern for development purposes is traffic, not so much directly related to this project, but more so that as utilities are extended, more properties will develop and makes it worthy of consideration. He explained that the Board could require that a traffic impact analysis be completed.

He further said that the annexation should not hinge on a traffic impact analysis, but the Board is within its rights to require it.

The following were introduced: Jay Kaiser, property owner, Will Hines, partner and builder, Randy and Joel Dobbs, partners.

Randy Dobbs presented a rendering of the one-story facility and further described the assisted living, memory care services. He explained the difference between them being, assisted living patients need assistance with everyday tasks for extra support, still remaining very independent. The memory care portion is for those unable to care for themselves or at risk to walk off the campus.

R. Dobbs explained that the facility would create 65-80 jobs. That it would have a commercial grade kitchen. He explained that the facility would possibly be two-stories based on grades of the property, but ideally would only be a one-story building.

R. Dobbs explained how they found Brevard and his career with General Electric in medical testing and equipment, after which he began running Philips Systems North America.

He further explained they do not want to compete with large, cookie-cutter firms, and that they have worked with professors from Clemson on a 21 county analysis on where to locate a facility. He stated that they do not believe there is enough assisted living to support aging populations. They want to build facilities in niche markets, like Brevard, and they have five (5) other cities on their list, Brevard being their number one choice.

They handed out statistics for review, stating that they see an opportunity to help the community, to help families remain in the county in assisted living.

J. Perkins clarified that this is their first assisted living facility.

They replied that yes, it would be, but that their main focus thus far had been on medical offices and that their contractor has completed three (3).

J. Perkins asked why they wanted to operate on a busy corridor.

R. Dobbs replied that it is crucial to access city water and sewer, and that they had made offers on four (4) other properties and went over the challenges with some of the other sites.

J. Perkins noted that they had clearly done their homework, and welcomed them to the community, if it all works out.

A. Bland stated that J. Dobbs had done his homework, and that he had meet with the Planning Department on different occasions.

C. Strassner shared his concerns about satellite annexations, wanting to make sure if other properties are annexed that the 10% limit is not reached.

A. Bland explained that if it becomes connected the 10% calculation is no longer an issue.

D. Loftis stated that the traffic impact analysis is a good idea, not necessary for this development, but for future development.

A. Bland agreed that is was a good idea to establish a baseline for comparison with future growth.

K. Thompson wanted to know the implications of water/wastewater collection and distribution. Further asking if the pump station near the Fish Camp could support the new project, and what will happen if a future development reaches capacity, can it handle the entire corridor between project sites and pump station.

Daniel Cobb, Planning Director, explained that if utility expansions are required, they are typically covered by the developer.

C. Strassner confirmed that water/wastewater lines would be public.

R. Dobbs agreed that other properties would want to connect to services.

F. Porter requested information about Highway 280 improvements.

D. Cobb explained the STIP process, and that information would not be available until 2019. He further reminded J. Dobbs that they should discuss the building location in relation to the future NC Department of Transportation right of way.

J. Perkins clarified that purchase of property was contingent upon successful annexation and rezoning.

A. Bland reminded the Board that additional information could be provided at the November meeting from Fire and Police Departments, and further information on water collection and distribution.

K. Thompson reminded the Board that they have to consider rezoning and all the possible uses for the site.

A. Bland responded that this is correct, and explained further rational for cost of services. He explained that The Oaks costs the City about \$3,700.00 annually for an estimated 3-4 calls per year.

F. Porter stated that the project will create 68 jobs, and that he is not concerned about cost of services.

F. Porter moved to approve the annexation as requested, seconded by D. Loftis.

J. Perkins agreed with F. Porter, that there are concerns but nothing that outweighs the benefits the project brings to the community.

K. Thompson asked if Frank's motion included the traffic impact analysis. F. Porter responded that he would not accept that amendment to the motion.

D. Ross asked if there would be additional phases to the project.

J. Dobbs responded that there was no room for additional development.

The Board voted unanimously to approve the annexation.

b. Zoning Map Amendment – Application of JRW Capital Investments, LLC, Agent for Little Mountain Properties, LLC, for rezoning of the following parcels: 2.49 acres, PIN # 8597-67-8330-000 and 2.51 acres, PIN # 8597-77-0460-000, located at 3041 & 3043 Asheville Highway bordering the City's Extraterritorial Jurisdiction, to Corridor Mixed Use (CMX).

A. Bland presented his staff report stating that the process was the same as the Brevard Academy rezoning. He explained that the property is currently zoned Corridor Mixed Use (CMX) by Transylvania County and that the property was already surrounded by residential, but zoned commercial, and reminded the board that all uses allowed in CMX would be allowed; that the use would open up the corridor to commercial uses by adding water and sewer services.

A. Bland summarized his staff report going over highlights including inconsistencies with the existing 2002 Land Use Plan and the 2015 Comprehensive Plan, and that the board would need to acknowledge the inconsistencies and rational, if approved.

F. Porter asked if there were any other appropriate zoning districts.

A. Bland explained that CMX was the most appropriate zoning for the property.

K. Thompson recommended approval of rezoning to CMX, removing the 2012 Vision Statement, also pointing out that the use will likely be consistent with the forthcoming codes. Otherwise ATTACHMENT H is recommended as presented. Second by K. Smith, unanimously carried.

c. Zoning Map Amendment – Application of Brevard Partners of TN, GP, to rezone property located on Asheville Highway from Neighborhood Mixed Use (NMX) to Corridor Mixed Use (CMX) located within the City's jurisdiction and identified as PIN # 8586-84-8633-000.

A. Bland presented his staff report summarizing the request for rezoning from NMX (Neighborhood Mixed Use) to CMX (Corridor Mixed Use) and pointed out the properties involved. Further explaining that the rezoning is inconsistent with the 2002 Land Use Plan. He explained how NMX zoned properties act as a transitional zone between CMX and GR (General Residential) zoned districts. He went over the goals consistent with the 2015 Comprehensive Plan.

