



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, February 6, 2023 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Ed Snipes-Cove Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. Tuesday, January 17, 2023 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

I. Special Presentation(s)

1. Introduction of Comprehensive Land Use Plan

J. Public Hearing(s)

K. Consent and Information

1. Resolution Approving Property Tax Releases-January, 2023
2. Appointment of Katherine Buzby to Transylvania Natural Resources Council
3. Resolution Supporting 2023 as the Year of the Trail
4. Budget Amendment-Replace Fire Vehicle
5. Council Rosenwald Community Advisory Board Minutes-November 17, 2022
6. Council Finance & Human Resources Committee Minutes-November 28, 2022
7. Council Public Safety Committee Minutes-December 2, 2022

8. Council Parks, Trails & Recreation Committee Minutes-December 21, 2022
9. Correspondence *(No Action. Offered as information only)*
 - a. Fire Department Annual Report
 - b. Police Department Annual Report
 - c. Transylvania County Building Permit Activity Report-December 2022

L. Unfinished Business

1. Adoption of Brevard Pedestrian & Bicycle Plan
2. Designation of Historic Landmark-McMinn Building, 2-14 West Main Street
3. Designation of Historic Landmark- Brevard City Hall and Fire Station, 114 & 116 West Main Street
4. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 15 and 16-Permit Categories
5. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, 17 and 19-Setback Measurements
6. Proposed Amendments to City of Brevard Code of Ordinances Section 58-Solid Waste Management

M. New Business

1. Main Street & Times Arcade Project Update
2. City Council Meeting Schedule Amendment

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (February 2, 2023)
D. Hodsdon, City Clerk

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packets" tab. Agenda packet materials are posted on Thursday afternoon prior to Council's Monday meeting.

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 17, 2023 – 5:30 PM

The Brevard City Council met in regular session on Tuesday, January 17, 2023, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel and Council Members Mac Morrow, Maurice Jones, Geraldine Dinkins, and Aaron Baker

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Katherine Buzby, Human Resources Director Kelley Craig, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Acting Public Works Director Wesley Shook, Community Center Director Tyree Griffin, ORC Water Treatment Plant Dennis Richardson, and ORC Wastewater Treatment Plant Emory Owen

Press – Jon Rich, Transylvania Times

Guests – Travis Keever-Gould Killian CPA Group and Matt Hayes-Alta Planning + Design

Joint Historic Preservation Commission Members – Chair John Koury, Melanie Spreen, Marcy Thompson, Ellen Pratt, Andrew Wing, Geralyn Connell, Anne-Monique Ransdell and Katherine Buzby

A. Welcome and Call to Order – Mayor Copelof called the meeting to order and welcomed those present.

B. Invocation – Reverend Bob Renjilian of Unitarian Universalists of Transylvania County offered an invocation.

C. Pledge of Allegiance - Mayor Copelof led the pledge of allegiance.

D. Certification of Quorum – City Clerk Denise Hodsdon certified a quorum present.

E. Approval of Agenda – Mr. Hooper asked to change the Closed Session item to Pending Litigation. Mr. Jones moved, seconded by Mr. Morrow to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes – Mr. Daniel moved, seconded by Mr. Morrow, to approve the minutes from the January 3 meeting as presented. The motion carried unanimously.

G. Public Comment –

Rodney Locks spoke about the need for shelters. He proposed municipal shelters; something the taxpayers are willing to pay for. He said we pay for animal shelters, the jail, and the public safety facility. When you have your retreat in March, you will be looking at all the priorities and you might want to add municipal shelters to the agenda and figure out how can we, as taxpayers, help pay for municipal shelters so that people can have places to live.

Judith West and Sam Stites spoke on behalf of the Living Wage Coalition of Transylvania County. Ms. West said one of the things our group does is work to advance policies and practices that lead to better working conditions and we have begun to work on paid family leave. Paid family leave applies to employees who need

to take additional time off beyond their regular accruing PTO for the birth or adoption of a child, to care for an ill family member or for their own serious illness. The FMLA is an important piece of legislation that guarantees job protection for employees taking time off for those reasons, but that is unpaid leave beyond their accrued PTO. In fact, we are the only industrialized nation that does not provide paid family leave. The research shows that paid family leave reduces infant mortality rates by as much as 20% and allows employees to properly care for themselves and their babies following the birth or adoption of a child. Paid family leave is also an equity issue ensuring that staff are able to care for the needs of their family no matter where they are on the wage scale within an organization. Mr. Stites added that we also know that paid family leave policies can be a very effective tool for recruiting and retention of quality employees. It can save an employer money related to the cost of turnover training, etc. Here in North Carolina, Governor Cooper signed an Executive Order for a paid family leave policy for workers working for the state under his purview. Private employers such as Self Help Credit Union here in Brevard are offering paid family leave as well. Cities and counties across the state have adopted paid family leave for their employees, including small communities like Laurel Park and Fletcher. We are coming before you tonight to bring this issue to light to this body and ask you to consider such a policy for the employees that work hard for the City of Brevard. We would love for the City of Brevard to be a model employer leading the way on family-friendly workplace practices. A few members of the Living Wage Coalition of Transylvania County recently met with our City Manager and Mayor last month and we were encouraged by the interest and willingness to explore the feasibility of this policy. We invite you to reach out to the Coalition if we can be of any assistance in providing any data or additional information or if you would like to speak with us directly about why we think this policy is important.

Doug Miller spoke on behalf of Pisgah Area SORBA, a volunteer non-profit chapter of the Southern Off-Road Bicycle Association. He said Pisgah Area SORBA is dedicated to preserving mountain biking opportunities by maintaining and improving trail systems in the Pisgah Ranger District and surrounding region, which includes Brevard. We do this by focusing on trail stewardship, education and advocacy. In the past two years we have collectively volunteered over 5,000 hours and raised hundreds of thousands of dollars to support trail stewardship, advocacy and the celebration of mountain biking here in Western North Carolina. I, along with Pisgah Area SORBA would like to commend and support the City of Brevard for working with Alta Planning + Design to create the comprehensive plan being presented later this evening. We believe this plan will undoubtedly improve safety for cyclists and pedestrians in Brevard. As a gateway community for both Pisgah National Forest and DuPont State Recreational Forest, Brevard has a significant role to play in ensuring our infrastructure for alternative transportation is safe, accessible and comprehensive. There is no doubt Brevard has made a name for itself as a destination for cyclists and outdoor enthusiasts of all types. It is now incumbent on the city that it lives up to that reputation by ensuring the community has access to safe and accessible alternative transportation. We believe that adopting, and more importantly, implementing the plan being presented tonight will help ensure that Brevard does just that. Thank you to the members of the City Council who worked on this, the many citizens that played a key role in preparing this plan, the City Staff who supported the preparation of this plan, and the folks at Alta Planning + Design who helped lead the city through the process. We look forward to a safer more connected future for cyclists and pedestrians here in Brevard because of that work.

H. Certificates/Awards/Recognition – None.

I. Special Presentation(s)

I-1. City of Brevard Annual Independent Audit for Year Ending June 30, 2022 – Mr. Travis Kever, CPA of Gould Killian CPA Group, PA presented a brief PowerPoint presentation and shared information contained within the Audit Wrap Up for year ending June 30, 2022 (copy on file). He reported that they issued an unmodified opinion on the City's financial statements and the City's internal controls

are in compliance with accounting rules and procedures. He extended his appreciation to Finance Director Dean Luebbe and City Staff for their assistance in completing the audit. Mayor Copelof and Council thanked Mr. Keever for his presentation and accepted the report as presented.

I-2. Brevard Pedestrian & Bicycle Plan-Alta Planning + Design – Aaron Bland recalled that in May 2020, the City received a grant from NCDOT for a new pedestrian and bicycle plan to replace the current comprehensive pedestrian plan adopted in 2006. NCDOT assigned Alta Planning + Design as the consultant to produce the new plan and they worked with the Parks, Trails & Recreation Committee, which acted as the project Steering Committee. In May 2022 the Committee gave their final comments on the draft recommendations. The plan was then sent to NCDOT for review, which was completed in November, 2022. Approval by City Council is the final step towards adopting the plan as official city policy. Mr. Bland then introduced Matt Hayes of Alta Planning + Design who presented a PowerPoint presentation (Attached) including a project overview and planning process summary, highlights of the final draft plan, and program recommendations and action steps.

J. Public Hearing(s)

Mayor Copelof noted that the first two public hearings were joint hearings with the Joint Historic Preservation Commission. She asked for a motion to recess the regular City Council meeting. Mr. Daniel so moved, seconded by Ms. Dinkins. The motion carried unanimously.

J-1. Designation of Historic Landmark-McMinn Building, 2-14 West Main Street

Mayor Copelof asked for a motion to convene a joint public hearing of the Brevard City Council and the Transylvania County Joint Historic Preservation Commission for the purpose of considering a designation of historic landmark for the McMinn Building at 2-14 West Main Street. Mr. Morrow so moved, seconded by Mr. Daniel. The motion carried unanimously.

Mayor Copelof welcomed the members of the Joint Historic Preservation Commission (JHPC) and asked Chair John Koury to convene the Commission members for the joint public hearing. Melanie Spreen moved, seconded by Ellen Harris to convene for the joint public hearing with Brevard City Council. The motion carried unanimously.

City Planner and JHPC Member Katherine Buzby explained that the McMinn Building, located at the corner of N. Broad Street and W. Main Street has been listed on the National Register of Historic Places since 1994. The property owner has applied to the JHPC for local designation. The application is for the entire exterior of the building and for the interior stairway and hallway containing the second-floor offices. The requested ordinance from City Council will bestow the local historical designation which enables the property owner to receive tax deferments for the property and requires a Certificate of Appropriateness for any remodels or repairs to the property. The JHPC has voted to have it historically designated, so it just needs a vote from City Council.

Public Hearing Public Participation – Mayor Copelof opened the public hearing at 6:28 p.m. There was no public participation.

During discussion, Council requested that staff provide information at the next meeting regarding the fiscal impact of the reduction in city taxes.

Public Hearing Closed – There being no further questions or comments, Mayor Copelof closed the hearing at 6:41 p.m.

J-2. Designation of Historic Landmark-Brevard City Hall and Fire Station, 114 & 116 West Main Street

Mayor Copelof asked for a motion to convene a joint public hearing of the Brevard City Council and the Transylvania County Joint Historic Preservation Commission for the purpose of considering a designation of historic landmark for the Brevard City Hall/Fire Station at 114 & 116 West Main Street. Mr. Morrow so moved, seconded by Mr. Daniel. The motion carried unanimously.

Mayor Copelof asked for a motion from the JHPC to convene the Commission members for the joint public hearing. Katherine Buzby moved, seconded by Andrew Wing to convene for the joint public hearing with Brevard City Council. The motion carried unanimously.

Katherine Buzby explained that the property owner has applied to the JHPC for local historic designation. The application is for the entire exterior of the building. The requested ordinance from City Council will bestow the local historical designation which enables the property owner to receive tax deferments for the property and requires a Certificate of Appropriateness for any remodels or repairs to the property. The JHPC has voted to have the building historically designated, so it just needs a vote from City Council.

Public Hearing Public Participation – Mayor Copelof opened the public hearing at 6:44 p.m. There was no public participation.

During discussion, Council requested that staff provide information at the next meeting regarding the fiscal impact of the reduction in city taxes for this property as well as the McMinn Building.

Public Hearing Closed – There being no further questions or comments, Mayor Copelof closed the hearing at 6:51 p.m.

Mayor Copelof asked for a motion from the JHPC to close the joint public hearing. Motion by Marcy Thompson, seconded by Geralyn Connell to come out of the joint public hearing. The motion carried unanimously.

Motion by Mr. Daniel, seconded by Ms. Dinkins to come out of recess. The motion carried unanimously.

J-3. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 15 and 16-Permit Categories

Emily Brewer explained that this is a Staff-initiated text amendment that revises the planning and zoning permit categories and clarifies the responsibilities of staff, City Council, and other boards. The Planning Board discussed this text amendment at their November 15th meeting and unanimously recommended approval. The permits in the UDO are grouped into three categories, Category 1, Category II, and Category III. These roughly align with the approving authority. The revised charts remove these arbitrary categories and clearly outlines the groups responsible for reviewing materials, approving activity, and hearing appeals. The chart is also split into projects with subdivision activities and those without. However, subdivision is considered a ministerial act of Staff. As such, they require a separate permit application. The columns differentiating projects that have subdivision activities was removed, and a new category was created (“Subdivision”).

Public Hearing Public Participation – Mayor Copelof opened the public hearing at 6:56 p.m. There was no public participation.

Public Hearing Closed – Following questions and comments by Council, Mayor Copelof closed the hearing at 7:04 p.m.

J-4. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, 17 and 19-Setback Measurements

Emily Brewer explained that this is a Staff-initiated text amendment that clarifies the measurement and determination of building setbacks and consolidates standards that were in different chapters, making sure that they are usable and easy to find. The Planning Board discussed this text amendment at their November 15th meeting and unanimously recommended approval. Setbacks are the minimum distance that a structure can be located from the edge of the property. They protect public infrastructure, preserve the rights of neighboring property owners, and retain the pattern of city development. Staff proposes changes to the Unified Development Ordinance that refine and consolidate the regulations for building setbacks, more specifically as follows:

- Consolidation of setback standards in Section 2.3 and Section 4.3 to the new sub-section entitled “General setback standards for all setbacks”
- Clarifying the definition, application and measurement for setbacks and revision of the definition of infill development
- Setback tables in Section 2.3 were combined to improve the usability of this section
- Minor revisions to other sections that referenced setbacks or other relevant terms
- Removal of setbacks from final recorded plats

Public Hearing Public Participation – Mayor Copelof opened the public hearing at 7:09 p.m. There was no public participation.

Public Hearing Closed – Following questions and comments by Council, Mayor Copelof closed the hearing at 7:21 p.m.

~~ At 7:21 p.m. Mayor Copelof called for a ten minute recess ~~

J-5. Proposed Amendments to City of Brevard Code of Ordinances Section 58-Solid Waste Management

Acting Public Works Director Wesley Shook explained that the proposed amendments are intended to increase safety, clarify unclear language, and remove dated references. Mr. Hooper added that a clarification was made to Section 58.6 that vests in the Public Works Director the ability to make extra collections if deemed necessary for the protection of the public health and, depending on the circumstances, charge a fee for it. Language was added to Section 58.8(e) clarifying the fees for rental of a city vehicle to be parked at private residences for collection of brush and other bulky refuse and the recommended terms of a rental policy for that section.

Public Hearing Public Participation – Mayor Copelof opened the public hearing at 7:37 p.m. There was no public participation.

Public Hearing Closed – Following questions and comments by Council, Mayor Copelof closed the hearing at 7:42 p.m.

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Copelof read aloud the items listed and asked for a motion to approve the consent agenda. Mr. Morrow moved, seconded by Mr. Jones to approve the consent agenda as presented. Motion carried unanimously.

K-1. Tax Settlement Report-December, 2022

K-2. Financial Report-Quarter Ending December 31, 2022

K-3. Proclamation 2023-01-White Squirrel Day, February 2, 2023

K-4. Housing Trust Fund Selection Committee Minutes-November 8, 2023

K-5. Downtown Master Plan Committee Minutes-December 14, 2022

L. Unfinished Business –

L-1. City Council Meeting Schedule Amendment – Mr. Hooper informed the Council that the facilitator is available for the Strategic Planning Sessions on March 1st and March 2nd. The calendar has been updated to include these session dates, add a regular meeting on Monday, February 20th and cancel the regular meeting scheduled for Monday, March 6th. Motion by Mr. Daniel, seconded by Ms. Dinkins to approve the amended City Council Meeting Schedule. During discussion, Mr. Baker requested that Council hold a regular meeting at the Mary C. Jenkins Community & Cultural Center in the very near future. It was noted that it would be best to wait until the parking lot is completed. Mr. Hooper will check on the status of the parking lot and come back with a recommended date. The motion carried unanimously.

M. New Business – None.

N. Remarks/Future Agenda Considerations.

Mr. Jones said he was happy to announce that the City's application to the NC Highway Historical Marker program has been approved for a sign honoring Moms Mabley to be installed along Main Street in the front of the Clemson Plaza. The marker will be ordered in March and delivered and installed in late summer or early fall. I am excited about that and want to thank those members of the Planning Department that stepped forward and put in the extra effort. For those who don't know who Moms Mabley was, please search it and you will find that she was an amazing woman with ties here in Brevard.

Ms. Dinkins said she read the plan for trails and sidewalks with great interest and kept thinking about the fact that as a runner, I know sidewalks a lot better than most people do in this town and we have a lot of existing sidewalks, that are not a part of this plan, that are in questionable shape. We need to look at that and think about how we are going to bring those back to good working conditions. I also have been thinking about and I want to feel out my fellow Council Members about any interest in reopening or at least investigating whether we could reopen Faith Lane all the way into downtown. I believe we still own that right-of-way and it doesn't look like there is any permanent structure there that is in the way. It is something I think we should look at just because when the new hotel goes in we are going to need every artery we've got open to funnel people into downtown, especially not in cars. I think that would be a great venue to open up another neighborhood and I don't understand why it is not open. I would like to ask fellow Council Members to think about this because it will take up staff time, and we can talk about it another time.

Mayor Copelof congratulated staff on the audit. That was an amazing financial audit with basically no real findings. The two findings that were there are the same ones we have had for five years and we know they are there because that was a deliberate strategy that we executed to fund some capital improvements. We have a complicated budget, we have a lot of grants and capital projects, and to come through that audit with no real recommended improvements is a really big deal. I want to thank everybody that was involved with our Martin Luther King celebrations this weekend. We had a wonderful free brunch at the Mary C. Jenkins Community Center for anyone in the community that wanted to come by. Thank you to Tyree for helping organize that and to the volunteers from the Mary C. Jenkins Board and all the volunteers that helped. We had a lot of businesses step up to help and I want to recognize that all of the food for 50 or 60 people was donated by local businesses Go Grocery, Ingles, Sunrise Café and a big thank you to Bethel "A" for helping out with that also. The second event to honor Dr. King was a march from Bethel "A" to the college and I will reemphasize what Council Member Dinkins said. As we marched, I looked at the status of our sidewalks and it was very clear as people had trouble walking on some of the sidewalks, that maintaining our

sidewalks and infrastructure is very important. I would also bring up the fact that last July we had a complete sidewalk study done of every sidewalk the City owns and they are all ranked. As we look at our prioritization and as we look at our pedestrian plan, we have a lot of the tools in place that would allow Council and staff to make decisions on where we could have the most impact in terms of improving those sidewalks, and of course improvements take money. I want to thank everybody that did our program at the Porter Center. Brevard College once again partnered with us and provided the Porter Center for free and we had music provided by the college, Brevard High School, Brevard Academy and Bethel “A”. Finally, I want to give a special thank you to Ed Buckley who was the overall coordinator and organized the details for all three of those events.

Last week the Manager, myself and the Transylvania Economic Alliance Director had an interview with an online magazine, Business View Magazine. They are going to be featuring Brevard in a 6 to 8-page spread in this magazine. They only picked 5 or 6 places in North Carolina to feature and we are very excited to be one of them. When we have more information on when that will come out, we will let everybody know. White Squirrel Day will be on February 2nd and we will have a ceremony at the Depot. The exact time will be announced once we have more details in place. The next “Meet the Mayor” will be on Thursday, February 23rd from 5:00 to 7:00 p.m. at the Mary C. Jenkins Community Center.

O. Closed Session(s)

Closed Session - At 7:58 p.m. Mr. Jones moved, seconded by Ms. Dinkins, to enter into closed session for pending litigation. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 8:08 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 8:08 p.m. Ms. Dinkins moved, seconded by Mr. Jones, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: February 6, 2023

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Introduction of Comprehensive Land Use Plan

Speaker: Paul Ray, Planning Director

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager

Background

In November of 2021, City Council authorized the City to enter into a contract with Stewart Inc., a planning consulting firm, to update and merge the City's 2002 Land Use Plan and 2015 Comprehensive Plan into a single Comprehensive Land Use Plan. Since that time, City Staff has been working with staff from Stewart Inc. to develop the plan. Staff will provide details on the planning process.

The Planning Board served as the Steering Committee for this project and has discussed the plan, its goals, the future land use map, and recommendations at multiple meetings throughout 2022. Most recently, the Planning Board reviewed the final draft and unanimously recommended adoption of the plan at their meeting on January 24, 2023.

Discussion

The 2030 Comprehensive Land Use Plan is organized into five chapters:

1. Introduction
2. Goals & Recommendations
3. Community Engagement
4. Implementation
5. Appendices

Jake Petrosky from Stewart Inc. will be at City Council's February 20th meeting to give an overview and facilitate discussion of the complete draft plan, which is included as Attachment 1.

- Chapter 1 provides information on what the plan is, how to use it, previous planning efforts, and existing conditions in Brevard.
- Chapter 2 focuses on actionable elements and includes overarching goals, the future land use map, character area descriptions, recommendations, and strategies.
- Chapter 3 summarizes the community engagement activities and key findings.
- Chapter 4 outlines action steps derived from the recommendations in Chapter 2, highlighting the resources required and the timeframe for implementation.
- Chapter 5 provides details of the presentations given and comments received.

Policy Analysis

Chapter 160D of the North Carolina General Statutes states that “a local government shall adopt and reasonably maintain a comprehensive plan.” The UNC School of Government suggests factors in determining reasonableness based on growth rate and other factors, but professional practice calls for these plans to be updated every 5-10-years. Based on this, the 2015 Comprehensive Plan is nearing time for an update and the 2002 Future Land Use Plan is quite outdated.

These previous planning documents addressed many of the same topics, such as livable communities, economic development, and environmental health, but needed to be refined to reflect Brevard’s ever-changing urban fabric and the evolving needs of its community. By adopting a revised Comprehensive Land Use Plan, the City is better equipped to serve the community over the next 7 years, in addition to fulfilling its statutory requirements.

Action

Staff requests Council schedule a Public Hearing for February 20, 2023. The staff report and presentation this evening are meant to provide context for Council’s review of the draft Comprehensive Land Use Plan in advance of the consultant’s presentation on the content of the plan at the public hearing on that date.

Attachments:

1. Building Brevard 2030 Comprehensive Plan Draft



BUILDING BREVARD

2030 COMPREHENSIVE LAND USE PLAN



DRAFT
January 31, 2023



The City of
Brevard
North Carolina



ACKNOWLEDGMENTS

City Manager

Wilson Hooper

City Clerk

Denise Hodsdon

Town Board

Maureen Copelof, Mayor

Gary Daniel, Mayor Pro Tempore

Aaron Baker

Geraldine Dinkins

Maurice Jones

Mac Morrow

Planning Board

Greg Hunter, Chair

Reid Wood, Vice Chair

Molly Jenkins

John Schommer

James Carli

Peter Chaveas

Department Heads

Dean Luebbe, Assistant City Manager / Finance Director

Robert Cooper, Fire Chief

Kelley Craig, Human Resources Director

C. Thomas Jordan, Chief of Police

Wesley Shook, Interim Public Works Director

Emory G. Owen, Wastewater Operator in Charge

Dennis Richardson, Water Treatment Operator in Charge

Paul Ray, Planning Director

Tyree Griffin, Community Center Director

Planning Department Staff

Aaron Bland, Assistant Planning Director

Emily Brewer, Senior Planner

Katherine Buzby, Planner

Janice Pinson, Administrative Services Manager

Special Thanks

Special thanks to the citizens that participated in the development of the plan by taking the survey and attending the public meetings. Also thank you to the Planning Board for serving as the steering committee for the plan.



STEWART



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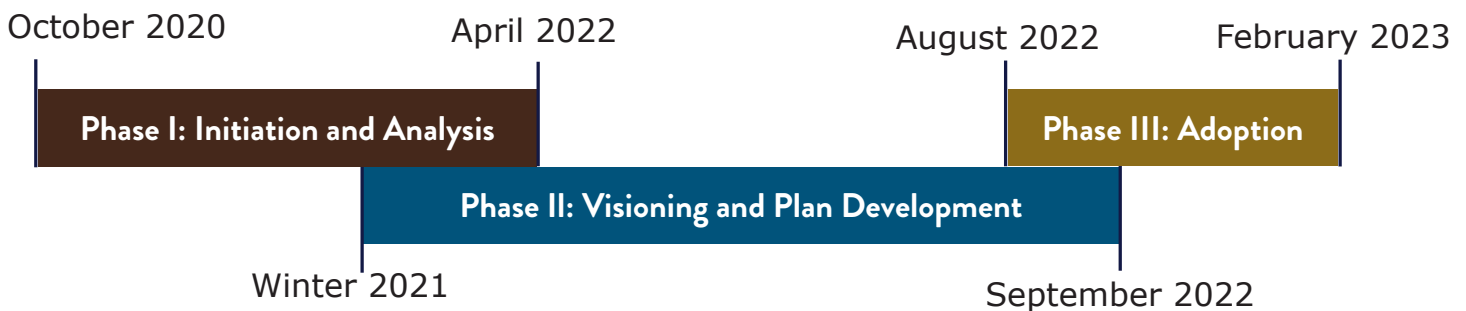
INTRODUCTION



THE COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan is an essential tool for guiding the City of Brevard's growth and development in a way that reflects the community it serves. The 2030 Comprehensive Land Use Plan is a guide for the next ten-to-twenty years. Initiated in the autumn of 2020, the comprehensive planning process included community and stakeholder engagement, geographic data analysis, and a synthesis of goals and recommendations for the City of Brevard. The Covid-19 pandemic delayed the project during the first year, but the process was restarted in the winter of 2021. A major component of the Comprehensive Plan is the Future Land Use Map, which helps to illustrate a desired pattern of growth for the City and its extraterritorial jurisdiction (ETJ).

PROJECT SCHEDULE



Why Plan?

The Comprehensive Plan is an opportunity for a community to assess its current condition, identify its goals for the future, and chart a path forward to achieve those goals. It is also a State-required document for enacting or enforcing zoning in North Carolina.

This plan replaces the City of Brevard's 2015 Comprehensive Plan and the 2002 Land Use Plan. The updated Plan will serve as guidance for planning and land use decisions in the City of Brevard and its extra-territorial jurisdiction (ETJ).

The Process

The fourteen-month plan development process included substantial community engagement paired with in-depth analysis of existing conditions in the City. The project team, consisting of Planning Department staff and a consulting team, conducted demographic research, geospatial analysis, and reviewed

existing planning documents. To further shape a set of goals for the City of Brevard's future, the team sought input from stakeholders, members of the public, City staff, and elected and appointed boards. The input and analyses led to a series of draft goals and recommendations, which were presented to the public and stakeholders for additional feedback. The adopted plan is a culmination of all these activities.

Engagement

Community engagement was a key element of this plan. Outreach included stakeholder interviews, four public meetings in different locations, two surveys, and conversations with many city leaders, residents, and business owners across the City. Project announcements were made to the public using traditional and social media as well as flyers distributed around town. A summary of public engagement is available in Chapter Three.

What is a Comprehensive Plan?



A STATE REQUIREMENT

North Carolina's General Statutes require all jurisdictions to have a current Comprehensive Plan to guide future development.



DEVELOPMENT GUIDANCE

Comprehensive Plans set guidance for location and intensity of certain types of development, which guides decision making for County staff, elected officials, and appointed boards.



A LONG-RANGE PLAN

Comprehensive Plans look 10-20 years in the future and make projections based on past trends and data.



POLICY, NOT REGULATION

The Comprehensive Plan is a policy document, meaning it influences decision-making as opposed to dictating requirements. It is not a rezoning of the County.

Plan Organization

The Comprehensive Plan consists of five chapters. The first chapter provides an introduction to the comprehensive planning process as well as an introduction to the City of Brevard. It highlights existing conditions data and early analysis, setting the stage for subsequent chapters.

Chapter 2 focuses on actionable elements of the Plan that will be referenced on a regular basis, including goals, the Future Land Use Map, Future Land Use Character Areas, and recommendations. Recommendations are organized in four topic areas: land use and housing; active transportation and community health; parks, natural resources, and cultural resources; and economic development, infrastructure, and resiliency.

Chapter 3 documents highlights of community engagement and input received during the planning process. Chapter 4 provides key strategies for implementation of recommendations, including expected timeframes, responsible parties, and performance indicators. Chapter 5 includes appendices, which provide additional background information, detailed analyses, and raw data that may be useful to supplement elements of the Plan as necessary.

How to Use This Plan

Brevard's 2030 Comprehensive Land Use Plan will serve as a strategic guide for land use, infrastructure, and programming decisions for the City and its ETJ. The Future Land Use Map and accompanying character area descriptions should be referenced by decision-makers, including City staff, Planning Board, and the City Council, in rezoning cases and development proposals. The complete set of recommendations should be used by City leadership and staff to craft a strategic work plan.

This plan should also serve as guidance for investors and the general public when making land acquisition and development decisions. Although the Plan is only a guide, it should lower the risk of unexpected land use changes in the City's jurisdiction.



LAND USE AND HOUSING



ACTIVE TRANSPORTATION & COMMUNITY HEALTH



PARKS, NATURAL & CULTURAL RESOURCES



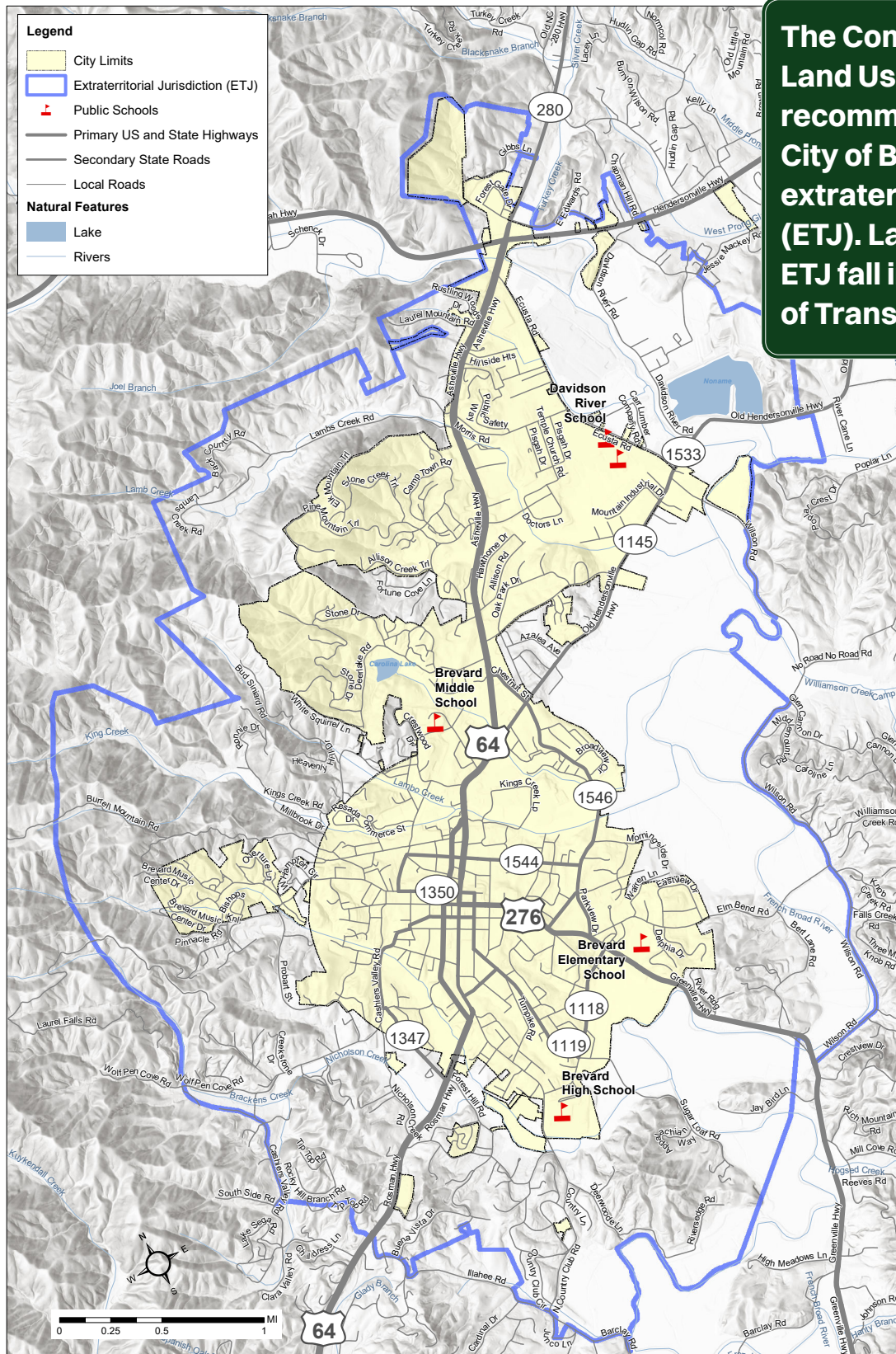
ECONOMIC DEVELOPMENT, INFRASTRUCTURE & RESILIENCY

Plan Updates

The Comprehensive Plan should be updated every five-to-seven years to remain relevant. In particular, the Future Land Use Map may need to reflect changes in infrastructure, rezonings, and direction from City leadership.

Best practices in urban planning are always evolving and recommendations are interrelated. As the City changes over time, design, development, operations, and maintenance are all critical elements to preserving the integrity of the built and natural environment. Current best practices are an important part of this Plan, but strategies should continually be reexamined and updated to maintain relevance over time.

STUDY AREA



The Comprehensive Land Use Plan will make recommendations for the City of Brevard and its extraterritorial jurisdiction (ETJ). Lands beyond the ETJ fall into the jurisdiction of Transylvania County.

PREVIOUS PLANS & STUDIES

The following are summaries of recent planning efforts, projects, and policies, many of which remain functionally relevant at the time of review.

2002 Land Use Plan

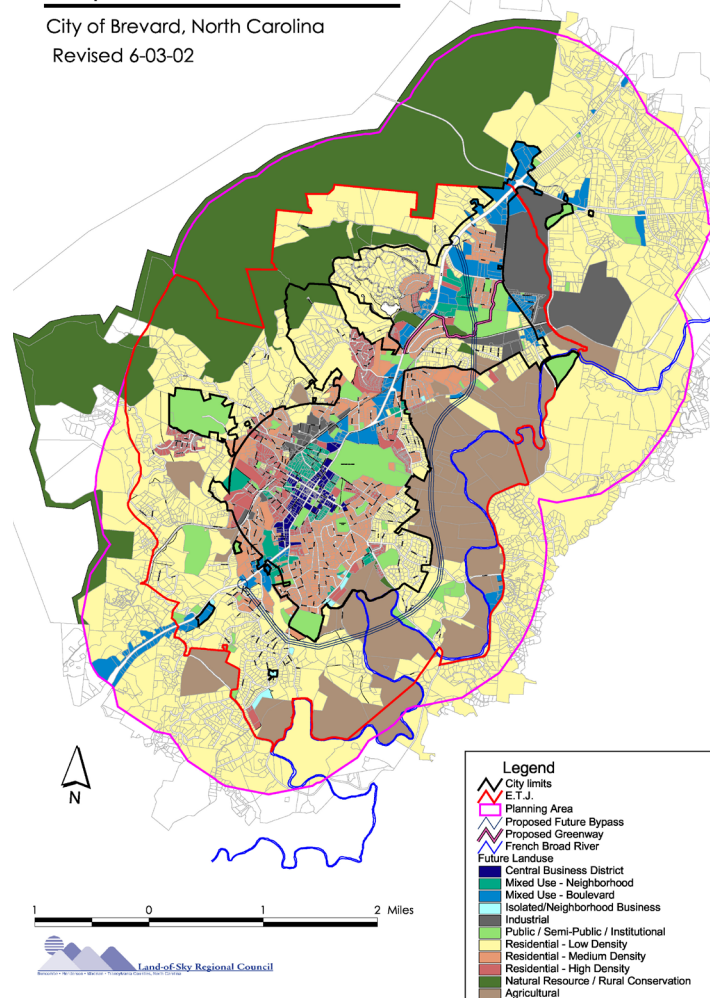
The 2002 Land Use Plan is shaped by multiple guiding principles:

- ◆ Plan for a well-designed, connected community with a traditional, friendly, mountain character.
- ◆ Reaffirm and continue to revitalize the City center.
- ◆ Develop a strong and environmentally sensitive economy supported by a prepared work force.
- ◆ Provide for quality neighborhoods and affordable places to live.
- ◆ Create a better present and future for our children and young adults.
- ◆ Enrich lives through cultural, educational, and recreational experiences.
- ◆ Practice environmental stewardship.
- ◆ Strengthen City government through partnerships with local citizens.
- ◆ Commit to investing strategically to create a sustainable tax base.

The plan framework includes elements, with recommendations and implementation strategies, for economic development; environmental quality; gateways, corridors, and downtown; cultural, educational, and recreational enrichment; transportation; housing and neighborhoods; and public safety and health. Future Land Use Categories include Central Business District; Mixed Use – Boulevard, Mixed Use – Neighborhood; Isolated/Neighborhood Business; Industrial; Public / Semi-public; Residential – Low Density; Residential – Medium Density; Residential – High Density; Natural Resource Areas / Rural Conservation; Agricultural; Floodway; and Corridor Protection Overlay.

Map IV - 1: Future Land Use

City of Brevard, North Carolina
Revised 6-03-02



2015 Comprehensive Plan

The 2015 Comp Plan is a pared-down policy plan that targets five functional elements: arts and culture; economic health; environmental health; livable community; and infrastructure. It is not in conflict with any existing plans; rather, it simplifies some of the elements of earlier plans to establish a “direction-setting” framework with clearly stated goals, objectives, and policies for each element. The 2015 Comp Plan did not include an update of the 2002 Land Use Map.

The Unified Development Ordinance of the City of Brevard

Brevard's UDO was first adopted in 2006. It established the following base districts for use as zoning categories.

- ◆ **General Residential (GR4 and GR8)**
 - » Intended for existing residential neighborhoods and new residential development
 - » GR4 Max Density: 4 du/acre; Max Ground Floor Area: 10,000 sq. ft.
 - » GR8 Max Density: 8 du /acre; Max Ground Floor Area: 8,000 sq. ft.
- ◆ **Residential Mixed-Use (RMX)**
 - » Higher density residential development in close proximity (within ½—¼ mile) to existing and planned commercial centers
 - » Max Density: 15 du /acre; Max Ground Floor Area (single family and duplex): 8,000 sq. ft. Max Ground Floor Area (multifamily and non-residential): 25,000 sq. ft.
- ◆ **Neighborhood Mixed-Use (NMX)**
 - » Coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors and new neighborhoods
 - » Max Density: 25 du /acre; Max Ground Floor Area 30,000 sq. ft.
- ◆ **Downtown Mixed-Use (DMX)**
 - » Traditional downtown area
 - » Max Density: None; Max Ground Floor Area 25,000 sq. ft.
- ◆ **Corridor Mixed-Use (CMX)**
 - » Convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares.
 - » Max Density: 40 du /acre; Max Ground Floor Area 50,000 sq. ft.

- ◆ **Institutional Campus (IC)**
 - » Academic and religious campuses, as well as government and health-care facilities.
 - » Max density of 12 du /acre; Max Ground Floor 100,000 sq. ft.
- ◆ **General Industrial (GI)**
 - » General industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail
 - » Max Ground Floor 100,000 sq. ft.

The UDO authorizes the use of Conditional Zoning Districts in each of the above districts to allow for flexibility and create potential incentives to developers. "In return for greater flexibility in site design requirements, conditional zoning districts are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure." Mixed uses are encouraged in Conditional Zoning Districts.

The UDO includes three overlay districts:

- ◆ **Manufactured Home Overlay District (MHD):** allows manufactured homes by right
- ◆ **Highway 64 Corridor Sign Overlay District:** sign standards for Highway 64 corridor
- ◆ **Downtown Development Overlay District:** community character; human-scaled, pedestrian-friendly environment.

