

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
SEPTEMBER 15, 2020**

Brevard Planning Board met for a regular meeting, Tuesday, September 15, 2020 at 5:30 PM. The meeting was held remotely in accordance with NC General Statute 166A-19.24. Simultaneous live audio and video was made available to the public online at <https://www.facebook.com/brevardplanning/>.

Members Present: Jimmy Perkins, Chair
Demi Loftis, Vice Chair
Chris Strassner
Greg Hunter
Molly Jenkins
Stephanie Smith

Members Absent: John Folger

Staff Present: Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Kaitland Finkle, Planner
Leigh Huffman, Planner
Janice H. Pinson, Board Clerk

I. Welcome

At 5:38 PM, Chair, Jimmy Perkins, called the meeting to order.

II. Introduction of Planning Board Members

The Board and Staff introduced themselves. Roll call was taken by the Chair. Present: Jimmy Perkins, Molly Jenkins, Greg Hunter, Stephanie Smith and Demi Loftis. Chris Strassner arrived at 6:06 PM.

III. Certification of Quorum

Chair, Jimmy Perkins confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion by M. Jenkins to approve the agenda as presented, seconded by S. Smith, roll call vote, carried unanimously.

V. Approval of Minutes –

a. August 18, 2020– Motion to approve as written by M. Jenkins, seconded by D. Loftis, roll call vote carried unanimously.

VI. New Business

a. TXT-20-007 Consideration of Text Amendment Townhomes.

Kaitland Finkle, Planner presented her staff report which is attached hereto and labeled, Exhibit “A”.

Board members agreed that the changes made it easier to understand.

J. Perkins asked why condominiums were not addressed, because they are listed with townhomes in the use matrix.

K. Finkle explained that condominiums will be addressed separately in a future text amendment.

D. Loftis made a motion to approve the text amendment as written making reference to the consistency statement (Attachment B), seconded by S. Smith. Roll call vote carried unanimously.

b. TXT-20-010 Consideration of Text Amendment – Revisions to UDO Chapter 3.30, Fences.

Paul Ray, Planning Director presented his staff report a portion of which follows:

Background

This is a Staff initiated text amendment to provide further guidance on acceptable architectural standards of fences.

Discussion

Currently, in residential zoning districts, all fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability and chain link or woven wire is only permissible in the side and rear yards. Over the years, commonly accepted residential fence designs have changed and this text amendment aims to keep pace with these changes by authorizing the planning administrator to use greater discretion on a case by case basis. More specifically, the use of heavy gauge, galvanized wire panels have been used in place of wooden pickets. The thick wire panels are typically framed in wooden planks or timbers and is a commonly accepted to be architecturally pleasing for residential use. Some example photos are included as Attachment A.

The second part of this text amendment allows for a more decorative style of chain link fencing as perimeter fencing in General Industrial zoning districts, public safety facilities and other critical facilities. Staff believes that proper screening can be achieved with horizontal or lateral inserts or opaque or semi opaque fabrics specially designed for this type of fencing as well as landscaping buffers. Staff believes that requiring large facilities, typically found in general industrial zoning districts, to provide ornamental wrought iron style fencing is cost prohibitive and would not provide as much screening.

Policy Analysis

The Livable Communities Element of the 2015 Comprehensive Plan emphasizes that the City should modify ordinances to maintain “the character and charm of which contribute greatly to Brevard’s quality of place.”

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.

Recommendation

Staff believes the proposed changes (included as Attachment B) to the UDO would be beneficial to the City by allowing residential properties to utilize more creative fence designs and allowing industrial uses to provide greater screening which is more cost effective for that type of land use. The Planning Board’s role is to make a recommendation to City Council.

Attachment B and C of staff report are attached hereto and labeled, Exhibit “B”.

After a brief discussion, Motion to approve as recommended by Staff with reference to the Consistency Statement by M. Jenkins, seconded by D. Loftis. Roll call vote unanimously carried.

c. TXT-20-011 Consideration of Text Amendment – Group Development Exemption

Kaitland Finkle presented her staff report which is attached hereto and labeled Exhibit “C”.

J. Perkins, Chair stated that he felt the amendment was straight forward.

M. Jenkins asked that staff give examples. P. Ray explained that under the current ordinance if the Kmart building was torn down, a building of that size could not be rebuilt in that location. K. Finkle explained that no commercial building could be constructed on an out parcel.

G. Hunter explained that he found the language allowing the Administrator to make changes at their discretion to be a little loose, but that he would accept it as a work around until it could be addressed further.

