

**MINUTES
BREVARD PLANNING BOARD MEETING
NOVEMBER 21, 2017**

Brevard Planning Board met for a regular meeting, Tuesday, November 21, 2017, at 6:00 PM in Council Chambers of City Hall.

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

Absent: Katie Thompson

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Planner
Janice Pinson, Board Secretary

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.

III. Certification of Quorum

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

IV. Approval of Agenda

K. Smith made a motion to approve the agenda, seconded by F. Porter, unanimously carried.

V. Approval of Minutes

a. Minutes of the October 17, 2017 meeting, motion was made to approve by C. Strassner, seconded by K. Smith, unanimously carried.

VI. Public Comment – Dr. Folger mentioned several downtown projects, the courthouse move, new industrial building on Ecusta Road, and asked what the City's role was moving forward with the Old Tannery Site.

J. Perkins stated that the City applied for a grant for the Tannery Park project, but did not receive funding. He deferred to Staff to explain details.

D. Cobb, Planning Director, gave an update explaining that the City applied for a Parks and Recreation Trust Fund grant in the amount of \$400,000.00 to aide in the \$1.4 million project for development of the Tannery Park, but did not receive funding. He further explained that most of the funds were awarded for property acquisition, which is how the City acquired the site for the park, and that very little funding was awarded for planning and project construction.

He stated that the City Manager's plan is to try to construct some gravel paths within the Tannery Park that will pack down in time and prepare the paths for future paving.

D. Cobb explained that Council voted at their last meeting to enter into a contract with Harris Architects to rebuild the Mary C. Jenkins Community Center. He stated that the cost to tear down and rebuild the center was only slighter higher than the price to rehab the existing building. The decision was made to tear down and rebuild. At their January Council meeting Council is expected to appoint a couple of Council members and Mary C. Jenkins Community Center members to work with City Staff on the implementation of this project.

J. Perkins, Chair, stated that another project that Mayor Jimmy Harris is spearheading is the old train depot rebuild and that he feels the City has a lot of energy right now in preparation of next year's 150th celebration. He feels that some of the pending projects will be on fast track for this celebration.

D. Cobb explained the fundraising details for the Railroad Depot Rebuild Project and directed people to the website for details and brick donation forms.

VII. New Business

a. Zoning Ordinance Review

1. Preamble
2. Chapter 1
3. Chapter 2

D. Cobb explained that the City Manager has asked that the Planning Board continue on the path of reviewing the ordinance, but it is up to the Board to decide how far they wish to go with the project, pending direction from Council.

He presented his staff report which is included as follows:

STAFF REPORT

Planning Board, November 21, 2017

Title: **Zoning Ordinance Review**

The Board will begin review of the revised zoning and subdivision ordinance.

Speaker: Daniel Cobb, AICP, Planning Director

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

Approved by: Daniel Cobb, AICP, Planning Director

ZONE	SYMBOL	ZONE	SYMBOL	ZONE	SYMBOL
Residential	RES	Downtown Neighborhood	DN	Campus Industrial	CID
Agricultural	AG	Neighborhood Commercial	NC	Campus Institutional	CIN
Natural Resources	NRS	Neighborhood Residential	NR	Civic	C
Pisgah Forest Gateway	PFG	Commercial	COM		
Downtown	D	Urban Industrial	UID		

Background

Brevard has had a zoning ordinance since May of 1946, which has been updated several times over the years. The current version is known as the Unified Development Ordinance (UDO) and was adopted in April 2006. The City has been working towards updating the UDO for the last two years with the resulting changes forming what is commonly referred to as a “Form-Based Code.”

Form-based codes are an alternative form of zoning that use the physical form of development as the organizing principle for the code, as opposed to the traditional separation of uses, in order to emphasize predictable development. Form-based codes focus on the relationships between buildings and the public areas of a city, such as sidewalks, roads, or bike paths. An individual site is viewed as a piece of the larger unified design of the district it is in, and the city as a whole. This ensures that development fits the desired character by regulating building height, placement, orientation, mass, and scale.

Discussion

The following items are attached to this report for the Board’s review:

Attachment A – Preamble

Attachment B – Chapter 1 – Introduction

Attachment C – Chapter 2 – Minor Property Improvements

The approach taken with this document is viewing the city in totality, general districts, and then specific neighborhoods. The Preamble explains the development of the document, the concepts and process, and ties portions of the Comprehensive Plan back to the document. A new concept has been introduced with this code which is that of *districts* and *zones*. A *district* is an aggregation of several zones and is to be used for land use planning generally. The *zones* are what are commonly known as zoning districts in the UDO. These are specific regulatory areas that have unique rules associated with them. There are several more zones than currently exist within the UDO. This was done intentionally to recognize small geographic areas which are unique and cannot be zoned the same as other areas of town, even though they may be of similar size. The UDO contains 7 zones, the new code contains 13. These zones are listed below.

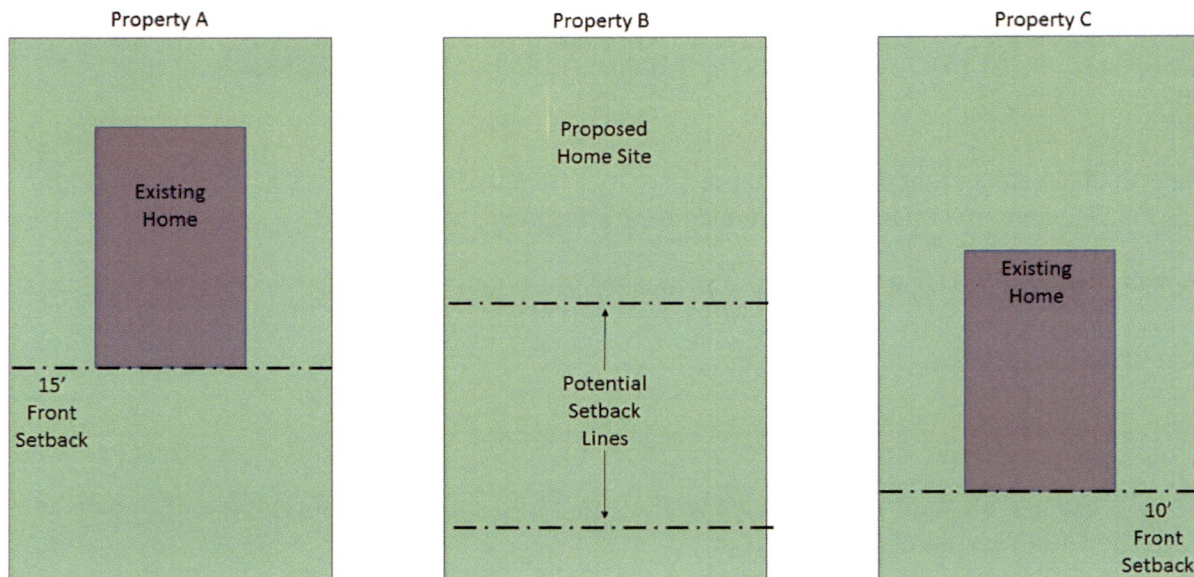
General descriptions of these zones are as follows:

- The residential zone is essentially only residential uses, although some small offices for professional services will be allowed (i.e. accounting).

- The agriculture and natural resources zones are setup to recognize specific areas for farming and natural resource preservation. These areas are almost exclusively located on steep slopes or floodplain.
- The Pisgah Forest Gateway zone is designed for the entrance to Pisgah National Forest. This area is currently zoned the same as downtown Brevard which does not make sense.
- The downtown and neighborhood zones allow varying degrees of traditional downtown development and mixing of uses.
- The urban industrial zone is intended to allow for properties like Comporium or Kier Manufacturing on Railroad Avenue grow but not in a purely industrial form because they are surrounded very closely by residential development.
- The campus industrial zone is geared towards true industrial development with little emphasis on public infrastructure like sidewalks or street trees. These areas are designed for large trucks and not pedestrian movement.

There are several sections in this version of the code that are highlighted in yellow. This is because a discussion with the Board is required before the standards can be added. For example, beginning in Chapter 2, Section 2.2.1 there are a number of dimensional standards that must be added. The intent with Section 2.2.1, 2.2.2, and 2.2.3 is to allow properties making very minor improvements to build in the same pattern as those properties surrounding. This chapter is intended to address the most common permits that have little to no effect on a neighborhood. For example if a property owner would like to build a home on vacant land they simply refer to the properties on either side of them to calculate their front setback. An example of this concept is illustrated below in *Figure 1* (these drawings are not to scale and are meant to demonstrate the concept).

This is most beneficial for infill developments or a full demolition and rebuild. If the properties on either sides are vacant or contain principal structures more than 150' from the new home site specific standards must be followed. The intent with this regulation is to allow the current built forms to continue and for new development to fit within existing neighborhoods.



Policy Analysis

This project is directly related to several **Goals, Objectives, and Policies** in the 2015 Comprehensive Plan. Please see Attachment D for a full list of these.

Staff Recommendation

No action is needed at this time. There are 7 more chapters of this document in addition to two new maps that need to be reviewed. Staff recommends the Board review these materials and be prepared with any questions for clarification or explanation. As this is an internal project there are no specific deadlines associated with it. However, the City Council would like to begin their review of the document in the spring of 2018.

Fiscal Impact

None at this time.

Attachments

- A. Preamble
- B. Chapter 1
- C. Chapter 2
- D. Comprehensive Plan Excerpts

Attachments are attached hereto and labeled, Exhibit "A".

D. Cobb explained to the board that Chapter 2 will address 75-80 percent of all permits the Planning Staff reviews and that it is important that the code be tailored based on what we have. Giving the example that storm water management has to carefully viewed, because Transylvania County is the wettest county in North Carolina.

D. Cobb stated that the Zoning and District Maps would be available for review at the December meeting.

J. Perkins, Chair, stated that the draft chapters are user friendly and easy to read, asking if the storm water management and other chapters would be drafted in the same format.

D. Cobb responded, yes, that he is trying to keep it as non-academic as possible.

VIII. Unfinished Business

b. Text Amendments – Increased residential dwelling units per acre.

D. Cobb, presented his staff report stating that the intent is to make more efficient use of land in the City, to make the best use of what we have.

D. Cobb directed the Board to Page 11, Section C. Exemptions and explained.

F. Porter stated that it would be nice to see steep slopes and floodplain indicated on the Open Space Exemption Map.

K. Smith asked D. Cobb if this was a common exemption for cities.

D. Cobb responded that it was not, that most cities have open space requirements, and it is usually based on the number of lots, not units. Further stating that he did not know of any jurisdictions that currently have exemptions.

J. Perkins, Chair, commented that we do have easy access to open space, and that it seems like a very reasonable compromise.

C. Strassner commented that parking in lieu fee is not adequate.

D. Cobb stated that he did not get into the parking standards at this time, but did direct the board to Page 13 for parking ratios.

J. Perkins commented that he would hate to see a situation where people are dependent on on-street parking to meet their needs.

A. Bland stated that the parking in lieu fee is in place to take care of future parking needs.

C. Strassner commented that he did not think the parking in lieu fee should be \$14K, but that \$500.00 is not adequate.

D. Cobb stated that .25 of a mile is the parking distance a developer must meet.

Some suggestions were: wayfinding signage to better direct visitors to parking areas; set fee for parking spaces or some type of impact fee for parking.

After discussion, it was agreed that Staff would do research and bring back information on parking fees.

J. Perkins and K. Smith stated that they were not sure if they were comfortable with the setbacks between CMX and GR zoning districts.

D. Cobb explained the reason for proposing 30 foot setbacks was to make the property more developable.

It was agreed that more discussion on this item would be necessary.

IX. Remarks –

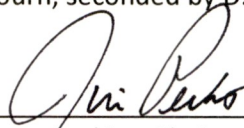
D. Cobb, explained that the reason for the withdrawal of the annexation application by Mr. Dobbs to build an assisted living facility was because they were informed that they would not be able to obtain the required certificate of need, which is required in the State of North Carolina to operate this type of facility.

He then explained that the rezoning application submitted by Sharon Thurner for Brevard Place was not necessary. Ms. Thurner was told that the property would need to be rezoned because constructing a hotel would not be valid under her current PDD, it was later found to be a valid use. The plans for a hotel have been submitted.

After discussion of the date and time for the December meeting, D. Loftis made a motion that the December meeting be held at 5:30 PM on December 12th, seconded by K. Smith and unanimously carried.