Additionally, Brevard's UDO includes:

- ◆ Some form-based development criteria (Chapter 5)
- ◆ Stormwater management, steep-slope requirements, erosion control, and surface water projection (Chapter 6)
- ◆ Dedicated open space requirements (Chapter 7)
 - » Residential and mixed-use developments with more than eight total units are required to dedicate open space.
 - » An Open Space Dedication Matrix is used to identify the amount of required open space based on the number of proposed bedrooms.
 - » Increases in density are encouraged alongside increases in dedicated open space.
 - » Residential development in the Downtown and Neighborhood Mixed Use Districts are exempt from Open Space provisions.
- ◆ Landscaping requirements and tree protection (Chapter 8)
- ◆ Circulation and connectivity (Chapter 9)
- ◆ Parking, lighting, signs (Chapters 10, 11, 12)
 - » Non-residential uses in the Downtown Mixed-Use District and Railroad Avenue Neighborhood Mixed-Use District are exempt from minimum parking requirements.
 - » One bicycle parking space (minimum of a 4-bicycle rack) is required for every 20 vehicle parking spaces
- ◆ Infrastructure improvement requirements (Chapter 13)

Downtown Master Plan (2021)

Brevard's Downtown Master Plan includes four focus areas:

- ◆ Wellness, Connectivity, & Culture
- ◆ Economic Vitality & Commerce
- ◆ Business District Owners
- ◆ Municipal Infrastructure, Safety, & Development

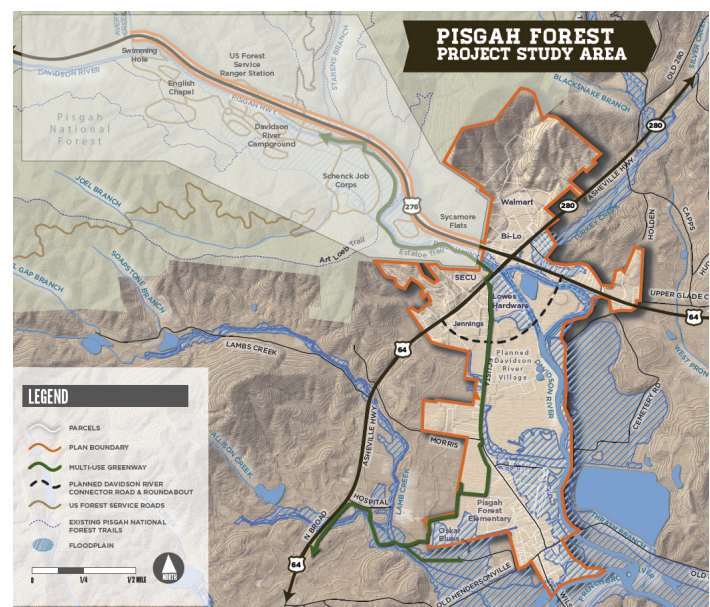
The goals of the Plan are to reinforce identity; enhance mobility, accessibility, and safety; improve the pedestrian experience; and promote economic vitality.

Implementation strategies focus on gateway corridors, parking, bike boulevards, alleys/connectors, streetscape, loading zones, and landscape management.

Pisgah Forest Small Area Plan (2016)

The Pisgah Forest Small Area plan centers on the intersection of NC280, US 276, and US 64, which is characterized as having poor traffic flow with significant pedestrian activity that is generally unsafe. The area is attractive to businesses catering to visitors to Brevard, particularly those on their way to Pisgah National Forest. Major projects include the Ecusta Rail Trail (moving forward) and the Davidson River Village, which stalled in part due to the economic downturn of 2008.

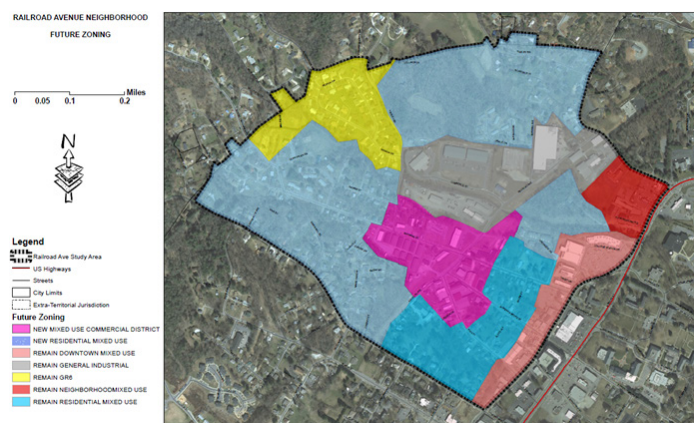
The primary goal of the plan is encourage quality development in the Pisgah Forest area that accommodates but de-emphasizes vehicles. Medium-term goals include reducing congestion, improving intersection safety, expanding and creating new safe bicycle and pedestrian connections, and encouraging compatible clusters of industry in the area. Long-term goals are to encourage mixed-use infill development, establish a bold gateway for both the National Forest and City of Brevard, and create a complete bike and pedestrian system of connector



trails. Although this plan was never formally adopted by City Council, parts of the plan are being implemented as part of planned roadway improvements.

Railroad Avenue Community Plan (2014)

The Railroad Avenue Community Plan focuses on an area of the city that was once an important business and warehousing district. Recently, the area has experienced an upswing in investment, and the community is changing. Although the plan was not adopted by City Council it outlines major challenges including public infrastructure, including streets, sidewalks, and underground utilities, which is some of the oldest in the City. Actions to be taken by the City are organized in the following areas: infrastructure, community, economic development, land use/zoning, and the environment (natural resources).



Stormwater Master Plan (2007)

The Stormwater Master Plan seeks to improve stormwater infrastructure to mitigate urban stormwater runoff, allowing the City of Brevard to handle increased volumes of stormwater runoff associated with large storm events. It also aims to identify opportunities for improving the quality of the urban stormwater runoff before it leaves the storm sewers and discharges into the area's streams.

The Plan includes a stormwater conveyance inventory; culvert capacity analyses for Lamb Creek, Norton Creek, and Jumping Branch; capital improvement recommendations for Lamb Creek, Norton Creek, and Jumping Branch, including a stream restoration and linear stormwater park for Norton Creek; and ordinance recommendations for stormwater management.

Blue Zones Project

Brevard was selected as a Blue Zone city in 2019. Per its website, the Blue Zones Project is “a community-wide, evidence-based approach to improve health and well-being in making healthier choices easier for everyone.” In Brevard, the project is sponsored by Pisgah Health Foundation.

Alongside programs that work directly with employers, schools, restaurants, grocery stores, and faith-based organizations, Blue Zones Project includes working on community policy as a major focus area “to inspire positive changes to policy and built environment.”

The Blue Zone affordable housing committee set a 5-year goal of adding 200 affordable/workforce housing units (defined as under 120% AMI (household income of \$66,754 or less), and a 10-year goal of an additional 200 affordable/workforce housing units.

Transylvania County / City of Brevard Parks and Recreation Master Plan (2016)

The Transylvania County / Brevard City Parks and Rec Master Plan offers a thorough assessment of park facilities in both jurisdictions as well as recommendations for future investments. Generally, the Plan tends to focus on improvement of existing facilities and programs, recognizing strong park usage by residents



alongside concern by the authors about aging facilities and general maintenance.

The Plan highlights Bracken Mountain, the Brevard Greenway System, Franklin Park, and Silvermont (County park in City limits) as examples of meeting today's standards for high quality parks. The City of Brevard does not have a separate Parks Department, but it does staff two positions for park maintenance. The City also does not offer any recreation programs except for special events held in downtown Brevard.

Transylvania County Comprehensive Transportation Plan (CTP)

The County's CTP (draft from September 2021) identifies multiple transportation improvements for a variety of modes in and around the City of Brevard.

Highway Recommendations include modernization improvements on Ecusta Road, Old Hendersonville Highway (SR 1504), Wilson Road (SR 1540), Neely Road, Gallimore Road, and North County Club Road. Caldwell Street north and south of Main Street is in need access management and congestion/mobility improvements, and the Cashiers Valley / Railroad Ave corridor is highlighted with some potential road connections and as a safety / economic development project. Several intersections have also been identified for improvement, including the major 276/64 Junction at Pisgah Forest.

Bicycle and pedestrian recommendations include numerous proposed improvements across the City, and transit recommendations include proposed regional bus corridor with service to Pisgah Forest, and a rural fixed bus route with connecting service from Pisgah Forest to downtown Brevard and beyond.

Transylvania County Bicycle Plan (2019)

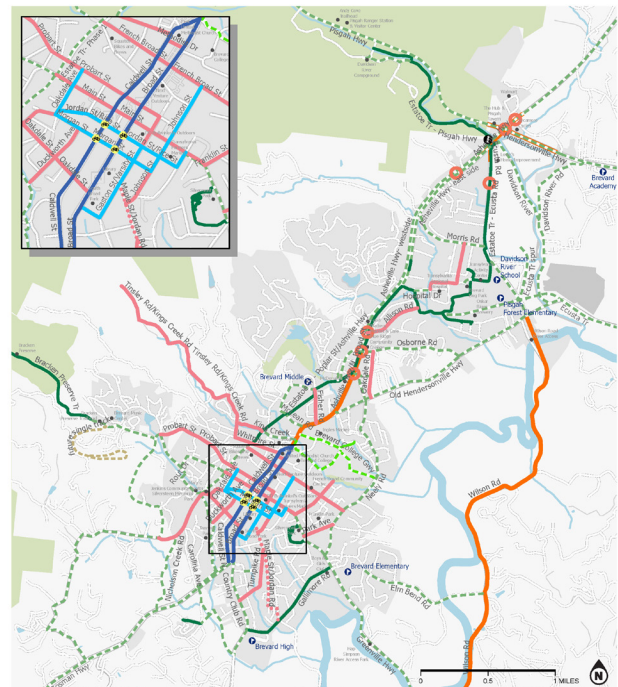
The Transylvania County Bike Plan provides detailed recommendations for facilities, policies, programs, and

implementation throughout the County. The plan's vision is to have "an interconnected network of paved paths, bike lanes, and other bike infrastructure that will provide greater safety, health, connectivity, and alternative transportation routes between communities and destinations in Transylvania County and throughout the region." The Plan recognizes Brevard's Greenway as "one of the highlights of the existing bicycle network", and many of the recommendations use Brevard as a hub for regional bike connections.

Brevard Pedestrian and Bicycle Plan (2023)

This plan establishes a vision that "Brevard will be a premier destination for biking and walking, with a safe and expansive network of bicycle and pedestrian facilities connecting the city to the surrounding outdoor recreation and cultural destinations."

The pedestrian and bicycle plan documents the past and current support for a walk- and bicycle-friendly Brevard and highlights the current conditions impacting walking and bicycling in the city today. It features policy, program, and infrastructure recommendations that seek to improve conditions for walking and bicycling.



EXISTING CONDITIONS HIGHLIGHTS

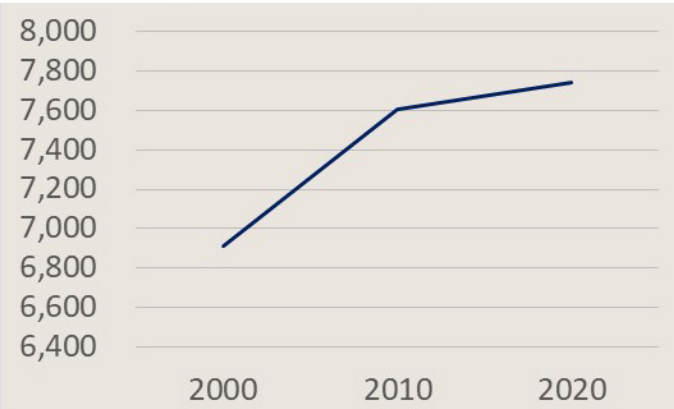
Demographics

According to the 2020 Census, Brevard's population was 7,744. Brevard has experienced greater than twelve percent growth in population over the past twenty years (2000-2020). For comparison, this is less than half the rate of growth of population in the State of North Carolina ((29.7%).

Between 2000 and 2019, the median age of Brevard grew from 45 to almost 52. Similar aging population trends are reflected in much of western North Carolina according to the NC Department of Health and Human Services.

With approximately 80 percent of the population, residents that identify as "White alone" are the majority in Brevard, and those who identify as "Black or African American alone" residents account for 8.9 percent of the population. Those who identify as 'Two or more races' account for another 6.2 percent. Asian, American Indian and Alaska Native, Native Hawaiian and Pacific Islander all combine to account for 1.5 percent. The remainder may identify as Hispanic or Latino, but the Census counts this differently due to the many different

POPULATION GROWTH



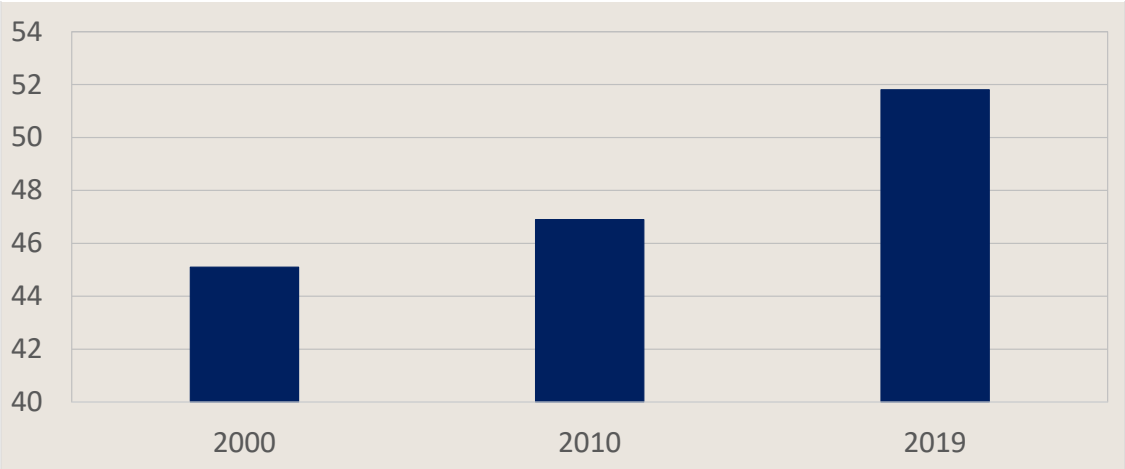
Source: Decennial Census

Latino races. From an ethnicity standpoint, 426 residents, or 5.5 percent of the population identify as Hispanic or Latino.

Income

Median household income was \$42,213 in 2019, compared to \$50,212 in Transylvania County and \$54,602 in North Carolina. The lower income may be related to higher percentages of students and retirees, but data also suggest that Brevard is missing some of the higher paying jobs associated with larger corporate entities.

MEDIAN AGE



Source: Decennial Census; 2019 American Community Survey

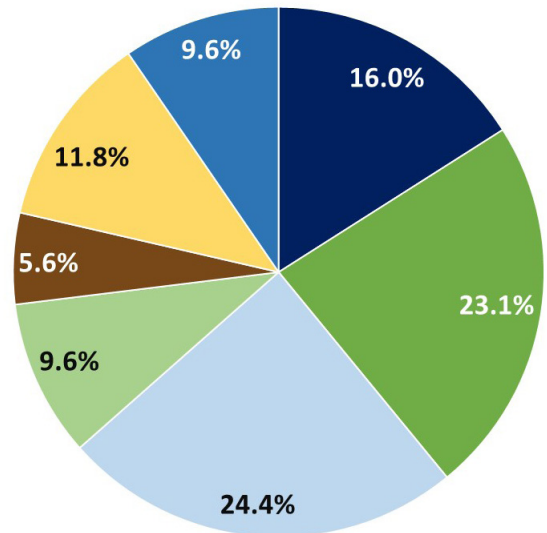
Housing

Seventy percent of the existing housing stock in Brevard is made up of single-family detached dwellings. The remaining thirty percent includes apartments, mobile homes, and townhomes, with almost half located in two-, three-, and four-unit structures.

Relative to income, housing is expensive in Brevard, where more than 47% of renters are considered cost-burdened by U.S. Department of Housing and Urban Development (HUD) standards. Purchasing a home may be difficult for young professionals and families, while demand for higher end homes and increasing speculation in short-term rentals may exacerbate the shortage of workforce and affordable housing. Cost of housing has likely been influenced by lack of supply, with relatively few new housing units having been constructed since 2010.

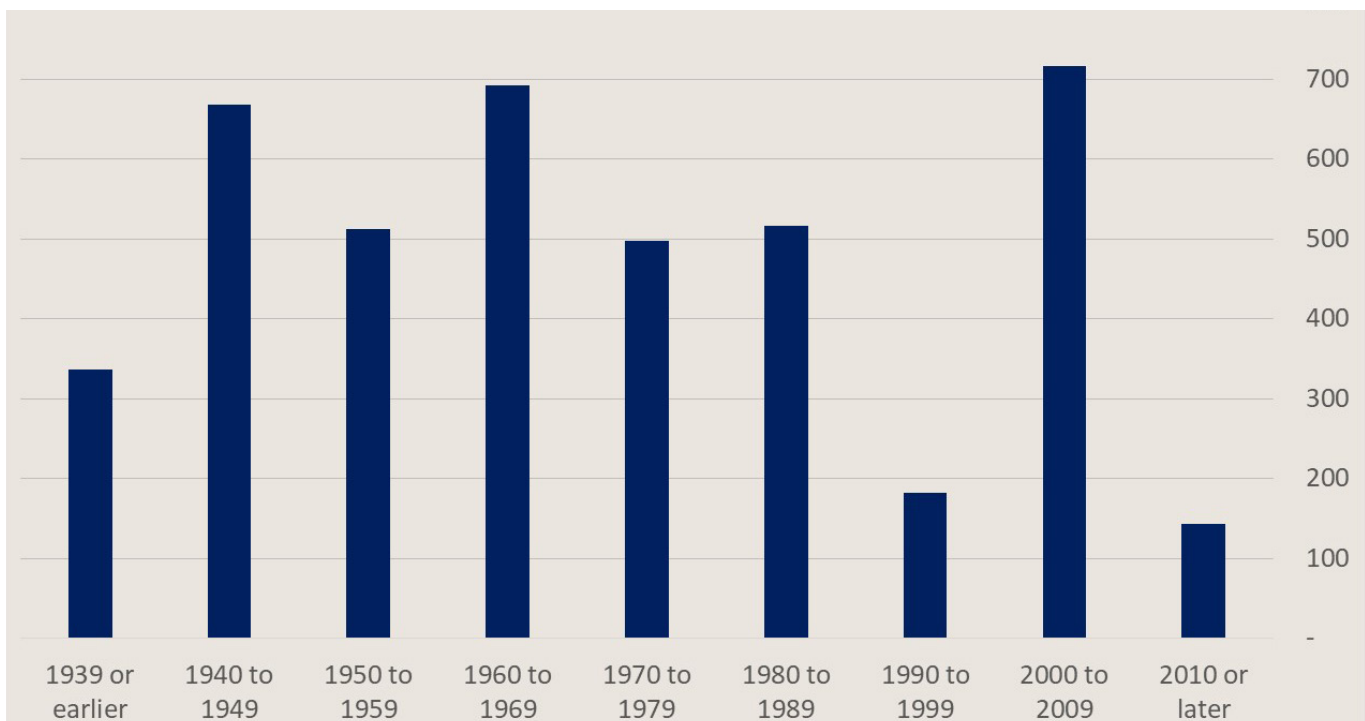
The City has been actively working to recruit developers who can provide affordable and workforce housing, but challenges include a lack of available land and high land costs.

UNITS IN NON-SINGLE FAMILY STRUCTURES

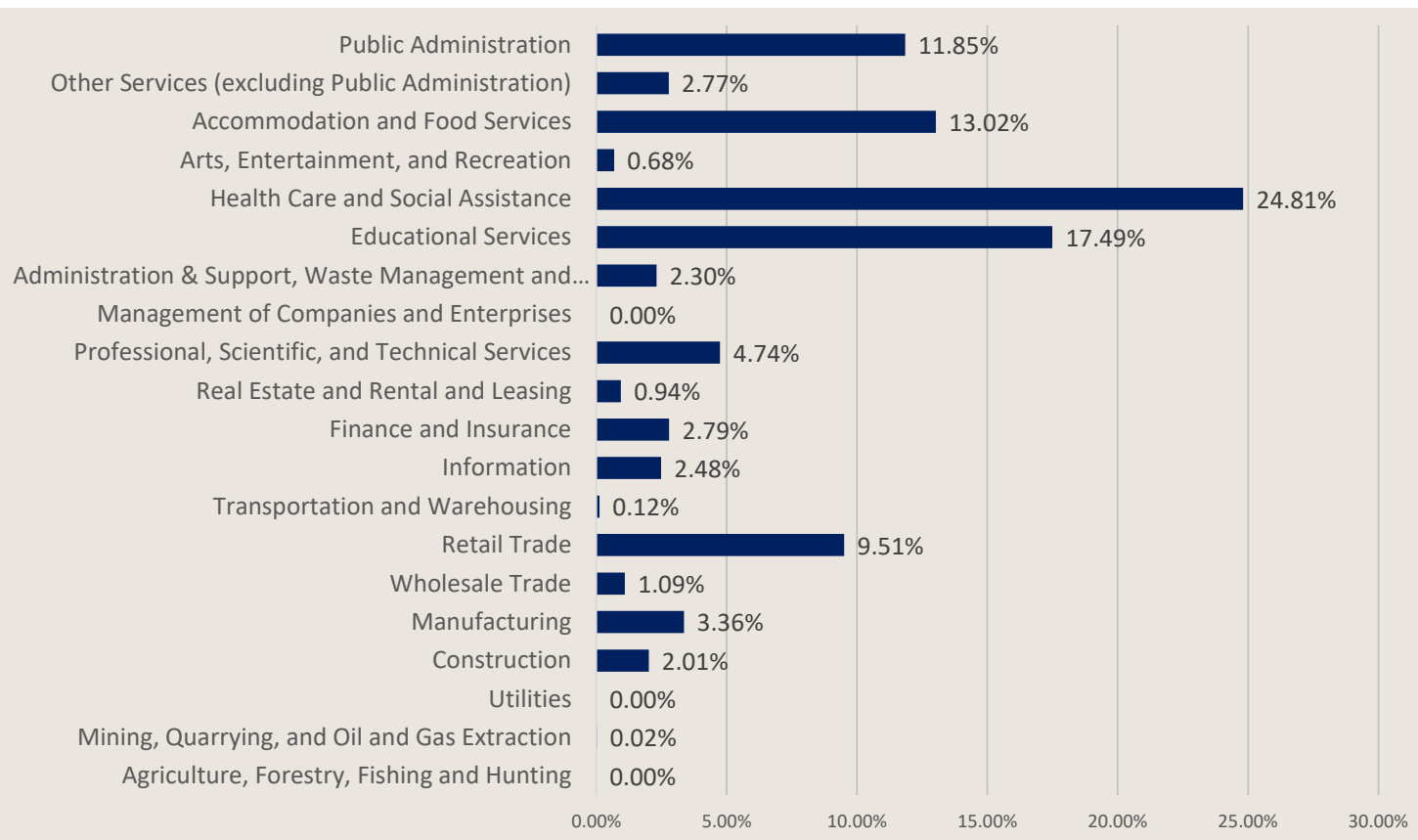


- Townhome
- 2 units
- 3 or 4 units
- 5 to 9 units
- 10-19 units
- 20+ units
- Mobile Home

HOUSING STOCK YEAR OF CONSTRUCTION



CITY OF BREVARD JOBS BY NAICS SECTOR (2019)



Economy

Today, Brevard's economy is driven by government, healthcare, education, and tourism. Historically, this was not always the case, with several industrial and manufacturing facilities in and around Brevard operating into the 1990s and early 2000s. The transition to a service-based economy has resulted in fewer blue- and white-color jobs and lower incomes overall.

The five largest employers in Transylvania County are:

1. Transylvania County Schools
2. Transylvania County
3. Transylvania Regional Hospital
4. Gaia Herbs, Inc.
5. Ingles Markets, Inc.

Tourism is fundamental to Brevard's viability over the years. Local and regional attractions abound, and long-standing institutions attract an influx of visitors,

particular during the summer months when camps are in session and the Brevard Music Center is in full operation. The Music Center itself brings 40,000 people attending performances over the summer months and recently completed construction on a 400-seat indoor concert hall. The summer camps are particularly impactful on the weekends when children are dropped off and picked up by their parents, who will often spend time and money in town during the trip. A 2011 economic impact study estimated a \$26 million impact in western North Carolina.

Brevard is also a gateway to outdoor recreation and natural scenery. The Blue Ridge Parkway, Pisgah National Forest, and DuPont State Recreational Forest each attract more than a million visitors per year, according to the Transylvania County Tourism Development Authority. Gorges State Park and Headwaters State Park are also located in the County. While these activities are not taking place in the City,

they do often result in hotel stays, meals in local restaurants, and shopping in local stores.

The Brevard/Transylvania Chamber of Commerce and Heart of Brevard (see Downtown Section) recently teamed up to initiate the Think Local Transylvania campaign, whose mission is to "support small local businesses and nonprofits, foster county-wide togetherness, celebrate our unique place, and grow a thriving and resilient economy for all in Transylvania County."

Natural Resources

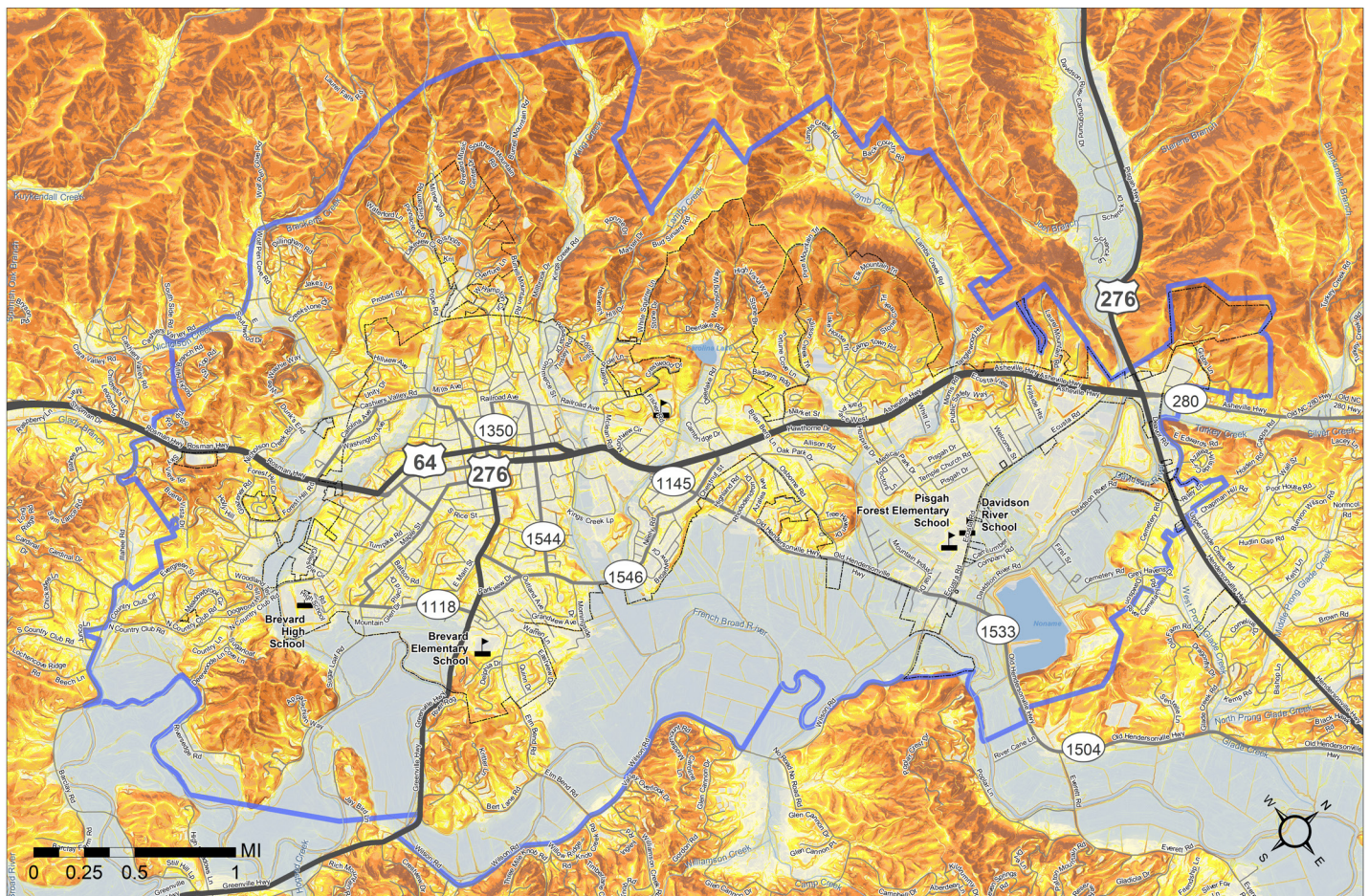
With the French Broad River to the east and Pisgah National Forest to the west, Brevard is surrounded by many valuable natural resources. A large percentage of lands within the study area are environmentally sensitive

and/or difficult to develop. Floodplains and steep slopes are some of the most sensitive lands, best suited for uses like outdoor recreation and agriculture.

Brevard's unique geography and natural environment contribute greatly to its desirability as a place to live and visit, yet these resources are continually threatened in different ways. The French Broad River suffers from intermittent water quality issues due to runoff, agriculture, and impacted riparian habitat. Popular recreation sites, such as those in nearby Pisgah National Forest become overcrowded during the summer, and are increasingly grappling with how to accommodate large numbers of visitors and their vehicles. Viewsheds and wildlife migration corridors are under threat of development, and non-native invasive species have gained a foothold in some areas.

DEVELOPMENT CONSTRAINTS MAP

STEEP SLOPES SHOWN IN ORANGE AND FLOODPLAIN SHOWN AS LIGHT BLUE





Bracken Preserve ribbon cutting (Source: City of Brevard)

Parks & Recreation

Brevard's parks are operated and maintained by the Building and Grounds Division of the City's Public Works Department. The City owns and maintains ten parks, the Brevard Greenway, the French Broad Community Center, and the Mary C. Jenkins Community and Cultural Center. The parks are:

- ◆ Bracken Preserve (429 acres)
- ◆ Tannery Park (25 acres)
- ◆ Brevard City Sports Complex (20 acres)
- ◆ Hap Simpson Park (8.4 acres)
- ◆ Franklin Park (4.2 acres)
- ◆ Silversteen Park (1.5 acres)
- ◆ Depot Railroad Avenue Park (0.88 acres)
- ◆ Pickelsimer Park (.18 acres)
- ◆ Edna Glaze Park (.15 acres)
- ◆ Clemson Plaza (.1 acres)

In addition to the City's parks, Transylvania County owns and operates Activity Center Park, Silvermont Park, and South Broad Park, all within city limits.

The City/County Parks and Recreation Master Plan from 2016 prioritizes operations and maintenance of existing parks and facilities, but the City continues to add new holdings to meet the needs of all residents and ensure equitable access to recreation facilities.

The Brevard Greenway is a system of multi-use paths throughout town, with connection to the Pisgah

National Forest via the Estatoe Trail and through Bracken Preserve. The Greenway will eventually extend through the Tannery Park site as well.

Transportation & Infrastructure

The center of Brevard — the corner of Broad and Main — is also the junction of U.S. Highway 64 and U.S. Highway 276. U.S. 64 travels west to Rosman and east to Hendersonville, while U.S. 276 runs south to Greenville, South Carolina and north to Waynesville. Pisgah Forest is Brevard's second major transportation node in the northeastern corner of town, where U.S. 64 joins N.C. 280 from Asheville and U.S. 276 comes in from the north. Between Pisgah Forest and the center of Brevard is the Asheville Highway, a four-lane road that carries U.S. 64 and U.S. 276 and has developed into a commercial corridor over time.

The North Carolina Department of Transportation has implemented several traffic and transportation improvements in recent years. The "unbalanced couplet" in Downtown, where Broad and Caldwell share the bulk of through-traffic, devotes one extra lane on Broad traveling north out of town and one extra lane on Caldwell traveling south toward Rosman.

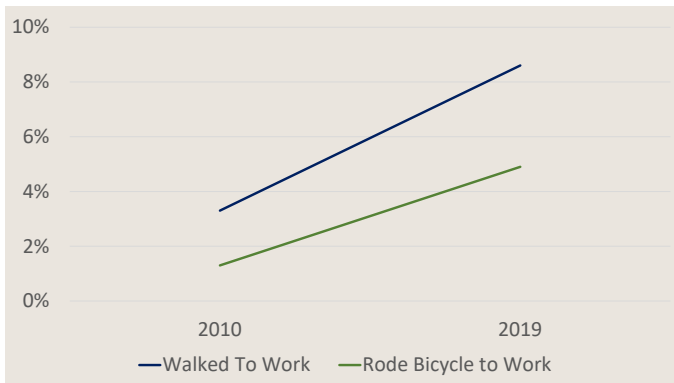
The new Davidson River Connector and roundabout have been completed in anticipation of new development near Pisgah Forest, and three additional roundabouts are slated for the Asheville Highway corridor.



Davidson River Connector

WALKING/BIKING TO WORK

(% OF TOTAL WORKFORCE)



Downtown Brevard is defined by a street grid network, and most Downtown streets are lined with sidewalks on both sides. While the grid becomes less defined beyond Downtown, most streets in surrounding neighborhoods are well connected, if lacking sidewalks in many places. Sidewalks have been incorporated in some of the newer developments north of downtown.

Until early 2022, Brevard did not have any fixed route transit service, but Transylvania County has begun operating the Transylvania in Motion (TiM) bus between Pisgah Forest and Rosman. The service runs Monday through Friday from 7am to 7pm.

Brevard has been working to improve its network of bicycle and pedestrian facilities, with a focus on sidewalks and multi-use trail development. Census statistics show an increase in commuting on bicycle or on foot between 2010 and 2019.

The City's wastewater treatment operates an RVC (reticulated vitreous carbon) system, which is considered by many to be an outdated technology when compared to activated sludge. Currently operating at 70 percent of capacity with only a few heavy contributors (such as the Oskar Blues brewery), the system can treat 2.5 million gallons of water each day. Inflow during major rain events is an issue and will take the system beyond capacity, where excessive chlorine is required to ensure the water is treated.

Brevard's drinking water is pulled from a reservoir intake on Catheys Creek and is treated at a 2.6 million gallon

plant. In 2021, the system operated at 58 percent capacity, releasing an average of 1.4 million gallons of potable water each day. Brevard College is currently the largest user. One of Brevard's unique water issues is the lack of pressure in Downtown, particularly on upper stories. Therefore, an individual system may be required for each building that requires a sprinkler system for fire protection, household plumbing requirements notwithstanding.

Downtown

Downtown Brevard is the primary activity center in the City. It is the central business district and a hub of local shopping, restaurants, and an assortment of special events and festivals.

The Heart of Brevard (HOB) is a non-profit economic development organization and nationally accredited Main Street program that advocates for the most central portion of Downtown. In its 2022 report, HOB reported more than \$1.2 Million invested in its focus area, with ten new businesses and 36 new full- and part-time jobs. A study conducted in 2011 by Urban3 showed Downtown has the highest tax value per acre in all of Transylvania county.



Main Street closure for HalloweenFest (Source: City of Brevard)

Existing Land Use

Land Use refers to the primary activity occurring on a particular parcel of land. Land use designations are not always perfectly accurate, but the intent is to gain a broad picture of the community that may inform future development needs and patterns.

Single-Family Residential

Single-family detached structures account for the majority of residential uses in Brevard. In addition to the more compact residential neighborhoods closer to Downtown, there are also many single-family houses that sit on larger parcels, accounting for the large amount of acreage devoted to single-family and rural residential.

Multi-Family Residential

Multi-family residential uses account for a wide-range of building types, development styles, and ownership models. Apartment buildings and complexes are the most straightforward examples, but duplexes, triplexes, and other smaller multi-plexes fall into this category. Attached townhomes are also considered multi-family uses. These uses account for a small percentage of land and are scattered throughout the City.

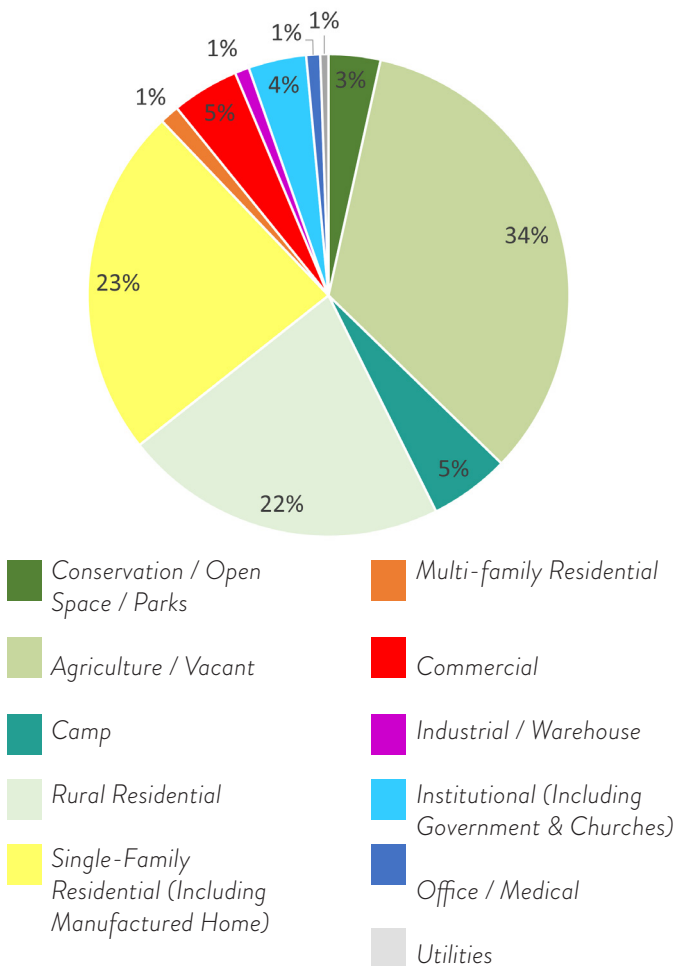
Commercial

Commercial uses come in many shapes and sizes, from small-scale retail and office in Downtown to large scale retail and hospitality along the Asheville Highway corridor and in Pisgah Forest. Smaller pockets of commercial activity are scattered across the City in several unique activity centers.

Industrial

Most of Brevard's industrial activities are concentrated along the Railroad Avenue corridor, just northwest of Downtown, and near the intersection of Ecusta Road and Old Hendersonville Highway in the northeast corner of the City. Current uses would be considered light industrial; examples include warehousing and distribution, breweries, and manufacturing.

EXISTING LAND USE CHART



Other Uses

Brevard has a number of unique institutional land uses. The history and concentration of summer camps is unique to the region and an important element of Brevard's history. Many of these institutions were established in the early 1900s and remain an important driver of summer visitors. Other large institutional land holders include Brevard College, the Brevard Music Center, and the Transylvania Regional Hospital.

A good portion of acreage surrounding Brevard is development-constrained. Land on the eastern edge of the City, extending into the ETJ and the French Broad River floodplain, is primarily used for agriculture. Vacant forested parcels tend to be located on the steep mountain slopes on the western side of town.



2 GOALS & RECOMMENDATIONS



The City of
Brevard
North Carolina



This chapter begins with the goals that are meant to guide future decisions. These goals also provide a framework for measuring progress in the coming years on priorities identified during the planning process. Following the goals is the Future Land Use Map and character areas. This map serves as a visual representation of the pattern of development anticipated in the City. The character areas illustrate the type and scale of development encouraged in different areas of the City. Recommendations are organized by topic and are divided into the following chapters:

- Land Use & Housing
- Active Transportation & Community Health
- Parks, Natural Resources, & Cultural Resources
- Economic Development, Infrastructure, & Resiliency

GOALS

- 1.** Expand **housing opportunities** for all residents while preserving the **character of Brevard** and its neighborhoods.
- 2.** Encourage a development pattern that respects Brevard's **sense of place** and prioritizes **livable communities**.
- 3.** Ensure **fairness** and **equity** in providing for the health, safety, and welfare of **all citizens and groups**.
- 4.** Create a built environment that prioritizes a **safe, active, multi-modal transportation** system and **community health** and wellness.
- 5.** Celebrate Brevard's **natural resources** through conservation of environmentally sensitive areas, improving **access to recreation**, and restoration of native ecosystems.
- 6.** Integrate **arts, culture, diversity, and history** into everyday life and build on Brevard's identity as a dynamic community to live, work, play, and create.
- 7.** Support **economic vitality** and grow the tax base, cultivate **local businesses**, and attract **sustainable industry**.
- 8.** Plan for efficient, equitable, and **resilient infrastructure** and services that maintain and improve quality of life throughout the city.

FUTURE LAND USE MAP & CHARACTER AREAS

The following pages include the Future Land Use Map and Character Areas. The Future Land Use Map shows the intended land use pattern in Brevard for the next twenty years. It is designed to guide development, manage growth, and inform land use decision-making in the City and its extraterritorial jurisdiction (ETJ).

The Character Areas shown below and described after the Future Land Use Map explain intent and provide typical uses and shared design characteristics of different areas of the City. Each character area may have a variety of land uses and zoning districts within them. They are not as detailed and rigid as zoning districts, although certain zoning districts and types of development may fit better in different areas.