F. Porter asked for clarification on zoning district between this site and Osborne Road.

A. Bland answered CMX which is surrounded by GR on both sides of the Asheville Highway.

Diane Daniel a resident of the Railroad Avenue District asked what the owners plans are for the property.

A. Bland responded that we have heard everything from food service, hotels, auto parts store.

Roberta Miller a resident of the Railroad Avenue District stated that they have owned the property for some time and asked if there was satisfaction with what they have done so far.

K. Thompson stated her concerns about removing the NMX buffer between CMX and GR, with concerns about the ability to maintain other GR districts if approved. She further stated she has concerns about the developer, and their ability and or desire to building what is in the best interest of the City or the neighborhood.

F. Porter was in agreement with K. Thompson, as to the lack of trust and does not want to give the developer a “blank slate” rezoning, and would like more information about their plans for the site.

K. Thompson moved to deny removing the buffer, which could lead to pressure to rezone other properties along Old 64, she voiced concerns about traffic on Highway 64, and the major changes to allowable uses from NMX to CMX, especially those requiring a special use permit.

F Porter seconded, unanimously denied.

d. Text Amendments – Increased residential dwelling units per acre

D. Cobb presented his staff report which is attached hereto and labeled, Exhibit “A”. He summarized the history of the Board’s work on increasing density in DMX and NMX by removing special use permit requirement and the overall discussion on density. He went over the proposed amendments for the board.

K. Smith stated that parking may be an issue with increased density.

D. Cobb reviewed the two (2) schools of thought: market vs. regulation, deciding the number of parking provided for a given development. Stating the developer could still provide more parking, if their market demands it and that different developments have different parking requirements in practice.

The Board voiced concerns about parking requirements.

C. Strassner stated that he thought one car for DMX made sense, but maybe not across the board. He further stated that DMX is trying to maximize units, and parking uses up land which equals loss of housing units, but that he is not comfortable with only 1 parking space in all districts, and asked if this requirement could be limited to certain districts.

D. Cobb stated that it could.

K. Smith stated that parking for businesses could get taken by residential, creating more issues in the downtown area.

C. Strassner stated that it is a balance to increase housing units, but still provide enough parking.

J. Perkins stated that the City needs to be proactive with the downtown parking issues.

The Board agreed that the parking in lieu fee of \$500.00 was too low and asked what the City had invested in the Jordan Street parking lot.

D. Cobb responded \$300K – 30 spaces.

It was discussed, and the Board requested that Staff research what other's charge, and make a recommendation to Council to increase the parking in lieu of fee.

C. Strassner stated that the Board needs to continue to discuss the parking issue; that parking situation needs to be improved and fee in lieu needs to be increased.

There was further discussion about parking and green space requirements, as well as setback requirements.

D. Loftis moved to table the discussion to allow staff time to do further analysis of the proposed amendments. Seconded by C. Strassner, unanimously carried.

e. Form Based Code Project Update

D. Cobb went over the proposed schedule to review the code as follows:

November 2017 – Chapters one and two

December 2017 – Chapters three, four, and five

January 2018 – Chapters six and seven

February 2018 – Chapters eight, nine, and ten

Stating that chapters one and nine are largely administrative and will not take much time for review. Chapter ten is the definitions chapter, so should also be relatively quick.

There is another section of the code (Attachment B) that is not included in the schedule above, that chapter is what has been referred to as the preamble. This section of the code outlines the general philosophies used to prepare the document as well as the engineering analysis that were completed to help inform the zoning map. This chapter is part of this packet to be reviewed first.

D. Cobb further explained that Council provided feedback to staff at their last meeting about where the project is going, and if this is what they want.

Options are to continue what we are currently doing and rewrite the UDO, keeping what works and changing what does not. Another option is to pause current work and have a detailed discussion with Council about master planning the entire city and write the code to make that happen.

He explained that he did not know if Council will change the course or keep on the current schedule and is hoping for clear direction from Council at their November meeting.

D. Cobb further explained that a lot of work had been done, but that it will be useful even if the course is changed. He explained that the UDO was approved during a recession, but that with the changes that have already been made it is something Staff can work under for the time being.

J. Perkins stated that he had nothing to add from the Steering Committee perspective, stating that they have not meet in a while and that he feels detached from the project.

D. Cobb reviewed the history of the project, and commented that until we receive the green light from Council it makes no sense to move forward at this time.

K. Thompson stated that if Council is going to start a new process the Planning Board should be a part of that and expressed her disappointment in the possibility of starting a new process.

D. Cobb explained that the Planning Board would absolutely be a part of the process and that this decision was a surprise to Staff, and that the plans are to refresh Council on the whole project and outline the two (2) alternatives at their November meeting.

Discussion

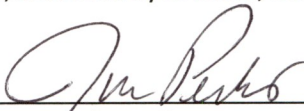
VIII. Unfinished Business – None.

IX. Remarks –

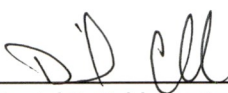
After discussion, it was decided to leave regular meeting schedule in place for November and December, and cancel the December meeting at the November meeting if necessary.

X. Adjourn –

There being no further business, D. Ross moved to adjourn, seconded by K. Smith, unanimously carried, and the meeting adjourned at 8:21 PM.



Jimmy Perkins, Chair



Daniel P. Cobb, Acting Board Secretary

**STATEMENT OF CONSISTENCY
WITH CITY POLICIES AND PLANS**

NCGS 160A-383 requires that the City's review of the proposed zoning map amendment include a written statement as to the consistency of the amendment with adopted plans and policies of the City.

The Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan, Element 2: Economic health goals include:

Support reinvestment in existing businesses as well as the establishment of new businesses.

2012 City of Brevard Vision Statement:

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural/historic assets of music, arts, and outdoor recreation.

The Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **inconsistent** with the following elements of the City's adopted plans and policies:

The 2015 Comprehensive Plan places an emphasis on prioritizing infill development where city utilities already exist as opposed to expanding the utility system to serve greenfield developments.

The 2002 City of Brevard Land Use Plan, Future Land Use Map recommends use of this property for Mixed Use – Neighborhood.

The Plan text contains the following language describing the Residential – Low Density land use category:

These areas contain mostly one-family dwellings at an average density of not more than three dwelling units per acre and are mostly zoned R-1. Much of this land may not be served by public water and sewer and lot sizes should be adequate for an individual water supply and on-site sewage disposal. Typical lot sizes are 10,000 square feet or more. Agriculture occurs here and should continue to be allowed. Within this category opportunities for traditional, compact, rural commercial/community centers should be allowed to serve the daily needs of the surrounding community. Some of these areas, with their low-density development are prime candidates for conservation easements or the purchase/transfer of development rights to maintain their rural character.

STAFF REPORT

Planning Board, Tuesday, October 17, 2017

Title: **Text Amendments – UDO Chapters 2, 7, 10, and 16**

The Board will consider increasing residential density and modifying open space, and parking requirements.

Speaker: Daniel Cobb, AICP, Planning Director

Prepared by: Daniel Cobb, AICP, Planning Director & Aaron Bland, AICP, Planner and Assistant Zoning Administrator

Approved by: Daniel Cobb, AICP, Planning Director

Background

In August, the Board considered text amendments to remove the Special Use Permit (SUP) requirement for residential development in the Downtown Mixed-Use district (DMX) as well as the Neighborhood Mixed-Use (NMX) district. These amendments were subsequently passed by City Council, resulting in increased density allowed by-right in the DMX and NMX districts.

At the Board's September meeting Staff presented the Board with a discussion regarding the potential to further the goal of increasing allowable density in all zoning districts. The Board's consensus was for Staff to draft text amendments to that effect to bring back to the Board for consideration.

Discussion

The Board discussed at their last meeting the idea of eliminating any density limitation in DMX, which should be the most developed area in town, and then also increasing allowed densities in all other districts in a logical progression that reduces as one travels further and further from downtown.

Staff has prepared a number of amendments for the Board's consideration. The density limits on DMX has been completely removed. Additionally, all other districts which allow residential uses have been increased (with the exception of Institutional Campus).

The additional amendments in Chapters 7, 10, and 16 address changes related to open space, parking standards, and conditional rezoning's. Staff recommends changes to Chapters 7 and 10 specifically because they will allow for greater percentages of land area to be used for dwellings and less for parking and open space preservation. The change to Chapter 16 is purely administrative in nature and will help simplify the table in Chapter 2.

The intent of this amendment is not to lessen protections, but to allow for higher density development and greater flexibility for those wishing to undertake residential development or mixed-use projects in the City.

Policy Analysis

The increase in allowable density that would result from these amendments is directly called for in the City's 2015 Comprehensive Plan:

Policy 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

Policy 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

Recommendation

Staff recommends approval of the amendments as presented.

Attachments

- A. Chapter 2 Amendments
- B. Chapter 7 Amendments
- C. Chapter 10 Amendments
- D. Chapter 16 Amendments
- E. Zoning Consistency Statement
- F. Zoning Map

1 CHAPTER 2. – DISTRICT PROVISIONS

2 2.3. - Density and Dimensional Requirements.

District	Minimum Lot Size/Project Area	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density	Maximum Ground Floor Area Each Principle Structure	Principal Structure Ground Floor Area With SUP (See 2.3(A) and 2, below)
GR4	None	20 acres	4 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR 6 8	None	20 acres	6 8 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR 10 CD	None	20 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RMX	None	10 acres	10 15 du/ac, 15 20 SUP	4,000 sq. ft.	>4,000 sq. ft.
RMX CD	None	10 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
NMX	None	10 acres	15 25 du/ac 30 SUP	10,000 sq. ft.	>10,000 sq. ft.
NMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
DMX	None	10 acres	15 du/ac None	10,000 sq. ft. 25,000 sq. ft.	>10,000 sq. ft.
DMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
CMX	None	10 acres	15 40 du/ac 50 SUP	20,000 sq. ft. 30,000 sq. ft.	>20,000 sq. ft.

CMX CD	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
IC	None	None	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
GI	None	None	DU Not Permitted	50,000 sq. ft. <u>100,000 sq. ft.</u>	>50,000 sq. ft.
GI-CD	None	None	DU Not Permitted	20,000 sq. ft.	>20,000 sq. ft.

3 A. *Development intensity.*

4 1. The following development types are considered group developments that may be
5 permitted by the administrator in accordance with chapter 16:

6 (a) Groupings of two or more principal structures or principal uses built on a single
7 lot, tract or parcel of land (or grouping thereof) not subdivided into the
8 customary streets and lots and designed for occupancy by separate families,
9 businesses or other enterprises normally permitted within the underlying
10 district (Examples include, but are not limited to, summer camps, school
11 campuses and hospitals, shopping centers, industrial parks, and apartment
12 complexes);

13 (b) Minor subdivisions, as defined in chapter 19, resulting in the establishment of
14 condominium buildings, lots or spaces, town homes, and other projects for
15 which zero lot line development is proposed; or

16 (c) Individual structures designed to accommodate a variety of distinct uses may
17 be considered as a group development at the discretion of the administrator.

18 2. [Reserved.]