X. Adjourn –

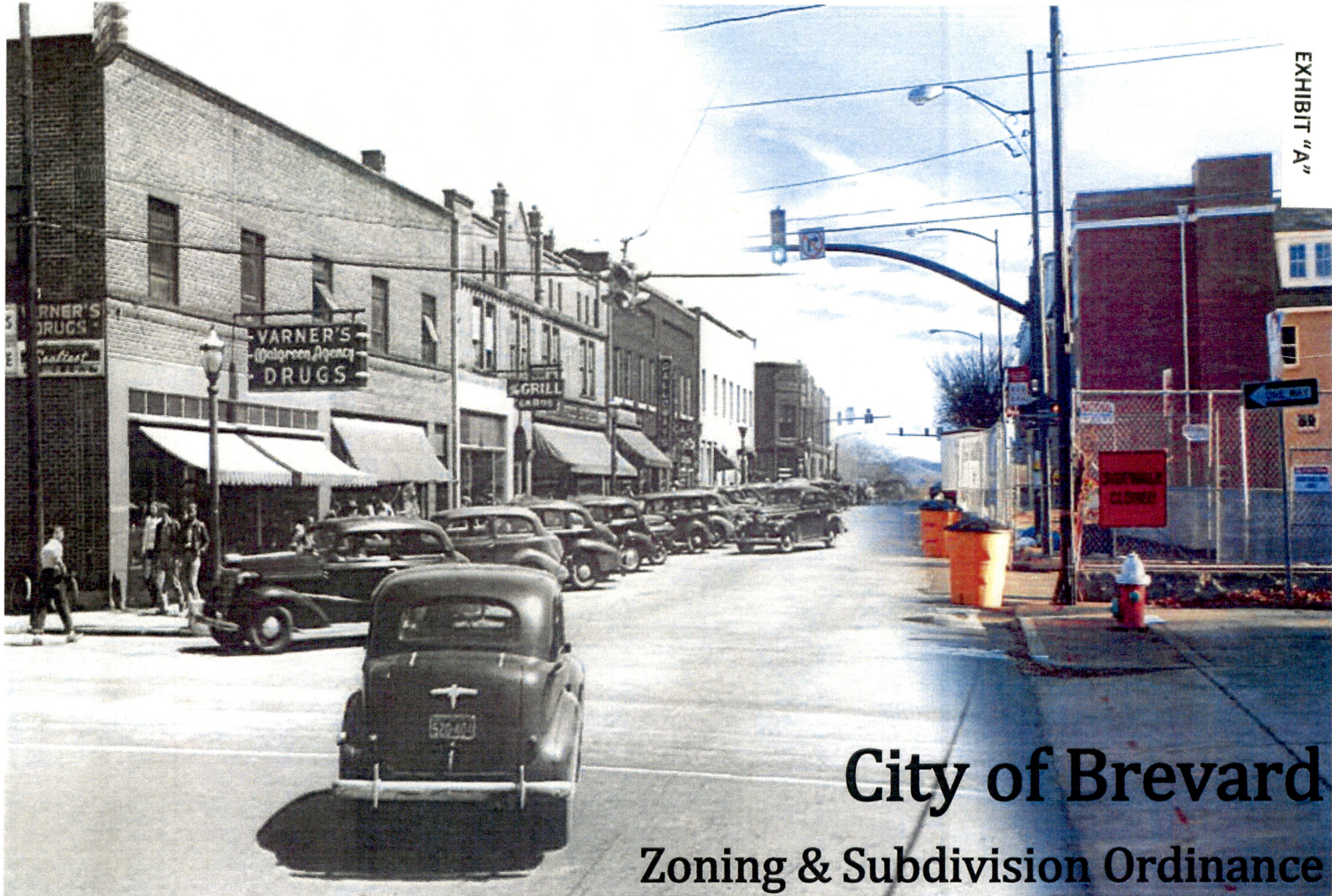
There being no further business, C. Strassner moved to adjourn, seconded by D. Ross, unanimously carried, and the meeting adjourned at 7:29 PM.



Jimmy Perkins, Chair



Janice H. Pinson, Board Secretary



City of Brevard

Zoning & Subdivision Ordinance

Acknowledgments

This ordinance represents the culmination of the two year CODEBrevard study, the goal of which was to establish the methods and procedures for ongoing reviews of the community's economic, environmental, social, and cultural attributes.

The provisions herein support the policies promoted by the City stemming from this initial analysis which focused on economic and environmental attributes, specifically the development form, stormwater, and water/sewer infrastructure within Brevard's municipal limits and Extraterritorial Jurisdiction. The findings established the base conditions of the City's fiscal and environmental performance from which informed assessments of future growth can be decided.

This ordinance is one of three tools used to determine the optimum urban footprint and built character for the future growth of the City. It serves as the enabling document for the other two, which are the City of Brevard Comprehensive Plan and the Civic Master Plan.

Prepared for the Brevard City Council:

Jimmy Harris, Mayor
Mac Morrow, Mayor Pro Tem
Gary Daniel
Ann Hollingsworth
Maurice Jones
Charlie Landreth
Jim Fatland, City Manager

Review by the Brevard Planning Board:

Jimmy Perkins, Chair
Demi Loftis, Vice Chair
Frank Porter
Keenan Smith
Chris Strassner
Katie Thompson

Guidance provided by the CODEBrevard Stakeholder Group:

Richard Caldwell
Josh Hallingse
Doug Harris
Jimmy Perkins
Parker Platt
Lori Roberts
Heath Seymour

Management and implementation led by the City of Brevard Planning and Zoning Department:

Daniel Cobb, Director
Aaron Bland
Janice Pinson
Paul Ray

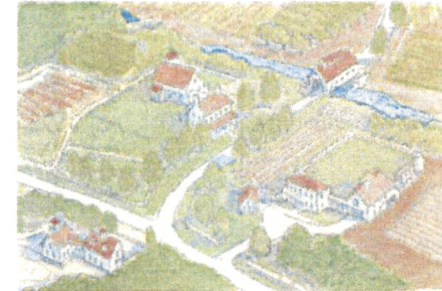
The Transect

This ordinance is a transect-based ordinance. The transect is a framework that identifies the range of human settlement patterns from the most natural to the most urban. Its continuum of habitats, when subdivided into districts, lends itself to the creation of zoning categories. These categories include standards that encourage diversity similar to that of organically evolved communities.

The rural-to-urban transect is divided into six transect districts for application on zoning maps. These six districts, or “habitats,” vary by the level and intensity of their physical and social character, providing immersive contexts from rural to urban. Transect-based elements are coordinated by these districts at all scales of planning, from the region through the community scale and on down to the individual lot and building.

This ordinance incorporates four of the six Transect Districts to address development within its municipal authority. One of the principles of transect-based planning is that certain forms and elements belong in certain environments. For example, an apartment building belongs in a more urban setting, a ranch house in a more rural setting. Some types of streets are urban in character, and some are rural. A deep suburban setback destroys the spatial enclosure of an urban street; it is out of context. The transect model is the antidote for the one-size-fits-all development of today.

Edge



General



Center



City Center



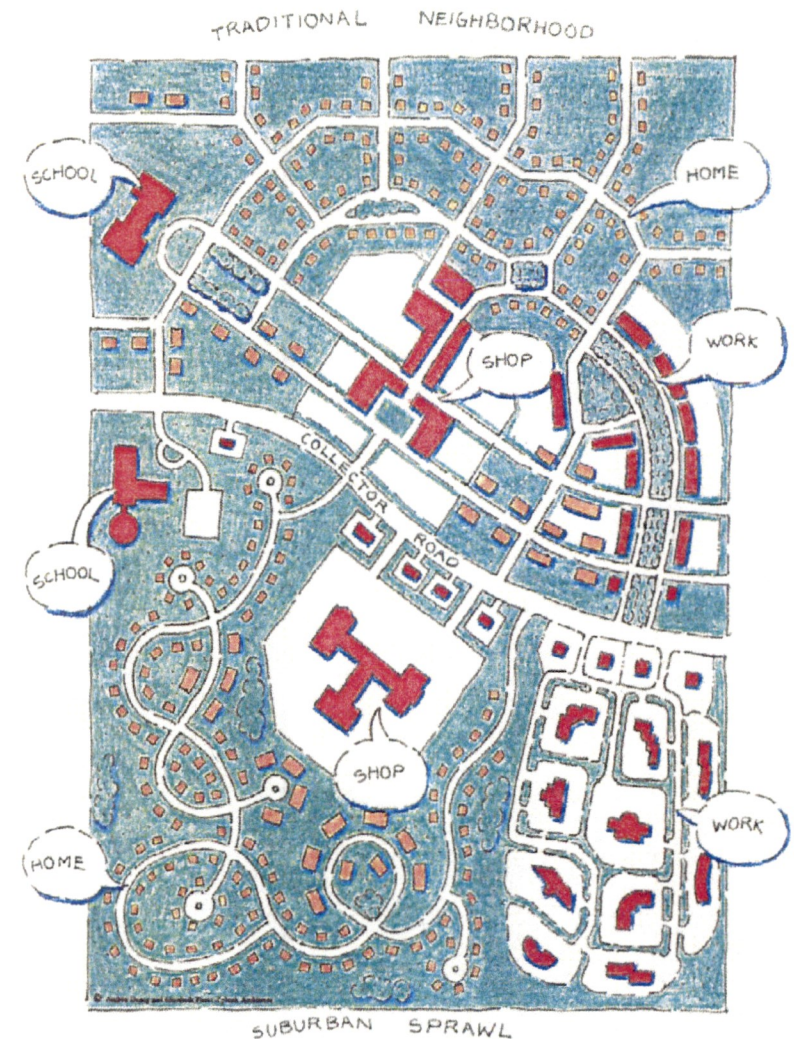
Courtesy DPZ & Partners
Page 3 of 19

The Neighborhood

The Neighborhood is the essential element of development and redevelopment in a City. Neighborhoods form identifiable areas within all districts of a City. They can be highly developed in and around a downtown, or mostly rural at the edge of the City.

No matter their physical location, neighborhoods should be compact in area, pedestrian-friendly, and mixed use. Many activities of daily living should occur within walking distance, allowing independence to those who do not drive, especially the elderly and the young. Interconnected networks of roads and streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.

Within neighborhoods, a range of housing types and price levels can bring people of diverse ages, ethnicities, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community. Concentrations of civic, institutional, and commercial activity should be embedded in neighborhoods. Schools should be sized and located to enable children to walk or bicycle to them. A range of parks, from playgrounds and village greens to ballfields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods.



Courtesy DPZ & Partners

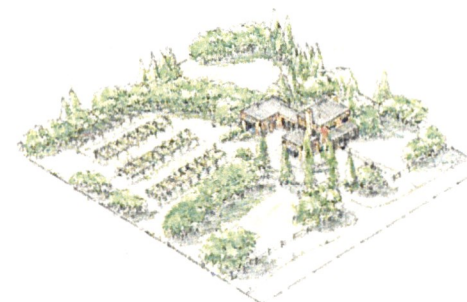
The economic health and harmonious growth of neighborhoods can be improved through transect-based ordinances that serve as predictable guides for change.

Blocks & Buildings

A primary task of all urban architecture and landscape design should be the physical definition of streets and public spaces that support the character of the city. Individual architectural projects should be seamlessly connected with their surroundings. Development must adequately accommodate automobiles, but in ways that encourage walking and the formation of public spaces when designed in zones that are predominantly pedestrian-oriented. Streets and squares should be safe, comfortable, and interesting to people on foot.

Architecture and landscape design should grow from the climate, topography, history, and building practices of the region. Civic buildings and public gathering places require important sites to reinforce community identity; these deserve distinctive form, because their role is different from that of other buildings and places.

Preservation and renewal of historic buildings, districts, and landscapes affirm the cultural and history of a place.