The Future Land Use Map and Character Areas are not exhaustive or prohibitive. For instance, some uses may be appropriate in many (or all) future land use character

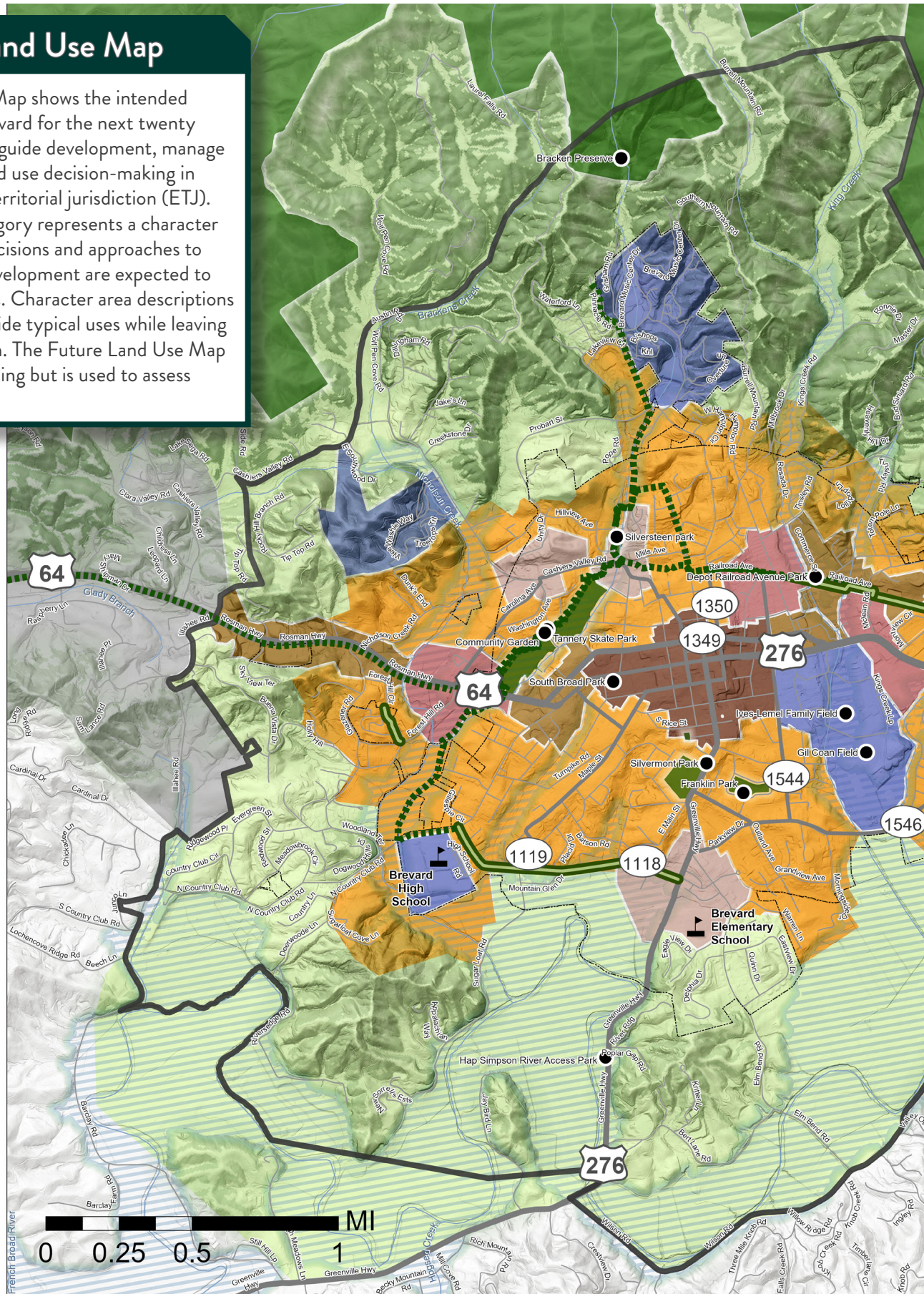
areas. These might include uses such as government maintenance buildings and small utility substations (electric, natural gas, sewer lift stations, water towers, etc.). However, some uses should be carefully considered so that they do not unintentionally create a demand for development in inappropriate areas. For instance, institutional uses such as a new school or church might be appropriate in most residential areas, but if located in rural areas it may invite inappropriate additional development. The size of operations is also a consideration. For example, a small church might be appropriate in a rural context, but a mega church may not. It is up to the governing boards at the time of the application to decide what will most accurately promote the goals established in this plan.

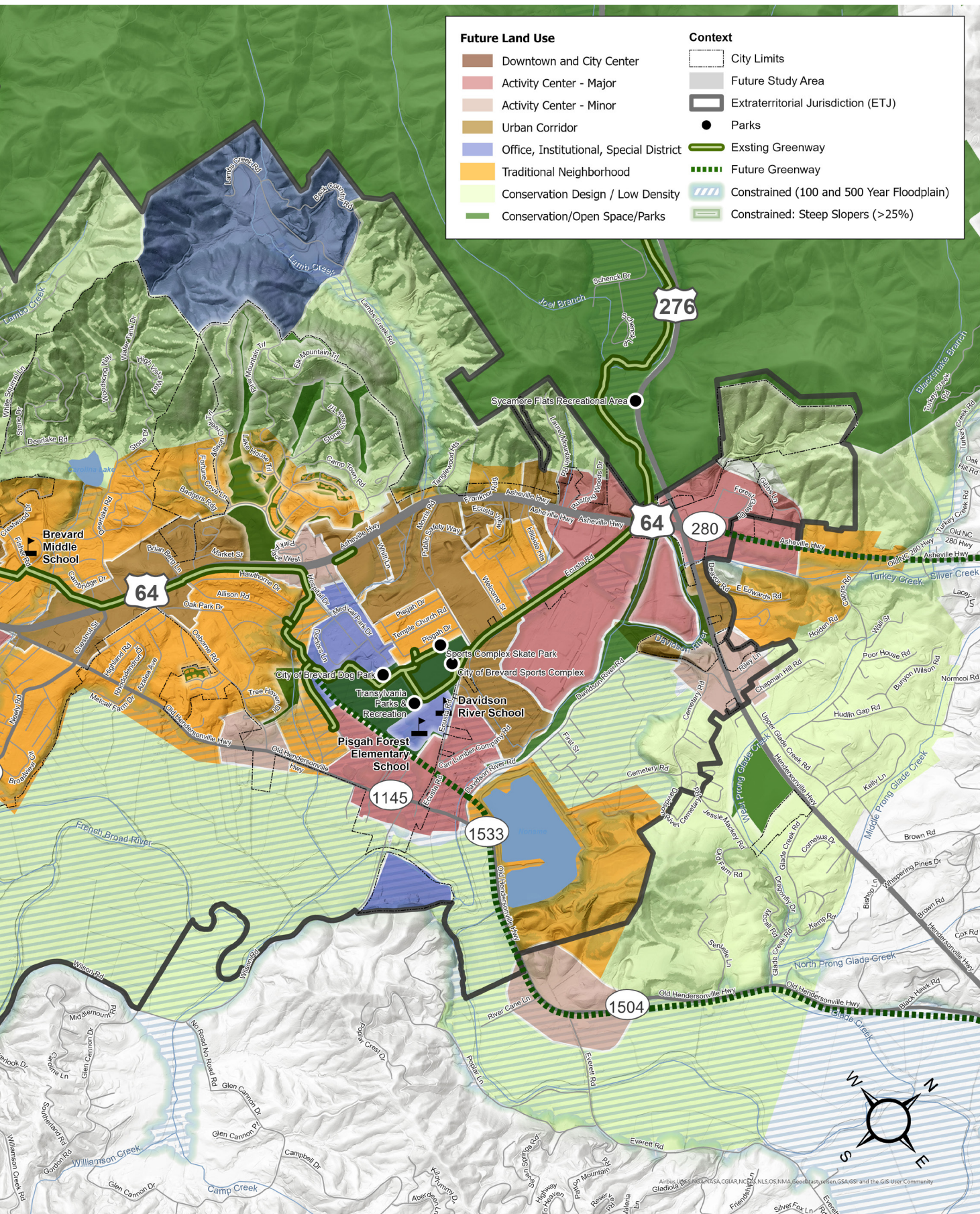
Character Areas

	Downtown & City Center		Conservation Design / Low Density
	Activity Center - Major		Conservation/Open Space/Parks
	Activity Center - Minor		Constrained: Steep Slopes (>25%)
	Urban Corridor		Constrained: Floodplain (100 and 500 Year)
	Office, Institutional, Special District		
	Traditional Neighborhood		

Future Land Use Map

The Future Land Use Map shows the intended land use pattern in Brevard for the next twenty years. It is designed to guide development, manage growth, and inform land use decision-making in the City and its extraterritorial jurisdiction (ETJ). Each color-coded category represents a character area where land use decisions and approaches to development and redevelopment are expected to follow similar principles. Character area descriptions explain intent and provide typical uses while leaving room for interpretation. The Future Land Use Map is not as detailed as zoning but is used to assess rezoning requests.





Downtown & City Center

This character area refers to Brevard's historic downtown where commercial, employment, residential, civic, and supporting uses are located. The urban environment includes a sensitive blend of preserved and renovated older structures, high-quality new construction, and public spaces that integrate with surrounding properties. City blocks are organized in a traditional grid pattern with a pedestrian-friendly network of sidewalks and alleys where buildings are situated close to the street. Buildings with a vertical mix of uses are encouraged with active frontage along key streets. Parking is located on the street, in parking decks, and in existing surface lots.



Typical Uses: Commercial; office; institutional; multi-family residential; public gathering space

Activity Center - Major

Activity Centers represent unique destinations across the City. They are meant to be the focus of targeted urban design initiatives with a focus on infill, adaptive



reuse, and creative solutions to address opportunities and challenges in each unique place. An Activity Center may cater to visitors with retail and evening entertainment, or it may be an employment district that is most active during business hours. They are worthy of small-area planning,

with an emphasis on placemaking and careful consideration of the public realm.

Typical Uses: Commercial; office; single- and multi-family and attached residential; light industrial; public gathering space



Office, Inst., & Special District



The Office, Institutional, and Special District captures specific areas of Brevard that are owned and/or managed by major institutions and government entities, including Brevard

College, the Transylvania Regional Hospital, Transylvania County, and the City of Brevard. Most land use decisions are driven by institutional needs, and strategic partnership opportunities exist where those needs intersect with public and/or private endeavors. Collaborative opportunities include public health initiatives, local business support, transportation alternatives, shared facilities, and community events.

Typical Uses: Institutional campus; corporate campus; summer camp



Traditional Neighborhood

The Traditional Neighborhood character area is primarily comprised of single-family residential uses with small-scale multi-family and townhomes permitted. The Traditional Neighborhood



category is designed to maintain the character of established neighborhoods while allowing some flexibility of housing types. Traditional Neighborhoods are typically adjacent to urban areas and Activity Centers. Streets are well-connected and typically include pedestrian facilities that allow residents to walk within the neighborhood and to surrounding areas.

Typical Uses: Single- and multi-family residential; small-scale office; neighborhood commercial; small-scale lodging; public parks



Activity Center - Minor



Neighborhood Centers provide a setting for services and activities that are supportive of surrounding residential neighborhoods. This character area may center around a community anchor,

such as a school, park, library, or small commercial district. Uses and design considerations call for context-sensitive solutions, fostering community identity and a sense of shared ownership of neighborhood resources.

Typical Uses:

Institutional;
small-scale commercial;
single- and multi-family
residential; public
gathering space



Urban Corridor

Urban Corridors are oriented along major transportation corridors that serve a local and regional market. Uses may vary widely. Emphasis is on a development form and encouraging architectural and site design that improves gateway corridors. Buildings should screen parking areas and transitions and buffers will reduce impacts to nearby homes. Access management should be prioritized to ensure safety, mobility, and multi-modal connectivity.

Typical Uses: Large- and small-scale commercial, multi-family and attached residential



Conservation Design / Low Density

These areas include lower density areas that have significant natural resources and/or constraints. Conservation Design is encouraged to protect natural resources. This type of development clusters structures and site improvements together on a portion of a site while reserving the remainder of the site for open space. Smaller lots are typically used in the developed portion of the site and density transfers from constrained areas of the site are encouraged in zoning regulations. This type of neighborhood design provides flexibility, particularly in areas with challenging topography. There is also often a savings in development costs due to less road surface, shorter utility runs, and reduced grading and site preparation. The preserved land may be owned and managed by a homeowners association or land trust.



Typical uses: Single- and multi-family residential; agriculture; outdoor recreation; lodging

Open Space & Constraints

The Open Space designation applies to parks, public recreational areas, conservation areas, floodplains, steep slopes, and some private recreational facilities. Primary uses include trails and greenways, wildlife management, environmental restoration / mitigation / preservation, and educational uses. Structures that support or are associated with the intended uses are typically permitted in non-vulnerable areas.

Constrained areas include, steep slopes and floodplains. Additional development standards or reduced density may be needed in these areas.



Future Land Use Character Area Table

The following table outlines residential subdivision and building types encouraged and discouraged in different Future Land Use Character Areas.

Future Land Use Character Area	Applicable Zoning Districts	Building Size (Max Floor Plate)	Height and Bulk	
			Building Height	Lot Coverage Max
City Center / Downtown	DMU, CMU, RMU	30,000 sq. ft.	2-5 Stories	100%
Activity Center - Major	CMU, NMX, SD	100,000 sq. ft.	2-7 Stories	90%
Activity Center - Minor	NMX, RMX	30,000 sq. ft.	2-4 Stories	70%
Urban Corridor	CMU, NMX, RMX	50,000 sq. ft.	1-4 Stories	80%
OISD	IC, GI	100,000 sq. ft.	Varies	Varies
Traditional Neighborhood	GR8, RMX	10-12,000 sq. ft.	1-4 Stories	60%
Conservation Design / Low Density	GR4	10,000 sq. ft.	1-3 Stories	30%
Conservation / Open Space	-	-	-	-

Legend:



= Allowed / Encouraged



= If Contextually Appropriate, Potential Limitations, Design Criteria or Utility Availability



= Discouraged

Future Land Use Character Area	Residential Type				
	Live-work Unit	Apartments & Condos (>30 units)	Multiplex (Up to 30 units)	Attached (Townhomes, Duplex, Triplex, Quads)	Detached
City Center / Downtown	☑	☑	☑	*	*
Activity Center - Major	☑	☑	☑	☑	*
Activity Center - Minor	☑	*	☑	☑	☑
Urban Corridor	☑	☑	☑	☑	*
OISD	*	*	*	*	*
Traditional Neighborhood	*	-	*	☑	☑
Conservation Design / Low Density	-	-	-	*	☑
Conservation / Open Space	-	-	-	-	-

Legend:

☑ = Allowed / Encouraged

* = If Contextually Appropriate, Potential Limitations, Design Criteria or Utility Availability

- = Discouraged



LAND USE & HOUSING

EVALUATE, UPDATE, AND AMEND CITY POLICIES AND ORDINANCES TO ENSURE CONSISTENCY WITH THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP.

LUH-1: Amend the Unified Development Ordinance (UDO) to support implementation of the Comprehensive Land Use Plan. Many of the recommendations in this Plan can be achieved through changes to the City's land use regulations. Some changes may be easier to implement than others. A collaborative effort between City Council, Planning Board and staff should determine and advance priorities.

LUH-2: Evaluate rezoning requests based on the Future Land Use Map and character area descriptions. The Future Land Use Map should be referenced each time a property is considered for rezoning. Decisions that deviate from the Future Land Use Map should be considered seriously and will necessitate an amendment.

LUH-3: Update the Comprehensive Land Use Plan every 5-7 years and amend the plan as needed.

ENCOURAGE A GROWTH PATTERN THAT TAKES ADVANTAGE OF EXISTING INFRASTRUCTURE.

LUH-4: Identify areas across the City that are best positioned to accommodate future growth. Areas with well-connected streets, proximity to parks and schools, and access to public utilities are in the best position to accommodate new growth.

LUH-5: Consider adjustments to the development approval process and other incentives for projects that meet defined criteria in growth opportunity areas. There are a number of incentives that could be considered to encourage growth in areas that are appropriate examples include allowing buildings with additional height, decreasing dimensional requirements (i.e. setbacks or lot widths), considering density bonuses and removing barriers to certain housing types.

LUH-6: Encourage rezonings to allow for a mix of uses in Activity Centers. Allowing different land uses such as commercial and residential in close proximity to each other can help make a city or neighborhood more walkable and lead to reduced numbers of car trips. Major and Minor Activity Centers with both have a mix of land uses, but Major Activity Centers will be more intense with a greater nonresidential footprint.

SUPPORT GROWTH IN DOWNTOWN BREVARD WITH CLEAR DESIGN STANDARDS AND A PREDICTABLE APPROVAL PROCESS.

LUH-7: Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment. Key design elements that should be emphasized in the form-based approach include:

- ▶ Development in the Downtown (roughly the area currently covered by the Downtown Design Overlay District (DDOD)) should continue to require multi-story buildings required to be built close to the street (via maximum setbacks (build-to lines) and/or percentages. Buildings should have a vertical mix of uses, such as commercial and office on ground floor with residential and/or offices above. Architectural standards that emphasize quality design should continue, but development form should take precedent. Uses that generate pedestrian traffic should be encouraged along key frontages. Continue to require no non-residential parking on-site.
- ▶ Areas in the greater City Center area (areas outside of the current DDOD) should also have defined maximum allowable setbacks and/or build-to lines. Stand-alone multi-family buildings should be allowed. Large areas of surface parking should be discouraged.

LUH-8: Evaluate current standards for building height downtown. Add height minimums in the DDOD (i.e. 2 story minimum). Consider allowance for additional height (i.e. an additional story or two) in certain areas. Potential areas, alternative measures or incentives include:

- ▶ Allow additional stories outside the core of the Downtown area (DDOD)
- ▶ Calculate max height via alternative measures (i.e. max building height below Courthouse steeple)
- ▶ Allow additional stories with setbacks
- ▶ Allow through incentives (i.e. for the provision of affordable or workforce housing units).

Transect

A transect is an illustration of the form and transition of the built environment. It is used to help define and organize the structure of a city and how neighborhoods fit into the overall structure. The transect below illustrates traditional American town design and emphasizes walkable streets, an appropriate mix of uses, and housing diversity. The Future Land Use Map can be thought of as a way to help define the future transect for the City.

Conservation /
Open Space

Conservation
Design / Low
Density

Traditional
Neighborhood

Minor Activity
Center

Urban Corridor

Major Activity
Center

Downtown

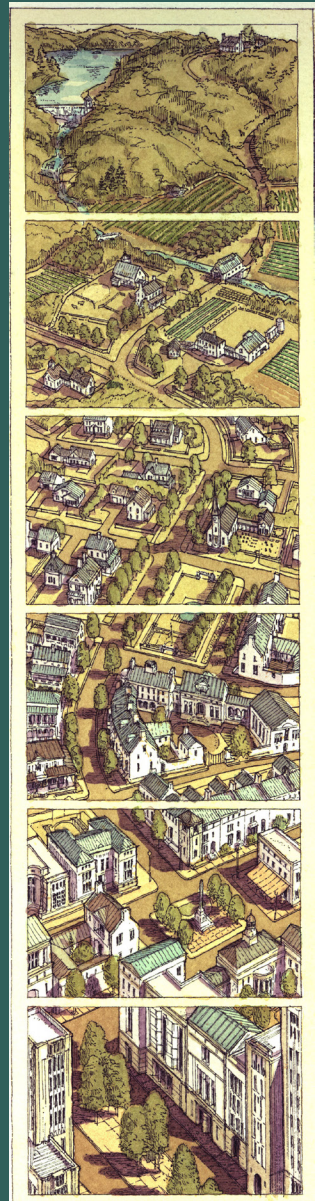


Image source: Center for Applied Transect Studies, Duany Plater-Zyberk & Company / James Wassell

SUPPORT CONTEXT-SENSITIVE INFILL AND REDEVELOPMENT OF UNDERUTILIZED OR OUTDATED COMMERCIAL AREAS.

LUH-9: Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels. Amendments should incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed-use areas.

LUH-10: Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.

The purpose of the overlay districts is to establish stricter standards and to improve multimodal safety and convenience when accessing places for goods, services, housing, and employment through a predictable pattern of development and architectural design. The corridor should accommodate a variety of residential and nonresidential uses in addition to highway-oriented commercial. The areas are important gateways to the City and the Pisgah National Forest, and aesthetic considerations should be included into overlay district standards. Form-based elements may include building form, site access requirements, parking location or design, block structure, frontage, and public space requirements.

Asheville Highway Corridor

The Asheville Highway Corridor is an important gateway into the City of Brevard. It also presents an opportunity for infill and redevelopment since it is comprised of some of the only flat land that is located outside of the floodplain in the City. Redevelopment should take advantage of larger properties located where key connections exist or can be made to existing public streets. The concepts below show potential redevelopment at a few key sites along the corridor. Visual improvements to the Asheville Highway frontage could include new buildings, street trees and public space such as plazas and parks. Exact building form, massing and scale could be defined through the creation of a form-based code or overlay for the corridor.



Redevelopment potential just north of downtown Brevard.



Potential reuse / redevelopment of the Ingles plaza.

ADDRESS HOUSING SHORTAGE BY REMOVING BARRIERS TO MULTI-FAMILY AND “MISSING MIDDLE” HOUSING OPPORTUNITIES.

LUH-11: Identify and address dimensional requirements that may serve as obstacles to housing development. Large minimum lot widths, road frontage, and setback requirements can be a hindrance to development and redevelopment projects, particularly in areas with topographic challenges and irregular parcel boundaries. The Unified Development Ordinance (UDO) currently has no minimum lot size for zoning districts and regulates intensity of development in other ways. This is a progressive approach that should be maintained, at least in most districts, because it can provide flexibility in design and lead to more affordable housing in the long-term.



Quadplexes like the one above on the corner of England Street and Probart Street can provide a transition from commercial areas to single-family neighborhoods.

Missing Middle Housing

The “missing middle” refers to a range of housing types that, in terms of bulk, scale, and density, fall somewhere between the detached single-family residence and the mid-rise apartment building. Brevard has recently made strides to increase opportunities for missing middle housing, and those efforts should help to provide more housing options but more code updates may be needed to meet housing needs. This could be accomplished a number of ways but will likely mean a mix of apartments, missing middle housing types, single family homes and accessory units.



Image source: Opticos Design, MissingMiddleHousing.com

LUH-12: Address and adjust parcel density allowances to allow for "missing middle" housing types in all zoning districts with defined standards.

Recent changes to the UDO that allow triplexes and quadraplexes is an example of how the City can encourage missing middle housing types. Code revisions that allow additional housing typologies should be considered including:

- ▶ Allowances for multi-family structures in certain areas.
- ▶ Allowance for additional density and other criteria in RMX and NMX zoning districts to allow for cottage courts and multiplexes.
- ▶ Allowances for multi-family uses along the Asheville and Rosman Highway Corridors
- ▶ Even higher allowances or density bonuses at activity centers with affordable/workforce units and/or enhanced transportation alternatives
- ▶ Allowances and requirements for accessory dwelling units including increasing the floor area for secondary dwelling units and elimination of parking requirements for accessory dwelling units in neighborhoods with adequate, available on-street parking.

INCREASE SUPPLY OF AFFORDABLE AND WORKFORCE HOUSING.

LUH-13: Utilize the Housing Trust Fund to leverage private investment to create affordable and workforce housing units. Consider updates to the Housing Trust Fund, including:

- ▶ Update bylaws, policies, procedures, and applications to reflect current needs.
- ▶ Establish funding mechanisms to increase contributions to the HTF.
- ▶ Consider land acquisition and partnerships to support projects with a mix of affordable and workforce housing units.

LUH-14: Seek developer agreements for divestment of City properties that guarantee affordable and workforce housing units for a defined period of time.



The Town of Davidson requires a percentage of housing in new development that meets certain criteria to be priced affordable to households earning less than 80-120% of the Area Median Income (AMI). A payment in lieu option also exists. These funds are utilized for a variety of housing programs. Image Source: Town of Davidson

LUH-15: Consider additional incentives and policies to support workforce and affordable housing. Examples of policies and incentives include:

- ▶ Density bonuses
- ▶ Streamlined approval processes
- ▶ Fee waivers
- ▶ Increase funding for affordable and workforce housing
- ▶ Voluntary, conditional or mandatory inclusionary zoning

See the Housing Toolkit beginning on page 39 for more detailed information and options to support workforce and affordable housing.

STABILIZE AND PRESERVE THE CHARACTER OF NEIGHBORHOODS

LUH-16: Provide support for the preservation and rehabilitation of existing affordable housing.

Promote homeowner and rental assistance programs, including those operated/funded by regional, state, and federal entities. Consider the establishment of a local microgrant program for home improvement, and partner with local organizations and/or private entities to offer home improvement information to residents.

LUH-17: Monitor impacts and consider additional regulations for short-term rentals. Follow recommendations from City's Short Term Rental Task Force.

LUH-18: Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities. Neighborhoods are at the heart of defining the character of a City, and Brevard is lucky to have many unique neighborhoods within its jurisdiction. Neighborhood organizations and homeowner associations are essential partners in fostering engaged communities making sure city programs address priorities.

ENGAGE AND EMPOWER NEIGHBORHOODS

LUH-19: Enhance communication of land use planning efforts, policy development, approvals and processes. Create online public information portal to provide updates on proposed and in-progress development projects. Strive to make planning documents and UDO more approachable and user friendly to empower citizens to understand and advocate for their neighborhoods.

LUH-20: Encourage the creation of well-designed complete and cohesive neighborhoods. A complete neighborhood successfully incorporates old and new construction, a mix of housing types, access to shopping options and food, connectivity, and access to greenspace. Consider updating the Traditional Neighborhood Development (TND) option in the UDO or encouraging the addition of key components of complete neighborhoods through the Conditional Zoning process. Consider measures to ensure cohesion between old and new development including:

- ▶ Strong buffers to assist in transition of uses and intensity.
- ▶ Potential limits to scale and massing, like floor-to-area (FAR) or built upon area limits in some areas.

LUH-21: Conduct small area plans to clarify neighborhood character and address local impacts and needs related to land use regulations and City programs. Small areas plans can help set the stage for future development activity, design regulations, targeted service enhancements and administration of small grants program(s) aimed at beautification, preservation, and public realm improvements.

LUH-22: Consider participatory budgeting for a portion of neighborhood funding. Participatory Budgeting is a citizen engagement process where community members decide how to allocate a portion of a public budget. Citizens make direct decisions about how government funds are spent in their community by prioritizing public programs and projects.



Neighborhood meetings can be important opportunities for dialog between residents, city staff and elected officials to discuss trends so that city programs and regulations can be tailored to address emerging issues.

PRESERVE CHARACTER OF LOW-DENSITY AND RURAL AREAS.

LUH-23: Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions.

LUH-24: Refine zoning districts and slope regulations in constrained areas.

- ▶ Refine steep slope calculation methods and threshold for protection.
- ▶ Consider the creation of an agricultural / conservation zoning district as appropriate. This new zoning district or overlay could be used for agricultural conservation, steep slopes, ridgeline protection, floodplain, etc.

LUH-25: Limit the scale and footprint of new development in Conservation Design /Low Density areas identified on the Future Land Use Map. New subdivisions or other development in these areas should employ conservation style design and cluster development and primary site improvements away from sensitive environmental resources such as steep slopes, riparian areas, and rare habitats. The City should maintain flexibility in lot size and consider allowing more housing products or other incentives for these types of developments. Incentives could be provided in exchange for preservation of 40% or more of the site as open space.

Conservation Subdivisions

Conservation design is an alternative to conventional subdivision design. Conservation design is encouraged in areas with vulnerable natural resources in the City of Brevard's planning area. These areas generally fall in the Conservation Design / Low Density future land use class shown on the Future Land Use Map on pages 26-27. The goal in these areas is to cluster development away from sensitive natural resources. The design of subdivisions in these areas can be improved by maintaining flexibility in a few key dimensional requirements in exchange for preservation of more quality open space. Current regulations include a maximum density and do not specify minimum lot sizes. With future code updates this flexibility should be maintained, additional incentives should be considered and allowable density should be evaluated for many areas with significant environmental constraints. The graphic on the left below illustrates a conventional development design. The graphic on the right shows a conservation style subdivision with a lower overall density, more open space, greater tree preservation, and preservation of agricultural fields as an entry feature. Open space design and location are important, as larger blocks of contiguous open space can support a greater variety of species. Preserved riparian corridors up to 300 feet also help protect water quality and serve as wildlife corridors. Specifying priority open space types and simplifying the approval process for developments that meet defined design criteria can make conservation design the default choice in areas with significant natural resources.

Conventional
Subdivision
Design



Conservation
Subdivision
Design



HOUSING TOOLKIT

INTRODUCTION

Affordable housing is a complex subject, both in terms of its causes and means of addressing it, especially in local governments. As the Southeast continues to attract more and more full-time residents, affordable housing is discussed in almost every community. Local governments in North Carolina are limited in their means of addressing housing affordability, primarily because of limits on how land use, private property rights, home design and prices may be regulated. These regulatory and market related barriers often mean that popular solutions from other states are not necessarily available in North Carolina.

A one-size-fits all method is not a practical approach to address affordable housing concerns and should be tailored to the housing market conditions of an area. Below are some potential means of addressing housing affordability, and how they may be applied in North Carolina and specifically, in the City of Brevard. This is by no means an exhaustive list of remedies but this document explores options for local governments to increase the proportion of affordable housing and/or workforce housing in communities.

TERMINOLOGY

“Affordable housing” has become a blanket term used when discussing how to best combat rising housing cost, however, it is beneficial to distinguish locally between different types. It has its roots in the public subsidized housing terminology. Typically, public subsidized housing has eligibility requirements for income. However, “affordable housing” has been co-opted by the larger discussion of housing cost and now is often used interchangeably with “attainable housing”, which is a broader concept. Below are some common terms used when referring to affordable housing:

“Area Median Income (AMI)” the midpoint of the income distribution for a specific geographic area, as defined by the U.S. Department of Housing and Urban Development (HUD) using data from the U.S. Census Bureau. This statistic is used by HUD for purposes of determining the eligibility of applicants for certain federal housing programs.

“Affordable housing” is housing that costs no more than 30% of a household’s income, including utilities, for households earning up to 80% of the AMI.

- Affordable housing can be income-restricted, meaning it is specifically developed as affordable housing and is only available to households that meet specific income limits.
- Affordable housing can also be market rate, meaning it is affordable based on market price and is not restricted based on household income. These housing units are susceptible to market fluctuations and may increase in price, rendering them unaffordable.

“Workforce housing” is housing affordable to households earning between 80% and 120% of the AMI. Workforce housing is generally thought to be for middle-income workers which includes professions such as police officers, firefighters, teachers, health care workers, retail clerks, and the like. Households that need workforce housing may not always qualify for subsidized housing.

ENCOURAGING AFFORDABILITY

There are a number of ways local governments can encourage more affordable housing in the community. Options range from removing barriers to housing, encouraging a greater mix of housing types to incentives and different levels of inclusionary zoning. An outline of these options is provided below.



IDENTIFICATION AND REMOVAL OF BARRIERS

Dimensional requirements for residential development including minimum lot sizes, lot widths, setbacks and height restrictions can add to the cost of new housing. Some basic requirements targeted at regulating massing and scale can help new development fit neighborhood character, however, flexibility that allows for infill and redevelopment of existing lots and the ability to design around topographic constraints is needed. Encouraging compact development and mixed use development (residential uses on the same property as commercial or other nonresidential uses) in areas with access to utilities and transportation infrastructure will be important to addressing housing issues long-term in the City of Brevard.

MISSING MIDDLE HOUSING

Over the last 40 years the market and local regulations have been supportive of single family housing development and larger-scale apartments. "Missing middle" housing refers to housing products with smaller lots or attached housing typologies that are generally in between apartments and the typical detached single family subdivision. Unit types such as duplexes, fourplexes, cottage courts, and live-work units fall into this category. These missing middle housing types can be much more dense overall than a typical subdivision, but the scale of the buildings can be less imposing than three or four story, 50 or 100 unit apartment complexes. Local policies and standards can influence the viability of these smaller-scale attached housing types and over the long-term, these policies can result in more housing. The City of Brevard has taken some steps towards making triplexes and quadraplexes easier to build in the City. Code amendments balanced this with design requirements to make sure new development fits with local character. Future code revisions should be evaluated to allow for additional housing typologies in key areas of the City.

CONDITIONAL ZONING

Conditional zoning can serve as the mechanism for encouraging the development of affordable housing in places where inclusionary zoning is not being used. Developers can voluntarily provide affordable housing units, generally in exchange for a regulatory incentive (see below). Due to its voluntary nature, this type of program is usually considered the safest—politically and legally—for a local government to enact, but also cannot guarantee income-restricted affordable housing. The down side to this method is that it can be a difficult condition for a local government to enforce due to the private nature of the condition(s).

INCENTIVES

Providing density incentives to encourage affordable or workforce housing in new development is an option that can be implemented through changes in the zoning ordinance. Incentives can be in the form of density bonuses (i.e. additional units overall or on a per-acre basis), additional height allowances, or other modification in zoning requirements.

Additional procedural incentives can be developed. These incentives allow for expedited review or approval, or a reduction in fees if a development meets defined criteria, usually involving a defined number of affordable or workforce housing units.



RENT CONTROL & INCLUSIONARY ZONING

North Carolina municipalities have fewer options for encouraging affordable housing than other states. North Carolina State statute G.S. 42-14.1 expressly prohibits rent control. Another common tool of achieving affordable housing around the country, mandatory inclusionary zoning, is a legal gray area being neither expressly allowed nor forbidden by state statutes. Mandatory inclusionary zoning has been attempted by cities like Chapel Hill and Davidson, but is as yet untested in court. A voluntary program typically employs conditional zoning as the mechanism for encouraging the development of workforce housing. Due to its voluntary nature and the use of incentives, this type of inclusionary zoning program is usually considered the safest—politically and legally—for a local government to enact.

DIRECT INTERVENTION MEASURES

In addition to enacting ordinances to bring about affordable housing, municipalities can take other measures to directly increase affordable housing supply, particularly income-restricted affordable housing.

FUNDING

The largest obstacle to direct intervention measures is often funding. Local governments can enact small tax increases, leverage bonds, or establish fees which are collected and put directly toward affordable housing efforts.

PUBLIC LAND DISPOSITION AND PUBLIC-PRIVATE-PARTNERSHIPS

A number of cities in North Carolina and elsewhere are evaluating the appropriate uses for publicly owned properties. In some cases land is ideal for accommodating future government uses or parks. Others may be considered as opportunities for affordable housing. A land disposition study typically involves evaluating future uses of one or more government owned properties. Prior to the sale of properties, local governments can enter into developer agreements to ensure the delivery and maintenance of affordable housing.

Another way a local government can directly increase the supply of below market rate housing is to enter into direct partnership with developers to subsidize the development of affordable housing units. The City of Brevard has an Affordable Housing Trust Fund to utilize for this process, however funds are limited.



IMPACT FEES

Some cities around the country have imposed impact fees, which are upfront charges for infrastructure related to new development, and earmarked those funds for increasing the supply of affordable housing. The State of North Carolina does not explicitly authorize impact fees for affordable housing, so local governments wishing to do so may need to seek special legislation from the General Assembly if they wish to implement affordable housing impact fees.

GRANTS

For local governments meeting the requirements, the US Department of Housing and Urban Development provides annual grants for improving housing for low-income residents through the Community Development Block Grant (CDBG) Entitlement Program.

COMMUNITY LAND TRUST

Local governments and/or other entities can consider land acquisition or establishing a community land trust to preserve sites for affordable housing. These programs typically require significant financial and staffing commitments.

EMPLOYEE HOUSING

In many areas with high housing costs employers play an active role in acquiring and providing housing for employees. Although this requires limited actions by the local government, understanding the needs of employers and working with private developers to understand barriers to employee housing can help to define local solutions.

MAINTENANCE OF AFFORDABILITY

Income-restricted affordable housing can be preserved long-term in different ways depending on ownership structure:

- **Ownership:** Deed restrictions that limit any subsequent sales of the home to income-eligible borrowers at an affordable price. The resale restrictions are attached to the property's deed and may be enforced for decades. Limiting the sale price of a home can limit the ability of the seller to build wealth because home value appreciation is limited.
- **Rentals:** Rental housing restricted to households meeting certain income eligibility requirements. These units can be owned by local governments, non-governmental organizations, or by private owners. Owners

may receive a subsidy payment from the state or a federal tax credit for keeping the rent at lower than market rate.

- The Low-income Housing Tax Credit, or LIHTC, is a federal income tax credit for companies that invest in affordable rental housing that meets specific program guidelines. LIHTC properties account for the majority of affordable housing in the United States today.

Naturally occurring affordable housing (NOAH) is also an important source of housing. Long-time residents with paid off mortgages may not be able to afford new housing in the same neighborhood and may be susceptible to displacement. Tax abatement programs that grant relief from property tax increases, due to rising values are one way to support existing home owners. An example program in the City of Durham grants up to \$750 of tax relief to qualifying homeowners.



ADDITIONAL CONSIDERATIONS

Many factors affect housing costs. Major influences include location, local economy, land and building costs, housing type, and market trends. To some extent, housing costs are very basically a result of supply and demand. Where there is more demand, prices will rise, and increasing supply can help lower demand. Conversely, local policies or conditions that restrict housing supply or housing density contribute to higher housing costs.

SHORT TERM RENTALS

The explosion in popularity of the short-term rental market (ex – AirBNB, VRBO, HomeAway, etc.) has a direct effect on housing supply. As more housing units are converted to vacation rental properties, they are not available as primary residences. In communities that are popular tourist destinations, a higher proportion of homes are being used as short-term rentals, which can lower local housing supply for residents.

REFERENCES

Summary of Inclusionary Zoning as it relates to North Carolina Law -
<https://canons.sog.unc.edu/a-primer-on-inclusionary-zoning/>

Missing Middle Housing - <https://missingmiddlehousing.com/>

- A website addressing Missing Middle Housing, or house-scale residential building types with multiple units that can be used to increase housing unit density and housing type diversity.

Center for Neighborhood Technology Housing & Transportation Index - <https://htaindex.cnt.org/about/>

- Index that rates affordability of places based on combined expense of housing and transportation.

Local Government Support for Privately Owned Affordable Housing -
<https://canons.sog.unc.edu/2022/05/local-government-support-for-privately-owned-affordable-housing/>



ACTIVE TRANSPORTATION & COMMUNITY HEALTH

ENHANCE TRANSPORTATION NETWORK FOR ALL MODES OF TRAVEL AND CONTINUE TO IMPLEMENT THE CITY’S COMPLETE STREETS POLICY.

ATCH-1: Evaluate planned transportation projects to determine opportunities to improve conditions for all modes of travel including pedestrians, bicyclists and transit users.

ATCH-2: Prioritize implementation of the Brevard Pedestrian and Bicycle Plan and improvement of neighborhood connections to existing and planned sidewalks and greenways.

- Establish or increase local funds devoted to addressing sidewalk and trail gaps. This could be used for matching state and federal funds for projects as well.

The Land Use and Transportation Connection

Linking transportation and land use refers to the process of guiding development and expansion of communities with the goal of better coordination of land use and transportation that accommodates pedestrian and bike safety, mobility, enhances public transportation service, improves road network connectivity, and includes a multimodal approach to transportation. Typically, this is accomplished through supporting land-use development patterns to create a variety of transportation options. Source: U.S. DOT



ATCH-3: Require new development to include a connected system of public streets and pedestrian facilities. Consider updates to the UDO to clarify street frontage and connection requirements, especially along the Asheville Highway Corridor. This could be tied to a form-based code for this area.

ATCH-4: Plan for additional street connections in and near key activity centers. Additional street connections can disperse traffic and reduce the burden new development has on primary roadways.

ATCH-5: Invest in building transit ridership. Fixed-route transit provider Transylvania in Motion (TiM) began operating between Brevard and Rosman in early 2022. Though it will take time to grow, the City should help promote TiM to potential user groups and work with the County to increase ridership in this early period of operation. Potential users include citizens without access to a car, citizens who may choose transit in combination with other modes such as biking or walking, students, and visitors.

ATCH-6: Work with the County and the Land of Sky Rural Planning Organization (RPO) to pursue Federal funding for transit service to destinations within the National Forest.

ATCH-7: Explore partnerships for on-demand micro-transit service. An example is the new Via program in Wilson, North Carolina. Unlike a bus system, riders request a trip through an app or by phone.

LINK LAND USE WITH TRANSPORTATION

ATCH-8: Study available on-street and off-street parking capacity and utilization trends downtown and near key activity centers. Findings can inform policy changes, managing existing parking and prioritizing new on-street or off-street parking.

ATCH-9: Right-size parking requirements and develop incentives for multimodal access and alternative approaches to meeting parking demand. Parking is often seen as necessary in Brevard, but

Reducing Parking Demand

In addition to right-sizing, or in some cases eliminating, minimum parking requirements, cities can reduce parking demand with a range of programs and strategies including:

- Encouraging shared parking
- Increasing carpooling and transit usage
- Providing safe, comfortable biking and walking paths
- Allowing for a mix of uses in new development
- Encouraging housing near shops and services



surface parking lots are rarely fully utilized and are often not the highest and best use for a piece of land, especially downtown. Too much parking can also have the negative effect of making the city less walkable. An evaluation and potentially a reduction or elimination of minimum parking requirements for certain uses or in areas with adequate public or on-street parking is recommended.

ATCH-10: Consider multimodal transportation needs, including connectivity and access, during development design and approval process. Update requirements to consider other modes of travel during transportation impact analysis. Continue requiring bicycle parking for certain types of development. Through conditional zoning process, encourage connections to greenways, sidewalks, transit stops.

CONTINUALLY WORK TO IMPROVE SAFETY, COMFORT, AND CONVENIENCE FOR PEDESTRIANS ACROSS THE CITY.

ATCH-11: Prioritize pedestrians in Downtown and Major Activity Centers. While Downtown already benefits from a high level of pedestrian traffic, measures can always be taken to increase the pedestrian mode-share and improve pedestrian safety and comfort. Specific recommendations include:

- ▶ Evaluate and improve areas of high volume and unsafe pedestrian activity. Across the city, identify pedestrian crossing priorities, opportunities for mid-block crosswalks, new signalization, and potential for increased space between pedestrians and vehicular traffic.
- ▶ Identify sidewalks in need of repair/replacement and prioritize missing links in Downtown, Major Activity Centers and surrounding neighborhoods.
- ▶ Increase enforcement activities to curtail speeding in key areas such as along Broad and Caldwell Street.
- ▶ Mitigate traffic congestion and improve pedestrian safety during high traffic volume periods (events, festivals, summer camp release weekends) by encouraging off-site parking. Explore partnering with event organizers and private providers (such as hotels) to utilize off-site parking with shuttle services for events.