19 B. *Front yard setbacks.*

Minimum Front Yard Setbacks		
District	Setback from Right-of-Way (See 2.4(B(1)))	Commercial Service/Alley/Rear Lane (See 2.3(B(1)))
GR (4, 68, 10-CD)	15 feet	Edge of right-of-way
RMX/ RMX-CD	10 feet	Edge of right-of-way
NMX/ NMX-CD	Edge of right-of-way	Edge of right-of-way

DMX/ CBD-CD	Edge of right-of-way	Edge of right-of-way
CMX/ CMX-CD	10 feet	Edge of right-of-way
IC (2.4, 2.3)	40 feet	Edge of right-of-way
GI/ GI-CD (2.4, 2.3)	40 feet	Edge of right-of-way
PD	To be determined by approving authority	

- 20
- 21 1. Front yard setbacks as set forth below shall be measured from the edge of the right-
- 22 of-way of the roadway. For private streets, a right-of-way in accordance with
- 23 Chapter 13 shall be assumed by the administrator. The administrator may impose
- 24 additional setbacks based upon specific guidance from the *City of Brevard*
- 25 *Comprehensive Transportation Plan*, the *City of Brevard Downtown Master Plan*
- 26 and other district or small area/master plans, the *City of Brevard Comprehensive*
- 27 *Pedestrian Plan*, the *City of Brevard Street Schedule*, or other plans or policies of
- 28 the city.
- 29 2. IC and GI setbacks as listed above shall only apply to public streets within and
- 30 adjacent to the subject campus or project. Internal setbacks shall be to the edge of
- 31 the right-of-way or assumed right-of-way.
- 32 3. Setbacks as listed in the preceding table may not account for landscaping
- 33 requirements set forth in Chapter 8 of this ordinance.
- 34 4. [Reserved.]
- 35 5. The administrator may approve deviations from required setbacks by up to 20
- 36 percent of the required area in accordance with Chapter 16 in order to protect right-
- 37 of-way or in deference to the steep slope, surface water protection, and other
- 38 requirements of this ordinance, as well as the flood damage prevention
- 39 requirements of Chapter 34 of Brevard City Code.
- 40 6. Structures located on corner lots or multi-fronted lots shall conform to the front
- 41 yard setbacks as set forth herein along all streets upon which such lots front.
- 42 7. The administrator shall require additional setbacks as necessary to account for
- 43 existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn
- 44 lanes, roundabouts, on-street parking, and other improvements that deviate from a
- 45 standard street cross-section.
- 46 8. The administrator shall deduct appropriate setbacks as necessary to account for
- 47 one-way streets.
- 48 C. *Side and rear yard setbacks.*

District	Side Yard Setback	Setback Between Buildings New Development Without Partiwall	Rear Yard Setback
GR (4, 68 , 10CD)	6	6	25
RMX/ RMX-CD	6	6/10 (MF)	25
NMX/ NMX-CD	0/ 30 <u>10</u> from residential district	6/10 (MF)	25 <u>10</u>
DMX/ CBD-CD	0	0	0
CMX/ CMX-CD	0/ 30 <u>10</u> from residential district	0	10/40 from residential district
IC	40 foot setback along all external boundaries		
GI/ GI-CD	40 foot setback along all external boundaries		
PD	To be determined by approving authority		

49 1. Zero-lot line development (i.e. town homes, condominiums and similar structures)
50 and other structures using partiwalls are permitted subject to other requirements as set
51 forth in this ordinance.

52 D. *Accessory structures.*

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 68 , 10CD)	3	6	3	10
RMX/ RMX-CD	0	3	0	3
NMX/ NMX-CD	0	3	0	3
DMX/ CBD-CD	0	0	0	0

CMX/ CMX-CD	0	0	0	0
IC	40 foot setback along all external boundaries			
GI/ GI-CD	40 foot setback along all external boundaries			
PD	To be determined by approving authority			

53

54 E. *Other structure and lot dimensional requirements.*

District	Height By Right (1)	Min. Lot Width at Building Line and Right-of-Way Line (2)
GR (4, 6 8 10 CD)	35 feet	30 feet
RMX/ RMX-CD	35 feet	30 feet
NMX/ NMX-CD	35 feet	20 feet
DMX/ CD	50 feet	0 feet
CMX/ CMX-CD	50 feet	0 feet
IC	50 feet	60 feet
GI/ GI-CD	50 feet	60 feet
PD	To be determined by approving authority	

55

- 56 1. Additional height may be permitted by the board of adjustment (hereinafter BOA)
57 as a special use permit. See the requirements for large structures as set forth in
58 Chapter 5, Section 5.14. See computation of building height as set forth in Chapter 5,
59 Section 5.17.
- 60 2. The approving authority may authorize the establishment of lots in GR, RMX, and
61 NMX districts that do not meet the minimum width requirements set forth above.
62 However, the following standards shall apply:

- 63 (a) Such lots shall have frontage upon a public street.
- 64 (b) Off-street parking shall be provided in the rear of the principal structure and
65 shall not be located in the side yard or front yard of the lot.
- 66 (c) Off-street parking shall be accessed by a commercial service street, alley, or rear
67 lane. Provided that all lots meet minimum public street frontage requirements
68 of this ordinance. Such travel lane may be a situated upon a private easement or
69 right-of-way.
- 70 3. Front and side yard setbacks for infill structures shall be consistent with or equal to
71 the average setbacks for all principal structures within 300 feet or one block length
72 (whichever is greater). Where no buildings exist or in new neighborhoods the
73 minimum dimensional standards shall be as stated above. Other setback
74 modifications are permitted through the provisions of Chapter 16 of this ordinance.
- 75 4. Handicapped ramps are permitted to encroach into the front setback and side
76 setback in accordance with Chapter 4.
- 77 5. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by
78 up to two feet.
- 79 6. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and
80 egress, nominally in line with the first floor above grade or any floor below that, may
81 encroach into front, or rear yard setbacks up to one-third of the required setback
82 dimension up to a height of four feet above the elevation of the floor being served.
83 The area of each porch not including landings between runs of stairs, shall be no
84 greater than 50 square feet.
- 85 7. Covered or uncovered balconies and bay windows may encroach into front or rear
86 setbacks up to three feet into the required setback dimension. Balconies or bay
87 windows may not exceed ten feet in width. Cumulative total of balconies and bay
88 windows projecting into the setback shall not exceed 33 percent of the total width
89 of each elevation.
- 90 8. Chimneys may encroach into front, rear, or side setbacks by up to two feet. Width of
91 the chimney encroachment shall not exceed that necessary for the fireplace, flue,
92 and the typical building walls enclosing the fireplace or flue.
- 93 9. No structure or land use shall encroach upon any public or private easement or
94 public or private right-of-way or easement unless otherwise provided for by this
95 ordinance.