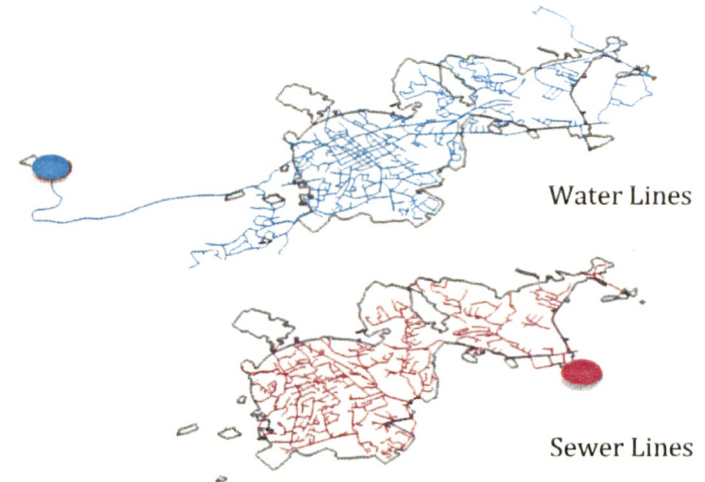
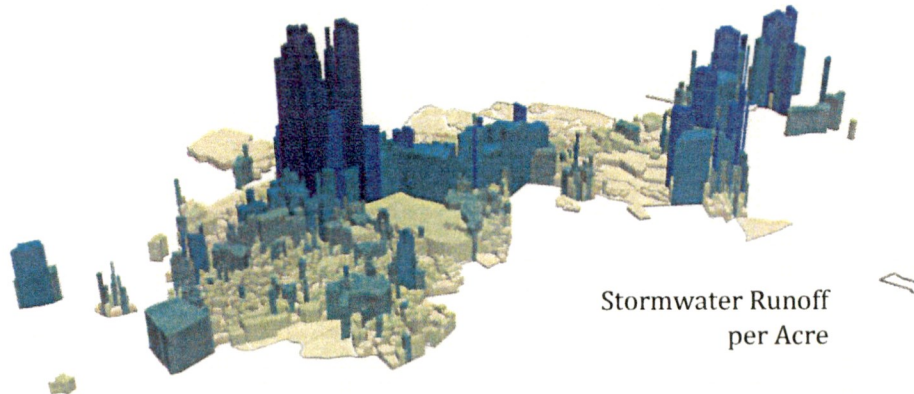
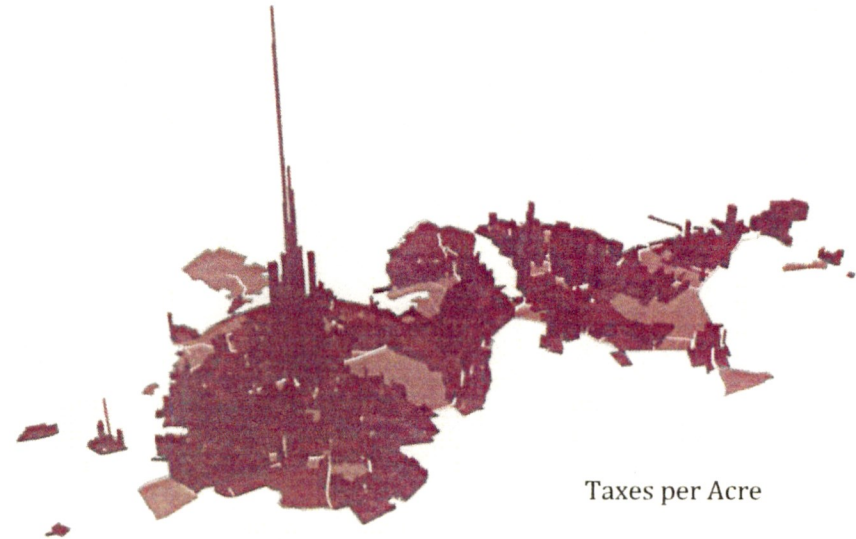
Courtesy DPZ & Partners

Page 6 of 19

Study Parameters

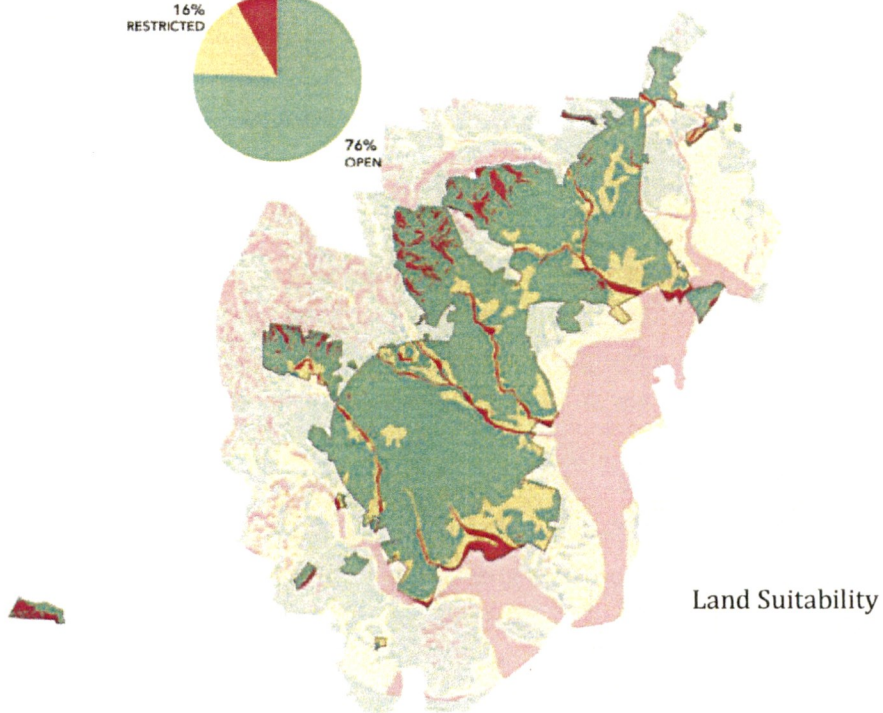
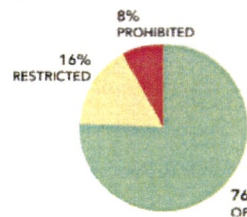
This ordinance's provisions, and the District and Zone Maps, have been prepared with input from a base analysis of three key components which influence the delivery of municipal services and the character of urban development, two economic and one environmental:

- 1- Property Tax Base generation by use.
- 2- Water and sewer line concentration and distribution.
- 3- Stormwater and the cost of managing its impacts.



Development Suitability

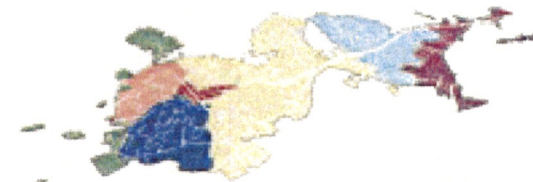
The environmental analysis calculated stormwater runoff per acre using several data sets to construct a physical map of Brevard's geographic area. The results were processed using an analytical technique known as TR-55, a formula that determines stormwater runoff for various site conditions in cubic feet. The suitability analysis also included soil and floodplain conditions.



Impervious
Coverage



Soil Type
Coverage



Watershed
Basins

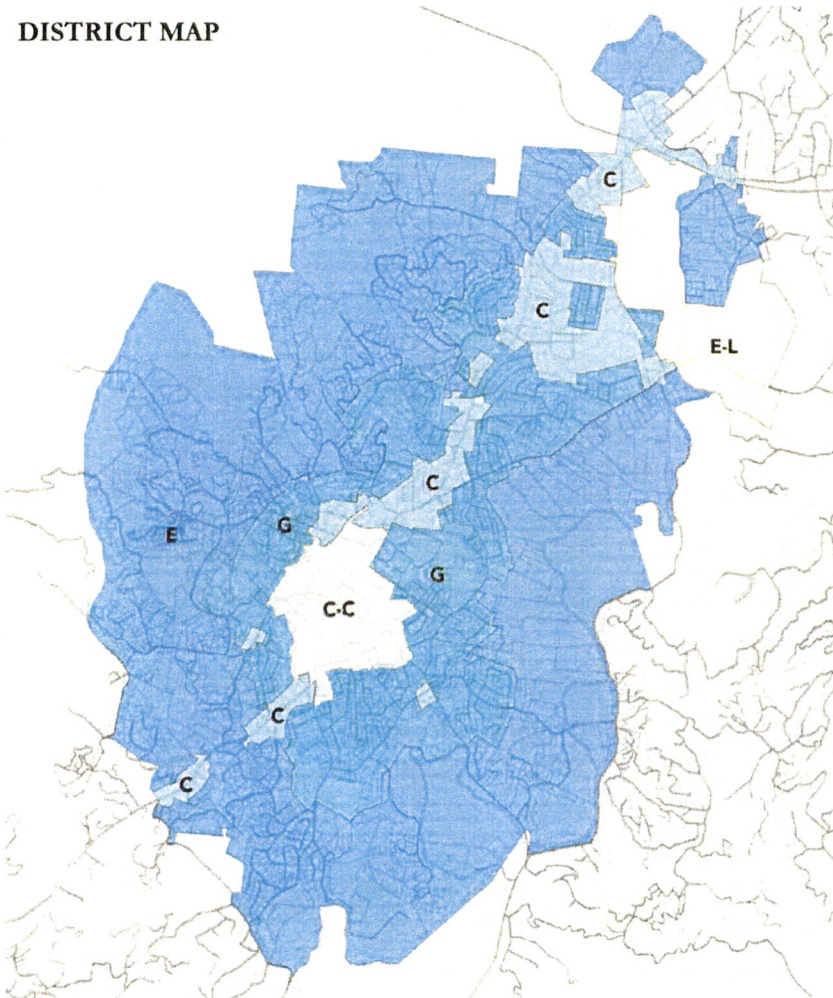


Pipes &
Infrastructure

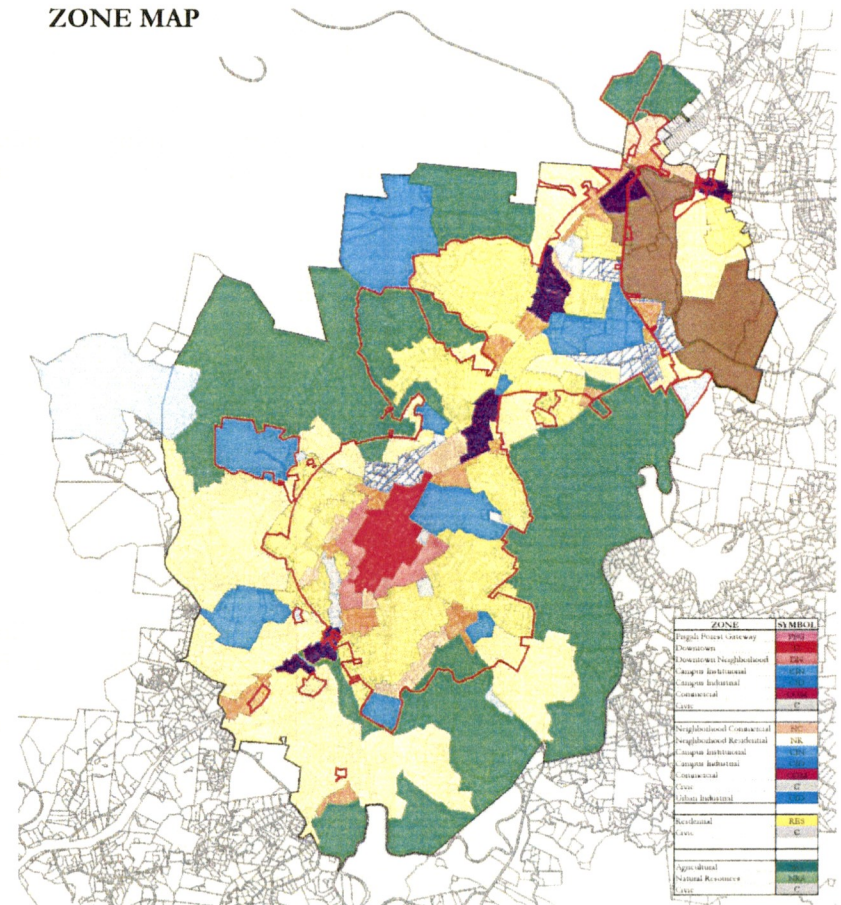
Land Development Mapping

The results from the economic, environmental, and development suitability were used to determine the optimum calibration of the various District and Zone provisions as they impact site design and development density in order to determine the most resilient community build-out within the City and ETJ. The Districts and Zones balance the assessed economic and environmental conditions on the ground throughout Brevard.

DISTRICT MAP



ZONE MAP



Policy Approach

The approach taken by this ordinance is in response to Brevard's history of growth following the conventional zoning model of low density, car-dependent development, and separation of land uses. Low-density development increases the cost of living due to the disproportionate needs of financing, maintaining, and replacing transportation and utility infrastructure. Auto dependent design standards increase the extent of paved surface areas across the entirety of a community that in turn increase water runoff, soil erosion, and water supply contamination. The combination of the two increase traffic congestion, solar heating, noise, and pollution, deplete urban forest cover, and create long term financial liabilities that are unfunded by current fiscal budget models.

Under the conventional zoning model a majority of a municipality's time and money is spent replacing and extending infrastructure and mitigating the negative impacts of development. Assessed on a project-by-project basis the total effects and subsequent costs are hidden by short-term tax base increases and owner profits. However, if viewed at the community level, and over the mid and long terms, all additional development of the model described becomes a burden on the city. Conventional zoning guarantees low density, car dependent development, the assessed tax value of which does not support the cost of the services required to sustain it.

A development model supported by proper zoning that addresses this burden of tax revenue inequality, promoted by low density car dependent development and the various environmental costs linked to it, must treat a community as a highly complex entity, not merely as a collection of individual market segments, or an opportunity for real estate speculation.