ATCH-12: Ensure site plans include safe pedestrian access between public right-of-way and building entrance. Encourage enhancement to walkways such as lighting, landscape, and resting areas with furnishings.

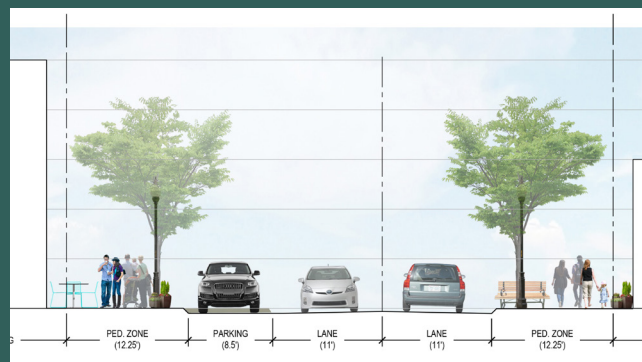
ATCH-13: Encourage a "park once" approach for accommodating visitors Downtown and in Major Activity Centers. This approach can reduce traffic and consolidate parking in certain areas.

- ▶ In the long term, a public parking deck downtown may provide a high-volume facility that can serve multiple areas and reduce the need for surface parking.
- ▶ The feasibility of a public parking lot in the King Street area should be studied.

ATCH-14: Update pedestrian wayfinding system. This includes adding wayfinding signage for the Estatoe Trail greenway system.

Complete Streets

The City of Brevard has endorsed a "Complete Street" approach to transportation planning. This approach prioritizes the creation and design of a transportation network that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, and freight.



ATCH-15: Review and enhance City's approach to traffic calming. Update policies related to traffic calming.

- ▶ Policies should require a speed study and target low-volume neighborhood streets with high speeds. Potential treatments should be specified and include employ curb extensions and narrow travel lanes as preferred options.
- ▶ Consider utilizing tactical urbanism installations to test/refine designs for safety improvements.

CONTINUE DEVELOPMENT OF THE CITY'S TRAIL AND GREENWAY NETWORK.

ATCH-16: Complete priorities greenways including the Estatoe Trail and the Ecusta Trail. Pursue grants and prioritize local funding to be used for key segments and/or matching grants.

ATCH-17: Encourage trail-oriented development and redevelopment in underutilized areas along the Ecusta Trail, Estatoe Trail, and the rest of the Brevard Area Trail System. Consider developing trail-side

development standards that help activate the edge of properties adjacent to greenways. Standards could include establishing when pedestrian entryways and connections to the trail are required, minimizing blank walls in favor of windows, architectural detail or public art and site design criteria that discourages outdoor storage or trash storage along the trail.

- ▶ Inventory street trees and trees on publicly owned lands.
- ▶ Require native species as a percentage of plantings in new developments.
- ▶ Plan for and replace bradford pears on Main Street with an alternative species (preferably native).
- ▶ Utilize native plants in roadway plantings along Asheville Highway.

MAINTAIN AND ENHANCE THE URBAN TREE CANOPY.

ATCH-18: Maintain Tree City USA designation.

- ▶ Fund community forestry programs and activities at a rate of least \$2 per capita.
- ▶ Continue ongoing activities including tree maintenance, management and plantings.
- ▶ Continue Arbor Day Proclamation and consider expanded events to include educational activities for K-12 schools.

ATCH-19: Maintain and improve diversity (age and species) of the urban tree canopy.

IMPROVE ACCESS TO HEALTHCARE AND HEALTHY LIVING RESOURCES.

ATCH-20: Support efforts to keep and improve health care services in Brevard.

ATCH-21: Consider incentives for new child care operations, physicians and/or services in the City.

ATCH-22: Support healthy initiatives including the Transylvania County Vision Zero initiative and Blue Zone Project activities related to the built environment, access to healthy foods and the establishment of community gardens.

Benefits of the Urban forest

The urban environment is comprised of both the built and natural components of people's surroundings. All trees and vegetation planted in our urban areas, regardless of if they are planted in a forested park, an individual's back yard, or along public rights-of-way, make up the urban forest that surrounds our community. The urban forest and its tree canopy provide critical cooling services for urban environments. Trees serve as natural shade structures that block the sun, remove various pollutants from the air, evaporate emissions, and remove and store carbon. Beyond the environmental benefits, there are countless physical human health benefits for people who spend their time in nature.

A growing body of scholarly research links exposure to nature to health promotion and disease prevention. The seminal work in this topic, conducted in 1984 by Ulrich, et al., determined that a patient's view through a window had an impact on recovery from surgery. Among the sample, patients with a view of a natural scene had shorter postoperative hospital stays, received fewer negative evaluative comments in nurses' notes, and took fewer painkillers than the other patients that viewed a brick wall (R. S. Ulrich, 1984). Since then, studies have continued to prove that spending time in nature reduces stress, improves cognitive function, lowers blood pressure, improves respiratory function, improves child development, and improves immune function.

Regardless of these benefits, urban areas often lose trees and green space as more development occurs. Increasing and maintain green infrastructure restores some of the natural processes required to create healthier urban environments. Despite its importance, the urban forest and its tree canopy are not always considered a critical piece of our urban environment. Like all other types of city infrastructure, the urban forest requires ongoing maintenance, monitoring, and regulation to maintain and maximize the benefits associated with it.



PARKS, NATURAL RESOURCES, & CULTURAL RESOURCES

MAINTAIN AND EXPAND PUBLIC PARKS AND PROGRAMMING.

PNRC-1: Maintain and improve existing parks.

- ▶ Continue improvements at Silversteen Park (parking lot underway, addition of splash pad and shelter planned).
- ▶ Consider opportunities to expand or connect to existing public parks and lands including Bracken Preserve.



Silversteen Park in the Historic Rosenwald Community is undergoing renovations including the addition of a parking lot to serve the park and the nearby Mary C. Jenkins Community and Cultural Center.

IMPROVE ACCESS TO RECREATION OPPORTUNITIES THROUGHOUT BREVARD.

PNRC-2: Continue remediation efforts and planning and design of improvements in Tannery Park to optimize opportunities for public use.

- ▶ Design and construct Estatoe trail connection through park.
- ▶ Explore partnerships with schools and non-profit organizations for programming, equipment and/or maintenance of new parks and facilities.

PNRC-3: Regularly review and update programming (coordinate with Transylvania County).

PNRC-4: Connections to and between parks.

Prioritize greenway and sidewalk connections that link neighborhoods to key recreational destinations.

ENCOURAGE PARKS AND OPEN SPACE IN NEW DEVELOPMENT.

PNRC-5: Require conservation design in areas with sensitive natural resources. Priorities include steep slopes, areas adjacent to Pisgah National Forest, riparian areas, floodplains, wetlands (and connected uplands), unique habitats and areas identified as Natural Heritage Natural Areas.

PNRC-6: Encourage natural amenities to be preserved as open space in new developments. Preserve primary viewsheds, scenic vistas, ridgelines and rare habitats. Incentivize new development to utilize parks and common spaces as organizing features in new development.

SUPPORT EXPANDED OUTDOOR RECREATION OPPORTUNITIES

PNRC-7: Partner with non-profits and the US Forest Service to improve access to Pisgah National Forest. This could include additional hiking and biking routes, transit service to key destinations in the forest, parking and/or wayfinding improvements.

PNRC-8: Improve access to the French Broad River. Prioritize a greenway connection to the French Broad River (potentially Hal Simpson Park). Partner with Transylvania County to improve existing river access facilities. Work with Conserving Carolina and landowners to locate additional canoe access along the river.

PNRC-9: Through the development review and approval process encourage private development to improve access to greenways, parks and public lands for the benefit of future residents and commercial tenants.



The forested ridges of Pisgah National Forest provide a backdrop to agricultural fields adjacent to the French Broad River.

PROTECT SENSITIVE LANDS AND RESTORE BIODIVERSITY.

PNRC-10: Preserve steep slopes and natural areas adjacent to Pisgah Forest. Continue to enforce steep slope and stream buffer requirements for new development. Coordinate with landowners and land trust to conserve strategic lands.

PNRC-11: Preserve and restore natural areas adjacent to the French Broad River. The health of the French Broad River system has been compromised for years. Consider system-specific riparian buffer requirements or incentives that expand buffer widths for key tributaries. Coordinate with landowners and land trusts to permanently preserve sections of the French Broad River floodplain. Encourage new development to set aside the floodplain as preserved open space. Study use of hazard mitigation grants for land purchase. Pursue partnerships and grants to restore floodplain forests and river cane breaks on riverbank properties.

PNRC-12: Monitor water quality throughout the French Broad River basin and evaluate steps to improve indicators.

- ▶ Coordinate with non-profits to establish 5-, 10-, and 25- year targets for river health indicators. Encourage the reestablishment native vegetation in the floodplain
- ▶ Partner with non-profit to determine feasibility and funding for a "trash trout" collector in a key tributary of the French Broad River.

PNRC-13: Encourage the use of native species in public projects and private developments.

- ▶ Evaluate current plant lists and requirements for buffers and other planting types. Consider a minimum amount of native plant material requirement (i.e. 25%).

PNRC-14: Support education programs aimed at increasing awareness of the impacts of urban development and agriculture on river health.

CELEBRATE, PRESERVE AND RESTORE HISTORICAL LANDMARKS.

PNRC-15: Continue participating in North Carolina Historic Preservation Office's Certified Local Government (CLG) program via the Transylvania County Joint Historic Preservation Commission.

PNRC-16: Update historical architectural survey.

The new survey will be used to identify historic structures worthy of preservation and protection. Utilize local landmark designation for individual buildings, structures, sites, areas, or objects that have historical, architectural, archaeological, or cultural value.

PNRC-17: Promote State and Federal tax credits for contributing structures in National Register Historic District. Develop awareness programs about tax credits and other funding opportunities for the rehabilitation/reuse of historic properties. Develop awareness that owners of local landmarks are eligible to apply for an annual 50% property tax referral as long as the property's historical integrity is maintained. Educate property owners on the ability to combine historic tax credits, low-income housing tax credits, and new market tax credits.

PNRC-18: Explore new funding mechanisms to expand programs for educational activities, small grants, acquisition of properties, walking tours, publications, conferences, and other uses.

PNRC-19: Consider utilizing a small historic preservation sales tax to generate funds to be used within the Main Street Historic District.



**SUPPORT ARTS AND CULTURE ORGANIZATIONS
 AND ENCOURAGE YEAR-ROUND PROGRAMMING
 AVAILABLE TO RESIDENTS AND VISITORS.**

PNRC-20: Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.

PNRC-21: Continue to partner with Brevard College and the Brevard Music Center to offer off-season programs and events.

PNRC-22: Establish a dedicated, permanent City Farmers Market location.

PNRC-23: Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.



Music events, including those at the Brevard Music Center bring thousands of visitors to the area and reinforce the City's identity as a cultural destination.



ECONOMIC DEVELOPMENT, INFRASTRUCTURE, & RESILIENCY

CONTINUE INVESTMENT IN UTILITIES AND PUBLIC INFRASTRUCTURE.

EDIR-1: Consider long-term financial impact of annexation and service decisions.

EDIR-2: Pursue upgrades to the public water and sewer system. Prioritize updates to the wastewater treatment plant to accommodate growth and maintain water quality in the French Broad River. Budget and pursue grants to address infiltration and inflow in the sewer system, serve areas with aging septic tanks, replace water tanks and key transmission infrastructure, and locate a new water intake downstream.

EDIR-3: Encourage building and site upgrades Downtown and in other key commercial areas. Consider expansion of existing facade grant program to expand to include building upfits and/or outdoor seating improvements.

EDIR-4: Work to resolve underutilized upper levels in downtown structures due to inadequate water pressure required to operate emergency sprinkler systems. Consider use of CDBG funds or other small grants program to assist with building-specific pump systems. Alternatively, the City may consider pressure zone enhancements to improvement water pressure in elevated areas across larger portions of the Downtown.

EDIR-5: Prioritize street and sidewalk repairs based on recent condition assessments.



Street and sidewalk maintenance is an important function of the Streets Division within the Department of Public Works. A recent condition assessment is available to prioritize repaving efforts.

EDIR-6: Evaluate potential funding sources for infrastructure improvements in key activity centers, including the use of Tax Increment Finance (TIF) districts.

IMPROVE STORMWATER MANAGEMENT AND INFRASTRUCTURE TO ACCOMMODATE INCREASED RAINFALL EVENTS.

EDIR-7: Update City's Stormwater Management Plan (2007).

EDIR-8: Where possible, encourage and incentivize the use of low-impact development and green stormwater infrastructure (GSI) techniques to manage stormwater.

EDIR-9: Consider long-term ways to fund stormwater infrastructure and maintenance (impervious surface based fee).

EDIR-10: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.

EDIR-11: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.

DIVERSIFY AND ENHANCE BREVARD'S ECONOMIC IMPACT TO SUPPORT WORKERS AND BUSINESSES.

EDIR-12: Coordinate with Transylvania Economic Alliance to encourage business retention, expansion and recruitment.

EDIR-13: Consider designation of one or more social districts to encourage the food and beverage cluster.

EDIR-14: Identify and market sites for low-impact industrial operations. The loss of manufacturing operations has had a negative impact on the variety of employment opportunities in the City, and many locals travel elsewhere to find wages that support the cost of living in Brevard. New operations with high wage should be a target for recruitment to diversify employment opportunities and support residents.

EDIR-15: Implement best practices of sustainable tourism. Continue to coordinate with Transylvania



Looking Glass Falls and other natural attractions within Pisgah National Forest cause an influx in tourists during the summer and fall. Coordination with the Forest Service and other entities is needed to improve infrastructure and support sustainable tourism.

Always on sustainable tourism initiatives, and revisit/update sustainability performance indicators from 2017 assessment.

EDIR-16: Promote "triple-bottom-line" sustainability with equal emphasis on economic, environmental, and social impacts. Assist businesses with managing waste, conservation of water and energy, sustainable sourcing of goods and services. Highlight local businesses that are active in the community and those that are minority-owned. Create an awards program to highlight local businesses that implement best practices in sustainability.

ADDRESS THE IMPACTS OF A CHANGING CLIMATE.

EDIR-17: Reduce the City's carbon and ecological footprint.

- ▶ Pursue LEED certification or equivalent for new government buildings.
- ▶ Consider cost effective alternative energy projects to support government activities.
- ▶ Encourage the use of electric vehicles and micro-mobility such as scooters, e-bikes and golf carts.

EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.



3 COMMUNITY ENGAGEMENT



The City of
Brevard
North Carolina



COMMUNITY ENGAGEMENT

Role of the Community

The best plans are those that represent the community. Citizen participation helps answer "Where do we want to go?" Input was used to define priorities in this plan and should guide staff work plans and budget expenditures in years to come.

Community engagement initiatives for this plan began in November 2020 and continued throughout the planning process. Citizens with a broad perspective of views and values were engaged through multiple ways including: stakeholder interviews, two community surveys, drop-in events, public meetings, steering committee meetings, and a public hearing.

PUBLIC ENGAGEMENT

Who was involved?

Public engagement for the 2030 Comprehensive Land Use Plan aimed to reach as many people as possible. Public engagement occurred in two different initiatives to develop this Plan. The first initiative ran from October 2020-December 2020. This initiative included the following engagement opportunities:

- ◆ Virtual Kickoff
- ◆ Drop-In Events
- ◆ Two Stakeholder Meetings
- ◆ Public Survey

The second initiative began in November 2021. During this initiative, the following engagement opportunities occurred:

- ◆ Kickoff Meeting and Community Tour
- ◆ **5** Steering Committee Meetings
- ◆ Five Stakeholder / Focus Group Meetings
- ◆ City Council Meetings and Discussions
- ◆ Public Survey
- ◆ Four Public Workshops

A summary from both initiatives can be found in this Chapter and more information is in the Appendix.



Steering Committee

The City's Planning Board acted as the Steering Committee during the process. They met 5 times over the course of the project to provide direction and input for the Plan.

Stakeholder Focus Group Meetings

A series of five one-hour long focus group sessions were conducted with stakeholders early in the process. Each stakeholder group provided insight of a variety of topics including, housing, infrastructure, parks & recreation, transportation, culture, education, and economic development.

Building Brevard Public Workshops

Four public workshops were held August - October in 2022. Input is summarized beginning on page 63.



IN-PERSON
PARTICIPANTS

110+

Stakeholder Interview Summary

Stakeholder interviews were conducted in five one-hour sessions with people with a variety of backgrounds over the course of one day in March 2022. This informal meeting provided significant assistance to the project team through identifying the city's current conditions, future projects, and community priorities.

The top comments from each stakeholder session have been organized into planning topics below.



Themes	What we heard
Housing	The demand for affordable and workforce housing in Brevard is high.
Economic Development	Tourism has had both positive impacts and negative on the local economy. More diversity in the local economy needed. Housing is key to attracting and retaining talented employees.
City services, infrastructure, utilities	Water pressure issues in downtown is prohibiting the use of upper stories. Powell Bill funding going towards street maintenance. There is a lot of deferred maintenance (i.e. sidewalks, curb cuts, drainage, and stormwater needs).
Downtown	Recent support and outreach to downtown businesses during Covid. Downtown Master Plan is a great plan, but there are limited mechanisms and funding for implementation. Many buildings in downtown have underutilized upper stories. Incentives are needed for redevelopment in and around downtown.
Parks, Recreation, and Culture	There have been several park improvements including the addition of a skate park and a dog park. There is significant support for Ecusta Trail. Brevard has two National Register districts and partners with the County's Historic Preservation Commission.
Transportation	The new Transylvania in Motion fixed route has 30 stops and is seeking to expand service to include weekend service and service to scenic areas. There is a demand to increase biking infrastructure and encouragement activities.
Diversity, Equity, and Inclusion	There is a need to expand representation of the Rosenwald community and the Hispanic community in engagement efforts and governmental activities. There is a significant population that is food insecure.

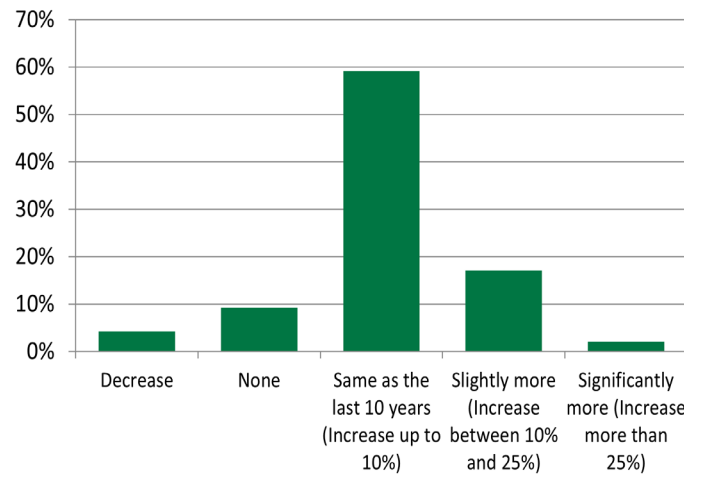
Public Surveys

Each of the two engagement initiatives had a community input survey. The first survey included questions about the community's priorities for the next 10-20 years. While the second survey asked about how much the current goals had been met and what goals were still relevant.

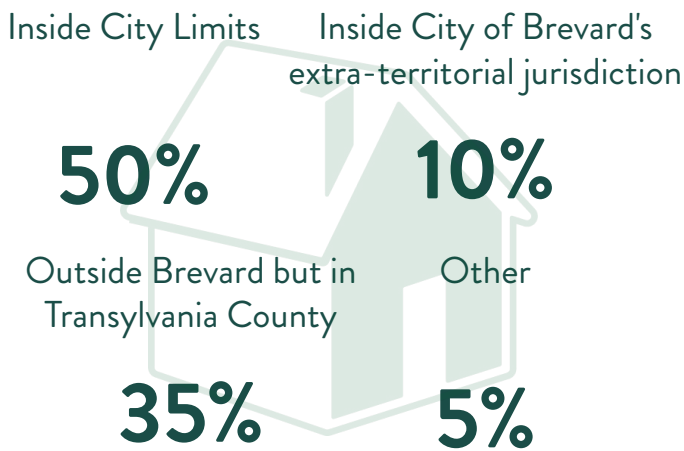
First Public Survey

The first survey began in the fall of 2020 and included 20 questions. Out of the 800 responses, 600 responded to the demographics questions. Half of the people who took the survey live inside Brevard's city limits and have lived here for less than 10 years. Nearly 25% of people who took the survey have an annual household income between \$75,000 and \$99,999.

How much growth is appropriate over the next 10 years?



Where do you live?

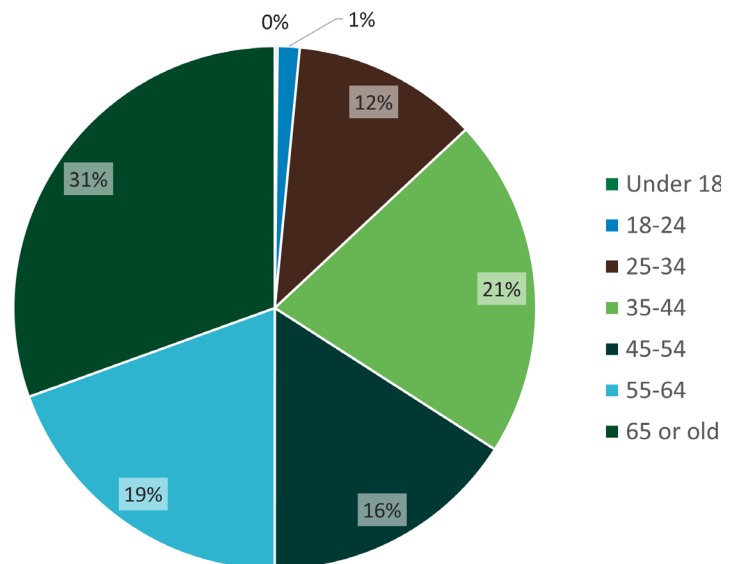


Length of Residence

50%

have lived in Brevard less than 10 years

Age



Vision and Priorities

This section shows the results from the visions questions from the first public survey. The results are categorized by topic, for the full results from the survey please see the Appendix.

VISIONS

GROWTH

- ◆ Preserve what currently exists
- ◆ Attract new businesses
- ◆ Attract specific types of development

ECONOMIC DEVELOPMENT

- ◆ Regulate certain land uses to guide development
- ◆ Improve outdoor recreation opportunities
- ◆ Attract industries that have not traditionally been a part of the employment base

DOWNTOWN

- ◆ A walkable/bikeable downtown that is vibrant and inviting with a mix of uses
- ◆ Support preservation of older historic and architecturally relevant structures
- ◆ Businesses downtown are open and inviting and serve as anchors
- ◆ Create a gateway into downtown by creating an attractive streetscape

TOURISM

- ◆ Connect downtown Brevard to Pisgah with trails
- ◆ Provide more opportunities to access outdoor recreation
- ◆ Connect downtown Brevard to Pisgah with bicycle friendly roadways

PRIORITIES

PLANNING TOPICS

- ◆ Natural Resources
- ◆ Economic Development
- ◆ Land Use
- ◆ Housing
- ◆ Health

WHAT DOES BREVARD NEED MORE OF?

- ◆ Ecusta Trail
- ◆ Brevard Area Trail
- ◆ Affordable Housing
- ◆ Bike Lanes

HOUSING

- ◆ Single-family homes
- ◆ Multi-family dwellings/apartments (3 or more units)
- ◆ Subsidized housing
- ◆ Duplexes
- ◆ Senior / assisted living

LAND USE PRIORITIES

- ◆ Local businesses
- ◆ Open space / natural area protection
- ◆ Outdoor recreation
- ◆ Professional, educational, or medical services
- ◆ Restaurants



Second Public Survey

The second public survey ran from April 25, 2022 to August 31, 2022. The survey included four questions, questions included a ranking question about the importance of the proposed goals, top priority two goals, any additions to the goals, and a question about achieving the goals. The survey received 237 responses.

RANK EACH OF THE PROPOSED GOALS FOR THE BUILDING BREVARD COMPREHENSIVE LAND USE PLAN.

- #1

Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improved access to (outdoor) recreation, and restoration of ecosystems.
- #2

Encourage a development pattern that respects Brevard's sense of place and small-town charm, supports a vibrant downtown, and prioritizes livable communities.
- #3

Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- #4

Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.
- #5

Create a built environment that prioritizes a safe, active transportation system and community health and wellness.
- #6

Support economic vitality and grow the tax base, cultivate local businesses, attract sustainable industry, and support tourism.
- #7

Integrate arts, culture and history into community life and build on Brevard's identity as a dynamic year-round destination to live, work, lay and create.

PRIORITY GOALS

- Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improved access to (outdoor) recreation, and restoration of ecosystems.

The top two priority goals from the survey were related to expanding housing opportunities and conserving environmentally sensitive areas.

THEMES OF OPEN ENDED RESPONSES

Themes
- Affordable / workforce housing - Concern about tourism: "Destination" vs quality of life for full-time residents - Transportation improvements (bike lanes, greenways, roads, maintenance, transit, safety) - Limit growth, preserve small town feel - Trails and outdoor recreation - Diversify economy (not just tourism) - Conservation of natural resources (diverse set of comments, including streets trees to concern about carrying capacity of public lands)

Public Workshops

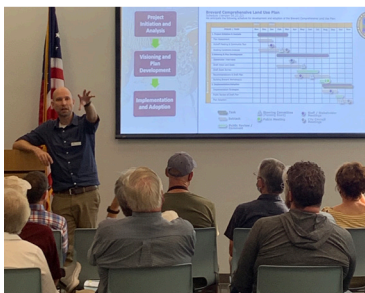
Four public meetings were held to allow community participation in the planning process via informational materials, feedback activities, and small group discussions to gather input on in the early stages of the project and then feedback on draft materials. There were several feedback activities: Housings Preferences dot exercise, Downtown Priorities dot exercise, a Draft Goals comment board, a Draft Future Land Use map of the City of Brevard, a Draft Future Land Use map of the Asheville Corridor (US 64). The activities encouraged participants to indicate their thoughts and reactions to the Draft Goals and FLUM. The meeting also included comment cards that asked for public comment on four different topic areas.

August 25, 2022, 5:30 – 7:00 pm
Transylvania County Library

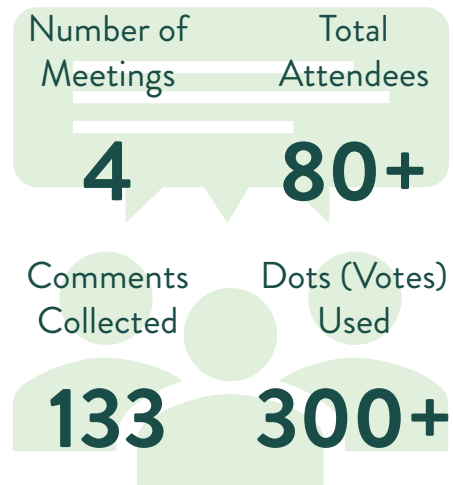
August 26, 2022, 8:00 – 9:30 am
Depot Park Meeting Room

August 26, 2022, 4:00 – 5:30 pm
Oscar Blues Brewery

October 6, 2022, 6:30 – 8:00 pm
Bethel A Baptist Church



Workshop Participation



Summary of Input

Participants were concerned about housing affordability and variety. A number of comments, in addition to the preference voting, showed a desire for some higher density housing options and infill development. There was support for 3-4 story live-work units, townhomes and small-scale and low-rise apartments or condos. There were mixed feelings for very large structures (over 5 stories) with the greatest number of votes wanting these only in some places. Front loaded townhomes received the least votes. Housing related comments also featured short-term rental regulations needed to preserve housing for permanent residents and the local workforce and concern about transitions between new development and existing residences.

Improving the active transportation network in Brevard was also a priority. Providing safer crossings, closing sidewalk gaps, completing planned greenways, and resolving issues at common conflict points were mentioned. Connecting Brevard to Asheville through public transit was also mentioned.

The top five downtown priorities were:

-
- | | | | |
|---|--|---|---|
| <p>GRASSWALK IMPROVEMENTS</p> <p>Sticky note: "Grasswalks are a great way to improve the look and feel of a street."</p> | <p>SHARED STREET CONCEPT</p> <p>Sticky note: "Shared street concept is a great way to improve the look and feel of a street."</p> | <p>PUBLIC PLAZAS</p> <p>Sticky note: "Public plazas are a great way to improve the look and feel of a street."</p> | <p>NEW SHOPS/BUSINESSES</p> <p>Sticky note: "New shops/businesses are a great way to improve the look and feel of a street."</p> |
| <p>GRASSWALK IMPROVEMENTS</p> <p>Sticky note: "Grasswalks are a great way to improve the look and feel of a street."</p> | <p>SHARED STREET CONCEPT</p> <p>Sticky note: "Shared street concept is a great way to improve the look and feel of a street."</p> | <p>PUBLIC PLAZAS</p> <p>Sticky note: "Public plazas are a great way to improve the look and feel of a street."</p> | <p>NEW SHOPS/BUSINESSES</p> <p>Sticky note: "New shops/businesses are a great way to improve the look and feel of a street."</p> |
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The Housing and Development voting exercise offered participants the option to vote on eight different housing typologies and whether they would or would not like to see these developments around Brevard, or maybe in certain locations in the City.

Additionally, front-loaded townhomes and small-scale apartments had the least “like” votes and the most “dislike” votes.

The most popular of the housing options were the live/work units and mixed used buildings at three to four stories. Alley loaded townhomes and small-scale apartments was the second most preferred option. Tied for the third preferred options were low-rise attached residential apartments and mixed residential at a single family scale, which is du-, tri-, and quadplexes.

HOUSING PREFERENCES

<i>Development Type</i>	<i>Yes</i>	<i>No</i>	<i>Maybe</i>
Live/work units and mixed use buildings 3-4 stories	32	1	3
Attached residential townhomes and small-scale apartments alley loaded	22		1
Low-rise attached residential apartments	20	1	1
Mixed residential at single-family scale	20		1
Single family detached	11	2	
Apartments or mixed use buildings 4-5 stories	6	2	2
Apartments or mixed use buildings 5+ stories	5	5	8
Front loaded townhomes and small scale apartments	2	7	1
	118	18	17

Themes from the Rosenwald Community Meeting

- ◆ Need to preserving neighborhood character
- ◆ Basics like jobs, transportation, and drainage are more important than parks and walking trails
- ◆ Concerns of long-time residents should be prioritized
- ◆ Downtown shopping/dining does not fulfill local needs
- ◆ Historic/cultural identity is threatened by neighborhood changes, incoming developers and speculators





4 IMPLEMENTATION



The City of
Brevard
North Carolina



The success of the Comprehensive Plan rests on the ability of the local, regional, and state entities to carry out the recommendations laid out in this Plan. The Action Plan presented here aims to outline the priorities and timing of steps to achieve the goals defined during the planning process.

These steps are listed in by the eight goals, with general action steps that do not pertain to any particular goal are pulled to the front. Each action item is listed with an approximate time frame, estimated costs and level

of effort, and the recommendation in this document supported by the action. Timing and estimated costs are defined in the bottom row of each table.

The Action Plan is not written in stone; it is a living document that should be evaluated on an annual basis to ensure that the next steps taken meet the priorities and needs of the City of Brevard. Coordination between various departments within the City, regional, and state organizations should be included in the annual evaluation of the Action Plan and in the implementation of action items within their purview and jurisdiction.

G. General Action Steps. These represent overall steps that are not associated with a particular goal.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Amend the Unified Development Ordinance (UDO) to support implementation of the Comprehensive Land Use Plan. » Collaborate with the City Council and Planning Board to determine and advance priorities.	LUH-1	Ongoing	\$
B. Prepare an annual report to outline progress made toward implementing key goals from the Land Use Plan.	LUH-1	Short Term	\$
C. Evaluate rezoning requests based on the Future Land Use Map and character area descriptions. » Update Future Land Use Map if rezonings necessitate a map amendment.	LUH-2	Ongoing	\$
D. Update the Comprehensive Land Use Plan every 5-7 years and amend the plan as needed.	LUH-3	Long Term	\$\$

Time Frame Key: Short Term=1 - 2 Years, Medium Term=2-3 Years, Long Term=3+ Years

Cost Key: \$ = Staff time or less than \$25k, \$\$ = Additional Staff or \$25-100k, \$\$\$ = Multiple Additional Staff or >\$100k, \$\$\$\$ > \$500k

1 • Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Encourage growth and density that takes advantage of existing infrastructure. » Identify areas appropriate for new housing. » Create incentives and remove barriers for small and medium scale attached housing types.	LUH-4 & 5	Ongoing	\$
B. Remove barriers to missing middle housing. » Adjust parcel density allowances to allow for "missing middle" housing types in all zoning districts with defined standards.	LUH-11 & 12	Phase 1: Short Term Phase 2: Medium Term	\$
C. Utilize Housing Trust Fund (HTF) to increase supply of affordable and workforce housing. » Update bylaws. » Implement funding mechanisms to increase contributions. » Pursue partnerships that lead to new affordable and workforce units.	LUH-13	Short Term and Ongoing	\$\$
D. Evaluate and establish incentives and policies to support workforce and affordable housing.	LUH-15	Short Term	\$
E. Evaluate City-owned land for divestment and developer agreements that lead to affordable and workforce housing.	LUH-14	Long Term	\$\$
F. Increase preservation and rehabilitation of existing affordable housing, including homeowner and rental assistance programs.	LUH-13 & 16	Short Term (Pilot Program)	\$\$
G. Monitor impacts and consider additional regulations for short-term rentals.	LUH-17	Ongoing	\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

Cost Key: \$ = Staff time or less than \$25k, \$\$ = Additional Staff or \$25-100k, \$\$\$ = Multiple Additional Staff or >\$100k, \$\$\$\$ > \$500k

2. Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Evaluate and amend development ordinances to remove barriers for infill development. » Evaluate and adjust dimensional and design requirements. » Enact amendments to steep slope ordinance.	LUH-4, 9 & 24	Ongoing	\$\$
B. Evaluate existing built-form and determine long-term vision for Downtown development. » Update the current Downtown Parking Study. » Establish form-based code for Downtown and update architectural standards.	ATCH-11, LUH-7 & 8	Short Term	\$
C. Establish form-based code or overlay for Asheville Highway Corridor and Pisgah Forest area.	LUH-10	Medium Term	\$\$
D. Encourage creation of well-design complete and cohesive neighborhoods. » Update the Traditional Neighborhood Development standards in the UDO. » Evaluate potential limits to scale and massing in some areas.	LUH-20	Medium Term	\$
E. Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions.	LUH-23	Medium Term	\$
F. Consider the creation of a new district or overlay and/or evaluate additional incentives to encourage conservation design in areas with sensitive environmental resources.	LUH-24 & 25	Short Term	\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

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3. Ensure fairness and equity in providing for the health, safety, and welfare of all citizens and groups.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Conduct additional outreach and small area planning to evaluate additional development standards to preserve neighborhood character in certain areas. » Revise (as needed) and implement existing small area plans that were not adopted by Council.	LUH-18, 19 & 21	Medium Term	\$
B. Consider participatory budgeting for a portion of neighborhood funding.	LUH-22	Long Term	\$
C. Improve online tools for citizens by upgrading online platforms.	LUH-19	Short Term	\$
D. Increase capacity of the City and planning department to enhance communication and engagement with citizens.	LUH-19	Medium Term	\$\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

Cost Key: \$ = Staff time or less than \$25k, \$\$ = Additional Staff or \$25-100k, \$\$\$ = Multiple Additional Staff or >\$100k, \$\$\$\$ > \$500k

4. Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Coordinate with NCDOT on planned transportation projects to improve conditions for all modes of travel.	ATCH-1	Ongoing	\$
B. Implement the Brevard Bicycle and Pedestrian Master Plan improve neighborhood connections to existing and planned sidewalks and greenways and address pedestrian priorities Downtown and in Major Activity Centers.	ATCH-2 & 11	Medium – Long Term	\$\$\$
C. Support increased transit options and ridership. » Promote TiM transit routes. » Pursue funding for transit service to destinations within Pisgah National Forest. » Leverage transit assets to allow for intra-city travel (i.e. Pisgah Forest to the Lumberyard and/or Downtown)	ATCH-5 – 7	Short – Long Term	\$-\$\$\$
D. Right-size parking requirements through UDO updates.	ATCH-9	Medium Term	\$
E. Refine requirements or develop incentives for multimodal access in new developments.	ATCH-10	Long Term	\$
F. Require new development to include a connected system of public streets and pedestrian facilities. » Consider updates to the UDO to clarify street frontage and connection requirements, especially along the Asheville Highway Corridor.	ATCH-4	Medium Term	\$
G. Encourage a “park once” approach for accommodating visitors. » Study public parking improvements downtown and near the Lumber Yard.	ATCH-13	Short – Long Term	\$\$\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

Cost Key: \$ = Staff time or less than \$25k, \$\$ = Additional Staff or \$25-100k, \$\$\$ = Multiple Additional Staff or >\$100k, \$\$\$\$ > \$500k

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
H. Improve Greenway connections throughout the City. » Finish main spine of Estatoe Trail. » Construct the Pedestrian Bridge over Davidson River » Plan for and complete Ecusta Trail.	ATCH-16	Short – Long Term	\$\$\$
I. Maintain Tree City USA designation and maintain and improve the urban tree canopy.	ATCH-18 & 19	Ongoing	\$\$
J. Tree inventory for street trees and public properties.	ATCH-19	Medium Term	\$
K. Evaluate requirements and incentives for native plants.	ATCH-19, PNRC-11 & 13	Medium Term	\$
L. Consider incentives for new child care operations and/or physicians in the City.	ATCH-21	Medium Term	\$
M. Support healthy initiatives including the Transylvania County Vision Zero initiative and Blue Zone Project activities.	ATCH-22	Ongoing	\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

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5. Celebrate Brevard’s natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Require conservation design in areas with sensitive natural resources. » Maintain flexibility in lots size and consider additional incentives for low-density conservation design.	LUH-25, PNRC-5	Ongoing / Short Term	\$
B. Maintain and improve existing parks.	PNRC-1	Ongoing	\$\$\$
C. Increase capacity to plan for, construct and maintain park and trail facilities.	PNRC-1 & 4	Medium Term	\$\$
D. Continue remediation efforts and planning and design of improvements in Tannery Park.	PNRC-2	Medium Term	\$\$
E. Improve connections between parks, access to Pisgah National Forest and to the French Broad River.	PNRC-4 & 7	Medium – Long Term	\$\$\$
F. Preserve and restore sensitive lands including natural areas adjacent to Pisgah Forest and the French Broad River.	PNRC-10 & 11	Long Term	\$\$\$
G. Monitor water quality throughout the French Broad River basin and evaluate steps to improve indicators. » Collaborate with non-profits to develop and monitor river health indicators. » Encourage reestablishment of native vegetation in the floodplain. » Determine feasibility of a “trash trout” collector in a key tributary of the French Broad River.	PNRC-12	Medium Term	\$
H. Encourage the use of native species in public projects and private developments.	PNRC-13	Ongoing	\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

Cost Key: \$ = Staff time or less than \$25k, \$\$ = Additional Staff or \$25-100k, \$\$\$ = Multiple Additional Staff or >\$100k, \$\$\$\$ > \$500k

6. Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play and create.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.	PNRC-20	Ongoing	\$\$
B. Continue to partner with Brevard College and the Brevard Music Center to offer off-season programs and events.	PNRC-21	Ongoing	\$
C. Establish a dedicated, permanent City Farmers Market location.	PNRC-22	Medium Term	\$\$\$
D. Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.	PNRC-23	Medium Term	\$\$
E. Update historical architectural survey.	PNRC-16	Short Term	\$
F. Explore new funding mechanisms and activities related to historic preservation.	PNRC-18 & 19	Long Term	\$\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

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7. Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Evaluate current standards for building height downtown. » Add height minimums in the DDOD (i.e., 2 story minimum). » Consider allowance for additional height (i.e., an additional story or two) in certain areas.	LUH-7 & 8	Short Term	\$
B. Consider expansion of existing façade grant program to include building upfits and/or outdoor seating improvements.	EDIR-3	Medium Term	\$\$
C. Refine process for analyzing the long-term financial benefits and costs of annexation petitions.	EDIR-1	Medium Term	\$
D. Consider designation of one or more social districts to encourage the food and beverage cluster.	EDIR-12	Medium Term	\$
E. Coordinate with Transylvania Economic Alliance to encourage business retention, expansion and recruitment and identify and market sites for low-impact industrial operations.	EDIR-11 & 13	Ongoing	\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

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8. Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.