G. Hunter made a motion to approve with reference to the Consistency Statement (Attachment B), seconded by C. Strassner, roll call vote unanimously carried.

d. TXT-20-013 Consideration of Text Amendment – Shipping Containers

Leigh Huffman, Planner presented her staff report, explaining that the UDO has no language to address the use of shipping containers. A portion of the staff report is included as follows:

Background

This is a staff-initiated text amendment after realizing the Unified Development Ordinance (UDO) does not have language that regulates the use of shipping containers. Staff suggests adding language to regulate the use of shipping containers as temporary uses and as accessory structures to residential primary uses. These additions would address the types of structures that Chapter 5 does not regulate.

Discussion

Currently, UDO Chapter 5 – Building Types and Architectural Standards defines the standards for all non-residential buildings except those in the General Industrial (GI) zoning district. These standards effectively prohibit the use of shipping containers as permanent primary and accessory structures to non-residential primary uses. However, it does not address temporary structures in all districts or accessory structures on lots where the primary use is residential.

This amendment will add language that prohibits the use of shipping containers for permanent storage or any temporary use except for temporary storage. Shipping containers would still be allowed as permanent structures in GI due to the exemption in Chapter 5.

The amendments would add the shipping container language to *Section 3.12 – Accessory structures (all residential districts) permitted with standards* and *Chapter 3.23 – Temporary uses permitted with standards*, as well as the definition for “shipping container” to *Section 19.3 – Definitions*.

Policy Analysis

The Livable Communities Element of the 2015 Comprehensive Plan emphasizes that the City should modify ordinances to maintain “the character and charm of which contribute greatly to Brevard’s quality of place”:

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.

After questions by the board as to why we would only allow shipping containers for temporary use and only in non-residential zoning districts.

P. Ray, Planning Director stated that NC State Law would prohibit staff from regulating architectural standards if a shipping container was used as a primary dwelling, and built to NC Building Codes. He further explained that it would be hard for staff to regulate the use in residential districts.

Motion to approve by C. Strassner with reference to the Consistency Statement (Attached and labeled, Exhibit "D") seconded by S. Smith, roll call vote unanimously carried.

e. Election of Chair

Jimmy Perkins, Chair stated that this was his last meeting, that he has served two (2) full terms and that there are qualified applicants for the board.

M. Jenkins nominated D. Loftis for Chair, D. Loftis declined. C. Strassner nominated G. Hunter, G. Hunter declined. M. Jenkins nominated C. Strassner as Chair. J. Perkins stated that he highly endorsed C. Strassner for the position. Nomination was seconded by S. Smith, vote by roll call carried unanimously.

VII. Old Business

a. TXT-20-008 Continuation of Consideration of Text Amendment –Motorcycle Parking

A. Bland, Assistant Planning Director presented the changes requested by the board at their last meeting, refer to Attachment A of the staff report which is attached hereto and labeled, Exhibit "E".

After discussion the board approved with the following changes: C. Bicycle parking to include encouragement language for bicycle parking to be in close proximity to front entrances and F.4 change from, up to a maximum of 50% to 25%.

Motion to approve with stated changes and reference to the Consistency Statement by M. Jenkins, seconded by D. Loftis, vote by roll call unanimously carried.

b. October Workshop Meeting Discussion – The board was asked about their comfort level of meeting in person for the workshop to discuss revisions to UDO Chapter 16 Administration to adhere to 160D requirements. The workshop meeting was confirmed for

October 8, 2020 at 5:30 PM in Council Chambers with a meal provided by staff and that anyone who wished to attend remotely would be provided a link to join the meeting.

VIII. Public Comment – None.

IX. Remarks

Jimmy Perkins, Chair shared that it had been a really good experience to serve with everyone. That there had not been a meeting that he did not take something away from someone. That it had been a real pleasure to work with the board and staff. He shared that Kaitland and Leigh are great additions to the Planning Staff and that Paul Ray, Planning Director is running a fine department. He thanked Janice Pinson, Clerk to the Board for her kindness and efficiency.

G. Hunter started a discussion on Planned Development Districts and his concerns about splitting off properties.

Staff explained that the Planned Development District is a site specific ordinance that runs with the land and not the property owner.

X. Adjournment

There being no further business, C. Strassner moved to adjourn, seconded by G. Hunter, motion carried unanimously, and the meeting adjourned at 7:00 PM.

Jimmy Perkins, Chair

Janice H. Pinson, Board Clerk