CHAPTER 7 – OPEN SPACE

7.1. - Purpose and intent.

The intent of these requirements is to allow for the usage of centrally located unencumbered land as neighborhood open spaces and not to permit the use of leftover or otherwise unusable land to fulfill the requirements of this chapter. Open space as defined by this chapter is also distinct from those areas that are environmentally significant and must be protected in their pristine state as dedicated open space, as required in Chapter 6 of this ordinance.

7.2. - General provisions.

A. Open space is defined as all public or common areas not covered by building or parking lots, detention structures, streets, required setbacks, or golf courses unless permitted by administrative review.

B. Open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following enhancements: landscaping, picnic tables, gazebos, walls, fences, walks, statues, underground utilities, irrigation, fountains, ball fields, and/or playground equipment.

C. Environmentally sensitive stands of trees, stream bed areas, natural habitat, and other valuable topographic features shall be preserved within the required open space areas and left unimproved in accordance with Chapter 6 and 8 of this ordinance.

D. Playground equipment, statues, and fountains should be located toward the interior of squares and parks away from the public right-of-way to provide for adequate safety of the user.

E. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed four feet in height. (Exception: Fences used in conjunction with ball fields.)

F. Open space should protect sensitive natural areas and provide focal points for the neighborhood and city. A central square or green, for example, may comprise a majority of the area required for dedication.

G. Dedicated open space shall be separately deeded to a homeowner's association, a non-profit land trust or conservancy, a local or state government, or may be held in private ownership with conservation easements recorded in the Transylvania County Register of Deeds in a form approved by the administrator.

H. The approving authority may require that recreational open space be dedicated for ownership and maintenance to the City of Brevard. Such a condition shall be based upon a determination that such recreational space would clearly serve a public benefit.

7.3. - Open space dedication.

All residential and mixed-use residential developments with more than eight total units shall be required to dedicate open space. ~~To encourage development of residential units in~~

~~the Downtown Mixed Use district, all such residential development shall be exempt from these provisions.~~ The amount of useable open space required for dedication shall be determined using the open space dedication matrix.

- A. First, the matrix was designed to base open space requirements on the number of bedrooms in a given development rather than the usual dedication based upon the dwelling unit. This more accurately reflects the needs of the residents, as the number of bedrooms within a given development is a better representation of the actual number of residents who would use open space.
- B. Second, the matrix is established to encourage the preservation of land. By allowing for an increase in densities, the matrix provides for an increasing requirement in open space dedication. For example, a 50-acre subdivision of 100 lots developed at a density of two units per acre would generally require 3.44 acres or seven percent of dedicated open space. In contrast, this same tract of land subdivided into 400 lots (or condos) at a density of eight units per acre would require 15.15 acres or 30 percent of dedicated open space. These figures are based upon an average of three bedrooms per unit.

Because the open space dedication requirements are based upon preliminary estimations of bedroom units in a given development, changing market conditions and final build-out of a project may yield a different bedroom count. In order to accommodate for variations, this code will permit variations to the estimated number of bedrooms up to ten percent. Variations in excess of ten percent may allow a payment in lieu of additional dedication or the dedication of additional open space.

For the purposes of good faith estimation, all single family developments will dedicate open space at a rate of 3.5 bedrooms per unit unless otherwise stipulated. Attached homes and apartments will dedicate open space at a rate of two—four bedrooms per unit in accordance with actual building specifications.

		Gross Dwelling Units per Acre			
		0—2	2—6	6—10	+10
Estimated Number of Bedrooms	×	500	520	550	580

How to use this matrix:

1. Determine average density for proposed development (Gross Dwelling Units per Acre).
2. Determine average number of bedrooms per dwelling unit (good faith estimate).

70 3. Multiply the average number of bedrooms by the total number of units to get to the
71 estimated number of bedrooms.

72 4. Multiply the estimated number of bedrooms by figures shown in the matrix which
73 relate to the density of the site and its proximity to existing open space.

74 EXAMPLE:

75 A developer wants to subdivide a 50 acre tract of land into 120 lots. The average number
76 of bedrooms per lot is 3.5 (some three bedroom, some four bedroom). The tract is not
77 within ¼ mile walking distance to any publicly dedicated open space. How much open
78 space is required for dedication?

79 The density (in dwelling units per acre) is 2.4. There are an estimated 420 bedrooms.
80 Using the multiplier of 520 as shown in the matrix, the required amount of useable open
81 space to be required is 218,400 square feet or 5.01 acres or ten percent of the total area.

82 C. Exemptions

83 To encourage development of residential units in the Downtown Mixed Use district
84 and Neighborhood Mixed Use district, all such residential development shall be exempt
85 from these provisions.

86 Any residential development within ¼ mile of public open space. Examples include
87 Franklin Park, Hap Simpson Park, and other similar publicly owned locations.

88 7.4. - Payment in lieu of open space dedication.

89 A. If open space within a development is physically impractical due to unusual topographic
90 conditions, then the administrator may, at their discretion, accept either an equitable
91 amount of land in another location or a fee paid to the city in lieu of dedication. A
92 combination of open space dedication and payments-in-lieu of dedication is permitted.