Action	Plan Reference	Time Frame	Est. Cost / Level of Effort
A. Wastewater Treatment Plant Upgrades.	EDIR-2	Short Term	\$\$\$\$
B. Prioritize street and sidewalk repairs based on recent condition assessment.	EDIR-5	Medium Term	\$\$\$
C. Update the City's Stormwater Management Plan and associated list of projects.	EDIR-6	Medium Term	\$\$
D. Establish long-term funding for stormwater infrastructure and maintenance. » Implement a stormwater fee.	EDIR-8 & 10	Short – Long Term	\$\$
E. Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.	EDIR-10	Ongoing	\$\$\$
F. Consider / evaluate built-upon area regulations to allow for different zoning districts.	EDIR-9	Medium Term	\$
G. Annually review actions to reduce the City's carbon and ecological footprint.	EDIR-16	Ongoing	\$\$

Time Frame Key: Short Term=1-2 Years, Medium Term=2-3 Years, Long Term=3+ Years

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5 APPENDIX



The City of
Brevard
North Carolina



The Appendix includes the following:

- » State of the City Report
- » Public Input Phase 1
- » Goals Survey Summary
- » Public Workshop Results

STATE OF THE CITY REPORT



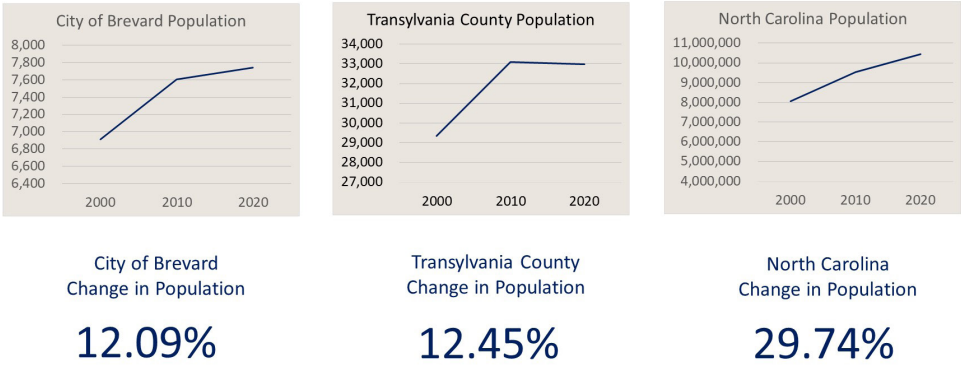
**BUILDING
BREVARD**
COMPREHENSIVE
LAND USE PLAN

Brevard and Transylvania County are growing, but not as fast as North Carolina as a whole.



POPULATION

City of Brevard Population: 7,744 (2020)



Source: 2020 Decennial Census

3

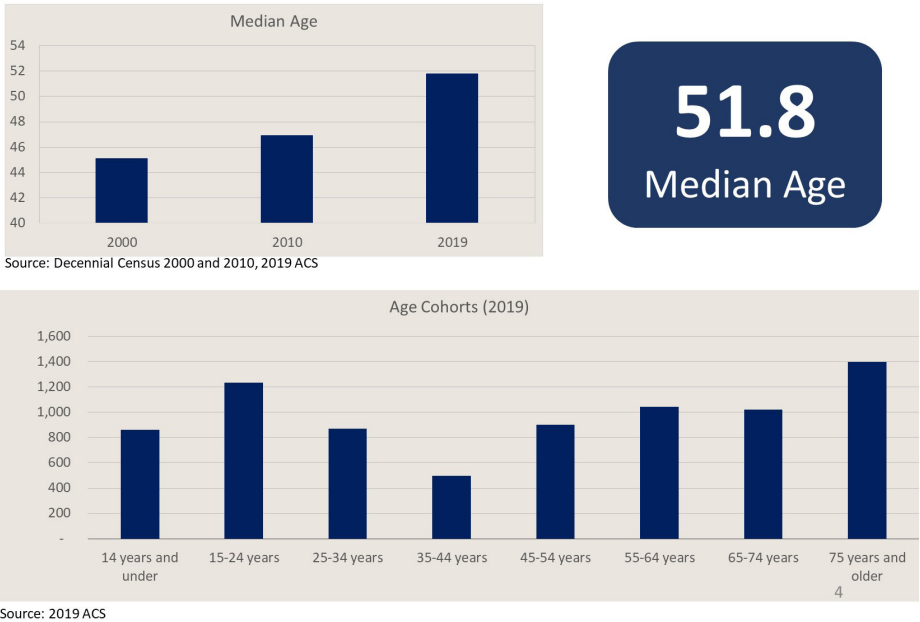


**BUILDING
BREVARD**
COMPREHENSIVE
LAND USE PLAN

Brevard's population has been aging over the past two decades. In 2019, the middle-age ranges have a smaller share of the population than younger and older ranges.

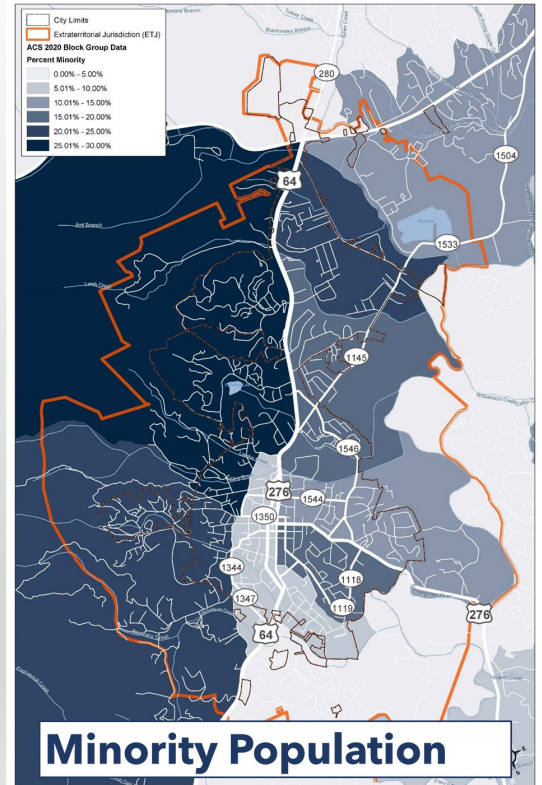
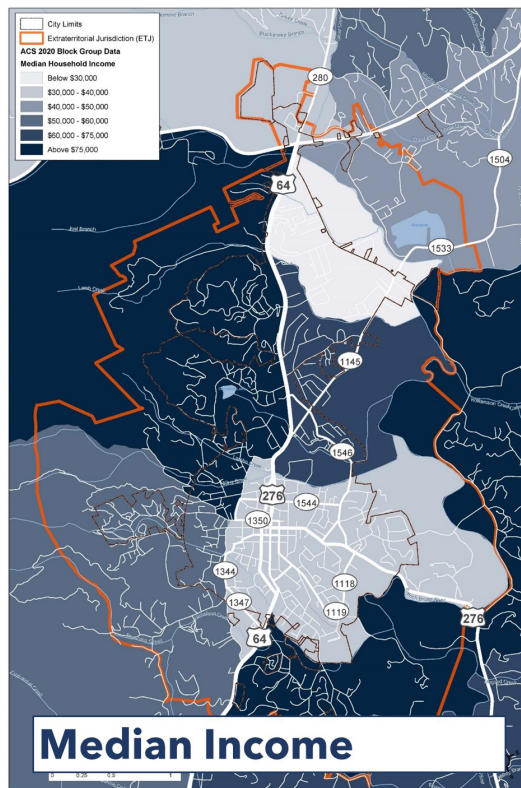


POPULATION





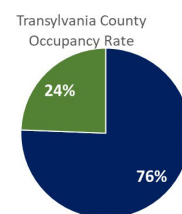
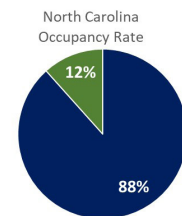
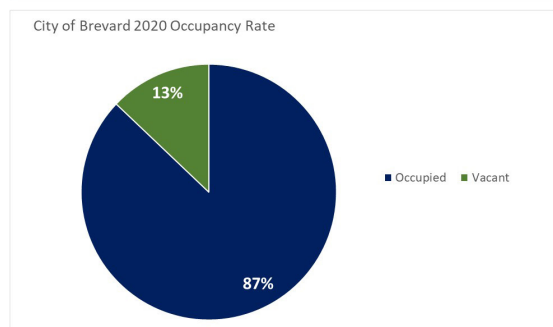
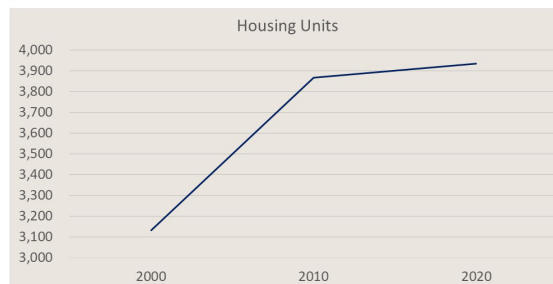
Income & Race



BUILDING BREVARD COMPREHENSIVE LAND USE PLAN

Total housing units follow population trends, and Brevard is in line with NC's occupancy rate. Transylvania County has higher vacancies, which is likely related to vacation homes.

HOUSING



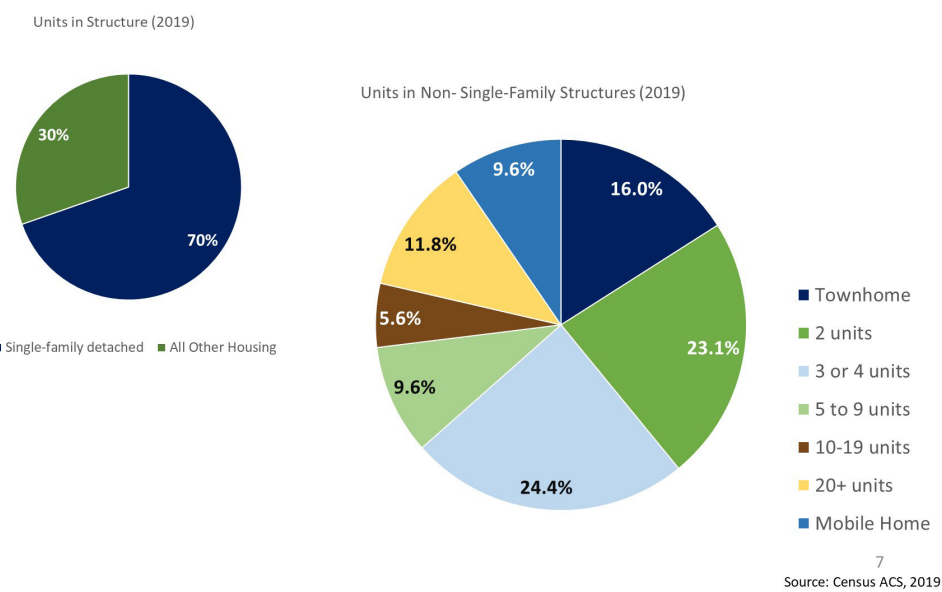
STATE OF THE CITY REPORT



**BUILDING
BREVARD**
COMPREHENSIVE
LAND USE PLAN

Majority of housing is single-family detached. Among other types of housing, there is a variety.

HOUSING





**BUILDING
BREVARD**
COMPREHENSIVE
LAND USE PLAN

Top Left - Historic homes on Probart Street

Top Right – Infill Bungalows on West Main Street

Bottom Left – Condos at Deer Lake

Bottom Right - New apartments on South Caldwell St

HOUSING



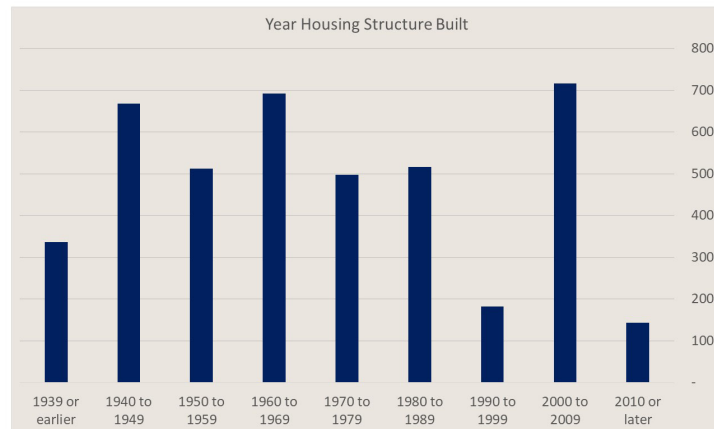


BUILDING BREVARD

COMPREHENSIVE
LAND USE PLAN

The most recent housing boom appears to have been in the 2000s and was likely disrupted by the Great Recession.

HOUSING



9
Source: Census ACS, 2019

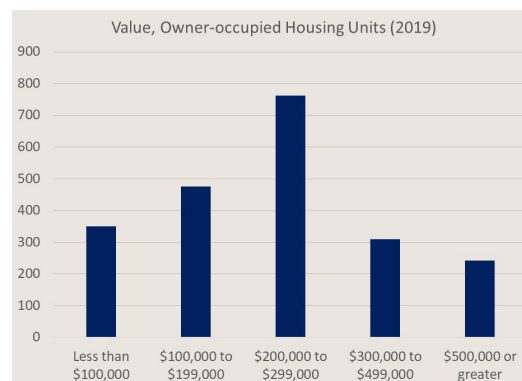


BUILDING BREVARD

COMPREHENSIVE
LAND USE PLAN

Brevard's median home value is higher than Transylvania County and the State of North Carolina.

HOUSING



City of Brevard
Median Home Value (2019 ACS)

\$232,500

Transylvania County
Median Home Value (2019 ACS)

\$221,900

North Carolina
Median Home Value (2019 ACS)

\$172,500

10
Source: Census ACS, 2019

STATE OF THE CITY REPORT



**BUILDING
BREVARD**
COMPREHENSIVE
LAND USE PLAN

Brevard’s median sales price is much higher than Census home value stats.



LOOKING GLASS REALTY

2021 End-of-Year Home Stats

City of Brevard
Median Sale Price

\$355,500

Transylvania County
Median Sale Price

\$400,000

Source: Looking Glass Realty, 2021¹¹

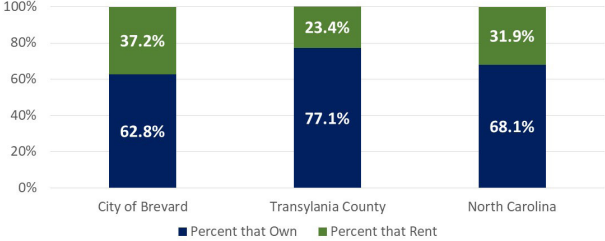


**BUILDING
BREVARD**
COMPREHENSIVE
LAND USE PLAN

Brevard has a higher share of renters than Transylvania County and North Carolina. The percentages are similar between 2010 and 2019.

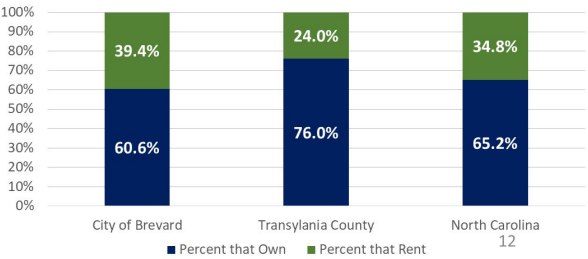
HOUSING

Owners and Renters: 2010 (ACS)



Location	Percent that Own	Percent that Rent
City of Brevard	62.8%	37.2%
Transylvania County	77.1%	23.4%
North Carolina	68.1%	31.9%

Owners and Renters: 2019 (ACS)



Location	Percent that Own	Percent that Rent
City of Brevard	60.6%	39.4%
Transylvania County	76.0%	24.0%
North Carolina	65.2%	34.8%

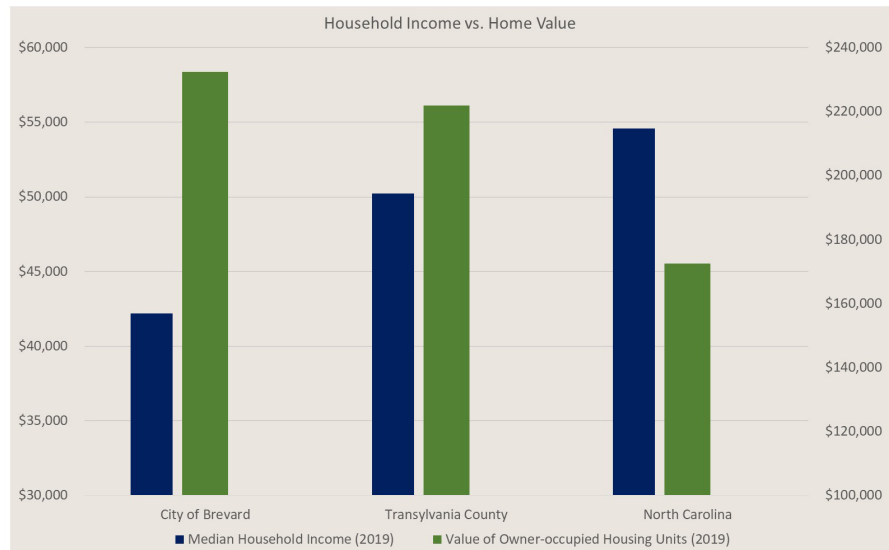


BUILDING BREVARD

COMPREHENSIVE
LAND USE PLAN

It appears it is more difficult to buy a house in Brevard than in Transylvania County or North Carolina due to high value and low incomes overall.

HOUSING AND INCOME



Source: Census ACS, 2019



BUILDING BREVARD

COMPREHENSIVE
LAND USE PLAN

\$279,000

Home price a household made up of a starting police officer and 5th year teacher can afford.

Median home sale is \$355k in Brevard...

HOUSING AFFORDABILITY

46%

Of households have an income less than \$50k

\$12k

Annual Transportation Cost

47%

Percent of renters paying >30% of income on housing

\$40k

Starting police officer salary

Source: 2020 ACS (Census), Center for Neighborhood Technology, Town Staff

14

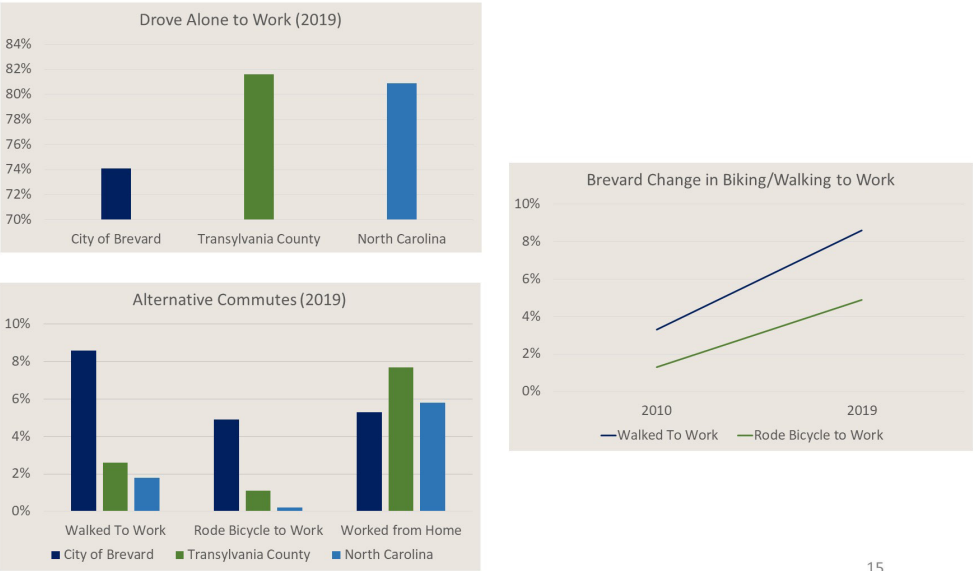
STATE OF THE CITY REPORT



BUILDING BREVARD
COMPREHENSIVE
LAND USE PLAN

More than **8% of Brevard’s workers walk to work**, and almost **5% ride a bike**. Brevard saw a significant increase in bicycle and pedestrian commuters between 2010 and 2019.

COMMUTE TO WORK

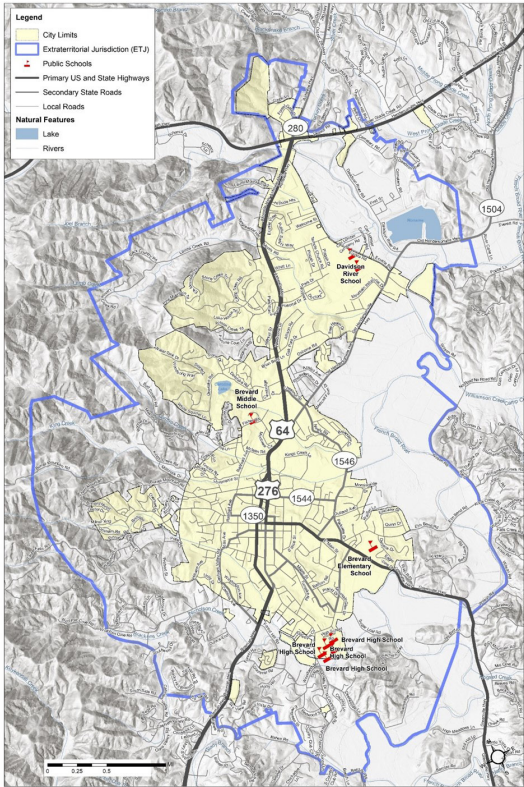


15
Source: Census ACS, 2019

Study Area

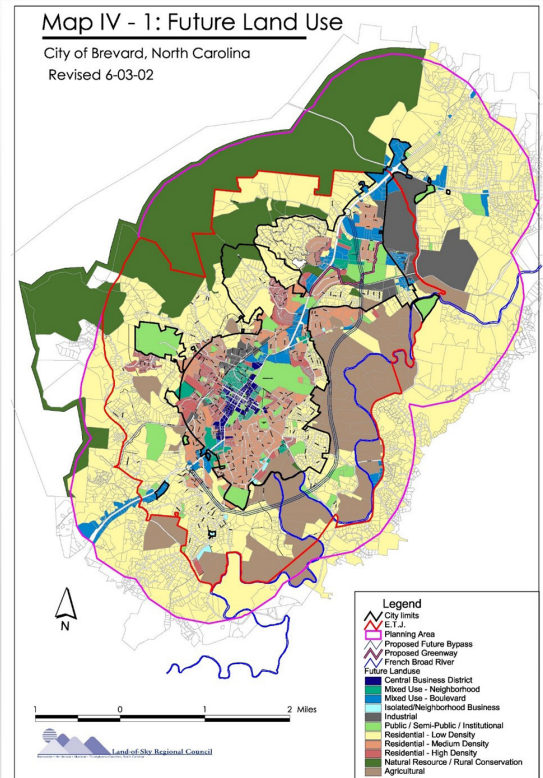
5.5 Square Miles
City Limits

14.5 Square Miles
Extraterritorial Jurisdiction (ETJ)



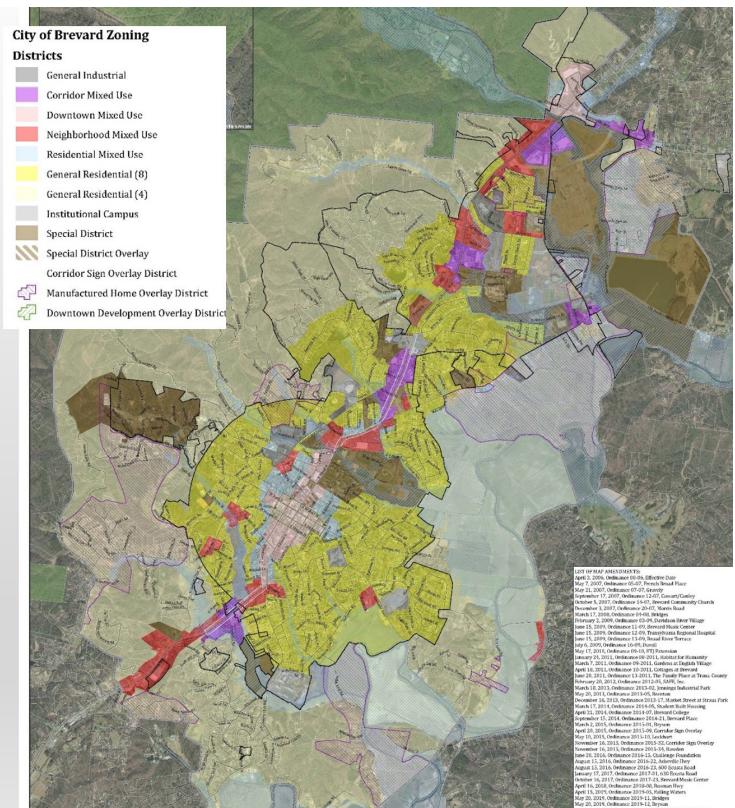
Previous Plans

- **2002 COMPREHENSIVE PLAN**
 - Last full comp plan
 - Included Future Land Use Map
- **2015 UPDATE**
 - Condensed, policy focused plan. Did not include an updated Land Use Map.



Zoning

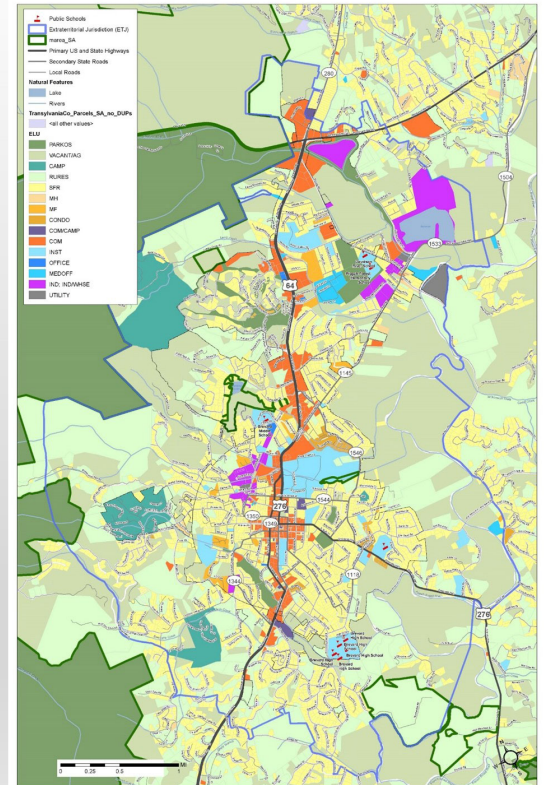
- First adopted in 2006; incorporates some progressive concepts for the time
- Four mixed-use districts: downtown, corridor, neighborhood, and residential
- Conditional zoning applicable to any base district for flexibility and innovative design



STATE OF THE CITY REPORT

Existing Land Use

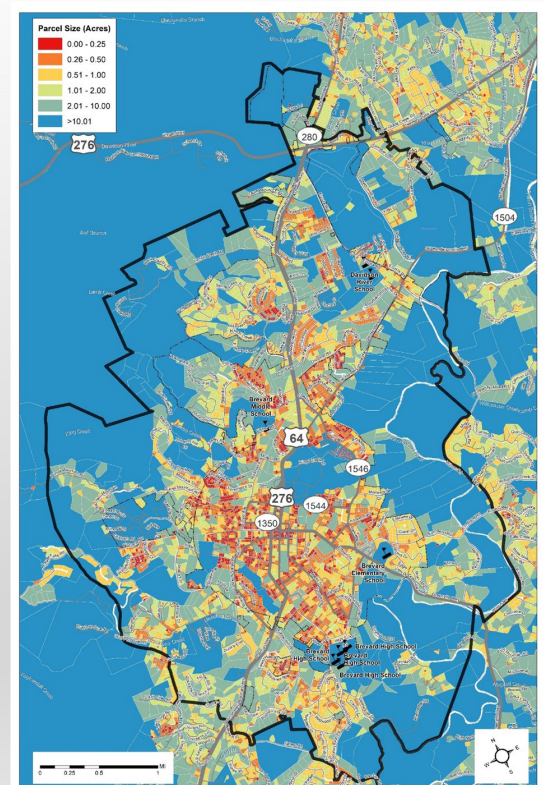
- Residential is predominantly single-family, with scattered multi-family sites across the City
- Commercial activity concentrated along the U.S. 64/276 corridor, with major commercial nodes at Pisgah Forest and Downtown Brevard
- Industrial concentrations at Railroad Ave. and Ecusta Rd.
- Few greenfield development opportunities without significant constraints (e.g. steep slopes and floodplain)
- Unique uses: summer camps, institutions



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Parcel Size

- In an around downtown, most parcels are less than $\frac{1}{2}$ acre, many less than $\frac{1}{4}$ acre
- Older neighborhoods have greater variety in parcel sizes and shapes; not uncommon to have a $\frac{1}{4}$ acre parcel abutting $\frac{1}{2}$ acre parcel abutting a $\frac{1}{8}$ acre parcel
- In areas with steep slopes or other environmentally sensitive lands, parcel size likely does not reflect buildable area
- Few large, flat, dry, parcels in city limits



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BUILDING BREVARD

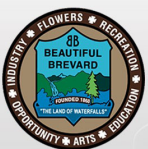
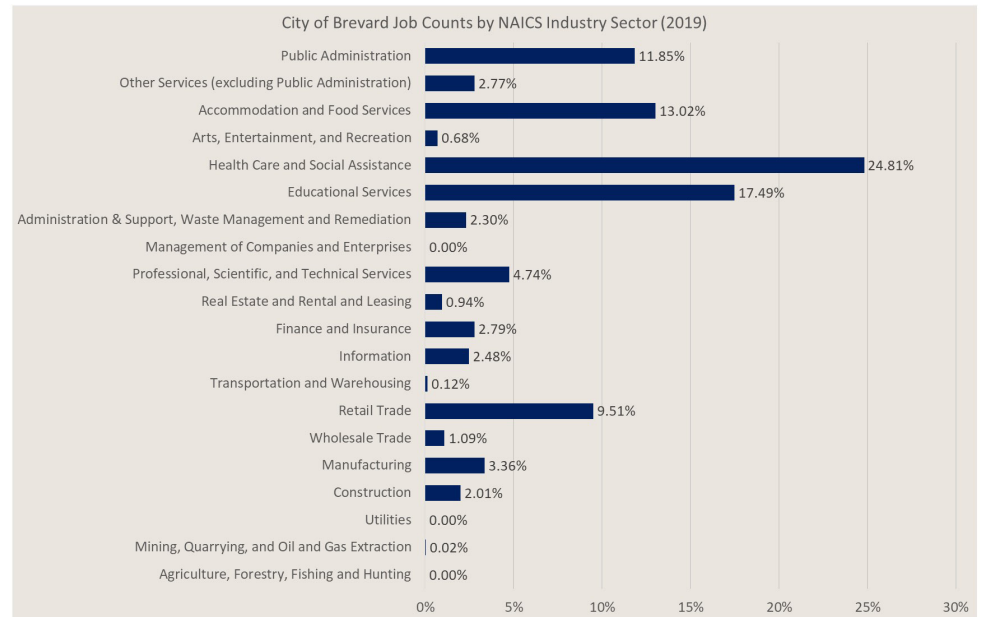
COMPREHENSIVE
LAND USE PLAN

Transylvania County's Largest Employers

1. Transylvania County Schools
2. Transylvania County
3. Mh Transylvania Regional Hospital L
4. Gaia Herbs Inc
5. Ingles Markets, Inc
6. Brevard College Corp
7. Transylvania Vocational Services
8. Lowes Home Centers Inc
9. City Of Brevard
10. Wal-Mart Associates Inc.

23

EMPLOYMENT



BUILDING BREVARD

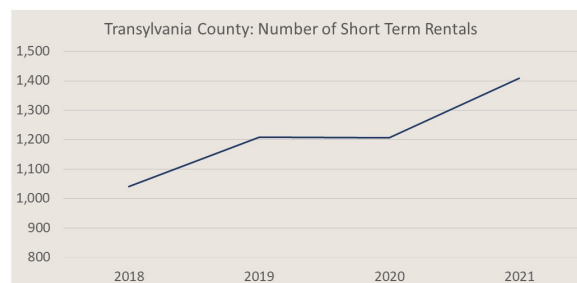
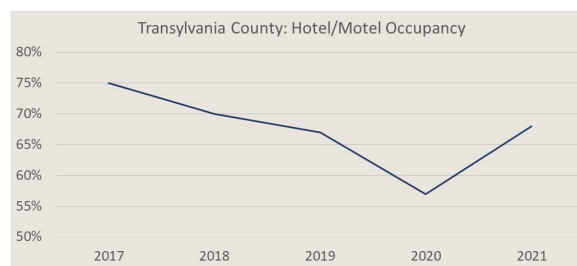
COMPREHENSIVE
LAND USE PLAN

Blue Ridge Parkway:
14 million visitors/year

Pisgah National Forest:
4 million visitors/year

Dupont State Forest:
1.3 million visitors/year

TOURISM & VISITATION



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STATE OF THE CITY REPORT



BUILDING BREVARD
COMPREHENSIVE
LAND USE PLAN



2013 Market Study on Visitation

- 59% from Brevard Area
- 14% WNC Region
- 9% from SC, FL, GA
- 7% from rest of US

TOURISM & VISITATION



The Brevard Music Center brings 40,000 people attending performances over the summer months. The Center recently constructed a 400 seat indoor concert hall.



There is a history of Summer Camps in Brevard. Opening day brings hundreds of families to the City. A 2011 economic impact study estimated a \$26 million impact in WNC.

25

Source: Interviews

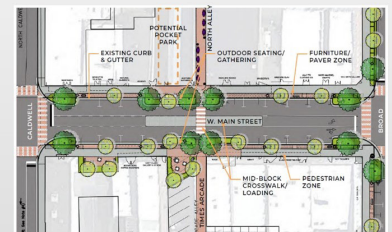


BUILDING BREVARD
COMPREHENSIVE
LAND USE PLAN



DOWNTOWN

- **\$1,221,819** public & private investment in FY20-21
- **Heart of Brevard**, national accredited Main Street Program
- **Think Local** campaign
- **Nominated for 2021 Main Street Award** for Best Economic Recovery Initiative (provided assistance to local businesses during the COVID-19 pandemic)



Streetscape recommendations from Downtown Master Plan

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Source: Heart of Brevard Annual Report, March 2022



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 COMPREHENSIVE
LAND USE PLAN

DOWNTOWN

Projects Underway



Clemson Plaza



City Camper is a hotel project proposed just north of downtown.

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**BUILDING
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 COMPREHENSIVE
LAND USE PLAN

DOWNTOWN

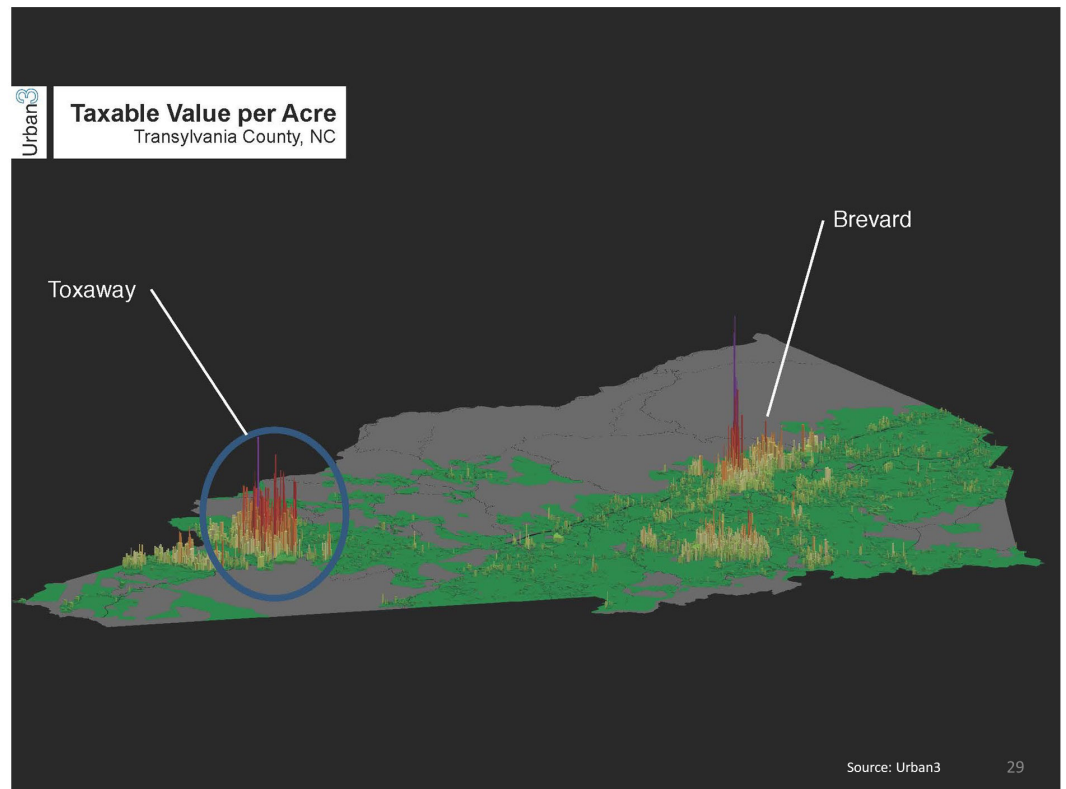


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STATE OF THE CITY REPORT

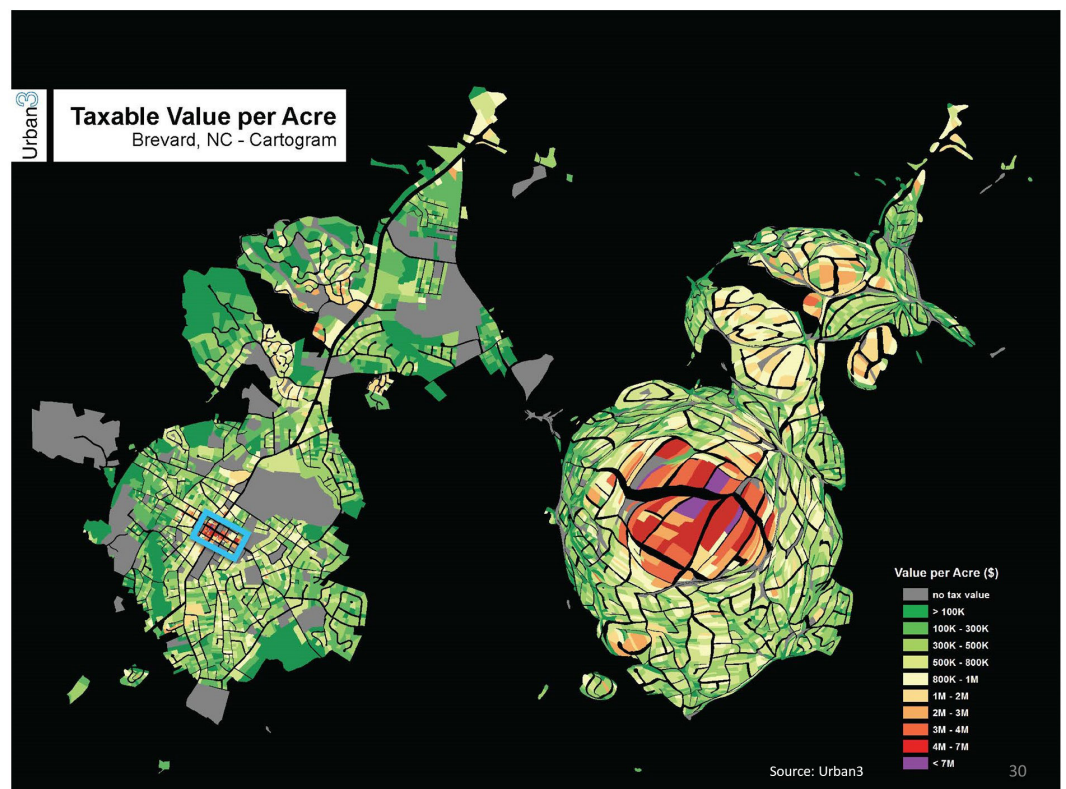
Tax Value

- Urban3 (Consulting Firm) conducted study in 2014
- City of Brevard has among the highest property values in Transylvania County



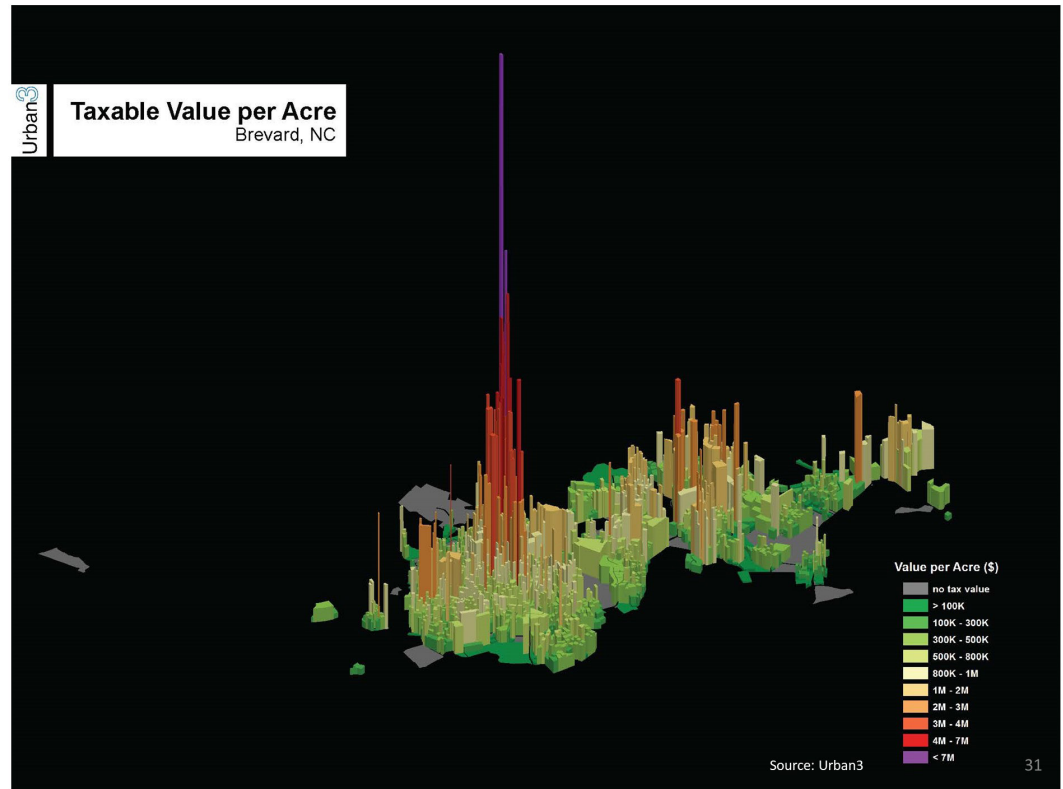
Tax Value

- Within Brevard, downtown has the highest value
- Many properties exceed \$3m per acre in value



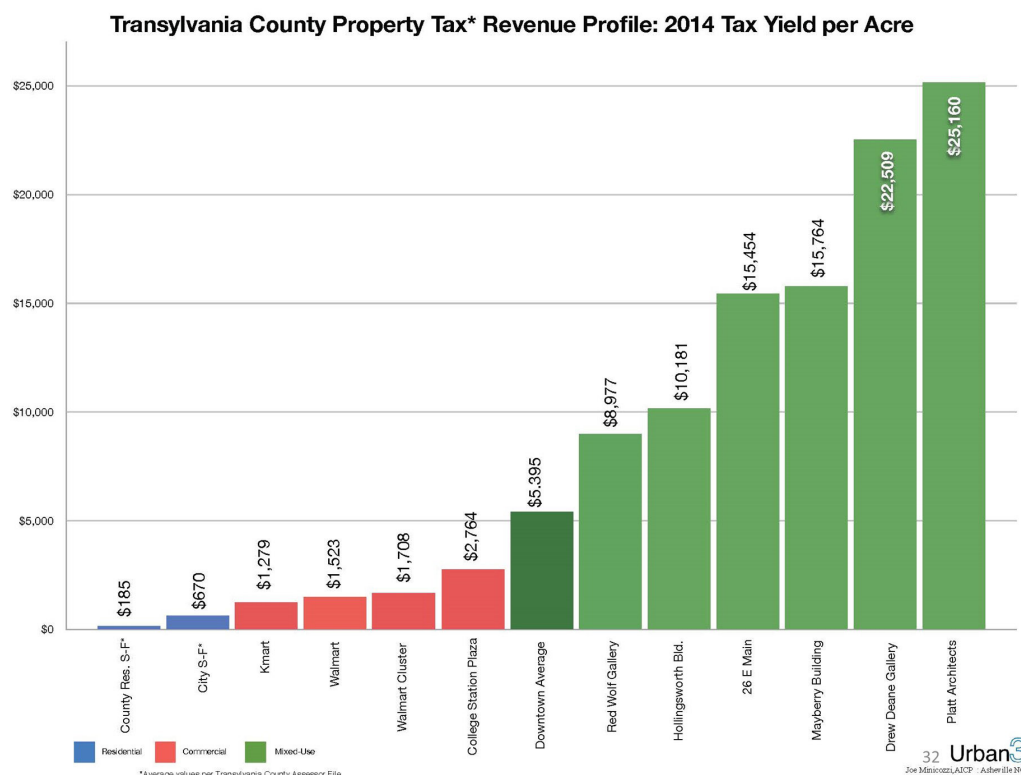
Tax Value

- Within Brevard, downtown has the highest value
- Many properties exceed \$3m per acre in value



Tax Value

- Tax yields for multi-story, mixed-use development downtown greatly exceeds taxes from “big box” commercial stores



STATE OF THE CITY REPORT

Tax Value

- Tax yields for multi-story, mixed-use development downtown greatly exceeds taxes from “big box” commercial stores

Transylvania County Property Tax Revenue Profile: 2014

1.8 acres of The Platt Building would equal the 27.2 acre Walmart cluster.