This ordinance and related land development maps have been prepared with due consideration of:

- a) Balancing future growth to enable tax revenues to support the budgeting and funding of required community transportation infrastructure, utilities, civic and cultural amenities, and environmental preservation.
- b) The promotion of an integrated and balanced transportation system based on pedestrian and automobile use.
- c) The adequate provision of water and sewer infrastructure.

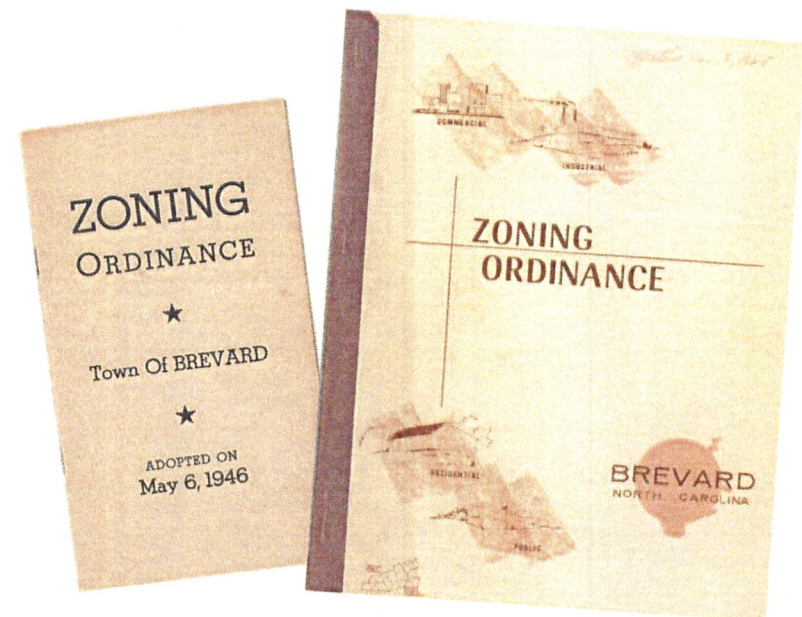
- d) The appropriate provision of schools, parks, and other public necessities.
- e) The preservation and enhancement of the natural environment through management of stormwater and the replenishment of forests by landscaping of the public realm.

Purpose and Intent

The purpose and intent of this ordinance is to codify a model of planning that is deliberately complex, interconnected, and balances the amounts of pedestrian and auto-dependent development, in order to strengthen fiscal balance sheets over the long term, and to enable and encourage the implementation of policies listed both within this ordinance and in the City's Comprehensive Plan.

The purposes of these regulations are to lessen congestion in the streets; to facilitate safety from fire, panic, and other dangers; to promote public health, safety, and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid inappropriate concentration of population; to facilitate the adequate provision of transportation, utilities, parks, and other public municipal facilities and infrastructure; to conserve the value of land and structures; and to encourage the most appropriate use of land throughout the corporate limits and extraterritorial zoning jurisdiction, in accordance with the officially adopted Land Use Plan of the City of Brevard.

The City of Brevard has a long history of zoning and development regulations dating back to 1946. The City's first zoning ordinance was adopted with the goal of: "promoting the health, safety, morals, and general welfare of the inhabitants of Brevard" while "avoiding undue congestion of population" and "facilitating the adequate provision of transportation, water, [and] sewerage." This ordinance looks to further this tradition of protecting citizens from nuisances and hazards while improving the quality of life for all Brevardians.



City Level Development Policies

The Policies listed below address Brevard from the scale of the city. Supporting goals, objectives, and policies from the City's 2015 Comprehensive Plan are included in brackets.

1. Provision of meaningful choices in living arrangements and a mix of housing types for all citizens. [Goal 4.1; Objective 4.2; Policies 4.2.A, 4.2.G]
2. Ensure that new development generates sufficient tax revenues to fund expected service demands and maintenance liabilities. [Goals 2.2, 5.3; Objectives 2.1, 5.3; Policies 2.1.A, 2.1.B, 2.1.C]
3. Protection of the environment by ensuring that new development adequately mitigates its impact on stormwater, steep slopes, erosion, and sedimentation to reduce infrastructure costs, loss of life and property, and natural resource depletion. [Goals 3.1, 3.2, 3.3; Objectives 3.1, 3.2; Policies 3.1.A, 3.1.C, 3.1.D, 3.2.A]
4. Development within City Center and Center Districts shall be compact and mixed-use. [Objectives 4.1, 4.2; Policies 4.1.G, 4.1.H, 4.2.A]
5. New residential areas shall be pedestrian-oriented and designed to encourage pedestrian and cycling access to amenities within the neighborhood and to the Centers, and are to be connected by pedestrian and cycle friendly streets. [Goal 5.1; Objective 5.2; Policies 5.2.A, 5.2.C]
6. Greater residential building densities shall be provided within walking distances of major connections between City Center and Center Districts with adjoining General Districts. [Goals 2.2, 4.1; Objectives 2.1, 4.1; Policies 2.1.A, 4.1.G, 4.1.H]
7. That civic and institutional activity shall not be isolated in remote single-use campuses, unless so approved by City Council. Schools located in City Center, Center and General Districts shall be sized and located to encourage children to walk and bicycle to them. [Policies 1.2.A, 1.5.B, 2.3.D]
8. New streets shall increase the existing street network's connectivity to disperse traffic and reduce the length of trips. [Goals 5.1, 5.2; Objectives 5.1, 5.2; Policies 4.2.D, 5.1.C, 5.2.D, 5.2.F]

Neighborhood Level Development Policies

The policies listed below address Brevard from the scale of the block and the building. Supporting goals, objectives, and policies from the City's 2015 Comprehensive Plan are included in brackets.

1. Buildings and landscaping shall contribute to the physical definition of streets and sidewalks as public spaces. [Policies 4.1.G, 4.1.H, 5.1.C, 5.2.C, 5.2.D.]
2. Development shall adequately accommodate pedestrians, cyclists, automobiles, and potential future transit as identified in the Brevard Comprehensive Plan. [Goals 5.1, 5.2; Objective 5.2; Policies 4.2.B, 4.2.C, 5.1.C, 5.1.E, 5.1.F, 5.2.A, 5.2.B, 5.2.C, 5.2.D.]
3. The design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility. [Goals 4.3, 5.2; Objective 5.1; Policies 4.1.C, 4.1.D, 4.2.F, 4.2.G, 5.1.B.]
4. The reservation and renewal of historic buildings shall be facilitated, to affirm the character of the community. [Policies 2.2.C, 4.1.G]
5. Architecture and landscape design shall be based on local climate, topography, history, and building practice and appropriately respond to contemporary building practices and materials so as to incorporate practical maintenance and energy efficient methods. [Objective 3.1; Policies 3.2.D, 4.1.G.]

Approach Benefits

The structure of this ordinance enables the two requirements necessary for sound fiscal policy and municipal management:

1. Maximizing the tax base growth to sustain and improve municipal services expected by residents and businesses; and
2. Balancing the environmental performance of development with cultural, civic, social, and economic performance expected by residents, in order to promote public investment and tax base growth.

The structure of this ordinance emphasizes two requirements necessary for the proper administration of city planning. These are:

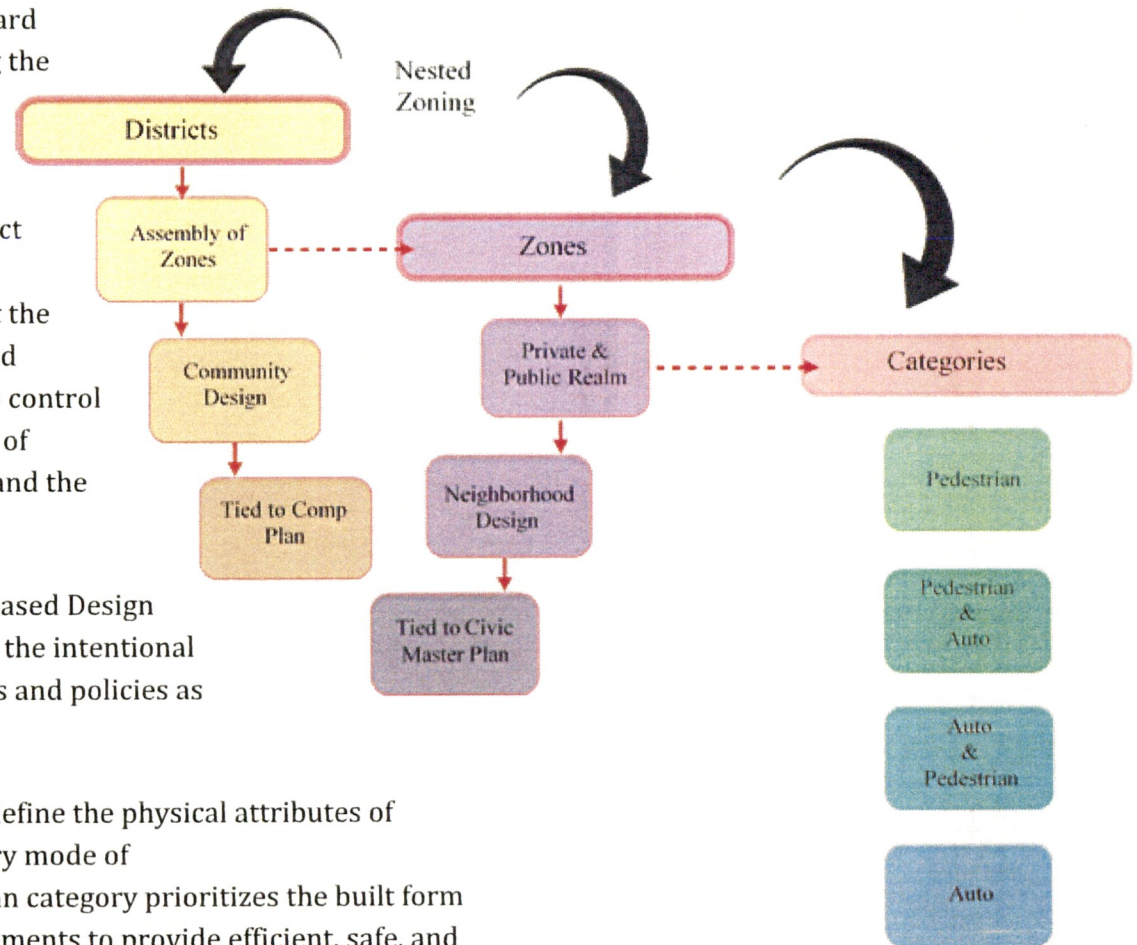
1. Application of day-to-day of zoning as a tool to administer development and investment responsibly and equitably for land owners; and
2. Adherence of development and investment with agreed upon growth strategies that, support a resilient and prosperous municipality.

Nested Zoning

In order to achieve the long-term performance goals and community aspirations as described in the Brevard Comprehensive Plan while affectively regulating the many and immediate actions of individual property owners, the format of this ordinance establishes a “nested” relationship in which **Districts** are identified and mapped by the District Map to promote the long term, strategic master planning provisions that control development at the scale of the municipality; and **Zones** are identified within districts and mapped by the Zone Map, to control the short term, individual permitting provisions of development at the scale of the single property and the public realm around it.

The nested relationship is defined by Transect Based Design principles as described on page 3, and envisions the intentional outcomes as set forth by the City’s adopted plans and policies as described on pages 12-15.