93 B. Payments in lieu of dedication may be approved as part of the development plan. Any
94 disagreement in the amount of required payment shall be resolved by conducting a
95 professional appraisal, at the expense of the developer, of the fair market value of the
96 property. The professional appraiser shall be mutually agreed upon by the developer
97 and city. An appraiser may be appointed by the city should an agreement not be reached.

98 C. All payments made in lieu of dedication shall be made at the time of construction
99 document approval. Failure to submit the required fee along with such applications will
100 delay approval of such submissions until payment is rendered.

101 D. All funds received for payment in lieu of dedication shall be used for the acquisition,
102 improvement, development, or redevelopment of public open space within the city.

CHAPTER 10. - PARKING STANDARDS

10.1. - Purpose and intent.

Parking lots, loading areas, and similar facilities are necessary elements in the urban environment. However, these facilities have been known to cause the following negative impacts:

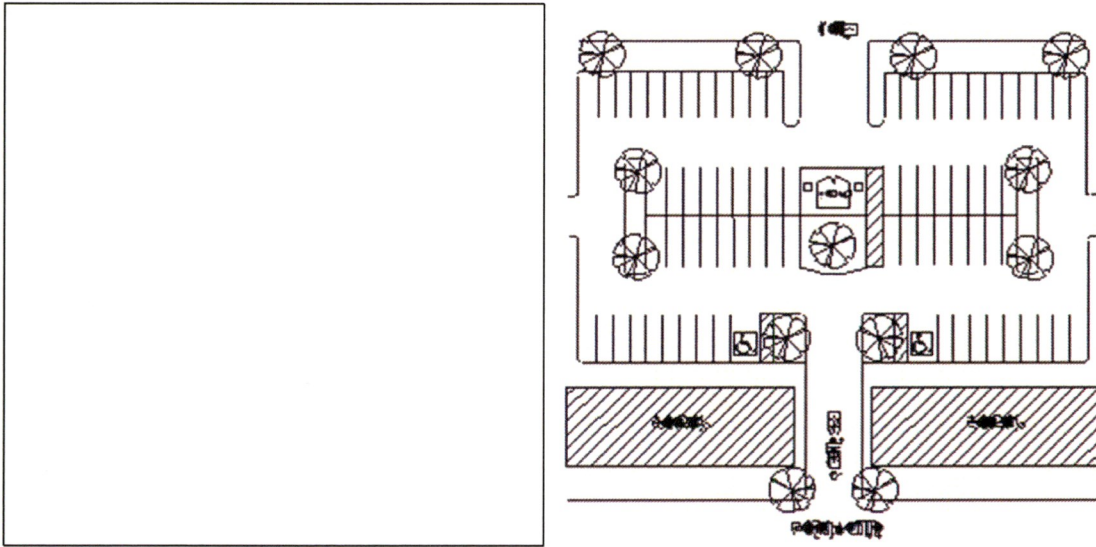
- Increased stormwater volume and velocity;
- Increased surface pollutants;
- Increased surface level heat and glare;
- Reduction in the efficiency of the connecting street system; and,
- Reduction in the operations of the surrounding pedestrian and bicycle network.

To mitigate these negative impacts, and to provide adequate service, the city has enacted standards to regulate the construction, expansion, and renovation of such facilities.

10.2. - Applicability.

Off-street parking and loading spaces shall be provided for all uses as well as for any expansion of such uses or change in use in accord with the requirements of this section.

10.3. - Off-street parking requirements.



Typical Parking Arrangement

21 A. *Minimum parking ratios:*

Use Type	Required Parking Spaces
<u>Single-Family Residential</u> (All types)	2 spaces <u>per dwelling unit</u>
Residential Accessory Dwelling Unit	1 space
<u>Multi-Family Residential</u>	<u>1 space per dwelling unit</u>
Retail Uses	1 per 500 square feet
Office Uses	1 per 500 square feet
Theaters	1 per 3 seats
Restaurants	1 per 4 seats
Manufacturing/Warehousing/Light Assembly	.25 per 1,000 square feet of non-office space
Bed and Breakfast Inns/Hotels/Motels	1 per room or suite
Civic Uses (Assembly Uses Only)	1 per 4 seats (If benches or pews are used then the standard shall be measured as 1 per 6 feet)

22 *Note: All square footage is in gross square feet.*23 B. *Maximum parking allowed:*

- 24 1. Additional parking that exceeds ten percent of the required minimum (hereafter
25 "excess parking") shall not be permitted, except as follows:
- 26 a. Excess parking may provided within in an underground, roof-top, or multi-story
27 parking structure.
- 28 b. Other excess parking may be permitted. However, stormwater control
29 measures for such excess parking area shall be designed to control the
30 stormwater run-off generated by a 25-year, 24-hour rain event (9.2 inches), and
31 shall otherwise comply with Chapter 6, Section 6.6 of this ordinance.