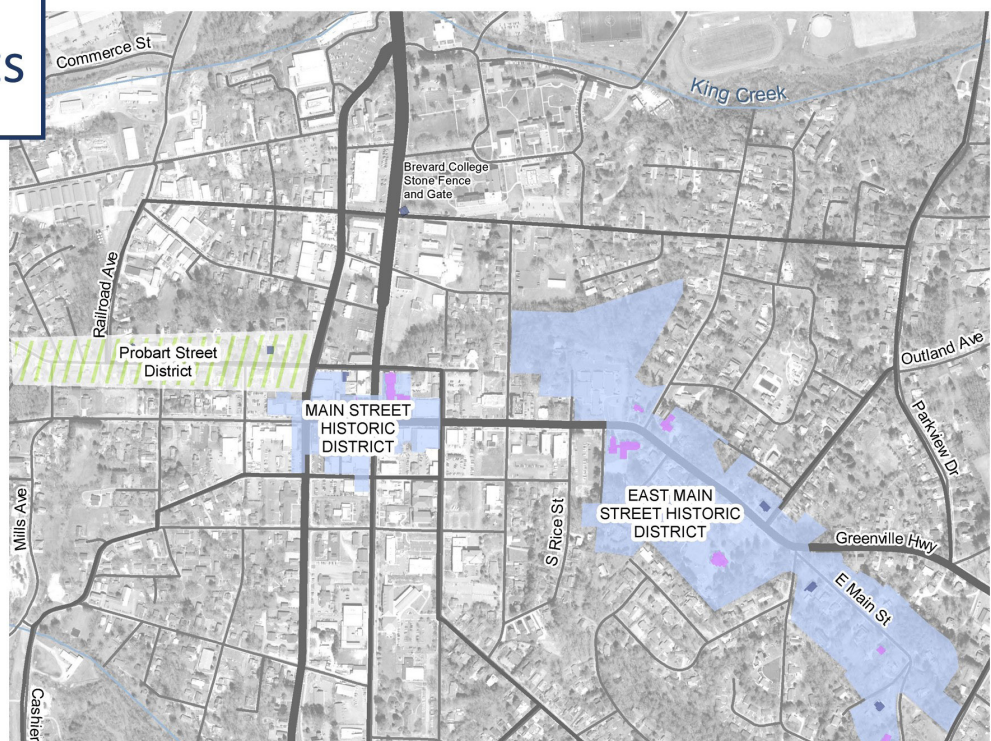


Urban3
Joe Minicucci, AICP - Asheville NC

Historic Districts



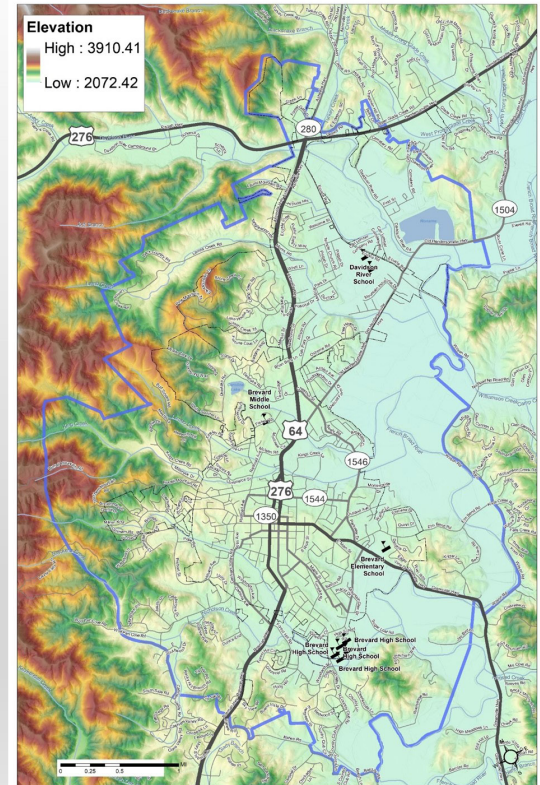
Transylvania County Courthouse, built in 1874-1950



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Elevation

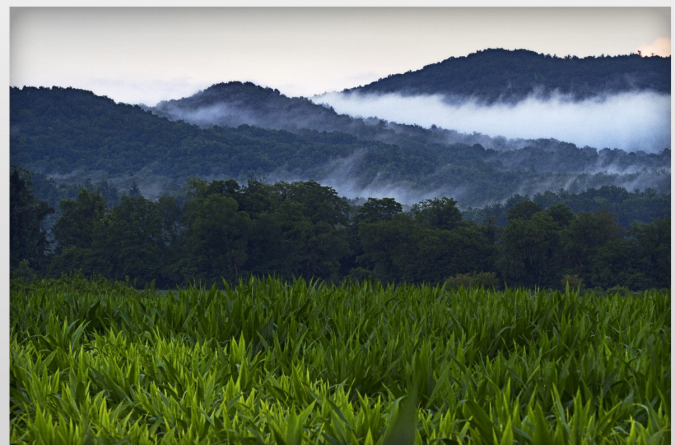
- 6,214' Black Balsam Knob – 10 Miles to West
- 3,600' Highest Point in Bracken Preserve
- 2,222' Downtown
- 2,090' French Broad River



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Natural Resources & Development Constraints

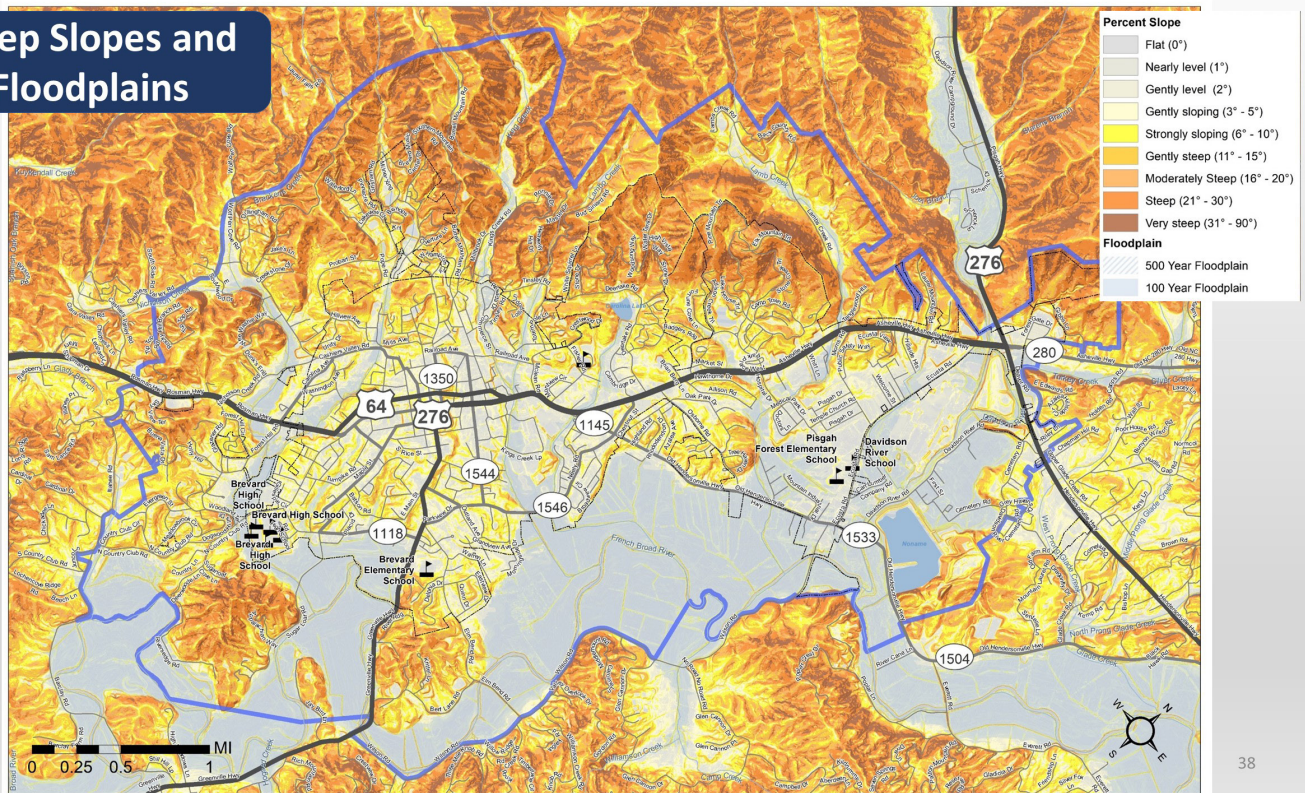
- National Forest Lands
- Steep slopes
- Viewsheds
- NHNAs
- Areas High in Biodiversity
- Trout waters
- Floodplain along the French Broad River



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STATE OF THE CITY REPORT

Steep Slopes and Floodplains

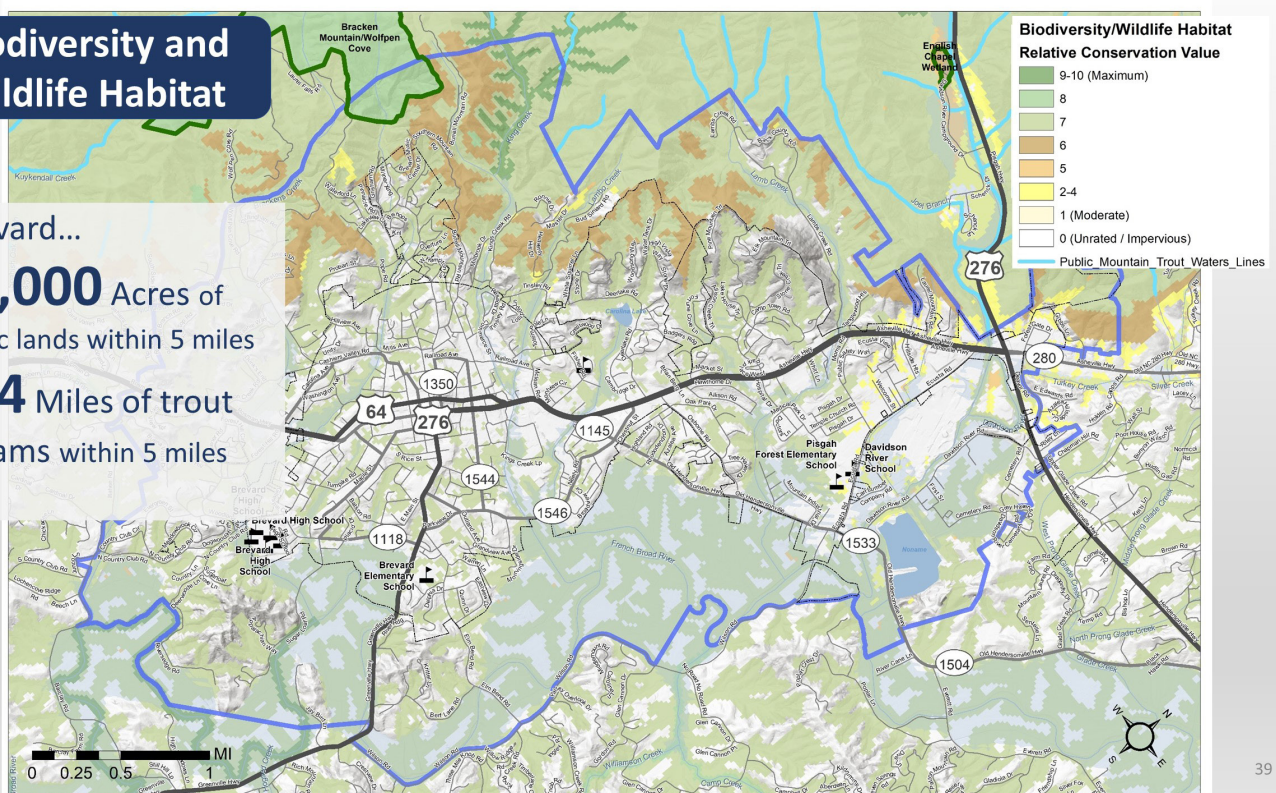


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Biodiversity and Wildlife Habitat

In Brevard...

- **40,000** Acres of public lands within 5 miles
- **154** Miles of trout streams within 5 miles



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COMPREHENSIVE
LAND USE PLAN

In Brevard...

- **10** Parks
- **395** Acres of Nature Preserve
- **2** Community centers

PARKS AND REC

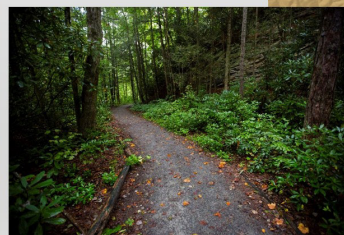
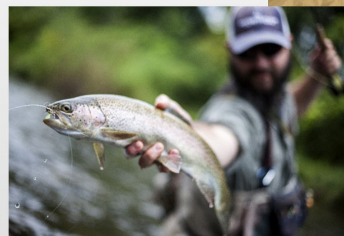
	Acres	Status
Depot Park	6.5	Existing
Tannery Park & Skate Park	25	Skate Park: Complete, Tannery Park: Future
Bracken Preserve	395	Existing
Clemson Plaza	0.15	Under Construction
City Sports Complex	20	Existing
Hap Simpson Park	8.4	Existing
Silversteen Playground	1.5	Under construction
Franklin Park	4.2	Existing
Silvermont Park	8	Existing
Edna Glaze Park	0.15	Existing
French Broad Community Center	0.22	Existing
Mary C Jenkins CC	1.0	Existing
Brevard Dog Park	2.7	Existing



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Parks and Greenways

68% of the study area population lives within a half-mile of a park



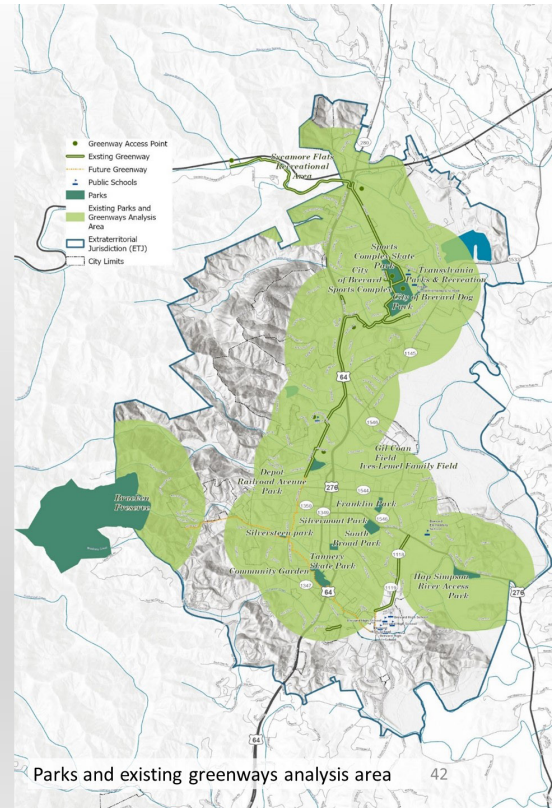
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STATE OF THE CITY REPORT

Parks Access

A parks access analysis looks at the demographics of the areas within ½ mile of parks areas to examine who has access to parks. *(A half mile has been recognized as the distance that most people are able and willing to regularly walk to a destination. – National Recreation and Park Association)*

	Parks	Parks and Existing Greenways	Parks, Greenways, and Future Greenways
Population/ Percent of study area population	7,299 (68%)	8,533 (80%)	9,000 (84%)
Age 65+	2,297	2,769	2,927
Households without a vehicle	169	205	215
Households below poverty level	17%	17%	16%



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COMPREHENSIVE
LAND USE PLAN

In 2021, Brevard...

- Planted **40** trees
- Pruned **150** trees
- Removed **20** trees

TREE CANOPY



TREE CITY USA®

- Program administered by Arbor Day Foundation
- Member for 42 years
- Community forestry program with \$34,829 in expenditures in 2021
- 120 volunteer hours in 2021



BUILDING BREVARD

COMPREHENSIVE
LAND USE PLAN

39%

Tree Canopy (2011)

Source:
<https://landscape.itreetools.org/>

TREE CANOPY

Tree Benefits

- \$8.9 million in carbon storage
- 5,800 tons of CO₂ Storage per year
- 9.7 MG/yr in avoided runoff

Opportunities

- Street trees (new and replacement)
- Tree conservation in new development
- Tree planting at parks and public lands



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Health

•Priorities from Community Health Assessment

- Mental Health
- Substance Abuse
- Obesity

• Bluezone Project

- Community-wide approach to improve health funded by Pisgah Health Foundation
- Focus on activity, diet and community
- Built Environment committee focused on improving health through transportation projects and land use policies
- See <https://brevard.bluezonesproject.com/> for more info.



BREVARD BLUEPRINT

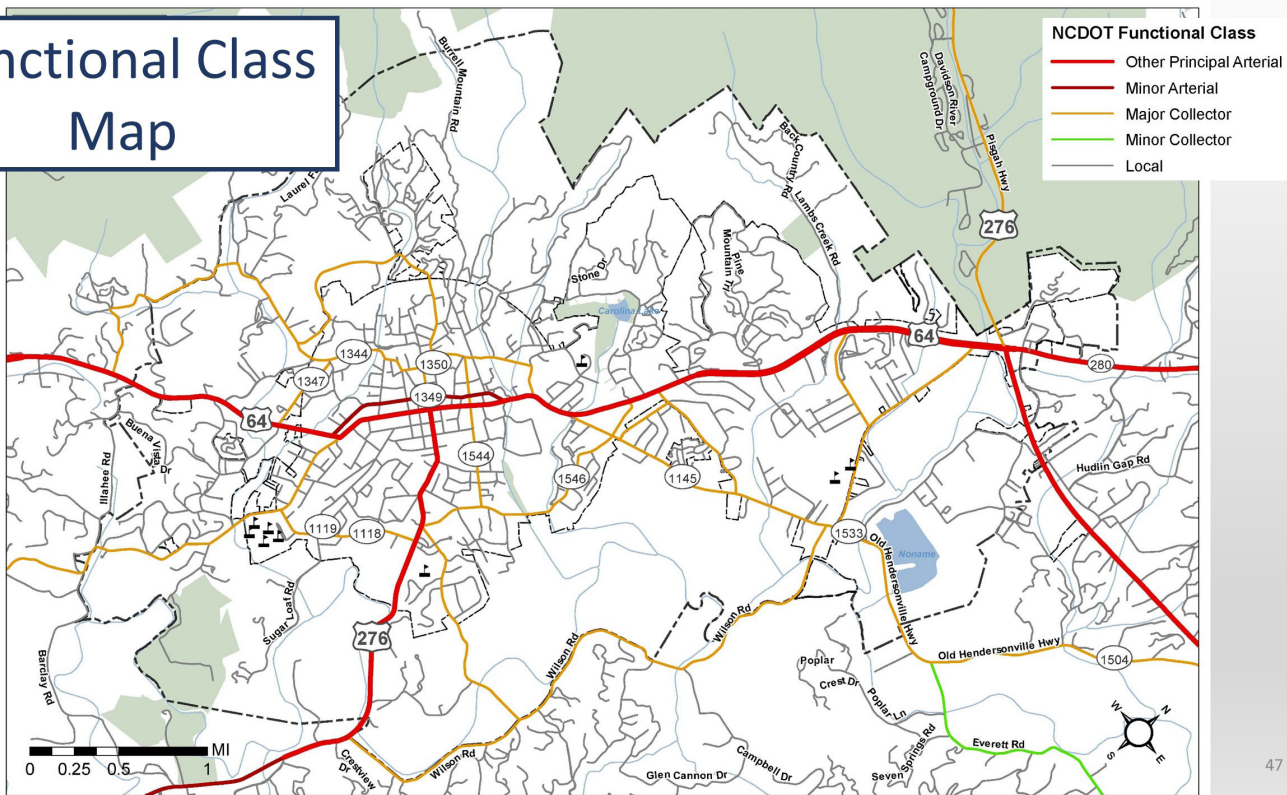
APRIL 2020



45

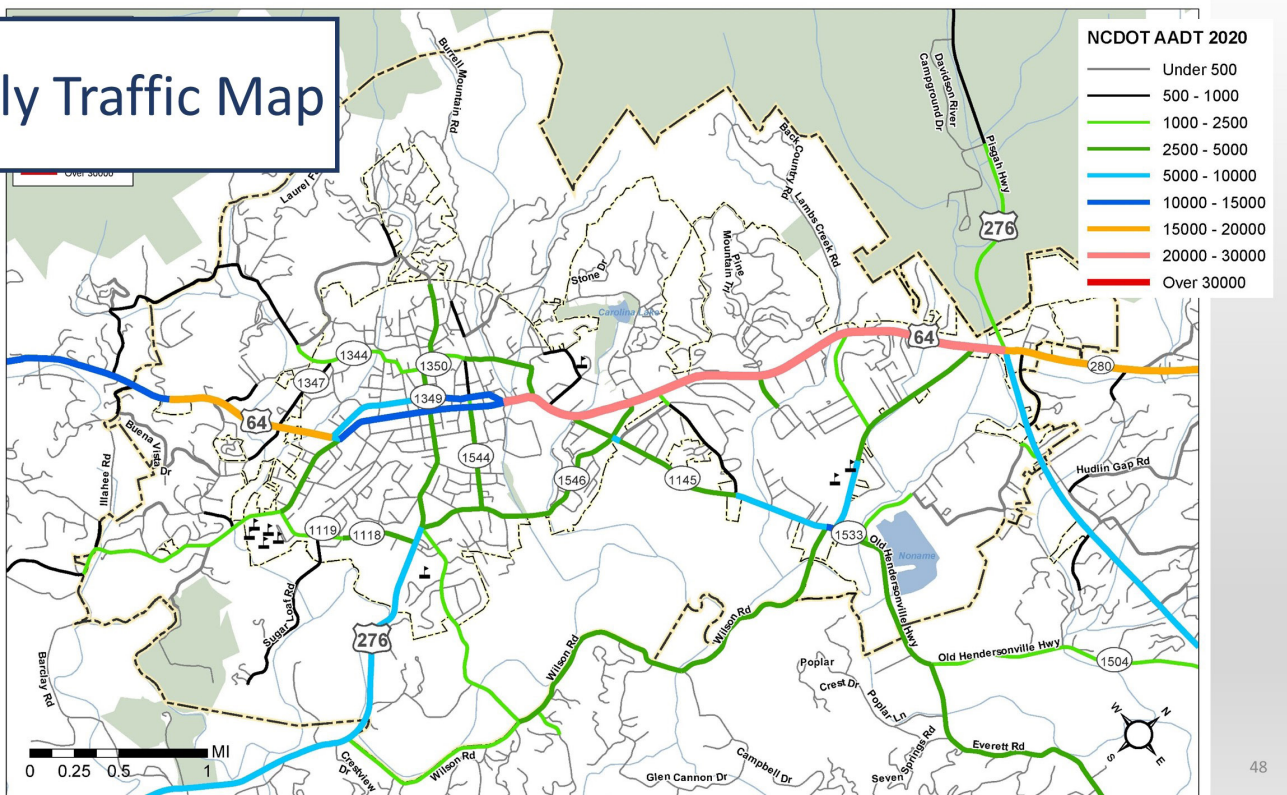
STATE OF THE CITY REPORT

Functional Class
Map



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Daily Traffic Map



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PUBLIC INPUT PHASE 1: OVERVIEW

In 2020 the City began gathering feedback to inform the update of the Brevard Comprehensive Land Use Plan. During this time, through in-person events and a community survey, more than 1,000 participants shared their vision for the future of Brevard.

Outreach

Public engagement activities and events were held October-December 2020. The City employed numerous promotional efforts to publicize the survey and events. Efforts to distribute links to the survey were provided through:

- ◆ The project website at www.BrevardCompPlan.com
- ◆ Mailed postcards to more than 3,000 people
- ◆ Flyers distributed to apartment communities and Transylvania Farmers Market
- ◆ Social media (Facebook and Instagram)
- ◆ Signs posted at each of the event locations and other prominent locations throughout the project area. K

Kickoff

A virtual kickoff livestreamed on Facebook on Tuesday, October 27th at 6:30 PM. This event marked the official start of the plan process and outlined various opportunities for individuals to provide input. The presentation also explained the importance of planning and how the plan will be used to guide future land use and development, infrastructure investment, housing, and economic development. Afterwards, the presentation was available for viewing on the project website and the Facebook page.

Drop-In Events

The City of Brevard hosted numerous drop-in events hosting approximately 125 individuals between 4 PM to 7 PM on the following dates and locations:

- ◆ November 4, 2020 - Railroad Ave at The Depot 390

Railroad Ave.

- ◆ November 5, 2020 - Downtown at Brevard City Hall 95 W. Main St.
- ◆ November 10, 2020 - Rosenwald at Brevard Housing Authority 133 W. Morgan St.
- ◆ November 12 - Pisgah Forest at Sycamore Cycles 112 Hendersonville Hwy.

Two maps were provided at these drop-in events that allowed individuals to provide geographical references to the places they like and places that need help. Dots were provided to allow individuals to show where they thought industrial, commercial, and residential development should occur.

Online Survey

The online survey included 40 questions and took approximately 20 minutes to complete. Questions were structured similar to in-person activities and included questions asking about participants' age, location of residence, and how they personally experience the area. The survey had 800 responses.

Stakeholder Meetings

The King Street Planning Committee (November 20) and the Heart of Brevard (November 23) requested separate virtual meetings. Questions were structured the same as the drop-in events, however they provided an opportunity to discuss specific issues facing the downtown district and the Railroad Ave. area.



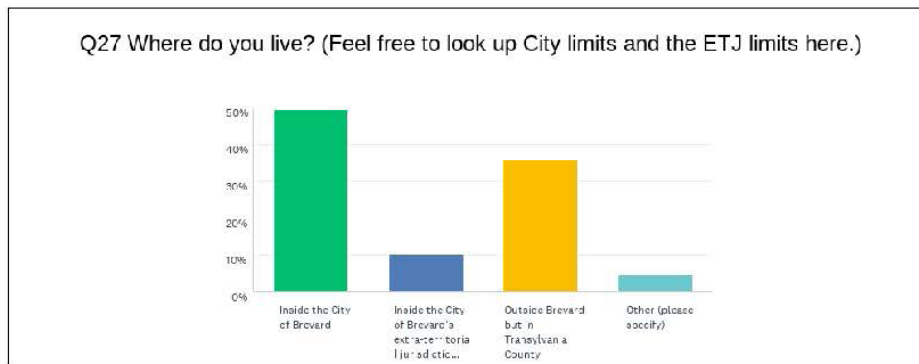
PUBLIC INPUT PHASE 1: SURVEY SUMMARY

Demographics

Introduction

This report summarizes the demographic makeup of surveyed individuals. While this information was not required, of the 800 individuals surveyed, approximately 600 self reported demographic information. This information is not necessarily representative of the population in Brevard. The “Status of the Community” section of the Comprehensive Land Use Plan will outline the demographics of Brevard using Census data.

Place of Residence

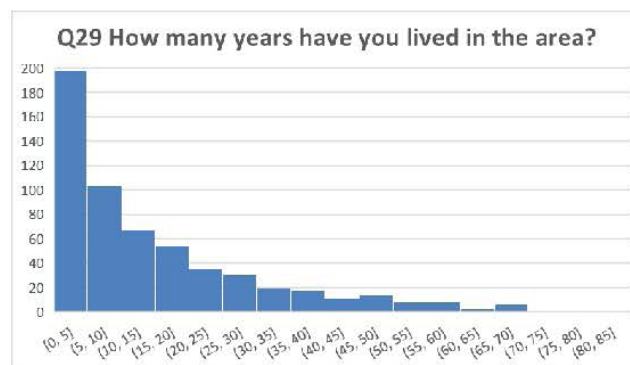


Approximately 1/2 of individuals surveyed live inside the City limits of Brevard, with an additional 10% living in the City's Extra-Territorial Jurisdiction (ETJ). An additional 1/3 live outside Brevard but within Transylvania County. A

map was provided for individuals to identify where they live. Less than 5% live elsewhere including Henderson County, Hendersonville, Etowah, Arden, Mills River, Penrose. Seven individuals stated they are relocating to Brevard in the near future.

Length of Residence

More than a dozen individuals stated they have lived in Brevard their entire life. More than a dozen individuals also stated they had moved to Brevard in the last year. The average length of residence for survey respondents is 17 years. The median length of residence is 10 years. The most reported length of residence is 5 years. 1/3 of respondents have lived in Brevard between 0-5 years, and 1/2 of respondents have lived in Brevard 10 years or less.



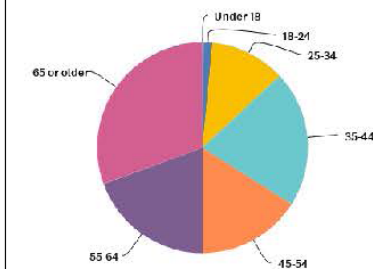
Age

Approximately 1/3 of individuals surveyed are 65 or older. More than 1/2 of individuals surveyed are 55 or older. Less than 2% of individuals surveyed are under the age of 25.

Race & Ethnicity

94% of individuals surveyed identified as White. 2% surveyed identified as Hispanic or Latino. Less than 1% of individuals identified as Black or African American.

Q24 Which category below includes your age?



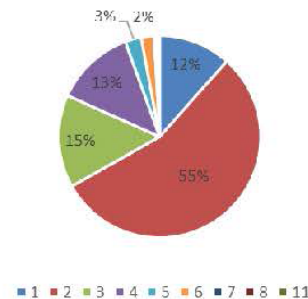
Rent versus Own

89% of individuals surveyed own their home, 9% of individuals rent their home, 8 individuals live with family members.

Household Size

The average household size is 2.5. 12% of individuals live alone. More than 1/2 of individuals surveyed stated 2 people live in their home. 15% live in a 3-person household. 13% live in a 4-person household.

Q31 How many people currently live in your household?

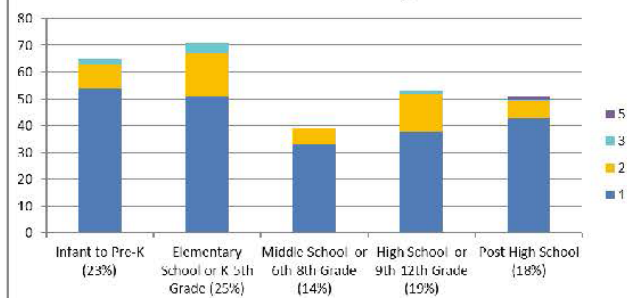


Children

Nearly 60% of survey respondents do not have children that live at home.

Of the 238 households with children living at home, more than 75% have only 1 child at home and less than 20% have 2 children at home. More than 50% are in Middle School or older. 25% are in Elementary School.

Q37 How many children live with you and how old are they?



PUBLIC INPUT PHASE 1: SURVEY SUMMARY

Employment Type

Nearly half of the individuals surveyed stated they were employed (39% full-time and 6% part-time).

Just over 1/3 of individuals stated they are retired.

Nearly 10% of individuals report being self-employed.

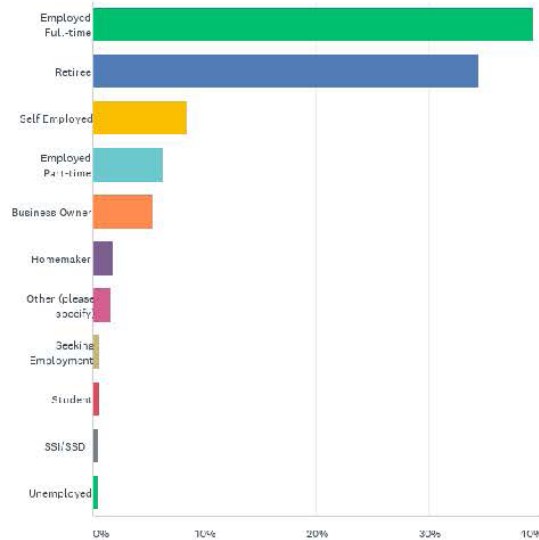
5% report being business owners.

2% identify as being homemakers.

Less than 1% each identify as being students, unemployed, seeking employment, or SSI/SSD recipients.

Numerous individuals stated that the pandemic had forced them to retire. Others stated they were under-employed, being forced to work part-time or had reduced the hours they were working.

Q33 Please select from the following that best describes you:

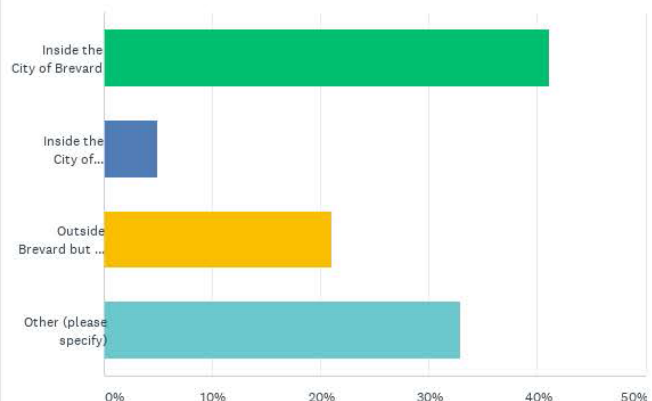


Employment Location

Of the individuals who reported working, nearly 1/2 report working in the City of Brevard (41% in City limits and 5% in the ETJ). An additional 21% report working in Transylvania County. 1/3 of individuals reported working elsewhere broken out as follows with the number of individuals shown in parentheses:

- Outside Transylvania County (37)
 - Henderson County (12)
 - Hendersonville (5)
 - Fletcher (2)
 - Buncombe County (17)
 - Asheville (10)
 - Arden (2)
- Remote (22)
- Work from home (8)
- Travel (4)
- Telework (3)

Q34 Where do you work?



Household Income

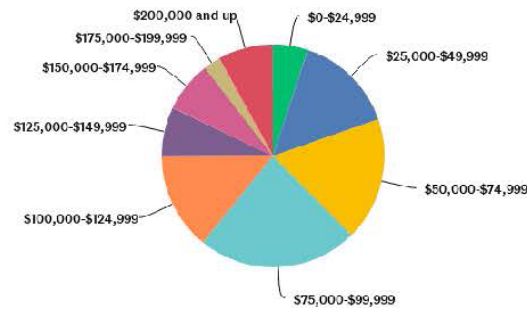
Nearly 1/4 of the individuals surveyed stated their household income is between \$75,000 - \$99,999.

18% stated their household income is between \$50,000 - \$74,999.

15% stated their household income is between \$25,000 - \$49,999.

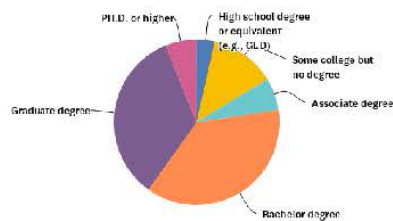
14% stated their household income is between \$100,000 - \$124,999.

Q35 What is your approximate current household income?



Education Level

Q36 What is the highest level of school you have completed or the highest degree you have received?



Every individual surveyed reported having a minimum of a high school diploma.

37% of individuals surveyed received a Bachelor's degree.

More than 1/3 of individuals surveyed have received a Graduate degree.

PUBLIC INPUT PHASE 1: SURVEY SUMMARY

Summary of Input

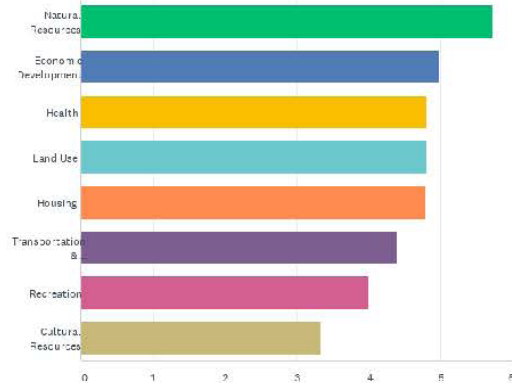
The following is a summary of the online survey responses. Much more raw data will be available in the appendix to this report.

Plan Topics

Natural resources was ranked highest as the overall most important plan topic for individuals, with over half of individuals ranking it within their top 3 plan topics and more than 25% of individuals stating it is the most important. **Cultural resources traditions** was ranked lowest as the

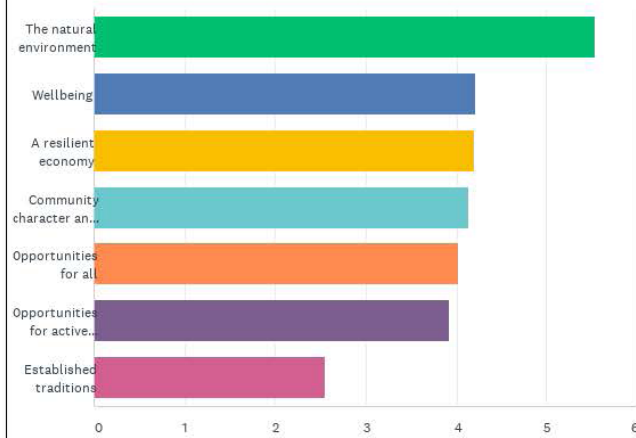
overall least important plan topic for individuals.