Categories are established within each Zone to define the physical attributes of development according to the property’s primary mode of circulation/transportation access. The Pedestrian category prioritizes the built form and supporting infrastructure and landscape elements to provide efficient, safe, and purposeful access for pedestrians to development and alternative means of transportation. Pedestrian & Auto prioritize the built form and supporting



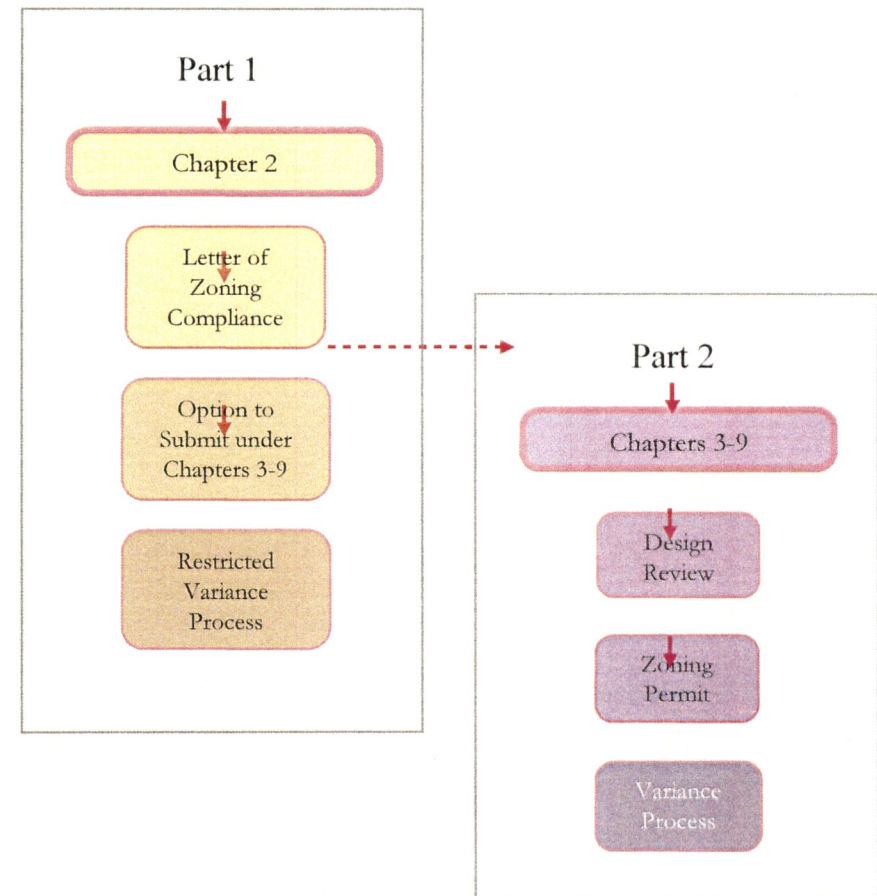
infrastructure and landscape elements for pedestrian access while accommodating automobile use in specific areas requiring connectivity to surrounding street networks, parking and loading/servicing areas. Auto & Pedestrian prioritizes automobile access to surrounding streets, parking, and loading/servicing areas while designating specific infrastructure and landscape elements for pedestrian use in specific areas requiring walkable access. Auto prioritizes the built form, supporting infrastructure, and landscape elements to provide access and parking for automobile use to primarily single-use developments.

Dual Tier System

This ordinance establishes a dual tier system for processing permit requests. The approach is designed to reduce the time and money required to submit and administer applications for developments which do not impact traffic, utility loads, or the health and safety of surrounding properties, the neighborhood, or greater City. The intent behind the approach is to free up time and resources to review submissions which require thoughtful consideration and deliberation based on their size and/or change of character in relation to surrounding properties, impacts on traffic and infrastructure within a neighborhood, and jobs and housing for the City.

Part 1 addresses those projects that are not submitting applications to assemble, subdivide and/or change the use of a property. Such projects *may* choose to adhere to the provisions of Chapter 2 only. The process for seeking a variance to a decision rendered by the Planning Administrator is more restrictive given the expedited nature of submissions permissible within Chapter 2.

Part 2 addresses those projects that are submitting applications to assemble, subdivide and/or change the use of a property or properties. Such projects *shall*



adhere to the provisions of Chapters 3-9. Permits, variances, and design reviews are established to process applications.

Chapter 1

Introduction

1.1 AUTHORITY & APPLICABILITY

1.1.1 Development Regulatory provisions enacted herein are under the authority of G.S. 160A-381, which extends to cities the right to enact regulations which promote the health, safety, and the general welfare of the community. It is further authorized under G.S. 160A-382 which permits cities to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

1.1.2 Subdivision provisions enacted herein are under the authority of G.S. 160A-372 which provide for the coordination of streets within proposed subdivisions with existing or planned streets and with other public facilities, the dedication or reservation or recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation neighborhoods that serve the needs of residents, and for the distribution of population in a manner that will avoid overcrowding and burden utilities and infrastructure.

1.1.3 Land-Use Development Incentives enacted herein are under the authority of G.S. 160A-383.4 which provide Counties and municipalities, for the purpose of reducing the amount of energy consumption by new development, and thereby promoting the public health, safety, and welfare, may adopt ordinances to grant a density bonus, make adjustments to otherwise applicable development requirements, or provide other incentives to a developer or builder within a municipality and its extraterritorial planning jurisdiction if the developer or builder agrees to construct new development or reconstruct existing development in a manner that the county or municipality determines, based on generally recognized standards established for such purposes,

makes a significant contribution to the reduction of energy consumption.

1.1.4 Environmental Protection provisions enacted herein are under the authority of G.S. 160A and G.S. 143 which extends to cities the right to enact regulations which promote the health, safety, and the general welfare of the community. The City of Brevard authorizes regulations to prevent the loss of life and/or public and private economic loss due to landslides, floods, erosion, and sedimentation pollution and protect existing environmental resources, including steep slopes, stream corridors, wetlands, watersheds and ground water recharge areas, soils, forest stands, specimen trees, and other significant vegetation and wildlife which are of economic value to the City.

1.1.5 Affordable and Workforce Housing Incentives enacted herein are under the authority of the City of Brevard Housing Trust Fund, Ordinance #2012-02.

1.1.6 These regulations apply to the development and use of all land and structures within the corporate limits of the City of Brevard, North Carolina and within the extraterritorial jurisdiction exercised by Ordinance and as now or here afterward fixed, said territory being indicated on the District Map and Zoning Map as designated in Chapter 3 and as is on file at the Brevard Planning Department. This map and its boundaries shall be incorporated and made part of this Ordinance.

1.1.7 The enumeration of sections of the General Statutes is not intended to exclude any other section of the General Statutes which grants or confirms authority to municipalities to promulgate ordinances, rules, or regulations similar or identical to those set forth in this Planning Ordinance. Whenever any provision of County, State, or Federal law imposes a greater requirement or a higher standard than required by this Code, the provisions of the former shall supersede and apply.

1.2 TITLE

*effectively
UDO*

This Ordinance is officially titled as "The Land Development Ordinance of the City of Brevard, North Carolina," and shall be known as the "Land Development Ordinance." The official maps designating the various Districts and Zones shall be titled, "Brevard District Map," and "Brevard Zoning Map" and shall be known collectively as the "Land Management Map."

1.3 TRANSITIONAL PROVISIONS

1.3.1 Previously Issued Approvals and Pending Applications, per G.S. 160A-385:

1.3.1.1 Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid. Any Building Permit issued before the effective date of this Code or subsequent amendment shall remain in effect.

1.3.1.2 The provision of this Code shall not apply to subdivision, special use and site plan applications that are complete and pending on the effective date of this Code. Such pending applications shall be processed in accordance with and decided pursuant to the law existing on the date the application was filed.

1.3.1.3 The provisions of this Code shall not apply to any project for which site plan approval from the City Planning Board has already been issued prior to the effective date of this Code, regarding completion of construction and issuance of a Certificate of Occupancy for the project that was previously approved.

1.3.1.4 Any project site review approval issued pursuant to this Code expires if a Building Permit is not issued for such project within 3 years of the date of approval.

1.3.1.5 Any applicant entitled to proceed without complying with the provisions of this Code as a result of the above paragraphs may nonetheless choose to comply.

1.3.1.6 Subject to the provision immediately following any Conditional Districts, which are not "grandfathered" pursuant to the provisions of Sections 1, 2, or 3 of this Chapter, shall be and hereby are extinguished. However, the "public benefit" aspects of any such Planned Development shall survive as enforceable requirements of any subsequent development so long as they are not otherwise inconsistent with the provisions of this Chapter.

1.3.2 Existing Development

1.3.2.1 Except as provided in Sec. 1.3, any existing use, lot, building or other structure legally established prior to the effective date of this Code that does not comply with any provision of the Code shall be subject to the provisions of Chapter 2, or Chapter 3 - 9.

1.3.3 New Development

1.3.3.1 Except as provided in Sec 1.3, upon the effective date of this Code or any subsequent amendment, any new building or other structure or any use of land under the jurisdiction of this Code shall be constructed or developed in accordance with all applicable provisions of this Code.

1.3.3.2 No excavation or filing of land or construction of any public or private improvements may take place or commence except in conformity with this Code.

1.4 TERMS DEFINED

1.4.1 District Defined

Properties are grouped at the community scale and are labeled "Districts" for purposes of this Ordinance. A District defines the geographic location for and desired performance of development of properties within its boundaries. Districts aggregate to enable

the policies and city planning goals for the greater Municipality, as set forth by the Brevard Comprehensive Plan.

1.4.2 Zone Defined

Within Districts, individual Properties are assigned a Zone. Each Zone calibrates the metrics required to insure the component elements of development within the Zone aggregate in a comprehensive manner to reinforce the specific urban conditions envisioned for the District as a whole.

1.5 OTHER APPLICABLE PERMITS & INSPECTIONS

In addition to the zoning permit process required herein, a property owner is also required to obtain all other applicable County, State and Federal permits and inspections before and during any construction and the issuance of a certificate of occupancy.

1.6 SEPARABILITY

Should any Section or specific provision or standard of this Ordinance or any regulating district or zone boundary arising from it be decided by a court of competent jurisdiction to be invalid or unenforceable for any reason, the decision of the court shall not affect the validity or enforceability of any other section, provision, standard, or district or zone boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect. Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.7 ORDINANCE & MAP INTERPRETATION

1.7.1 Text Interpretation Rules

The following rules shall apply in the interpretation and application of the text and language of this ordinance:

1.7.1.1 In the interpretation and application of this ordinance, all provisions shall be considered as minimum requirements.

1.7.1.2 All provisions shall be deemed neither to limit nor repeal any other powers granted under state statutes.

1.7.1.3 The text of this ordinance shall be interpreted using the following strategies, listed in order of applicability:

1.7.1.3.1 When a requirement of this ordinance is clear and unambiguous, its plain meaning will be enforced.

1.7.1.3.2 Any ambiguities will rely on the text's purpose, spirit, intent, and what the language seeks to accomplish for interpretation.

1.7.1.3.3 If any purpose language conflicts with specific text within this ordinance, then the specific text shall be enforced.

1.7.1.3.4 Definitions found within this ordinance shall be referred to first.

1.7.1.3.5 When not defined in this ordinance, words and terms shall be defined by their common definition as found in the Oxford English Dictionary.

1.7.1.3.6 Nothing in this ordinance will be interpreted in a way that renders any other ordinance language irrelevant or superfluous.

1.7.1.3.7 This ordinance will not be interpreted in a way that results in illogical or absurd consequences.

1.7.1.3.8 When two provisions apply to a situation, the more specific provision controls over the more general one.

1.7.1.3.9 Ambiguous terms should be determined from the terms it is associated with.

1.7.1.3.10 The express inclusion of one item implies the exclusion of other.

1.7.1.3.11 After all other attempts, ambiguities should be resolved in favor of the property owner and the free use of land.

1.7.2 Map Interpretation Rules

The following rules shall apply in the interpretation of district boundaries and the location of centers shown on the zoning map:

1.7.2.1 Boundaries delineating the centerline of streets, highways, or alleys shall follow such centerlines.

1.7.2.2 Boundaries delineating lot lines shall follow such lot lines.

1.7.2.3 Boundaries delineating the Corporate Limits shall follow such Corporate Limits.

1.7.2.4 Boundaries shown approximately following the Extraterritorial Jurisdiction boundaries of the City of Brevard shall follow such boundaries.

1.7.2.5 Boundaries indicated as following railroad lines shall be midway between the main tracks.

1.7.2.6 Boundaries shown parallel to or extensions of features indicated in this Section shall be construed as such.

1.7.2.7 Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

1.7.2.8 Where the actual location of existing physical or natural features vary with those shown on the Zoning Map, or in other circumstances not covered by this Section, the Planning Board shall have the authority to interpret the boundaries.

Chapter 2

Minor Property Improvements

2.1 APPLICABILITY

The provisions of this Chapter shall apply to property types described herein within the jurisdiction of this Ordinance that meet the criteria set out below.

2.1.1 Criteria for Applicable Properties

Properties zoned and recorded within the jurisdiction of this Ordinance as of its adoption shall adhere to the provisions of this chapter, if all of the following conditions are applicable:

- 2.1.1.1 Applicant is not seeking to subdivide or assemble existing property into a new property, or properties.
- 2.1.1.2 Applicant does not seek a change of use or the addition of a new use prohibited within the Zone for the property as classified by this Ordinance.
- 2.1.1.3 Applicant does not seek an increase in building height taller than that of buildings which are adjacent to, or within a 200' radius of the property,
- 2.1.1.4 Applicant does not seek to increase existing: building(s) footprint by more than 25% (heated space), surface parking coverage by more than 20%, grading and/or land disturbance by more than 10% of the property area, or add to the number of signs currently present on the property, (alterations and improvements that do not increase the area, or number of any of the above, are permitted).

2.1.1.5 Subject property is no larger than **X** acres.

2.1.2 Developed properties that do not meet all the conditions above shall be subject to the full provisions of this ordinance.

2.2 SINGLE FAMILY & DUPLEX PROPERTIES IN ALL DISTRICTS

All new construction, additions, and renovations of single family and duplex residential properties (1-3 dwelling units) shall comply with the following standards.