32 C. *Motorcycle and bicycle parking:*

- 33 1. All developments containing 20 or more parking spaces shall provide dedicated
34 motorcycle parking areas. One motorcycle space shall be provided for every 20
35 automobile parking spaces. Motorcycle spaces shall be located near the front of the
36 building and shall not be counted as excess parking.
- 37 2. Group developments, planned developments, multi-family developments
38 containing more than three dwelling units, conditional zoning districts, and special
39 use permit developments, and any other development containing ten or more
40 parking spaces shall provide secure bicycle storage capable of serving building
41 users. One bicycle space shall be provided for every 20 automobile parking spaces,
42 with a minimum of one 4-bicycle rack provided near the primary entrance of each
43 building entrance. The administrator may adjust bicycle parking requirements to
44 account for shared parking, buildings located in close proximity to one another, or
45 the presence of public bicycle racks in close proximity.
- 46 D. *Accessible parking:* Accessible parking shall be provided in accordance with the North
47 Carolina State Accessibility Code.
- 48 E. *Exemptions and adjustments:*
 - 49 1. Developments which meet any of the following criteria may be totally or partially
50 exempt from the parking requirements of this section.
 - 51 a. Developments which involve an increase in floor area and which will not
52 increase the number of parking spaces required under this chapter by more
53 than 25 percent;
 - 54 b. Developments which involve only a change of use and which will not increase
55 the number of parking spaces required under this chapter by more than 25
56 percent.
 - 57 2. In any district, the minimum number of spaces required may be adjusted by the
58 administrator when it has been determined that the reductions are necessary to
59 preserve a healthy tree or trees (with a 12-inch or greater diameter) from being
60 damaged or removed, and where the site plan provides for the retention of said tree
61 or trees.
 - 62 3. No development shall be exempted from bicycle and motorcycle parking
63 requirements.
- 64 F. *Variations in parking requirements:* In lieu of actual construction of required on-site
65 parking spaces, all or any portion of the off-street parking required in this section may
66 be provided as follows:
 - 67 1. *Satellite parking:* Satellite parking (a parking lot that is located on a parcel or lot that
68 is not contiguous or adjacent to the parcel or lot containing the use for which the
69 parking is intended) may be permitted, subject to certification by the administrator
70 that the following requirements have been met:
 - 71 a. The use being served by the satellite parking shall be a permitted principal use,
72 as established in Chapter 2, in the zoning districts within which the lot
73 containing such parking is located;

b. The satellite parking spaces shall be located within ~~300~~1,320 feet walking distance of a public entrance to the structure or lot containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the satellite parking and the use being served;

c. The continued availability of satellite parking spaces necessary to meet the requirements of this section shall be ensured by an appropriate condition that the continued validity of the zoning compliance or special use permit shall be dependent upon the permit holder's continued ability to provide the requisite number of parking spaces.

2. *Payment in lieu:* For uses located within the Downtown Mixed-Use District and Neighborhood Mixed Use, compliance with parking requirements may be achieved by making payments to the City of Brevard Parking Fund in accordance with the Brevard Schedule of Fees adopted by the city council. The payment shall be based upon a dollar amount per parking space. Parking fund moneys shall be used to acquire, maintain, administer, and improve city-owned parking lots.

3. *Shared/combined parking:* The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners.

4. *Overflow parking:* Off-street areas used to accommodate occasional (no more than once per month) overflow parking may be constructed of grass. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition.

G. *Use of parking spaces and loading spaces:*

1. Required parking and loading areas shall be available for the parking of operable vehicles of residents, customers, and employees, and shall not be used for the storage of vehicles or materials, or for the parking of vehicles used for loading or unloading.

2. Required loading spaces shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements.

10.4. - Off street loading requirements.

A. Every lot on which a retail or wholesale business, trade, industry, or multifamily housing is hereafter established, shall provide space indicated herein for the loading and unloading of vehicles off the street.

B. Such space shall have access to an alley or commercial service street or, if there is no alley or service street, to a street. For the purposes of this section, an off-street loading space shall have the minimum dimensions of 12 feet by 40 feet and be free and clear of obstruction at all times. However, the minimum loading requirements shall meet the needs of each individual use. Required space shall be considered as follows:

1. *Retail businesses:* One space per business location.

1 CHAPTER 16. – ADMINISTRATION

2 16.8. - Conditional zoning.

3 A. *Authority.* Brevard City Council may establish zoning districts by means of conditional
4 zoning in accordance with G.S. 160A-382.

5 1. *Purpose.* Conditional zoning is established to provide for flexibility in the
6 development of property while ensuring that the development is compatible with
7 neighboring uses. Conditional zoning affords a degree of certainty in land use
8 decisions not possible when rezoning to a base district. Additional standards and
9 regulations may be attached to a proposed development to ensure compatibility
10 with the surrounding uses and with applicable adopted plans in accordance with the
11 requirements of this section.

12 2. *Districts which may be established by conditional zoning.* Conditional zoning is
13 available for any of the base districts enumerated in this ordinance ~~as set forth in~~
14 ~~Chapter 2~~, as well as for PD Planned Development Districts. The conditional zoning
15 designation shall be indicated on all zoning maps and other official documents with
16 the suffix, "CD" (e.g. CMX CD; GI CD) for conditional zoning districts or PD for
17 planned development districts.

STATEMENT OF CONSISTENCY WITH CITY POLICIES AND PLANS

NCGS 160A-383 requires that the City's review of the proposed zoning amendment include a written statement as to the consistency of the amendment with adopted plans and policies of the City.

The Board forwards this recommendation to City Council with a finding that the proposed zoning amendments are **consistent** with the following elements of the City's adopted plans and policies:

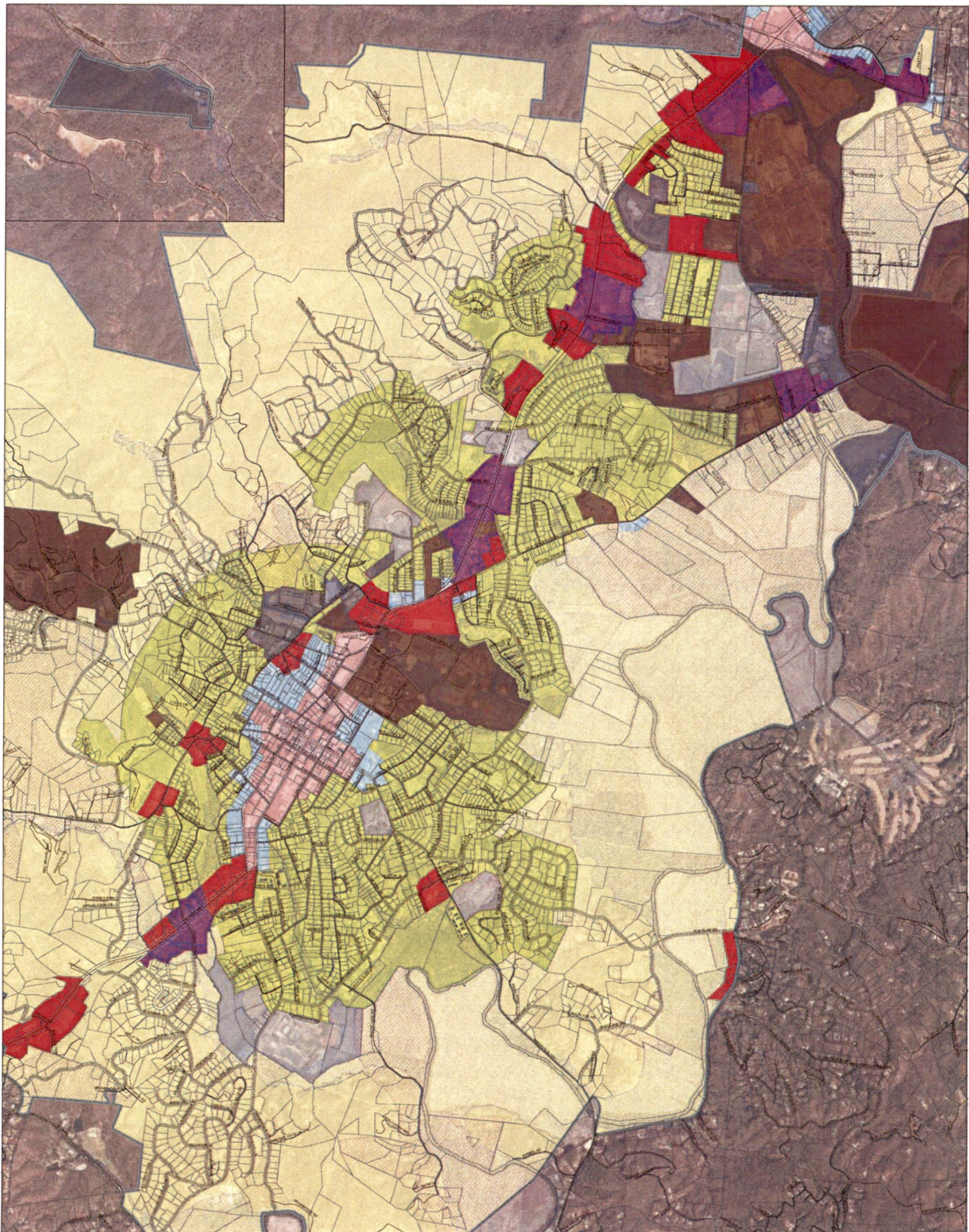
2015 Comprehensive Plan, Element 2: Economic health goals include:

Policy 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

Policy 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

2012 City of Brevard Vision Statement:

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural/historic assets of music, arts, and outdoor recreation.



- City of Brevard Regulatory Jurisdiction**
- Zoning Districts**
- General Industrial
 - Corridor Mixed Use
 - Downtown Mixed Use
 - Neighborhood Mixed Use
 - Residential Mixed Use
 - Institutional Campus
 - General Residential (R)
 - General Residential (A)
 - Special District
 - Floodway & Zone AE
 - Zone AE
 - Manufactured Home Overlay District
 - Highway Corridor Sign Overlay

List of Map Amendments:

April 03, 2006, Ordinance 08-06, Effective Date
 May 07, 2007, Ordinance 05-07, French Broad Place
 May 21, 2007, Ordinance 07-07, Gravelly
 September 17, 2007, Ordinance 13-07, Cowart / Conley
 October 05, 2007, Ordinance 14-07, Brevard Community Church
 December 05, 2007, Ordinance 20-07, Morris Road
 March 17, 2008, Ordinance 04-08, Bridges
 February 02, 2009, Ordinance 03-09, Davidson River Village
 June 15, 2009, Ordinance 11-09, Brevard Music Center
 June 15, 2009, Ordinance 12-09, Transylvania Regional Hospital
 June 15, 2009, Ordinance 13-09, Broad River Terrace
 July 08, 2009, Ordinance 16-09, Duvall
 May 17, 2010, Ordinance 09-10, E.T.J. Extension
 January 24, 2011, Ordinance 08-2011, Habitat for Humanity
 March 07, 2011, Ordinance 09-2011, Gardens at English Village
 April 19, 2011, Ordinance 10-2011, Cottages at Brevard
 June 20, 2011, Ordinance 13-2011, The Family Place at Transylvania County
 February 20, 2012, Ordinance 2012-05, SAFE, Inc.
 March 15, 2013, Ordinance 2013-02, Jennings Industrial Park
 May 20, 2013, Ordinance 2013-05, Brenton
 April 21, 2014, Ordinance 2014-07, Brevard College
 September 15, 2014, Ordinance 2014-21, Brevard Place
 March 2, 2015, Ordinance 2015-01, Bryson
 May 10, 2015, Ordinance 2015-10, Lockhart
 November 10, 2015, Ordinance 2015-34, Bowden
 June 20, 2016, Ordinance 2016-15, Challenge Foundation
 August 15, 2016, Asheville Hwy & 600 Ecotrust Road

I hereby certify that this is the Official Zoning Map of the City of Brevard, NC, referred to in Chapter 1, Sections 1.1 & 1.11 of the City of Brevard Unified Development Ordinance, adopted by the City Council of the City of Brevard on April 03, 2006 and subsequently amended.

Jimmy Harris, Mayor Date

Desiree Perry City Clerk Date

0 0.5 1 Miles

*Note: The Special Flood Hazard Areas is shown for informational purposes only. Please refer to the Flood Insurance Study (FIS) and the Flood Insurance Study Maps (FISMA) for Transylvania County, NC and incorporated Areas, dated October 5, 2009 for the specific Flood Hazard information.

Official Zoning Map of the City of Brevard North Carolina



August 15, 2016
 City of Brevard Planning Department
 95 West Main Street
 Brevard NC 28712