Q10 Please rank the 8 plan topics in order of their importance to you.



Values

Q6 Please rank the values that are important to you.

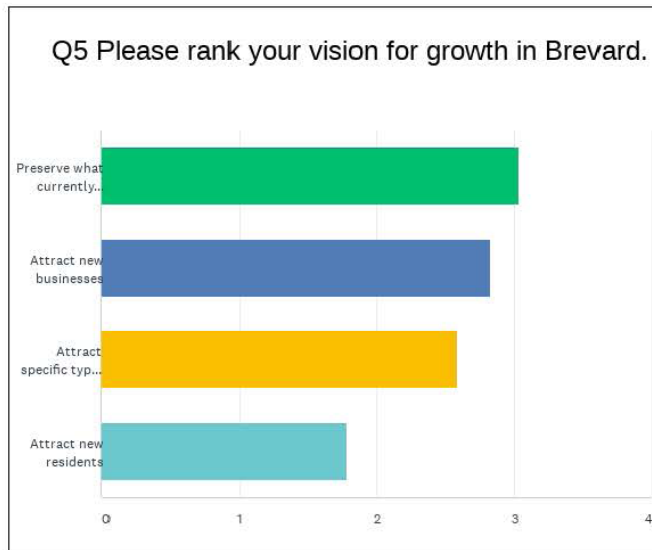


The **natural environment** was ranked highest as the overall most important value for individuals, with 75% of individuals ranking it within their top 3 priorities and 250 individuals stating it is their top priority. **Established traditions** was ranked lowest as the overall least important value for individuals.

Growth

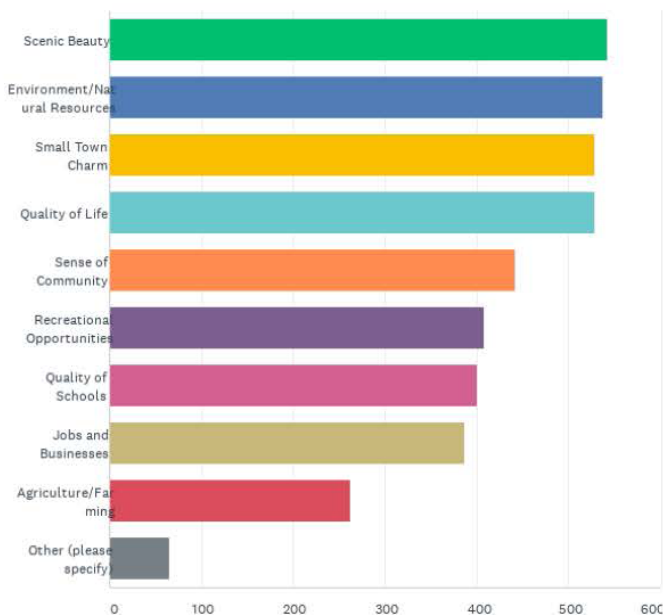
According to the Census Bureau, in the last decade, Brevard's population increased by 8%. Nearly $\frac{3}{4}$ of people said this is **about the right amount of growth**. More than 75% of respondents think it is **appropriate for Brevard's population to continue to grow**. 20% of individuals think **population increase of more than 10% growth is appropriate**.

More than $\frac{1}{3}$ of individuals thought Brevard is **heading in the right direction**, however 50% had **mixed feelings or were unsure**. The highest ranked vision for growth is to **preserve what currently exists**, with nearly 50% of individuals stating it is their highest priority.



Assets

Q11 What are Brevard's most important assets to be supported?



More than 80% of individuals listed the following as the most important assets to be supported:

Scenic beauty

Environment/natural resources

Small town charm

Quality of life

Less than 40% of individuals listed **Agriculture/farming** as the most important asset to be supported.

PUBLIC INPUT PHASE 1: SURVEY SUMMARY

Economic Development

Regulating certain land uses to guide development was ranked highest as the vision for economic development with more than 1/3 of individuals ranking it as their highest priority. This was followed by improving outdoor recreation opportunities and attracting industries that have not traditionally been a part of the local employment base.

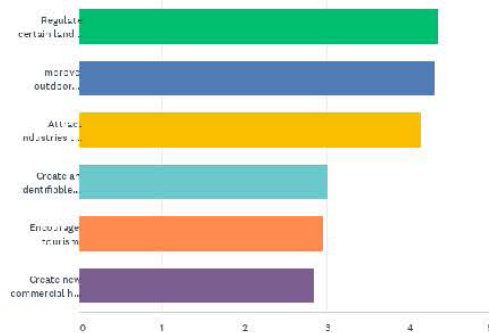
Downtown

A walkable/bikeable downtown that is vibrant and inviting with a mix of uses was ranked highest as the vision for downtown with more than 1/2 of individuals ranking it as their highest priority. This was followed by ensuring businesses downtown are open and inviting and serve as anchors as well as supporting preservation of older historic and architecturally relevant structures. Improving the downtown experience with wayfinding signage and an information kiosk was ranked lowest as the overall least important vision for individuals.

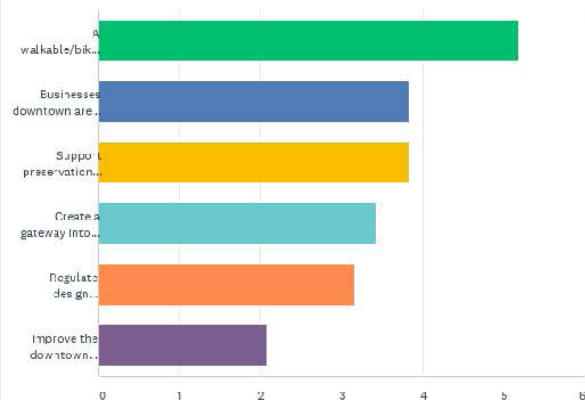
Tourism

Connecting downtown Brevard to Pisgah with trails was ranked highest as the vision for tourism with 75% of individuals ranking it within their top 3 priorities. This was followed by connecting downtown Brevard to Pisgah with bicycle friendly roadways as well as providing more opportunities to access outdoor recreation.

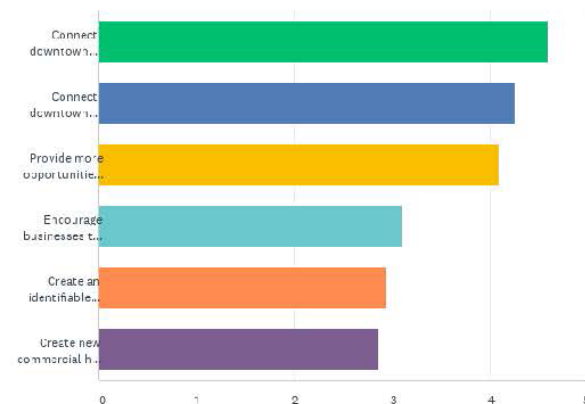
Q7 Please rank your vision for economic development in Brevard.



Q8 Please rank your vision for Brevard's downtown.



Q9 Please rank your vision for tourism in Brevard.

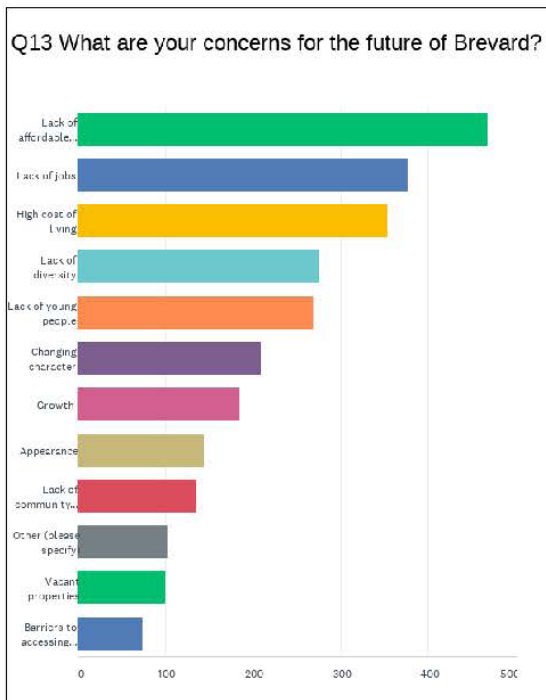


Concerns

Nearly 75% of individuals list **Lack of affordable housing** as a concern for the future. More ½ of individuals list **Lack of jobs** and the **High cost of living** as concerns for the future. Other concerns include:

jobs, economic growth, development, town, businesses, chains, Brevard, stores, Lack, zoning, need, tourism, local, lines, county, without

Less than 20% of individuals list **Vacant properties** and **Barriers to accessing services** as concerns for the future.

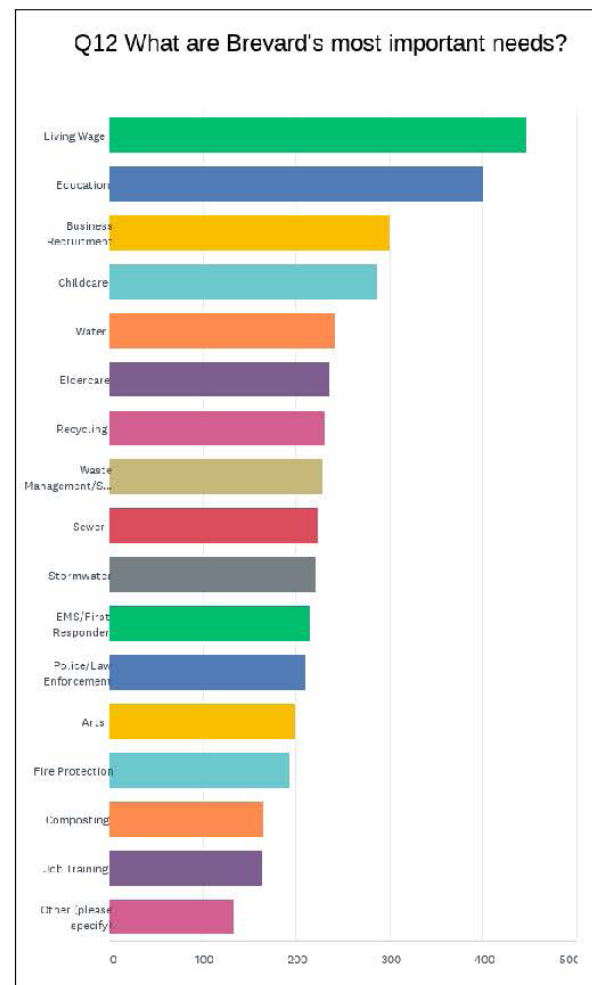


Needs

More than 60% of individuals listed **Living wage** and **Education** as the most important needs. Approximately 45% of individuals listed **Business recruitment** and **Childcare** as the most important needs. Other needs specified included:

people, economic growth, infrastructure, protection, Brevard, environment, Internet, High speed internet, need, County, work, affordable, roads, Land use, Affordable housing, protect, housing, jobs, Better, sustainable, downtown, area, important, natural resources, parking, workforce, housing, support

Only 25% of individuals list **Composting** and **Job Training** as concerns for the future.

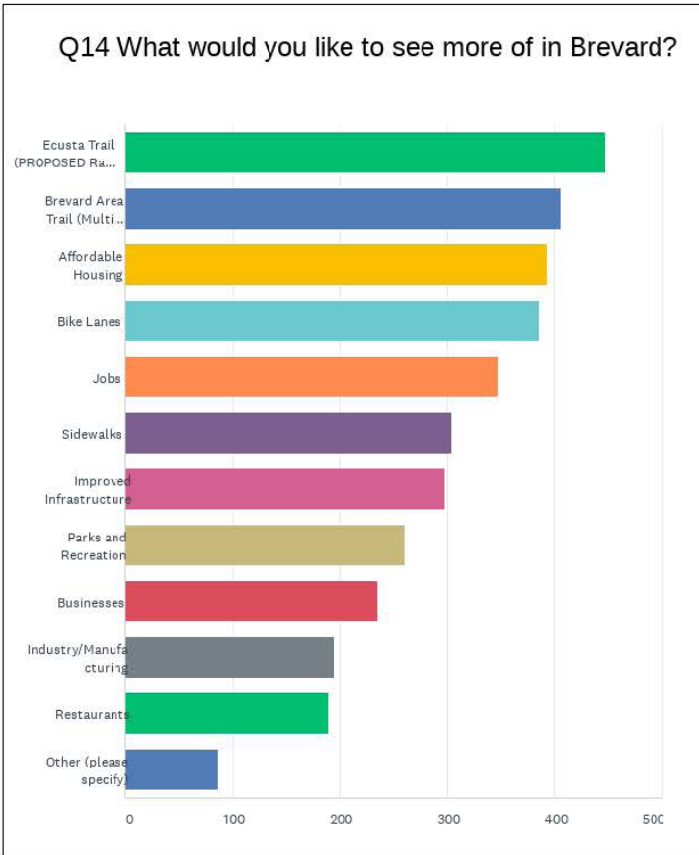


PUBLIC INPUT PHASE 1: SURVEY SUMMARY

Wants

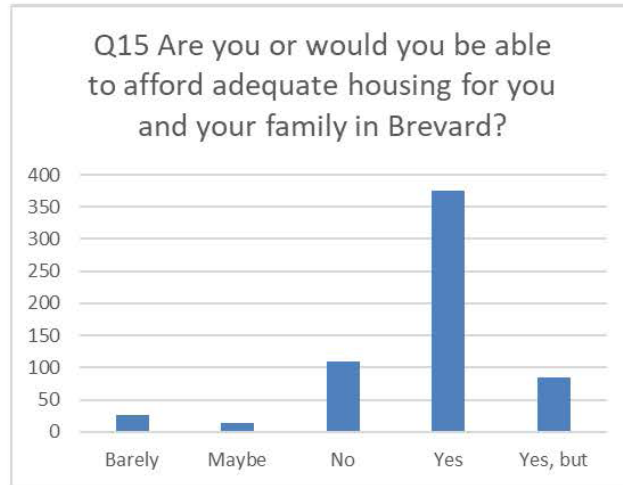
Nearly 70% of individuals want to see the **Ecusta Trail (Proposed rail trail connecting Hendersonville to Brevard)**. More than 60% of individuals want to see more of the **Brevard Area Trail (Multiuse path)** and **Affordable Housing**.

green | bike | road | jobs | building | zoning | Industry | streets
people | city | downtown | housing | town | trails
businesses | restaurants | Park | please



Housing

The majority of individuals surveyed (62%) stated that they can or would be able to afford adequate housing in Brevard. An additional 14% said they are or would be able to but only because of specific circumstances. 4% stated they are or would be barely able to and 2% said they may be able to. 18% stated they are or would not be able to afford adequate housing in Brevard.



PUBLIC INPUT PHASE 1: SURVEY SUMMARY

General

Plan Topic: Natural resources

Value: The natural environment

Asset: Scenic Beauty

Need: Living wage

Concern: Lack of affordable housing

Want: Ecusta Trail (Proposed rail trail connecting Hendersonville to Brevard)

Future: Mixed feelings or unsure

Growth

Amount: The right amount of growth

Population: Same as the last 10 years (Increase up to 10%)

Vision

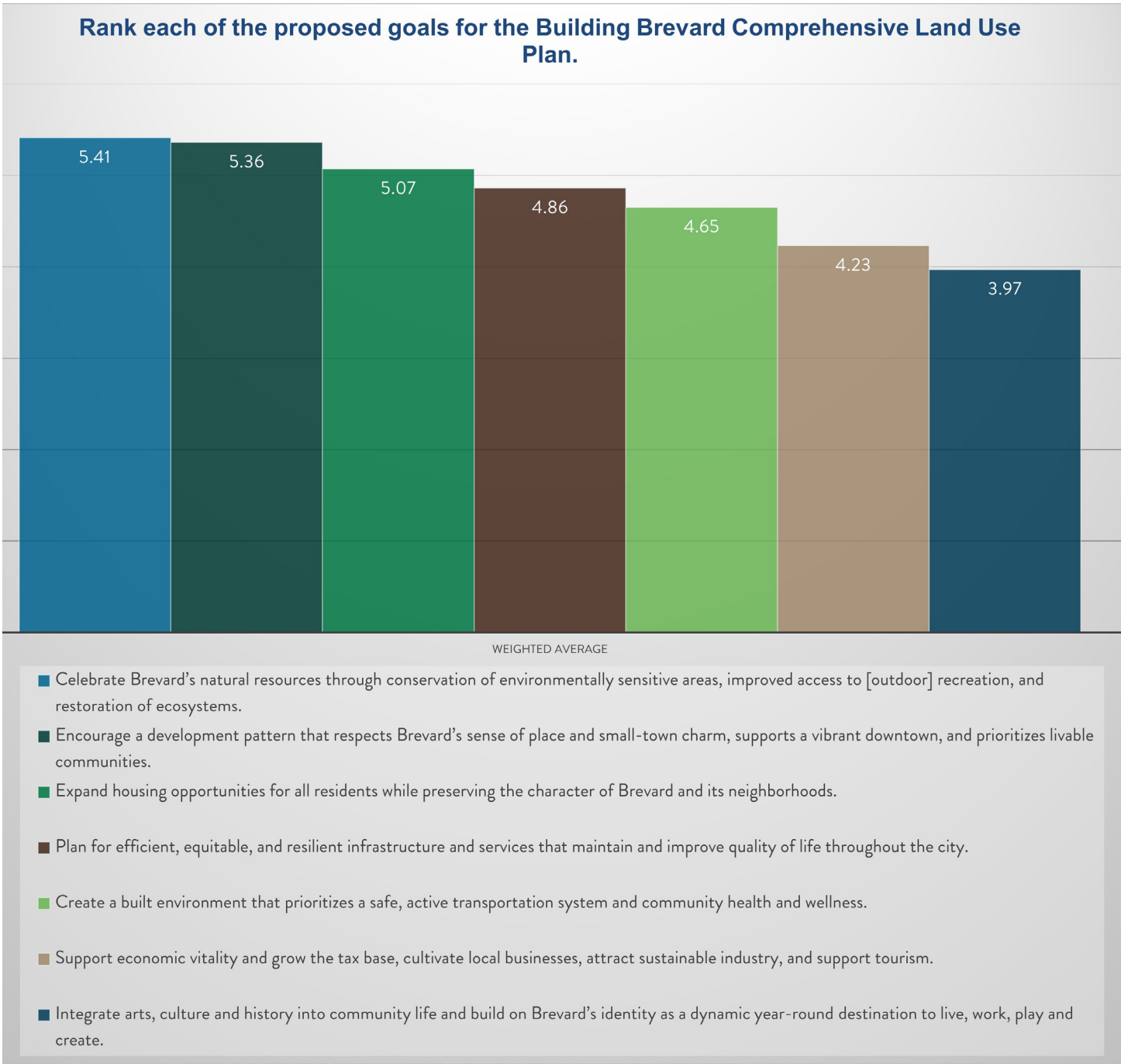
Growth: Preserve what currently exists

Economic development: Regulate certain land uses to guide development

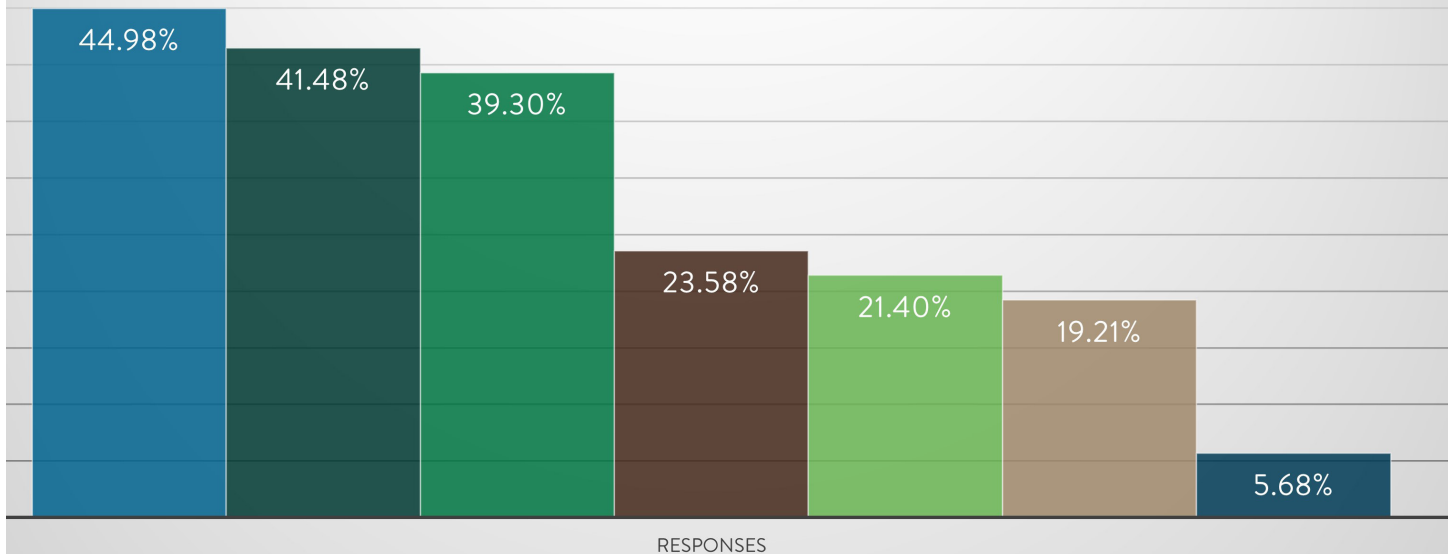
Downtown: A walkable/bikeable downtown that is vibrant

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GOALS SURVEY (SURVEY #2) SUMMARY



Choose your top 2 priority goals.



RESPONSES

- Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improved access to [outdoor] recreation, and restoration of ecosystems.
- Encourage a development pattern that respects Brevard's sense of place and small-town charm, supports a vibrant downtown, and prioritizes livable communities.
- Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.
- Create a built environment that prioritizes a safe, active transportation system and community health and wellness.
- Support economic vitality and grow the tax base, cultivate local businesses, attract sustainable industry, and support tourism.
- Integrate arts, culture and history into community life and build on Brevard's identity as a dynamic year-round destination to live, work, play and create.

GOALS SURVEY (SURVEY #2) SUMMARY

Would you change any goal or add any priority to the draft goals?

The following are open-ended responses to the above question.

- ◆ Downtown should have a more cohesive look architecturally
- ◆ I believe the natural resources are a very high priority. They are truly life giving. We are in dire need of an infrastructure overhaul for the sake of those living here and the growth that is likely to continue. Affordable housing needs to follow but must come on smaller scale around the community so they can be better managed and not turn into a drug houses and apartments but places where the surrounding neighborhoods can integrate them offering opportunities to single mother's, young people trying to get a start, etc. The 80 unit complexes are a disaster waiting to happen. People need smaller, more manageable complexes where they don't have to fear the other tenants but can thrive. With this, we can build a community that looks after each other, bring in something like the IT industry. I understand the desire for tourism but with it comes higher crime and the trampling of the very valuable resources that surround us. We need balance and better jobs. Protecting our resources and revamping our infrastructure should be where this all begins.
- ◆ Make it affordable for the families that live in Brevard and targeting what will make them stay. Then to only worry about what the retired people from everywhere but Brevard want. Brevard needs to do better by the people that actually make this town go round! Right now they are not. Taxes are ridiculous, housing prices are ridiculous, renting price are ridiculous. There is not much to brag about this town anymore!
- ◆ The entrance to the forest needs a total overhaul. Ugly strip malls need massive facelifts in keeping with a more 'national foresty' aesthetic. I refer you to the look of hotels and the like of Yellowstone or Yosemite.
- ◆ Respect the locals who have lived here for several generations and value their input, thoughts, and values. Prioritize the small town values, heritage, and friendly hospitality that has been vital to Brevard and the Transylvania community.
- ◆ There needs to be more kid-friendly spaces. Franklin Park is run down, and there's not a lot of other safe places for children. A hands-on children's museum, splash pad, etc...
- ◆ "Require new buildings, of all zoning types, to implement energy-efficient technology and design standards, especially insulation material standards.
- ◆ Rezone mixed use zoning and Plan bikeways and walkways so that over 50% of the population may walk/bike within 15 minutes to local services (groceries, shopping, dining, schools, etc.)
- ◆ Plan for long-term population increase that massively exceeds predictions, in the likely scenario Brevard will become home to tens of thousands of climate change migrants. "
- ◆ Completing the Brevard urban trail greenway thingy,
- ◆ Focus on expanding affordable housing for low income residents
- ◆ N/A
- ◆ Indoor/outdoor activities for children are desperately needed
- ◆ Conservation and ecosystem protection should not be grouped with access to recreation. These are separate and not always compatible.



GOALS SURVEY (SURVEY #2) SUMMARY

- ◆ Create bike lanes and/or sidewalks along all roads. Every resident should have ability to safely walk or ride to any destination in Brevard city limits.
- ◆ Yes- give tax incentives to existing and new businesses that seek to relocate here to promote a diversified support base. (Cultivating local businesses is not the same as supporting local businesses.)
- ◆ The Fried Mile (Asheville Highway from Broad Street to 286/64) could use trees to help reduce the noise pollution.
- ◆ Do not turn us into a mini-Asheville
- ◆ N/A
- ◆ no
- ◆ these are all great goals; making Brevard affordable for those who work there, yet still a destination, and livable (rather than trafficky) are all needed, but difficult to balance
- ◆ No
- ◆ Focus on keeping the community quaint with conservative family values. Do not encourage any development to enable homeless and vagrants to enter the community. Do not bring any major freeway to Brevard.
- ◆ Encourage green development that minimizes and reduces the city's carbon footprint. As a city, these include decarbonising the electricity grid, optimising energy efficiency in buildings, offering residents low-carbon transport options and improving how we manage waste. Commit to reduce the city of Brevard's carbon emissions drastically (by 90%) by 2050.
- ◆ All the questions were so broadly worded it was difficult to ascertain concrete meaning. For example: "Expand housing opportunities for all residents..." Does this mean building a bunch of new Section 8 apartments? What type of housing?
- ◆ no
- ◆ Adding access city wide for non motorized use
- ◆ Encouraging healthy lifestyles
- ◆ Build the Ecusta trail
- ◆ Limit "chain" businesses like Dollar General from buying land and throwing up buildings.
- ◆ Keep working toward an environmentally sustainable infrastructure... e-car charging stations, reducing fossil fuel dependencies, etc.
- ◆ Keep working toward an environmentally sustainable infrastructure... e-car charging stations, reducing fossil fuel dependencies, etc.
- ◆ I feel that each of those goals has a very high priority and it will be difficult to consider all of them as decisions are made. But, each must be considered if Brevard is to hold onto its small town charm while preserving the beauty of its natural surroundings.

- ◆ "Create more walkable areas.
- ◆ Make roads more bike friendly.
- ◆ "
- ◆ +++RailTrail Support
- ◆ No
- ◆ no
- ◆ The goals are all blended with two different ideas. I want to see the growth stop and allow those who live here to enjoy the natural resources that are natural to the area. Folks come here to enjoy the hiking and biking. We don't need more access to these natural areas or the trails will no longer be natural or will become too eroded like the trail up to looking glass is now. There are plenty of places to live currently.
- ◆ Your questions are poorly thought out and written. Too many compound ideas where I agree with one but not the other. This will give incorrect results. You need to limit housing. The reason Brevard is attractive is because it's a small town. There is no way to maintain the small town feeling with unchecked growth. Allow unchecked growth, and in 10 years you'll be back to the 1990s.
- ◆ Merge the "Celebrate natural resources..." with support and facilitate economic vitality and grow the tax base.
- ◆ No
- ◆ I feel that each of those goals has a very high priority and it will be difficult to consider all of them as decisions are made. But, each must be considered if Brevard is to hold onto its small town charm while preserving the beauty of its natural surroundings.
- ◆ We moved here for nature. Unfortunately growth and resource degradation tend to go hand in hand. People are going to keep coming to Brevard if we make/keep it a great place to live. And the Pisgah will always be there. I want to make sure we initiate plans to protect our Pisgah, DuPont and other resources from overcrowding, specifically from tourists who may have less respect for our ecosystem. If we double the tourists we have, our trails will become unrecognizable, eroded, sediment entering our waterways, and native plants trampled by cars. If we expect or encourage tourism we need to account for damage we are inflicting on the forest. I don't mean that we should make bigger parking lots at trailheads—on the contrary. We need to figure out a trailhead shuttle system and get people away from crowded trailheads. On top of all this, tourists are not as important as the people who put down roots here. We MUST protect Brevard and Transylvania county from over development.
- ◆ No
- ◆ No
- ◆ Protect residents from unsustainable increases in property taxes due to real estate appreciation.
- ◆ Work with local nonprofits that have a proven track record of success building affordable homes such as Transylvania Habitat for Humanity.
- ◆ No
- ◆ All listed are keys to Brevard's wellbeing. The order of priority will be the most important aspect of this. All should be on the list, though.
- ◆ We NEED affordable housing!!!

GOALS SURVEY (SURVEY #2) SUMMARY

- ◆ no
- ◆ To access these places, the roads should be better.
- ◆ lower the speed limits in town and actually enforce it
- ◆ "-While housing is important, goal 1 should clarify what kind of housing (is it sustainable and equitable? (it should be))
- ◆ - With goal 6, 'grow the tax base' is suspicious, and difficult to implement while keeping the small town charm
- ◆ -I would ultimately say they are hard to prioritize because they are all so interconnected. "
- ◆ "My issue with the goals is who would say no to any of those goals??? But what do they really mean?? Just like previous plans we learned all of these mean different things to different people. These are ambiguous questions that really mean nothing.
- ◆ The one thing I do wish to express is that sustainable tourism is possible but it takes creating options that are more attractive to the tourists not regulating. The TDA inadvertently advertises Airbnb's....the county has the ability to make the hotels and in town options more attractive by recruiting transportation businesses to provide shuttles to overpopulated attractions or adding the hotels to the current transportation routes. This would solve multiple problems if it could be accomplished, but I know it's not that easy...Create a "parking park" where shuttles can pick up, food trucks can park offer trail lunch packs. As a meeting point maybe it would make troubled areas look more attractive to developers??? (Ecusta??). Approach it as guided tourism, not a free for all. Create an experience. Provide trail trash bags as part of the culture. We don't have to regulate to create the environment the residents want, we just have to paint a picture for those coming in that is more attractive or different than what the residents need. We don't have to be fighting for the same resources."
- ◆ Focus on the affirmative and efforts that are already improving the City of Brevard like the Heart of Brevard and Blue Zone Project - Brevard.
- ◆ Encourage a development pattern that respects Brevard's sense of place and small-town charm, supports a vibrant downtown, and prioritizes livable communities.
- ◆ no
- ◆ Not sure where this would fit. Traffic & high speed through neighborhood streets is crazy. I live on Park Ave. and cars drive way too fast - it would be great to have a patrol car in sight during school and high traffic times. It seems there are more tickets handed out on the little mountain (280) than where we could really use the patrol. Also why do huge trucks drive through Neely/park ave?
- ◆ Create a bypass so through traffic and large trucks don't need to come through the downtown area
- ◆ Keep Brevard authentic
- ◆ Provide more public resources such as an adequate hospital, efficient law enforcement, etc
- ◆ no
- ◆ No
- ◆ Encourage industry - not tourism. We can't support families on tourism, and tourism is creating part of the infrastructure/traffic problems.

- ◆ Brevard is all about tourism and the locals who have been here their entire life. Our young people have no future here as there is nothing for them to do!
- ◆ Focus on viable jobs, necessary infrastructure, growing families, and quality of life in a small town. Tourism is not any of that.
- ◆ Be business friendly, but not at the expense of the workforce. Housing and jobs are related in this way, as in far too many employers in Brevard want to get away with low pay and benefits, while expecting workers to squeeze elsewhere to afford to live here. The City of Brevard can lead on this. Encourage living wage businesses, discourage volatile and predatory landlords, and lead by example. Make Brevard the best place to work in North Carolina.
- ◆ Improve the roads around Brevard, not through the addition of roundabouts, but well thought out systems that allow for traffic to divert around downtown. The huge influx of traffic is unsustainable unless a by pass around downtown is included!
- ◆ No
- ◆ Making Affordable Housing a priority, regulating, and maintaining existing programs, building additional energy efficient units
- ◆ Support local businesses and stop adding fast food stores. We don't need Another Wendy's or dollar general. I much prefer Mayberry, Harris hardware or blue ridge bakery.
- ◆ "Yes!!! You need to clearly label the goals and which rating scale goes to which goal. You can also put extra space between them.
- ◆
- ◆ Please change the goal of integrating art, history etc for Brevard's identity as a great DESTINATION for work, play etc so that equal attention is given to improve life for those that already live here especially people who grew up here.
- ◆ Marketing Brevard to rich retirees only benefits the Real Estate industry. At some point the rich retirees's health will fail and either need to go to an assisted living facility or pay for a caregiver in their home. Facilities and Home care agencies pay their workers only \$8.50-\$15 per hour. The Comprehensive Plan must ensure good quality housing for the caregivers of people that see Brevard as a 'destination'"
- ◆ Yes, take tourism out of the one goal it's in and it'd be perfect.
- ◆ Create more greenways and bike lanes providing access to all the different neighborhoods and schools of Brevard.
- ◆ No
- ◆ Work with local nonprofits that have a proven track record of success building affordable homes such as Transylvania Habitat for Humanity.
- ◆ Something needs to be done to prioritize housing for local residents who are being pushed out by out of town buyers forcing the market up
- ◆ "ENFORCING Bike/walk lanes and crossings—holding drivers accountable—Not just cyclists.
- ◆ Future roads should automatically include a shoulder and or sidewalk. "
- ◆ We should be more focused into looking out for the local people with affordable and workforce homes. You can attract all the tourist and retirees you want but without local people living and working here how is Brevard going

GOALS SURVEY (SURVEY #2) SUMMARY

to continue to prosper and grow.

- ◆ Figure out how to zone and support infrastructure for development where utilities are coming from two different entities. Also figure out a long term plan to keep downtown vital w the development of trail systems and building opportunities outside the city/town that lack zoning controls.
- ◆ I would encourage the City to buy land in the downtown core for future parks, meeting spaces, etc. I would also recommend that any current and future assets be landed for multipurpose reasons. The City is too small for single purpose assets in many cases. I think affordable housing is an important topic, but the only way I see it being resolved is for the City or the County to own units and then rent them out. Private houses/units will continue to attract retirees or families able to work from home relocating from elsewhere which will drive up prices. Not to mention purchases for the intention of short term rentals. Consider density variances and micro units as is done in larger cities. I would consider a bond referendum to raise the money needed for housing...City or County, although I think it's more of a County issue.
- ◆ Control and, to the extent possible, reduce short-term rentals so as to preserve the availability of modest-rent housing.
- ◆ No
- ◆ Tree preservation
- ◆ Rephrase the goal regarding the characterization of Brevard as a “year-round destination “ to focus less on tourism and more on a vibrant community.
- ◆ Workforce housing needed and industry
- ◆ I would have separated goals in #6 to better clarify the need for supporting tourism.
- ◆ Prioritize affordable housing for workers or none of the above will be possible. Stop denying the affordable housing proposals and minimize cronyism.
- ◆ No
- ◆ No
- ◆ No
- ◆ The goal about transportation-- I would like it to reference biking and walking. I'm not sure everyone reading that goal would think about the importance of sidewalks and paved paths.
- ◆ Fix the roads, I've never lived in a town with such bad roads, their crumbling everywhere.
- ◆ I'd like to see some more specific verbiage that suggests what those goals are, and what they could provide; they feel a touch vague.
- ◆ Stop dot from making roundabouts
- ◆ NA
- ◆ No
- ◆ Avoid developing all vacant land, especially for the sake of development
- ◆ n/a
- ◆ Affordable housing MUST be a priority!!! Working people can't afford to live here!!!!
- ◆ De-incentivize regional and national chain / big box stores from developing Brevard into any other suburban corridor. Zoning requirements and/or responsible development guidelines for the Rosman corridor are critical to guiding Brevard's long-term growth and protecting the area as one of the east coast's best-kept outdoor tourism

destinations.

- ◆ Connect Brevard to Asheville by transit shuttle
- ◆ Nope. Well put together and conceived.
- ◆ No
- ◆ Your affordable housing plan is terrible. You are letting developers build many homes without garages, inadequate off street parking (a car parked on the property would be in the 5 ft. road right of way area). Brevard doesn't have to reinvent the wheel to figure out a right way for affordable housing. First, look at the Coronado CA affordable housing plans on their website or call the Affordable Housing Department in Coronado. They have a PERFECT way for everyone to benefit from their well thought out plan. Whenever a developer builds a house, condo, apartment house, etc, and doesn't have it for Affordable Housing, then they pay an in lieu of fee to the City of Coronado, The City then compiles this money and buys house, apartments, or builds affordable housing with the funds. Then the City has an application process for people who want to occupy one of the affordable housing units. The City collects the rent and that revenue helps purchases more affordable housing or building it. If you let a developer build the affordable housing units, then the developer makes \$40,000 to \$80,000 a month income. I think the City of Brevard could definitely use that money to solve the affordable housing problem issue. Rezoning and ruining neighborhoods is NOT the answer. There is plenty of vacant land available that does not involve extra traffic, density issues, etc. that can be used. In Coronado they affordable housing department purchased a four unit apartment complex I owned and turned it into affordable housing units. There were four two bedroom one bath units and 4 garages on the lot. If you wish further information, please contact the City of Coronado or me and I will be glad to help you understand this easy fix. PAT PETTIT 619,392.6564. 17 Grove Circle, Brevard.
- ◆ Support sustainable transportation
- ◆ Linear parkways and more of them
- ◆ Na
- ◆ Rehabilitate and restore existing infrastructure (buildings, roads, etc.) before initiating new construction. Address the litter problem along roadsides. Add bio-diverse landscape throughout the town.
- ◆ No
- ◆ No
- ◆ No
- ◆ No
- ◆ Quality hospital facilities, limits on B&B's so that housing is available to full time residents & enforcement of speed limits as well as the exterior of the post office. While tourism is important to Brevard some preference should also be given to members of the community.
- ◆ No
- ◆ Don't let your goals develop into the city of Asheville. Support local businesses and the owners of . Parking is a issue. free parking.....
- ◆
- ◆ Do NOT ban or limit AirBnBs. Increase density levels for in town lots.
- ◆ You hit them all!
- ◆ Focus on adaptive reuse of existing buildings and developed lots prior to new green field development.
- ◆ What ways are we trying to save money? Seems our Democrat Mayor keeps wanting to spend it!
- ◆ I think respecting our small town history and design. It's very disappointing to see the development plan going

GOALS SURVEY (SURVEY #2) SUMMARY

in on courthouse Hill. That land could have been used more to the benefit of the locals especially in such a high traffic area

- ◆ I would be more specific about expanding housing opportunities. They need to be affordable homes/dwellings for the folks that live and work here. Options are nearly endless if you have a million dollars to spend, most don't.
- ◆ De emphasize tourism and support more sustainable local focused businesses
- ◆ I would like to see a plan that provides expanded facilities for sports and wellness for children and adults - especially tennis, swimming, indoor soccer etc.
- ◆ No
- ◆ Put the residents of Brevard before tourism.
- ◆ All of these "proposed goals" are too broad and vague to be actual, measurable goals. More detailed and focused items would be a better survey for the true needs for this community.
- ◆ We need to think about parking and traffic flow. Certain roads (Gallimore, Greenville Hwy, Hendersonville Hwy) are paralyzed by school traffic in the afternoons. There is a lack of appropriate turn lanes causing traffic to back up into intersections (Ecusta and Old Hendersonville Hwy, Rosman Hwy and Country Club). I sometimes sit through 3 light changes before I can turn left from Main onto Broad towards the library. (And I know the city can't do anything about that poorly planned Ingles parking lot, but good god what were they thinking?) Downtown lacks appropriate parking, and the pedestrians crossing Broad and Main are truly in danger. In summary, our town is bursting at the seams, and continued growth will only exacerbate our issues with traffic, rain water, road conditions, etc. I want to see continued growth to increase all of our home values and support our small business economy, but we need to think about efficiencies and infrastructure.
- ◆ No
- ◆ Focus on making it a more liveable community for all and not focus on making downtown a tourist attraction
- ◆ Bring more infrastructure for the growing outdoor industry and support the local businesses that bring this. Also support the rescue squad!
- ◆ I would clearly define what type of housing and where. Several of these are vague and could mean something I could support or not at all. Without the knowledge of what these mean, I'm not sure I can accurately pick. I did my best, but they are vague in what they really look like.
- ◆ No, but since there wasn't an Other Comments box, I'd like to encourage looking at other similar communities and their struggles to understand good and bad planning strategies. St Augustine as an out of control growth community is one.
- ◆ Take into consideration the costs (construction and maintenance costs) for any new code requirements
- ◆ Stop with the tourist and the bike riders on these mountain roads. Worry about the money that was supposed to use for our schools so you can have more kids going to the public schools... all you worry about the tourist.
- ◆ No
- ◆ As a small side note I would love to see the community planting bulbs and flowers in our "right of ways" between sidewalks and streets. Instead of paying city employees to mow and weed eat redirect that money to encouraging the property owners to beautify that small strip of land similar to Williamsburg, Savannah, Charleston downtown homes.
- ◆ No
- ◆ Improve traffic flow and parking in the downtown area
- ◆ No
- ◆ Do not make tourism/tourist attraction a priority. Brevard is more than "Asheville's Playground" or a retreat

from Florida, some people call this town home full-time and their needs should be the priority. Make it possible for the kids who grow up here are able to stay here rather than being forced to move away by the lack of options.