- 2.2.1 Front yard setbacks shall be equal to or within **X**% of the average setbacks for all principal structures within 150 feet of side lot lines. Where no buildings exist or in new neighborhoods the front setback shall be **A** in City Center District, **B** in the Center District, **C** in the General District, and **D** in the Edge District.
- 2.2.2 Side yard setbacks shall be **A** in the City Center, **B** in the Center District, **C** in the General District, and **D** in the Edge District.
- 2.2.3 Rear yard setbacks shall be **A** in the City Center, **B** in the Center District, **C** in the General District, and **D** in the Edge District.
- 2.2.4 Minimum 5 feet of building separation measured from side lot lines.
- 2.2.5 If lot configurations permit compliance with the provisions of this Section, up to two residential lots may be accessed from a public street via a privately maintained easement with a minimum width of 20 feet for use by service or emergency vehicles.
- 2.2.6 If a rear alley/lane is available, driveway access to parking shall occur only from the alley/lane.
- 2.2.7 In no instance shall a front façade be located behind the plane of the rear façade of an adjoining built property, unless the distance between the front and rear corners of the two homes is greater than 125 feet and the side yards are screened by landscaping and, or fencing to provide privacy to the rear yard of the adjoining lot.

2.3 MULTIFAMILY PROPERTIES IN GENERAL DISTRICTS

Multi-family properties (defined as a building with 4 or more units) in use as of the adoption of this Ordinance may be renovated and/or expanded as long as such renovations and/or expansions do not create or expand nonconformities.

2.4 MIXED-USE PROPERTIES IN CENTER DISTRICTS

Properties in Center Districts in non-residential use as of the adoption of this Ordinance may be renovated and/or expanded as long as such renovations and/or expansions do not create on-site parking deficits, or

create or expand nonconformities. In Center Districts on-street parking within 250 feet of the property may be counted toward parking requirements by approval of the Administrator. Variances based on irregular lot configuration, topography, and access to rights-of-way are permissible according to _____.

In Center City and Center Districts on-street parking within 250 feet of the property may be counted toward parking requirements. Variances based on irregular lot configuration, topography, and access to rights-of-way are permissible according to _____.

2.5 NON-RESIDENTIAL PROPERTIES

2.5.1 Center Districts

Properties in Center Districts in non-residential use as of the adoption of this Ordinance may be renovated and/or expanded as long as such renovations and/or expansions do not create on-site parking deficits, or create or expand nonconformities. In Center Districts on-street parking within 250 feet of the property may be counted toward parking requirements by approval of the Administrator. Variances based on irregular lot configuration, topography, and access to rights-of-way are permissible according to _____.

2.5.2 General and Edge Districts

Existing property in non-residential use in a General and Edge District as of the adoption of this Ordinance are classified as non-conforming and may only be built on upon subject to the standards in Chapter 8.

2.6 CIVIC PROPERTIES

Existing property in Civic Use prior to the adoption of this Ordinance may be improved and/or renovated after review and approval by the Planning Department of submitted plans that address impacts to neighboring properties and streets regarding parking, loading, storage, service, signage, lighting, and traffic management.

2.6.1 All Districts

Pre-existing properties in Civic Use as defined in Chapter 10 may be renovated and/or expanded as long as such renovations and/or expansions do not create on-site parking deficits, or create or expand nonconformities.

2.6.2 Center City and Center Districts

2.7 LETTER OF ZONING COMPLIANCE

2.7.1 Letters of Zoning Compliance

Change in ownership, use, and/or physical improvements to the interior of an existing structure within the jurisdiction of this Ordinance fall into two categories; those that require a Zoning Permit and those that require a Letter of Zoning Compliance.

2.7.1.1 Changes deemed approved by the City and require a Letter of Zoning Compliance are those that do not:

2.7.1.1.1 Change the existing use to one not permitted within the Zone.

2.7.1.1.2 Alter the existing building footprint, or grading of the property.

2.7.1.1.3 Alter the existing infrastructure (lighting, outdoor loading, storage, garbage, water and sewer connections, curb cuts, and driveway access) servicing the building.

2.7.1.1.4 Increase the number of buildings on the property, except that accessory structures with a footprint a maximum of 150 square feet and no taller than 12 feet are deemed compliant. The number of such structures that can be built on a property may not:

2.7.1.1.4(a) Exceed 50% of the total square footage of the existing primary building in a commercial zone.

2.7.1.1.4(b) Exceed more than two in any other zone.

2.7.1.1.4(c) Encroach within any required setbacks.

2.7.1.1.5 Increase the height of the building(s), except that architectural features added to an existing structure such as parapets, flags, and chimneys are deemed compliant as long as they do not exceed a

height of 12 feet above tallest point of an existing building.

2.7.1.1.6 Increase the required on-site parking.

2.7.1.1.7 Increase the existing signage in terms of number of signs and/or total square footage.

2.7.1.1.8 Decrease the area of existing landscaping. Alterations to the location, design and plantings of existing landscaping that do not decrease the total existing area are considered compliant.

2.7.2.1 Letters of Zoning Compliance do not require an application or fee and shall be provided by a City Zoning Administrator.

**LAND DEVELOPMENT CODE (FORM-BASED CODE) 2015 COMPREHENSIVE PLAN
SUPPORTING DOCUMENTATION:**

Element 1: Arts & Culture

Goal

With a diverse range of physical and programmatic cultural resources available to residents and visitors year-round, Brevard will:

- Have arts, culture, and creativity integrated into community life.
- Be a nationally recognized destination for arts, music, and cultural events.

OBJECTIVE 1.4: Increased public art throughout the City.

POLICY 1.4.B: Create flexibility within development ordinances to allow for murals and other forms of public art.

Element 2: Economic Health

Goal

With an environment that encourages private and public investment built through strategic partnerships and cultivation, Brevard Will:

- Be an economically viable community.
- Expand and strengthen its tax base.
- Support reinvestment in existing business as well as the establishment of new businesses.

Objective 2.1: Expand tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

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

Policy 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.

Policy 2.1.C: Prioritize transportation and utility investments within the corporate limits to support infill development. This includes evaluating the City's current water and sewer systems to identify gaps in service and underserved areas within the City, prioritizing these areas based upon their potential for supporting new development, and marketing these investments as incentive to attract new development.

Element 3: Environmental Health

Goal

Through appropriate conservation and preservation measures that protect the health and sustainability of the environment and our abundant natural resources, Brevard will:

- Successfully preserve our woods and water for future generations.
- Promote our world-class natural resources as an asset.
- Prevent development in environmentally sensitive and critical areas.
- Preserve farmland.

OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.

POLICY 3.1.A: Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.

POLICY 3.1.B: Connect landowners and developers with local conservation organizations and encourage the permanent protection of farmlands, steep slopes, floodplains and other sensitive natural areas.

POLICY 3.1 C: Enforce stream buffer requirements for new development in order to protect the quality of water in our streams and rivers.

POLICY 3.1.D: Seek out and develop innovative solutions to protect water quality while reducing the cost of stormwater management to private developers.

POLICY 3.1.E: Revise development regulations to encourage and incentivize the use of Low Impact Design techniques to manage stormwater.

POLICY 3.1 F: Maintain and update as necessary dark skies protections within the City's development regulations.

OBJECTIVE 3.2: Reduction of the City's carbon and ecological footprint.

POLICY 3.2.A: Ensure development regulations continue to allow for homeowners, builders, and developers to incorporate wind and solar technology into development projects.

POLICY 3.2.C: Continue requiring landscaping in new development projects.

Element 4: Livable Communities

Goal

With a strong sense of community that supports livability for all, Brevard will:

- Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services, and accommodate multiple modes of transportation.
- Enjoy a network of complete neighborhoods that provide for all types of residents.

- Provide the services and amenities that allow residents to live happy, healthy, productive lives.

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

POLICY 4.1.B: Continue to utilize Community Development Block Grants and other resources

POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.

POLICY 4.1.H: Encourage residential development on upper floors within mixed use zoning areas, particularly the Central Business District.

POLICY 4.1.I: Evaluate the City of Brevard's current design review process to streamline procedures; clarify roles, responsibilities, and authorities of the various review boards; and improve the overall quality of new development.

OBJECTIVE 4.2: Develop a system of "complete neighborhoods" throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)

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

POLICY 4.2.B: Connect neighborhoods to the greenway system with spur connections.

POLICY 4.2.C: Invest in new sidewalk construction and existing sidewalk repair within neighborhoods.

POLICY 4.2.D: Prohibit gated communities to foster community and maintain connectivity between neighborhoods.

POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

POLICY 4.2.F: Combat deteriorating property conditions through proactive code enforcement efforts.

POLICY 4.2.G: Update the Minimum Housing Code to help ensure equity and quality of all housing options in Brevard.

POLICY 4.2.H: Promote and encourage renovation of existing housing stock to reduce utility and maintenance costs for owners and occupants, conserve energy, and reduce pollution.

POLICY 4.2.I: Develop recreational amenities at the neighborhood level, such as pocket parks.

POLICY 4.2.J: Collaborate with the Transylvania County Farmer's Market

Element 5: Infrastructure

Goal

With a robust and balanced transportation system, Brevard will:

- Have interconnected neighborhoods with access to services and amenities via multiple modes of transportation.
- Enjoy safe and efficient travel around and through the City.

With modern and capable infrastructure, Brevard will:

- Be poised to support growth of both population and economic activity well into the future.
- Foster economic opportunities and capacity by ensuring availability of broadband internet.

OBJECTIVE 5.1: Increased safety and efficiency of vehicular traffic within and passing through Brevard.

POLICY 5.1.C: Maintain development regulations that require interconnected street systems between and within neighborhoods as part of new development.

OBJECTIVE 5.2: Increased connectivity of neighborhoods and key destinations through investments in cycling and pedestrian infrastructure and programs.

POLICY 5.2.C: Continue to require new sidewalks and parking for bicycles and motorcycles with new development.

OBJECTIVE 5.3: Develop sufficient potable water and wastewater production, treatment, and distribution capacity to accommodate planned growth.

POLICY 5.3.E: Evaluate the feasibility of establishing a stormwater utility enterprise fund to finance stormwater infrastructure investments and improvements.

STAFF REPORT

Planning Board, Tuesday, November 21, 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.

Following additional discussion with the Planning Board in September Staff presented the Board with a set of amendments in October. The amendments included with this report reflect changes to address concerns raised by the Board in October. Specifically parking ratios and open space requirements.

Discussion

Staff has prepared a number of amendments for the Board's consideration. The density limits on DMX have been completely removed. Additionally, all other districts which allow residential uses have been increased (with the exception of GR-4 and Institutional Campus).

The additional amendments in Chapters 7, 10, and 16 address changes related to open space, parking standards, and conditional rezonings. Staff recommends changes to Chapters 7 and 10 specifically because they will allow for greater percentages of land area to be used for the increased allowance of dwelling units and less for parking and open space creation.

The parking ratios have been adjusted with this set of amendments to allow for one parking space per dwelling unit in multi-family projects in DMX and NMX districts only. The remaining districts where multi-family is allowed are required to provide at least one and a half spaces per dwelling. This is a reduction from the current requirement of two spaces per dwelling. It should be noted that these ratios are for the *minimum* number of parking spaces for a given project. Additional spaces may be provided subject to additional stormwater requirements.

Projects in DMX and NMX districts may meet their parking requirements by contributing to the city's parking fund according to the fee set in the annual fee schedule (currently set at \$500 per space). Staff is working with the City's finance department to review this fee, as it is not adequate to achieve the goal for which it was established, which is to help the City provide

public parking. For example, in 2016 the City purchased land, demolished a small structure, and rebuilt a parking lot (with paid kiosk) for approximately \$400,000. The property was previously being used as a paid parking lot but was held privately, thus not true public parking. With this investment the City was able to add 28 public parking spaces to the downtown inventory of public parking (5 more than were originally available as a private lot). This works out to approximately \$14,000 per space.

An exemption for open space compliance was also presented as a potential amendment. This was included for the same reason as reducing the number of required parking spaces. Brevard is very limited in its potential to grow beyond its current boundaries because of steep slopes, floodplains, and lack of authority to involuntarily annex property. Additionally, given the abundant access to outdoor recreation and the location of the City's bike path, it makes sense to not require open space for every single development. Functional open space is very difficult to achieve with Brevard's physical constraints. Oftentimes the only method for providing such space in a small development is to reduce the number of developable lots to set aside land for this use. Included with this report is an analysis which the Board asked for to demonstrate the value of this exemption and if it makes sense. The results of this work are included as Attachment G.

The change to Chapter 16 is purely administrative in nature and will help simplify the table in Chapter 2.

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 modified and 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
- G. Open Space Analysis

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.
GR68	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.

GMX 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.

A. *Development intensity.*

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

- (a) Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (Examples include, but are not limited to, summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes);
- (b) Minor subdivisions, as defined in chapter 19, resulting in the establishment of condominium buildings, lots or spaces, town homes, and other projects for which zero lot line development is proposed; or
- (c) Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.

2. [Reserved.]

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	

1. Front yard setbacks as set forth below shall be measured from the edge of the right-of-way of the roadway. For private streets, a right-of-way in accordance with Chapter 13 shall be assumed by the administrator. The administrator may impose additional setbacks based upon specific guidance from the *City of Brevard Comprehensive Transportation Plan*, the *City of Brevard Downtown Master Plan* and other district or small area/master plans, the *City of Brevard Comprehensive Pedestrian Plan*, the *City of Brevard Street Schedule*, or other plans or policies of the city.
 2. IC and GI setbacks as listed above shall only apply to public streets within and adjacent to the subject campus or project. Internal setbacks shall be to the edge of the right-of-way or assumed right-of-way.
 3. Setbacks as listed in the preceding table may not account for landscaping requirements set forth in Chapter 8 of this ordinance.
 4. [Reserved.]
 5. The administrator may approve deviations from required setbacks by up to 20 percent of the required area in accordance with Chapter 16 in order to protect right-of-way or in deference to the steep slope, surface water protection, and other requirements of this ordinance, as well as the flood damage prevention requirements of Chapter 34 of Brevard City Code.
 6. Structures located on corner lots or multi-fronted lots shall conform to the front yard setbacks as set forth herein along all streets upon which such lots front.
 7. The administrator shall require additional setbacks as necessary to account for existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-street parking, and other improvements that deviate from a standard street cross-section.
 8. The administrator shall deduct appropriate setbacks as necessary to account for one-way streets.
- 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 -10 from residential district	6/10 (MF)	25 -10
DMX/ DMX-CD	0	0	0
CMX/ CMX-CD	0/ 30 -10 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/ DMX-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-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:

- (a) Such lots shall have frontage upon a public street.
- (b) Off-street parking shall be provided in the rear of the principal structure and shall not be located in the side yard or front yard of the lot.
- (c) Off-street parking shall be accessed by a commercial service street, alley, or rear lane. Provided that all lots meet minimum public street frontage requirements of this ordinance. Such travel lane may be a situated upon a private easement or right-of-way.

- 3. Front and side yard setbacks for infill structures shall be consistent with or equal to the average setbacks for all principal structures within 300 feet or one block length (whichever is greater). Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be as stated above. Other setback modifications are permitted through the provisions of Chapter 16 of this ordinance.
- 4. Handicapped ramps are permitted to encroach into the front setback and side setback in accordance with Chapter 4.
- 5. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet.
- 6. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third of the required setback dimension up to a height of four feet above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than 50 square feet.
- 7. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet into the required setback dimension. Balconies or bay windows may not exceed ten feet in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed 33 percent of the total width of each elevation.
- 8. Chimneys may encroach into front, rear, or side setbacks by up to two feet. Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
- 9. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this 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).

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

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

EXAMPLE:

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

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

C. Exemptions

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

Any residential development within 1,320 feet (¼) mile of public open space. Examples include Franklin Park, Hap Simpson Park, the bike path, and other similar publicly owned locations.

7.4. - Payment in lieu of open space dedication.

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

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

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

D. All funds received for payment in lieu of dedication shall be used for the acquisition, 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:

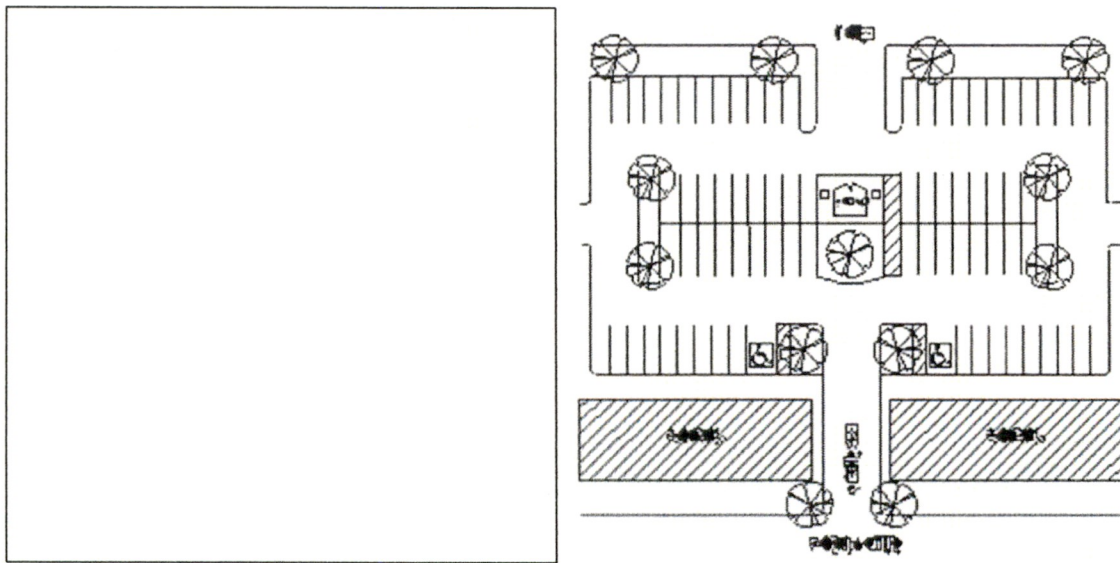
- Increased stormwater volume and velocity;
- Increased surface pollutants;
- Increased surface level heat and glare;
- Reduction in the efficiency of the connecting street system; and,
- Reduction in the operations of the surrounding pedestrian and bicycle network.

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 (DMX, NMX)</u>	<u>1 space per dwelling unit</u>
<u>Multi-Family (All Other)</u>	<u>1.5 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 be provided within in an underground, roof-top, or multi-
27 story 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:*

1. All developments containing 20 or more parking spaces shall provide dedicated motorcycle parking areas. One motorcycle space shall be provided for every 20 automobile parking spaces. Motorcycle spaces shall be located near the front of the building and shall not be counted as excess parking.

2. Group developments, planned developments, multi-family developments containing more than three dwelling units, conditional zoning districts, and special use permit developments, and any other development containing ten or more parking spaces shall provide secure bicycle storage capable of serving building users. One bicycle space shall be provided for every 20 automobile parking spaces, with a minimum of one 4-bicycle rack provided near the primary entrance of each building entrance. The administrator may adjust bicycle parking requirements to account for shared parking, buildings located in close proximity to one another, or the presence of public bicycle racks in close proximity.

D. *Accessible parking:* Accessible parking shall be provided in accordance with the North Carolina State Accessibility Code.

E. *Exemptions and adjustments:*

1. Developments which meet any of the following criteria may be totally or partially exempt from the parking requirements of this section.

- a. Developments which involve an increase in floor area and which will not increase the number of parking spaces required under this chapter by more than 25 percent;
- b. Developments which involve only a change of use and which will not increase the number of parking spaces required under this chapter by more than 25 percent.

2. In any district, the minimum number of spaces required may be adjusted by the administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter) from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

3. No development shall be exempted from bicycle and motorcycle parking requirements.

F. *Variations in parking requirements:* In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this section may be provided as follows:

1. *Satellite parking:* Satellite parking (a parking lot that is located on a parcel or lot that is not contiguous or adjacent to the parcel or lot containing the use for which the parking is intended) may be permitted, subject to certification by the administrator that the following requirements have been met:

- a. The use being served by the satellite parking shall be a permitted principal use, as established in Chapter 2, in the zoning districts within which the lot containing such parking is located;

b. The satellite parking spaces shall be located within ~~300-1,320~~ feet (¼ mile) 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 eCity eCouncil. 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.

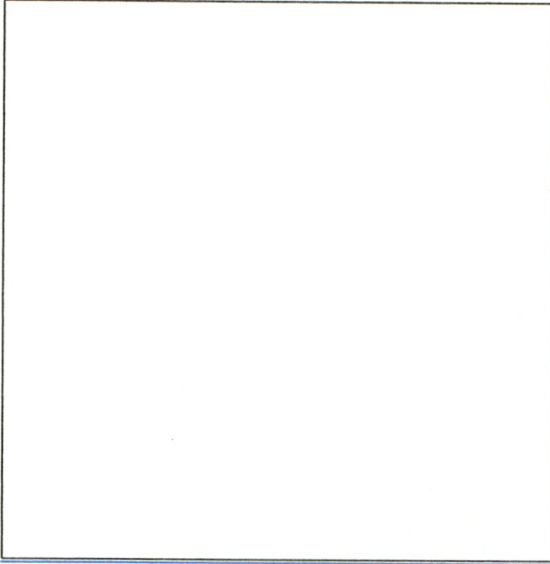
B. Such space shall have access to an alley or commercial service street or, if there is no alley or service street, to a street. For the purposes of this section, an off-street loading space shall have the minimum dimensions of 12 feet by 40 feet and be free and clear of obstruction at all times. However,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

2. *Wholesale, industrial, governmental and institutional uses (including public assembly places, hospitals, and educational institutions):* One space for the first 25,000 square feet, such uses shall provide loading spaces according to the following schedule.

Square Feet	Number of Spaces
25,000—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

3. *Multifamily residences:* Ten or more units, one space.
- C. Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
- D. All off-street loading spaces shall be provided with adequate off-street maneuvering areas so that vehicles do not obstruct traffic during maneuvering.
- 10.5. - General off-street parking area design standards.
- A. *General:* Internal parking area design and circulation shall be subject to the review and approval of the approving authority, who may impose such conditions as are necessary in order to ensure the safety of pedestrians and motorists.
- B. *Connectivity:* Adjacent lots shall be interconnected. Each parking area that is interconnected may reduce their minimum parking requirement by five percent. Exceptions may be granted by the administrator in the case of existing natural barriers such as steep slopes, surface water protection areas, etc. between the sites.
- C. *Circulation drives:* A circulation drive may be permitted around the front of the building but may not encroach into any required landscape area. If provided, this drive shall be one way and designed to be the minimal width required (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as unit pavers or stamped concrete.



Circulation Drives

Circulation drives, if provided, should be minimized and treated with pedestrian-scaled materials.

D. *Primary entry drives:* Parking lots shall be served by a primary entrance drive that is constructed to the standards of a local boulevard. The approving authority may approve construction in accordance with the standards set forth for a local collector street when a local boulevard is not feasible due to dimensional limitations within the site.

E. *Parking aisles:* Parking aisles shall be a minimum of 24 feet in width.

F. *Pedestrian amenities:*

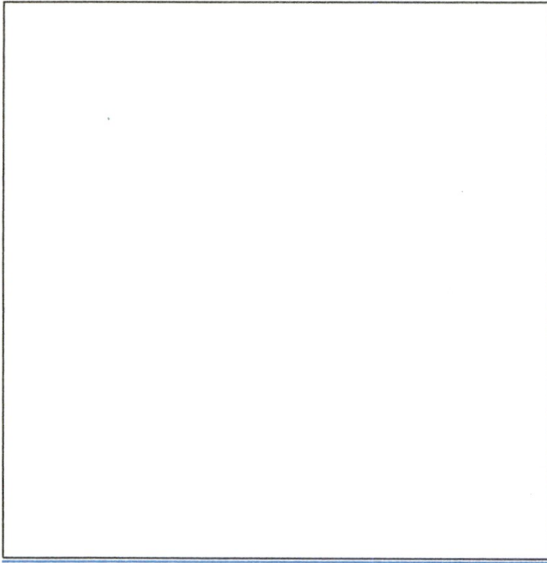
1. Off-street parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building. Barrier free access shall be provided across parking lots and between adjacent pedestrian generators such as commercial or public buildings.

2. All structures (other than single-family and duplex structures) shall be connected to the street and, if available, an adjacent public sidewalk, by a sidewalk. Furthermore, all structures within a group development, planned development, or other project containing multiple principal structures shall be connected by a sidewalk. Sidewalks shall also connect other phases of the same development, and adjacent developments, as required by the administrator

3. In addition to any required sidewalk, barrier free access shall also include providing ramps at curbs, clear walkways between pre-cast wheel stops, and clearly delineated walkways on the parking lot surface across travel lanes.

4. For lots of 36 spaces or greater, no parking space shall be more than 65 feet from a sidewalk that provide access to the entrance of the building or to other sidewalks

connecting to the building. Sidewalk corridors a minimum of five feet in width shall be provided within the parking area or along the perimeter to provide safe building access for pedestrians.



Pedestrian Amenities

Sidewalks must connect parking areas and streets to principal structures.

G. *Location of off-street parking:*

1. Off-street parking shall not be permitted within any public right-of-way.
2. Off-street parking shall not be permitted within any front yard setback area.
3. Except for properties located in the Corridor Mixed Use (CMX) zoning district, off-street parking shall not be permitted between any principal structure and the street upon which such structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.
4. The following uses and parking types shall be exempt from subsections 10.5.G.2. and 10.5.G.3. above:
 - a. Single-family and duplex residential structures in GR, RMX and NMX districts, except those which are subject to subsection 2.3.E.2.
 - b. Handicapped parking spaces as required by the North Carolina Accessibility Code or other federal, state, or local regulations.
 - c. Bicycle parking spaces required by this ordinance.

- d. Existing nonresidential and multifamily development undergoing significant or substantial improvement or change of use as defined in chapter 19 of this ordinance, provided that all newly created parking spaces associated with such redevelopment shall conform with subsections 10.5.G.2. and 10.5.G.3. unless the approving authority deems that compliance would be impractical due to existing site constraints.

10.6. - Parking area construction standards.

A. *Surfacing*: All vehicle accommodation area surfacing shall be constructed in accordance with the following specifications:

1. *Hard surface required*: Except for single family dwellings in ~~the NRC and~~ GR Districts, all off-street parking areas including drives connecting such areas with the public street rights-of-way shall be surfaced with a dust-free paving treatment including but not limited to asphalt, concrete, or unit pavers.
2. *Porous paving permitted*: The administrator may permit and/or require that porous paving materials be substituted for conventional paved surfaces in some portion of a vehicular surface area where it finds it is necessary to protect the root system of an existing tree or trees from damage or reduce the amount of impervious surface for stormwater calculation purposes.
3. *Exceptions to paved parking*: The following situations are exempted from the requirements of this section. (*Note: Non-paved parking areas are still subject to the landscaping requirements of Chapter 8.*)
 - a. A parking lot used only for occasional (not more than once per month) use or is temporary in nature (not exceeding 24 months), as determined by the administrator.
 - b. Public recreational facilities located in residential districts.
 - c. Whenever a proposed development involves only one of the following:
 - (1) A non-occupied accessory structure, or,
 - (2) A change in use which will not increase the number of required parking spaces by more than 25 percent, and provided that no significant or substantial improvements to the primary structure are proposed.
 - d. The administrator may exempt up to 75 percent of the required employee parking spaces for industrial uses in industrial zoning districts from the paving requirements of the section. The exemption is based upon the following criteria: if the employee parking area is not visible, either by effective buffer screening or because of the grade of the site, from any public right-of-way or a residentially or commercially zoned property.
4. *Non-paved areas*: Whenever an off-street parking area is exempt from the paved parking requirements the administrator shall require the following:
 - a. Landscape aisles or other spatial separations shall be provided to ensure that the parking spaces will be readily identifiable to the users; and,

b. The perimeter of off-street parking areas encompassing the parking stalls and the side of any unpaved drive or aisle leading to said stalls, shall be edged with brick, pressure treated timbers, or cast in place concrete, and anchored into place. Alternate borders may be considered on a case by case basis.

c. Landscaping or other measures shall be utilized to prevent the discharge of sediment off-site or into any body of water from an unpaved parking area.

B. *Curbing required:* All parking areas and circulation drives shall be curbed using a vertical curb with a minimum width of 1'6". Landscape islands and areas shall be similarly curbed to protect vegetation. This requirement may be waived to permit sheet flow drainage into pervious areas as part of an approved engineered stormwater retention system.

C. *Parking area containment:* Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.

D. *Parking space dimensions:* Standard parking spaces shall be 9' x 18' (width x length). Alternative parking space designs spaces shall be dimensioned in accordance with Architectural Graphics Standards by Ramsey & Sleeper published by the American Institute of Architects, latest edition.

E. *Stormwater management:* Parking areas are subject to stormwater management requirements set forth in Chapter 6 of this ordinance. It is strongly encouraged that parking area landscaping be incorporated into the approved stormwater management system for any project.

10.7. - Structured parking.

Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method of screening.

10.8. - Additional requirements for parking lots within GR-4 and GR-6 zoning districts.

The requirements set forth below shall apply to any parking lot within a GR-4 or GR-6 zoning district except parking provided for other uses that are denoted on the use matrix in Chapter 2 of this ordinance as permitted "by right" ("P") or "permitted with additional standards" ("PS") within a GR-4 or GR-6 zoning district. These standards are designed to protect the character of residential neighborhoods, which are intended and reserved primarily for residential uses.

A. Any parking lot that is not associated with any particular business or use and that exists and operates as a "stand alone" for-profit business or enterprise where the spaces are intended for lease or rent to various establishments or the general public, shall not be permitted within any GR-4 and GR-6 Zoning District. This provision shall not be construed to prohibit shared parking as set forth in Section 10.3(F)(3), above.

B. Satellite parking lots (as described in Section 10.3(F)(1), above) within a GR-4 or GR-6 zoning district shall only be provided for uses that are denoted on the use matrix in Chapter 2 of this Ordinance as permitted "by right" ("P"), permitted with

additional standards ("PS"), or "permitted by special use permit ("SUP") within a GR-4 or GR-6 zoning district. Satellite parking lots shall otherwise comply with all requirements of Section 10.3(F)(1), above.

- C. Parking lots for uses not permitted within GR-4 or GR-6 zoning districts may be permitted provided that said lot is located on the same parcel or lot as the use for which the parking is intended, or on a parcel or lot that is contiguous or adjacent to the parcel or lot containing the use for which the parking is intended, and provided that all other requirements of this section are satisfied.
- D. New parking lots shall be surrounded on all sides by a "Type A" buffer yard, as described in Chapter 8 of this ordinance, which is primarily comprised of evergreen vegetation. Parking lot shall comply with all other applicable landscaping requirements of Chapter 8 of this ordinance. Expansions to existing parking lots shall comply with this requirement to maximum extent practical given site conditions.
- E. All new parking lot lighting shall be integrated into landscaping wherever possible. Low-level lights such as bollard lights (waist-high, heavy-duty fixture posts), mushroom or step-lights (ground-level fixtures that are built in to the sides or surfaces of walkways and steps) shall be utilized in lieu of traditional pole-mounted parking lot lighting. Parking lot lighting shall comply with all applicable other lighting requirements of Chapter 11 of this ordinance.
- F. New parking lots shall be constructed with stormwater control measures designed to control the stormwater run-off generated by a 25-year, 24-hour rain event (9.2 inches), and shall otherwise comply with Chapter 6, Section 6.6 of this ordinance.
- G. Maximum parking spaces permitted:
1. The number of parking spaces provided for any use denoted on the use matrix in Chapter 2 of this ordinance as permitted "by right ("P"), permitted with additional standards ("PS"), or permitted by special use permit ("SUP") within a GR-4 or GR-6 zoning district, shall be no greater than 110 percent of the minimum required number of spaces required for any use as set forth in Section 10.3(A), above.
 2. Satellite parking lots and parking lots provided for uses not permitted within a GR-4 or GR-6 zoning district shall not exceed the lesser of 50 parking spaces or 110 percent of the minimum required number of spaces required for any use as set forth in Section 10.3(A), above.
- H. The administrator may impose any other condition necessary to protect the residential character of the neighborhood in which the parking lot is located.

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**

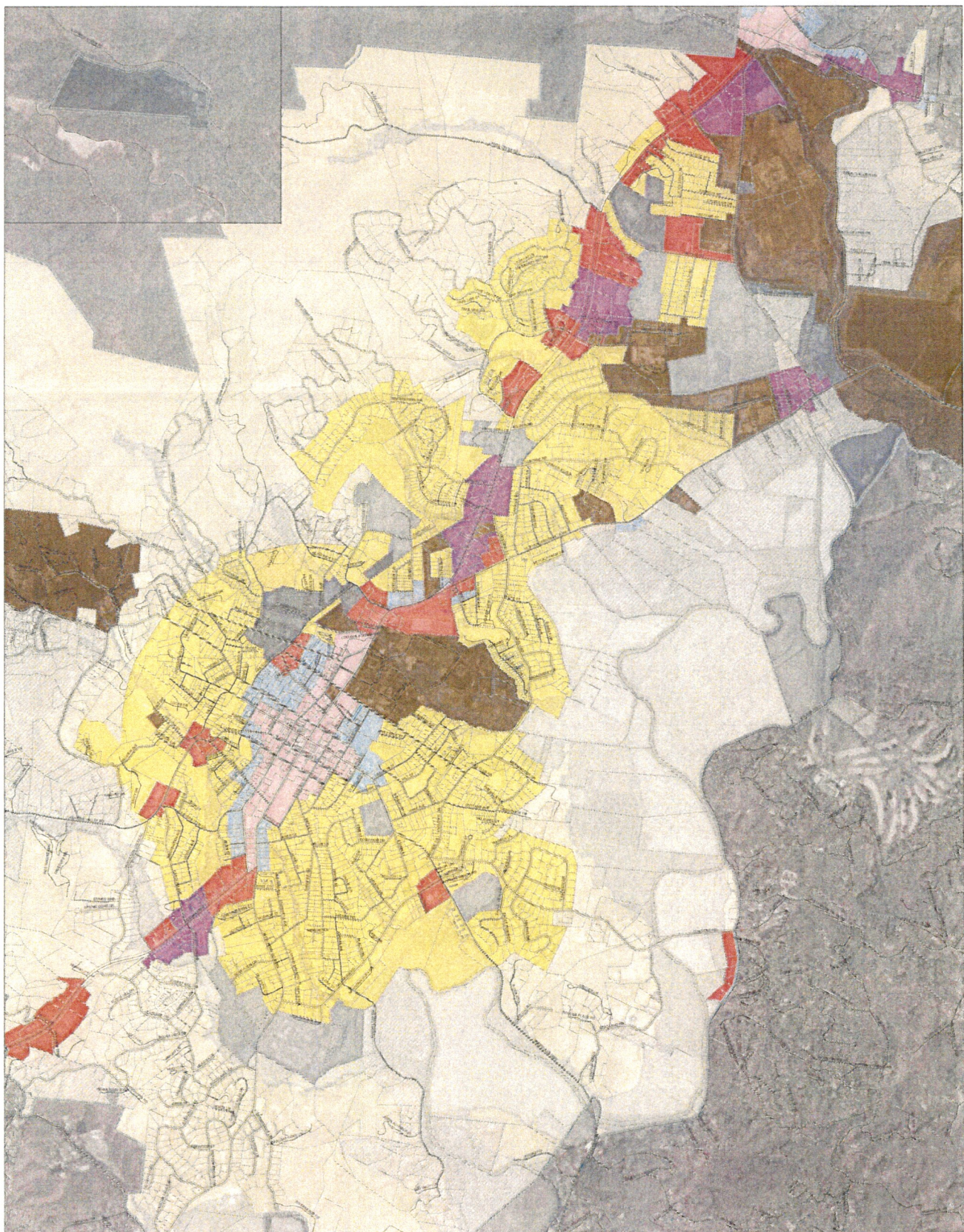
NCGS 160A-383 requires that the City's review of the proposed zoning amendment include a written statement as to the consistency of the amendment with adopted plans and policies of the City.

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.



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- City of Everett 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 My Appointments

April 03, 2009, Ordinance 18-00, Effective Date
May 07, 2007, Ordinance 18-00, Board of Planning
May 21, 2007, Ordinance 17-07, Gravelly
September 17, 2007, Ordinance 18-02, Conrad / Conley
October 15, 2007, Ordinance 18-02, Conrad / Conley
December 03, 2007, Ordinance 18-09, Morris Road
March 17, 2008, Ordinance 18-04, Bridge
February 22, 2008, Ordinance 18-04, Bridge
June 15, 2009, Ordinance 18-10, Braward Music Center
April 16, 2009, Ordinance 18-10, Braward Music Center
June 15, 2009, Ordinance 13-06, River Terrace
July 06, 2008, Ordinance 18-09, Duval
May 17, 2010, Ordinance 18-09, Duval
January 24, 2011, Ordinance 18-01, Habitat for Humanity
March 07, 2011, Ordinance 18-01, Gardens at English Village
April 01, 2011, Ordinance 18-01, Gardens at English Village
June 20, 2011, Ordinance 12-01, The Family Place at Transylvania County
February 20, 2012, Ordinance 18-05-25, SAFE, Inc.
March 18, 2013, Ordinance 2013-02, Jewell Industrial Park
May 20, 2013, Ordinance 2013-05, Barden
April 21, 2014, Ordinance 2013-05, Barden
September 15, 2014, Ordinance 2014-01, Braward Place
March 2, 2015, Ordinance 2015-01, Bryson
May 19, 2015, Ordinance 2015-01, Bryson
November 16, 2015, Ordinance 2015-04, Barden
June 28, 2016, Ordinance 2016-15, Challenge Foundation
June 28, 2016, Ordinance 2016-15, Challenge Foundation

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	Date
City Clerk	

24/25

*Note: The Special Flood Hazard Area is shown for informational purposes only. Please refer to the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRMs) for Transylvania County, NC and Incorporated Areas.

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