- ◆ Add a definition of "affordable housing"
- ◆ No

GOALS SURVEY (SURVEY #2) SUMMARY

What is one step you would like to see the City or other partners taking toward accomplishing your priority goal?

The following are open-ended responses to the above question.

- ◆ Make certain Brevard does not lose its charm.
- ◆ Protect the resources and revamp the infrastructure.
- ◆ Actually listening to the needs of the people who have lived in Brevard there whole life.
- ◆ BIKE PATHS! I'm sick of cyclists in my way all over town.
- ◆ Limit AirBNBs within the city so not driving out locals and new residents.
- ◆ Seek out the locals and their input by hold meetings in their neighborhoods and communities (churches, community centers, etc) and partner with respected, trusted, long-time leaders of those neighborhoods and communities to help facilitate the meetings.
- ◆ "Reach out to other reputable cities that have already implemented these goals and listen to their advice.
- ◆
- ◆ Dream big."
- ◆ Connecting the tannery Park area with downtown via bike path that is not shared with cars
- ◆ Recognizing that service industry employees and others who don't earn a lot of money want to live here as well and need affordable opportunities to own and rent in the area
- ◆ connect the bike paths for increased pedestrian safety; install splash pad and/or pool near the baseball/soccer fields
- ◆ Making space available for use/development. Try to bring YMCA to town
- ◆ The city should become more directly involved in affordable housing development. Create an incentive program beyond the housing trust fund. Partner with Mountain Housing and other nonprofit developers.
- ◆ Low interest development loans, easements, and removing regulatory obstacles to promote more housing developments on major corridors, preserving conservation pathways and parks wherever possible. Additional tax on short term rentals could help pay for this.
- ◆ Ecusta trail!
- ◆ Have the City acquire land and recruit developers to build housing that medical and home personnel, starting teachers, and other workers can afford. Our aging population can't do without them.
- ◆ Continue supporting Ecusta trail, despite lack of County leadership
- ◆ I think the dominant issue facing Transylvania County is the lack of affordable housing, especially for young people. Look at successes in other communities and see if we can implement those ideas here...need creative, out-of-the-box solutions.
- ◆ Expansion of sidewalks, greenways, bike lanes
- ◆ Sidewalks! Everywhere! Make the city totally walkable safely!
- ◆ Tax incentives
- ◆ Affordable housing that people want to live in as opposed to thrown together apartments. Just because people don't make a lot of money doesn't mean they want to live in an apartment made like a box.
- ◆ Work closer with existing LOCAL successful organizations like Transylvania Habitat for Humanity to create

more affordable housing. Don't assume out of town developers will have out communities' best interests at heart.

- ◆ Approve development of additional affordable housing for local workforce.
- ◆ affordable housing needed - I have lived and worked here for 20 years but cannot afford to buy . . .considering moving away so I can be a home owner.
- ◆ Build some relatively dense affordable housing (maybe mix of affordable and market) walkable to most jobs, near downtown, perhaps near the library. multi-story, nice buildings with central courtyards could be helpful.
- ◆ Encourage family center activity.
- ◆ Establish strict, specific and effective zoning regulations for minimizing short term rentals in residential neighborhoods; create incentives for building affordable workforce housing. Evaluate the Unified Development Ordinance, and do a comprehensive review/rewrite measured to preserving the small town /rural character and charm of the city of Brevard.
- ◆ Invest in the Rails to Trails program to link up with Henderson county's efforts.
- ◆ Get the rails to trails Ecusta Trail to Hendersonville open as soon as possible.
- ◆ It's in progress
- ◆ The benefits of the Ecusta trail completion will be a huge benefit economically and provide another healthy activity.
- ◆ Thinking through the environmental impact of more businesses and houses being developed.
- ◆ Install a few more automobile battery charging stations? Continue to build more bicycle lanes (real ones, as compared to stripes on the side of highways).
- ◆ Install a few more automobile battery charging stations? Continue to build more bicycle lanes (real ones, as compared to stripes on the side of highways).
- ◆ Consider those who make less than \$50,000 per year. They need an equal opportunity to work and have decent housing. Also, multi story buildings block views and destroy aesthetics. Smaller options must take priority when looking at developments.
- ◆ Whatever it takes to equal Hendersonville efforts to complete RailTrail
- ◆ Affordable housing for all prioritized.
- ◆ More attention to downtown. Look how Hendersonville has created attractions to draw people downtown with sidewalk dinning and attractive store fronts. We have too many empty buildings.
- ◆ "establish zoning rules that will control development
- ◆ "
- ◆ build sustainable natural trails that can be enjoyed by those who cycle and hike. Provide access like the Ecusta trail to connect joining communities that will allow folks to communte and visit neighboring towns.
- ◆ Control growth and outside real estate interests from controlling the housing market.
- ◆ Not sure, I suspect anything I would suggest has been done: review zoning, develop sustainable housing plans directed at medium income workforce housing, etc.
- ◆ Help county develop zoning restruictions
- ◆ Support the development of the Ecusta Trail.
- ◆ Consider those who make less than \$50,000 per year. They need an equal opportunity to work and have decent housing. Also, multi story buildings block views and destroy aesthetics. Smaller options must take priority when looking at developments.
- ◆ Institute a trailhead shuttle system and market the hell out of it. Run it from Asheville down 280 with major parking encouraged at WNC Ag Center. Stops at Turkey Pen, Davidson River CG, Looking glass Rock/Hatch-

GOALS SURVEY (SURVEY #2) SUMMARY

ery, Pink Beds/COF, Pisgah Inn, maybe even as far as Graveyard Fields. Have a 16-20 bike trailer behind it. Charge for the shuttle just like it's an Uber. Work with the owners of the Davidson River Village property to have that be the primary launch point for adventures so people aren't driving into our trailheads unnecessarily. Email me: I have some experience setting things like this up: dgjessee@gmail.com

- ◆ Implement proposed Main Street revisions with curb bump-outs.
- ◆ Helping county move to zoning to complement city zoning.
- ◆ Address encroaching air (including odors), light, and noise pollution created by growing commercial corridor
- ◆ Work with local nonprofits that have a proven track record of success building affordable homes such as Transylvania Habitat for Humanity.
- ◆ Work with Transylvania county to Continue to develop the Ecusta Trail corridor.
- ◆ Develop comprehensive plan for affordable housing which takes into account the effects of short term rentals (Air B&B's)
- ◆ Better coordination and cooperation between State, County and City governments
- ◆ LIMIT AIR B&BS PLEASE!!! Restaurants cannot find employees because the working class cannot afford to live here anymore. it is sad to see so many moving away because of lack of housing.
- ◆ Provide infrastructure that supports young families. We need young families to move here and raise their kids here.
- ◆ Affordable workforce housing, adding restrictions or moratoriums to discourage landlords from converting into short-term rentals
- ◆ Thinking outside the norm to find solutions instead of just doing what has always been discussed.
- ◆ Provide a safe, vibrant small town for our families to flourish.
- ◆ Keep building trails! We love them!
- ◆ just do it - get the police to patrol traffic violations and speeding
- ◆ Ethical architecture. Sustainability (and that means ACTUAL sustainability, not greenwashing) is attractive and necessary. Also, while I'm here, solar canopies over parking lots!!
- ◆ Think outside the box. Stop the surface level thinking. :)
- ◆ Work with the County and other community partners to develop an aquatic complex.
- ◆ Work with local nonprofits that have a proven track record of success building affordable homes such as Transylvania Habitat for Humanity.
- ◆ "Eliminate huge trucks access to neighborhood roads.
- ◆ Monitor speeds on Park Avenue. "
- ◆ Until a bypass is in place enforce existing speed laws on Broad St and Caldwell and prohibit "Compression brakes"
- ◆ A renewed commitment to keep momentum going with all established projects
- ◆ Solicit more healthcare providers to invest in our community
- ◆ WORK MORE WITH A PROVEN NON-PROFIT LIKE HABITAT FOR HUMANITY
- ◆ Increase tax base
- ◆ Encourage industry - tax incentives
- ◆ Attract affordable housing projects that can get have community support. They seems to have a lot of resistance.
- ◆ Reserve housing for underpaid professionals like teachers, public service, small business owners
- ◆ Show a bit of concern for local residents. Have you driven out to the high school in the past 20 years? Did your

chassis survive it?

- ◆ Increase occupancy taxes/ordinances on Airbnbs. Allowing a 6 month slow period to enable a 6 month period is not sustainable, and creates huge deficit in year-round available housing for *families.* Let members of the work-force decide what is, and isn't, the right amount of friendliness to tourism, not businesses. We are nowhere near detracting tourists – we are already deeply underserving residents of Brevard.
- ◆ Transylvania County tax payers have been asking for a by pass for YEARS! Stop thinking that a by pass will dry up the downtown area and work toward acquiring the land to make a by pass a reality.
- ◆ Easy access to maps
- ◆ Working with non-profits who have a proven track record of building Affordable Housing, by donating land and/or resources to increase their production.
- ◆ Ecusta trail, bike lanes similar to Portland Oregon.
- ◆ Make Real Estate agents getting big commissions on selling expensive homes contribute to the Housing Trust Fund. And change the housing trust fund back so its focus is not just big 'affordable housing' developments (where the Real Estate agent makes a big commission on also)
- ◆ Stop playing politics and stop with the UDO bullshit that keeps driving businesses from Brevard.
- ◆ A master plan that includes human powered transportation improvements.
- ◆ Ensure that all underlying infrastructure is sound and scalable.
- ◆ Work with local nonprofits that have a proven track record of success building affordable homes such as Transylvania Habitat for Humanity.
- ◆ I'm not sure it is within the authority of these parties to prioritize locals in housing plans. Perhaps adding more taxes to part time residents, short term rentals, & touristy industries rather than to property taxes for year round residents would help.
- ◆ Hold A green up day?(collecting trash) Fining litterers
- ◆ Working more with local nonprofits like Habitat for humanity. Brevard is all about downtown decor and bringing in more people to downtown. They need to partner with Habitat and other nonprofits to help with keeping the local people here. There are more and more houses and apartments being built all around Brevard, Transylvania county but no local person can afford them.
- ◆ See a higher level of care in all government assisted housing. When people see areas like Laurel Village that are well kept and tidy, perhaps they will be more welcoming to affordable housing projects. I just see a great disparity in how different housing projects are cared for
- ◆ n/a
- ◆ Work with non-profits that already have a successful track record of building affordable housing - Transylvania Habitat for Humanity
- ◆ Limit growth to fit within the existing resources and assets. The cycle of raising revenue to build an infrastructure that brings more people in is both unsustainable and damaging to the culture and long-term viability of this town.
- ◆ Take a holistic approach to addressing the current housing crisis. Rethink zoning & easements, and consider incentivizing home owners to rent to long-term tenants over short-term ones.
- ◆ Portapotty at Bracken Preserve
- ◆ Investing in housing that is affordable to those working in the community, through offering incentives, subsidies,

or just doing what right to help people live healthy respectful lives in the community they work and live in.

- ◆ See above.
- ◆ Support more recreational spaces
- ◆ I'd like to see a new courthouse built or extension to better accommodate the workload for all
- ◆ Can we turn some of the empty shopping center space in town into spaces for affordable housing?
- ◆ Begin sidewalk construction on Neely rd to improve town's walk ability.
- ◆ Encourage continued growth of small businesses downtown.
- ◆ Traffic and parking management within Pisgah and DuPont would be a good start.
- ◆ Find a way to alleviate some of our traffic congestion.
- ◆ Work with landowners for sites that could have workplace housing. For example the run down white office area across from the new hotel site.
- ◆ Give businesses a reason to come here - offer tax breaks, minimize the tourism aspect because that doesn't offer businesses consistent employees.
- ◆ Expand sidewalks in north brevard
- ◆ Convene a task force and charge them with developing step by step goals and a plan to move us as a county to the ultimate goals of sufficient low income and task force housing within a given timeframe.
- ◆ Discuss ideas w knowledgeable citizens. Form a comprehensive plan for the county as well as the city.
- ◆ City and County partnerships
- ◆ Enforce licensing of current short-rental properties. License no more properties. Do not re-license short-term rental properties that are sold.
- ◆ Perhaps, expand cooperation with Pisgah National Forest and Dupont National Forest, re: hiking and camping rules, wildlife programs, etc.
- ◆ Plant more trees. No clearcutting for planned communities. Stick to a mountain architecture plan (Platt).
- ◆ Work to improve and maintain the quality of local rivers to assure continued health and attractiveness of our waterways.
- ◆ Encourage building of Workforce housing
- ◆ Focus on communication and actions which build community and allow disparate groups to find common goals. For example, promote the probable increase in property values along the Ecusta Trail, similar to what I've seen in other rails-to-trails projects. And work to get the county commission to also be excited about this project.
- ◆ Accept at least one plan for affordable housing for workers. Expand the bike path and Ecusta trail as a priority.
- ◆ Easier to attain building ordinances.
- ◆ Working on infrastructure.
- ◆ Expand bike paths to access all areas of Brevard safely
- ◆ The city needs to have the courage to agree to one of the many proposals for mixed income housing. I would also like the city to fund the expansion of Blue Ridge CC.
- ◆ Inform the citizens of a plan to fix the roads.
- ◆ I'd like to see the greenway expanded, and the city support more parks and recreation, specifically in the mountains were so lucky to have.
- ◆ No more housing for tourists
- ◆ Safer walking
- ◆ Start looking to balance the small town vibe of Brevard with more opportunities to bring in sustainable jobs.
- ◆ Limit VRBO or short term rentals. No more Dollar Generals or stores like that and no more fast food
- ◆ Fund and make a top priority the resurfacing and patching of city streets AND those for which NC DOT is

responsible. Notify the public when improvements are taking place (through the City's blocked up space in the paper.

- ◆ Quit caving to developers
- ◆ Retain farmlands and agricultural areas and not rezone for developers to come in and build massive housing communities (ie DR Horton, Pulte, Lennar).
- ◆ Continue to navigate state and or federal laws that limit the City's ability to control the proliferation of AirB&B's at the expense of our much-needed long-term affordable workforce rental options.
- ◆ Consider the well being is ALL residents when making decisions!! The benefit to the community should outweigh the complaints of a few!!
- ◆ Implementing zoning/development ordinance(s) & plans for the Rosman corridor.
- ◆ Work with Asheville transit & the Regional planning offices rpo & mpo
- ◆ I would like to see a lot more affordable housing, preferably that adds capacity while also respecting the character of the town. And also remaining committed to parks and public lands. Difficult, but doable for sure.
- ◆ Finish the Ecusta Trail and make a comprehensive plan for increasing affordable housing availability.
- ◆ Mandate density in areas close to downtown.
- ◆ Fund and complete the multi-use path!
- ◆ Contact the City of Coronado asap to get the details of their Affordable Housing Rules.
- ◆ Road diets
- ◆ "Adjust zoning to allow denser housing development.
- ◆ Provide more support for bicycle transportation. "
- ◆ Affordable housing. Improve availability of long term rentals by decreasing/limiting air B and B locations in town
- ◆ Let's clean up what messes we currently have (litter, abandoned buildings, etc.) and incorporate native plants and trees instead of grass along all roads.
- ◆ Implement a viable transportation plan. The city is growing without thought of reducing traffic congestion east/west and south.
- ◆ Affordable workforce housing
- ◆ Serious priority on funding starter housing
- ◆ Prioritize low income housing
- ◆ I would like to see greater communication regarding initiatives and a greater understanding within the community about those initiatives.
- ◆ Consider how much traffic & growth the city wants to see while balancing the small town appeal the residents enjoy. Do we really want to be like Asheville or Hendersonville? I hope not.
- ◆ Expand affordable housing opportunities for all,
- ◆ If you own a business within the county, then live within the surrounding counties....not in another state. Keep it local, control the size of our Brevard.
- ◆ Less focus on car transportation. More focus on connecting people, places, and entertain via bike and foot traffic
- ◆ A way to encourage affordable housing.
- ◆ Roadway improvements to calm traffic in the developed area and allow safe intermodal connectivity.
- ◆ STOP ALL THE AIR BNB/VRBOs so that people can find affordable housing. Put regulations on them. Do something so all of these houses are not air bnb/vrbo's. People can't afford \$1,600/month rent as it is at Caldwell Commons.
- ◆ To stop targeting everything to the tourist or affluent. Brevard natives gained their income from farming and lives simple lifestyles which many still live today. The attractions that are coming to Brevard offer costly services

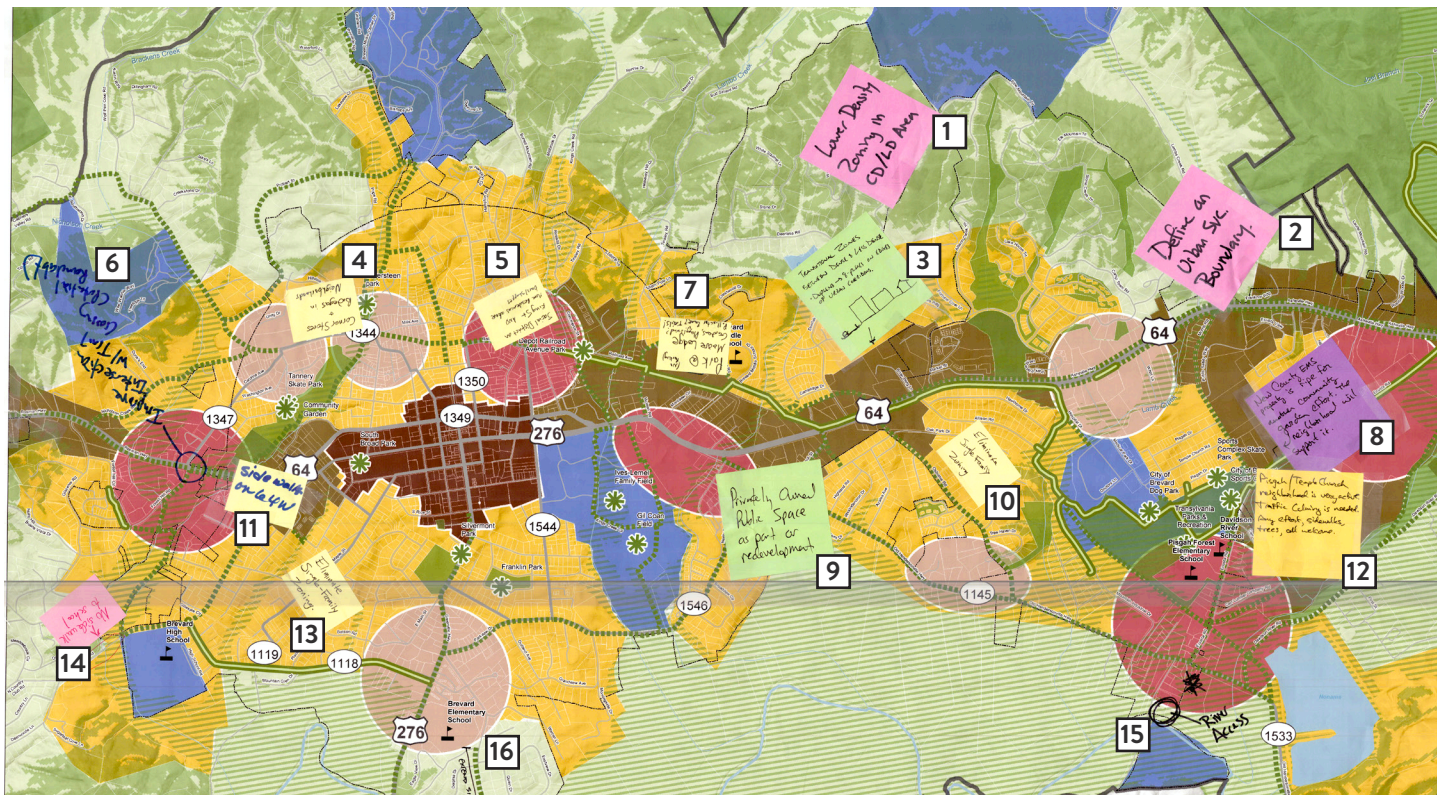
that our locals and true natives can't enjoy even if they want to. The demographics of our community needs to be evaluated and services tailored to benefit all

- ◆ Enforce traffic speed limits within city limits.
- ◆ More sidewalks, more bike path connectivity, less car parking, make main street walkable again (so dangerous with no visibility due to parked cars), short term rentals MUST be capped so people who actually work here can afford to live here... not just retirees and outoftowners
- ◆ More aggressively pursue land that is suitable for high density housing.
- ◆ Creating long term housing opportunities for local families
- ◆ More priority given to expansion of sidewalks - eg Osborne Road and along old Hendersonville highway to link with the bike path.
- ◆ Support bringing in more equitable businesses for added jobs with wages that enable living here.
- ◆ Infrastructure investment in collaboration with T County, simplify code to provide clarity- form based code.
- ◆ Producing any progress towards connecting a sidewalk onto Neely Rd/Chestnut.
- ◆ Make downtown brevard more pedestrian friendly. In particular providing better crosswalks and sidewalks connecting to the lumberyard district
- ◆ Create a comprehensive assessment of traffic flow issues, storm water/ flood issues, and other infrastructure needs.
- ◆ Not sure
- ◆ Take steps toward improving housing and transportation for low and middle income residents
- ◆ expand green and brownways to make Brevard more bike friendly
- ◆ Bike trails in the city and forest and realize the people who recreate here spend the money. Also promote rock climbing, hiking and other outdoor activities that we have.
- ◆ Preserve green spaces. I moved here to a city that had green spaces and I don't choose to live in a large city because of the fact most don't have any. Keep Brevard green-it's why so many of us came and want to stay. Keep us a small town with small town charm.
- ◆ Come up with long term 'not to exceed' milestones to help control too fast development. Create and update multi year visions for the community to help with growth decisions as they come up.
- ◆ Do something for the people that pay your wages and do for the schools and the future for our kids... education is first!
- ◆ Make sure housing is available for ALL.
- ◆ Free or low cost bulbs and plants to place in the right of way (that dont grow to tall or wild)
- ◆ "More cooperative goals between Brevard, Rosman snd Trans
- ◆ County"
- ◆ Traffic study
- ◆ Help restaurants in downtown get going, lack of food options will end up hurting Brevard and downtown soon.
- ◆ Why are we getting a hotel in the middle of town when that same property could have been used as housing for the people who actually are a part of our community?
- ◆ Joint meetings between County Commissioners and City Council to discuss common goals

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DETAILED PUBLIC WORKSHOP RESULTS

Draft Future Land Use Comments



Draft Future Land Use Map Comments

1. Lower Density Zoning in CD/LD Area
2. Define an Urban Service Boundary
3. Transitional zones between dense & less dense places on edges of urban corridors.
4. Corner Stores and Bodegas in Neighborhoods
5. Social District on King St and more residences about bars/shoppes
6. Improve intersection w/ Trail Crossing (potential roundabout)
7. Park at Moose Lodge. Gardens, playgrounds? Pollinator Zone? Trails!
8. New County EMS property is ripe for another community garden effort. The neighborhood will support it.
9. Privately owned public space as part of redevelopment
10. Eliminate single-family zoning
11. Sidewalk on US 64 West
12. Pisgah/Temple Church neighborhood is very active. Traffic calming is needed. Any effort, sidewalks, trees, all welcome.
13. Eliminate single-family zoning.
14. No sidewalk to school
15. River access
16. Extend sidewalk

Draft Goals Comments

The Draft Goals were presented with a space for comments to be left. The goals as they were written at the time are shown here with the comments left.

Comments

- ◆ 3 story / 12 unit missing middle multifamily
- ◆ Pedestrianize Main St / No Car Zone
- ◆ Traffic calming for (interior) residential neighborhoods
- ◆ Manage & Direct growth
- ◆ Slow/calm traffic on Tinsley
- ◆ Traffic calming on W Probart
- ◆ Main St between Broad & Caldwell ped only
- ◆ 3 way or 4 way stops to calm traffic
- ◆ Promote use of solar energy
- ◆ Better connect the college to Town/Downtown
- ◆ It is super dangerous to try to cross the "ped/bike path" where it crosses the EXIT of the roundabout on Ecusta. Drivers are trying to figure out how to get out of roundabout, not look for bikes/pedestrians

Additional Comments

- ◆ Marked Bike Paths (and hard-divided / separated)
- ◆ Crosswalk @ McLean/Ingles
- ◆ Road Diet - 1 lane each way w/ center turning lane and bike lanes
- ◆ Traffic Calming
- ◆ Stormwater calming
- ◆ Safer protections for pedestrians / bikes. Current greenway is super dangerous as it passes through entrances/exits of businesses or intersections where drivers are trying to go right on red
- ◆ Continuous sidewalks - close the gaps
- ◆ Traffic calming

Draft Goals

BUILDING BREVARD

2030 COMPREHENSIVE
LAND USE PLAN

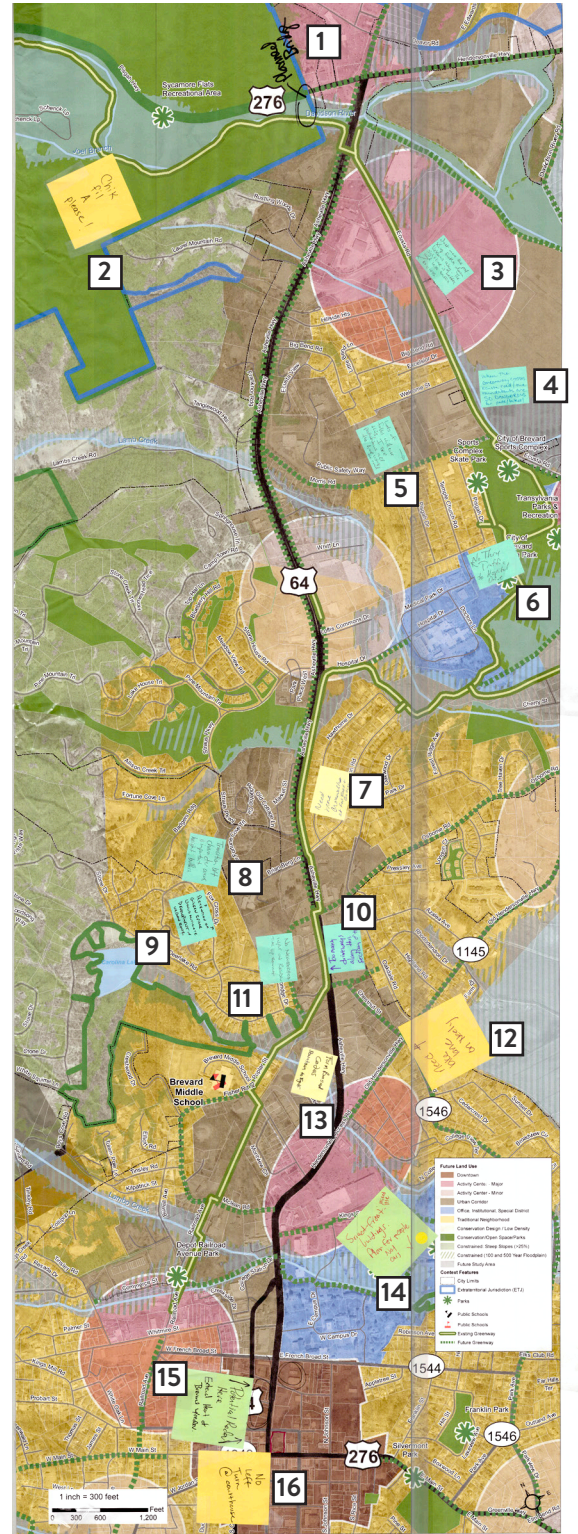
DRAFT GOALS

- 1. Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.**
- 2. Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.**
- 3. Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.**
- 4. Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.**
- 5. Integrate arts, culture and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play and create.**
- 6. Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.**
- 7. Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.**

Asheville Highway Map & Needs Comments

1. Planned Bridge
2. Chik fil A please!
3. Just move the ped crossing farther down Veterans Way. The sight line is better and less traffic to cross.
4. When the greenway crosses Ecusta Road/ the roundabouts are SO DANGEROUS for peds/bikes!
5. Lots of folks will use this, I see pedestrians all the time using the road.
6. No thru traffic to Hospital Drive
7. Need more crosswalks at Fast Food and grocery
8. Transition b/w character areas is important. Height, buffers
9. Retention of green space would mitigate development in urban zone
10. Too many driveways along this section of trail
11. No neighborhood input on residential up zoning
12. Need bike lane on Neely
13. Form based codes Downtown to Egolf
14. Street front mixed use buildings. Plan for people not cars.
15. Potential Redevelopment. here. Extend heart of Brevard.
16. No left turn @ courthouse

Draft Future Land Use Comments



Downtown Priorities Exercise

The Downtown specific exercise showed the top priority was adding in residential options/infill. The next top priorities were the shared street concept, historic preservation/rehabilitation, crosswalk improvements, and street trees and stormwater management systems. Sixteen comments were left on this board and are listed below.

Comments:

- ◆ General
 - » Prioritize Downtown Maintenance
- ◆ Shared Street
 - » We have a “shared street” in Times Arcade. Are there more places this could be done?
 - » NO CAR ZONES!
 - » No car zone
- ◆ Crosswalk Improvements
 - » Enforce speed limits
 - » Main and Broad lights are too long. Pedestrians have to wait so long to cross
 - » Main and Broad is an issue
 - » Crosswalk visibility at Rosenwald and Probart
 - » Cannot see past pine tree on Main Street in front of Love Eat Thai looking East to cross Johnson
 - » W. Jordan & Broad St
 - » Caldwell & W. Main
- ◆ Street Trees and Stormwater Systems
 - » Fix drain where Elm Bend Road enters Main St
- ◆ New Shops and Businesses
 - » local independent
- ◆ Festivals and Events
 - » Increase # of street closure. permits for neighborhood events.
- ◆ Public Parking
 - » Paid parking downtown. Permits for workforce.
 - » We already have plenty of parking Downtown. Turn some into apartments!

<i>Downtown Preferences</i>	Votes
Residential Options / Infill	29
Shared Street Concept	25
Historic Preservation / Rehabilitation	25
Crosswalk Improvements	18
Street Trees & Stormwater Mgt Systems	18
New Shops/Businesses	12
Public Plazas	9
Festivals & Events	8
Public Art	7
Public Parking	6
	151



BREVARD LAND USE PLAN





City of Brevard

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

AGENDA ITEM

DATE: February 6, 2023
TO: Mayor and City Council Members
FROM: Tina Tanner, Tax Collector
SUBJECT: Property Tax Releases January 2023

The City of Brevard has been notified by the Transylvania County Tax Administration of the following releases from the tax scroll of the City of Brevard.

The governing body of the City of Brevard is required by General Statute to approve these releases and instruct the Tax Collector to remove these properties values from the city tax records.

General Statute 105-381

(b) Action of Governing Body.--Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made.

A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

Release Amount for January 2023: \$731.77

Recommendation: Approve resolution to release values from the tax scroll.

RESOLUTION 2023-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard and it is necessary to release the below shown amount from the city tax records.

BE IT NOW, THEREFORE, RESOLVED THAT:

The Tax Collector is hereby authorized to remove January 2023 property values from the tax scroll in the amount of:

2022:	<u>\$726.50</u>
2021:	<u>\$ 5.27</u>

Adopted this the 6th day of February, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Appointment of Katherine Buzby to Transylvania Natural Resources Council

Speaker:

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The Transylvania Natural Resources Council (TNRC) was created in 2004 to study Transylvania County's natural resources, and recommend policies, procedures, and ordinances to responsibly manage Transylvania County's natural resources and promote the environment. The TNRC also works to promote education and understanding of the County's natural resources and related issues. The Committee is comprised of 15 members, including one seat for a City of Brevard representative as appointed by City Council.

Discussion

Aaron Bland has been serving on the TNRC since 2017. Staff recommends Katherine Buzby of the Planning Department be appointed to replace Mr. Bland as the City's appointee. Ms. Buzby is already a member of the TNRC but as an at-large member, and moving her to the City seat would free up the at-large seat for another Transylvania County resident.

Recommendation

Appoint Katherine Buzby to replace Aaron Bland as the City of Brevard representative on the Transylvania Natural Resources Council.

Fiscal Impact

None.

Attachments:

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Resolution Supporting 2023 as the Year of the Trail

Speaker:

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

On August 16, 2021, NC General Assembly approved the designation of 2023 as the “Year of the Trail,” led by the Great Trails State Coalition. The designation celebrates North Carolina’s vast network of trails, greenways, and blueways. The Year of the Trail campaign will reach communities with the message of how and where to experience trails that showcase North Carolina’s vast and varied landscapes, provide healthy recreation, and stimulate local economies.

Discussion

The Great Trails State Coalition is a broad-based group of diverse organizations, agencies, and supporters advocating for increased state investment in all types of trails statewide: hiking, paddle, mountain biking, equestrian, and paved.

One of the major initiatives of the Year of the Trail revolves around local trail events with the goal of there being an event in all 100 counties in 2023. The Parks, Trails & Recreation Committee has been briefed on the Year of the Trail initiatives, including the possibility of Brevard hosting one, or more, events this year, and unanimously came to the consensus that Brevard is a natural fit for hosting such an event.

Policy Analysis

Policies that support the expansion of greenways and trails, as well as connecting citizens with recreation options and our natural resources, are found in many City policies and plans, such as the 2015 Comprehensive Plan and the new Comprehensive Pedestrian and Bicycle Plan.

Recommendation

Adoption of the attached resolution supporting 2023 as the Year of the Trail.

Fiscal Impact

None at this time. Future events may require some expenditures from the General Fund.

Attachments:

1. Resolution 2023-XX Year of the Trail

RESOLUTION NO. 2023-__

A RESOLUTION SUPPORTING 2023 AS THE YEAR OF THE TRAIL

WHEREAS, Brevard is a safe, friendly, family-oriented city with small town charm, outdoor recreation, arts, and culture that bring investment opportunities, environmental consciousness, and economic diversity; and,

WHEREAS, the parks, greenways, trails, and natural areas in our community are welcoming to all and provide people of all ages and abilities access to our rich natural, cultural, and historic resources; and,

WHEREAS, the City of Brevard has a history of adopted plans that seek to implement a comprehensive trail and greenway system, including, but not limited to, the 2015 Comprehensive Plan and the Comprehensive Pedestrian & Bicycle Plan; and,

WHEREAS, there are over 15 miles of trails and greenways available in Brevard, including two City-owned trail connections into Pisgah National Forest and the hundreds of miles of trails within it; and,

WHEREAS, the trails that span across our community are an integral part of the recreational and transportation options of our area, and promote enjoyment of scenic beauty by residents and visitors alike; and,

WHEREAS, trails offer quality-of-life benefits to all as expressions of local community character and pride, as outdoor areas for education, as tools for economic development and revitalization, as free resources for healthy recreation, as accessible alternative transportation, and as sites for social and cultural events; and,

WHEREAS, the North Carolina General Assembly has designated 2023 as the Year of the Trail in North Carolina to promote and celebrate the state’s extensive network of trails that showcase our state’s beauty, vibrancy and culture; and

WHEREAS, North Carolina is known as the “Great Trails State.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. The City of Brevard supports the Year of the Trail initiative in collaboration with the Great Trails State Coalition.

SECTION 2. City Staff is hereby directed to work with community partners in planning and executing one or more Year of the Trail celebration events.

Approved and adopted this the 6th day of February 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk CMC

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Budget Amendment-Replace Fire Vehicle

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

Staff requests a budget amendment appropriating \$89,000 from Fire Fund fund balance for the purchase and upfit of a new heavy duty F250 pick-up truck for the department. The current truck is a 2013 model with 120,752 miles. This truck is heavily used by the Chief for response to all medical and fire calls.

The appropriation would leave the Fire Fund fund balance at approximately \$100,000.

Attachments:

1. Budget Ordinance

ORDINANCE NO. 2022-XX
AN ORDINANCE AMENDING THE FY2022-2023
BUDGET AMENDMENT NUMBER 21

SUBJECT: Budget Amendment to increase expenditures and revenues in the Fire Fund for \$89,000, for the purchase of a fully equipped F250 pickup truck.

AGENDA INFORMATION

Agenda Location: New Business/
Department: Finance
Contact: Dean Luebbe, Finance Director

BRIEF SUMMARY: The 2013 F250 truck used by the Fire Chief has 120,000 on it and is scheduled to be replaced. If a replacement truck were ordered today, it would likely be over a year before the vehicle was received. The Fire Department has found a new 2022 F-250 at Parks Ford in Hendersonville which is currently available at a cost of \$61,820. The total upfit on the vehicle would be an additional \$26,500.

The Fire Fund had a fund balance of \$291,618 at June 30, 2022. Approximately \$100,000 of this fund balance will be used to pay for a brush truck, which was approved in the FY22 budget, leaving a balance in excess of \$190,000.

MOTION FOR CONSIDERATION: To approve Budget Amendment Twelve as submitted, increasing the budget in expenditure accounts

40-5300-7400 (Capital Outlay)	\$89,000
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And increasing the budget in the revenue accounts

40-3990-0000 (Fund Balance Appropriated)	\$89,000
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ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 6th day of February, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

MINUTES

Rosenwald Community Advisory Board

Thursday, November 17, 2022 - 6:00 PM

Mary C. Jenkins Community & Cultural Center

Members Present: Maurice Jones, Co-Chair, Council Member
Randy Lytle, Co-Chair, President MCJCC Board
Gary Daniel, Council Member
Tyree Griffin, Community Center Director
Susan Threlkel, Citizen Member
Victor Foster, Citizen Member
Karen Darity, Citizen Member (arrived at 6:15 pm)
Edith Darity, Citizen Member (arrived at 6:15 pm)

Absent: Wilson Hooper, City Manager

Staff Present: Denise Hodsdon, City Clerk

A. Welcome & Call to Order

Co-Chair Maurice Jones welcomed everyone and called the meeting to order at 6:01 PM.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

D. Approval of Agenda

Motion by Ms. Threlkel, seconded by Mr. Lytle to approve the agenda as presented. The motion carried unanimously.

E. Approval of Minutes of October 20, 2022 Meeting

Motion by Mr. Daniel, seconded by Mr. Lytle to approve the minutes of the October 20, 2022 meeting as presented. The motion carried unanimously.

F. Review/Discussion of MCJCC Grand Opening/Ribbon Cutting

Tyree Griffin shared a video of the grand opening celebration that was done by a

community member highlighting some of the activities of the day. The Committee provided feedback on the grand opening/ribbon cutting and all agreed that it was an amazing event.

G. Tracking Performance of Community Center

Mr. Griffin reviewed the events and activities that have been going on at the Center since the grand opening, and the tracking of individuals coming in and out of the building.

H. Community Center Storage Shed

The committee discussed the need for a storage shed at the Center. A shed would provide space to store garden tools, outdoor chairs, tables, and any other items that can't be stored within the building. Ms. Threlkel will be the leader on the shed project and Habitat for Humanity will build the shed with the help of board members. The shed will be attached to the Center building and will be 8' x 16' with an estimated cost of \$13,000. There was consensus to send this to City Council with a recommendation to approve.

I. Set Date for Next Meeting

The next meeting of the Rosenwald Community Advisory Board was scheduled for Thursday, January 19, 2023 at 6:00 PM at the Community Center.

J. Adjourn

There being no further business, the meeting was adjourned at 6:39 PM.

X

Maurice Jones
Co-Chair/Council Member

Minutes Approved:

January 19, 2023

X

Denise Hodsdon,
City Clerk

MINUTES

COUNCIL FINANCE & HUMAN RESOURCES COMMITTEE

Monday, November 28, 2022 – 11:00 AM

City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice Chair, Council Member
Wilson Hooper, City Manager
Dean Luebbe, Finance Director
Kelley Craig, Human Resources Director

Staff Present: Paul Ray, Planning Director
Denise Hodsdon, City Clerk

Guests: Kevin Jones, Chair, Board of Adjustment

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 11:01 AM.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Motion by Mr. Morrow, seconded by Ms. Craig to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes of October 24, 2022 Meeting

Motion by Mr. Morrow, seconded by Ms. Craig to approve the minutes of the October 24, 2022 meeting as presented. The motion carried unanimously.

E. Update re Classification and Compensation Study

Ms. Craig updated the committee on the classification and compensation study that is underway with Piedmont Triad Regional Council (PTRC). She reviewed the timeline and noted that PTRC will present its recommendations and implementation options in the spring, in time for that information to be included in budget deliberations.

F. Update re Open Positions

Ms. Craig gave an update on the City's vacant positions and the status of each. The Public Works Director and Communications Coordinator are in the recruitment phase. The Executive Assistant to the City Manager job description is being drafted and temporary options are being explored. The Public Works Administrative Services Manager position is in the interview process. The Finance Department is reviewing the need to fill the vacant Meter Technician position. Public Works Distribution/Collections Operator and Buildings and Grounds Maintenance Worker vacancies are posted internally. Police and Fire Departments have ongoing postings.

G. Funding Options for Estatoe Trail Extension

The committee discussed a request from Mr. Baker to see a list of funding possibilities for the Estatoe Trail. Mr. Baker explained that it is his opinion that we can't afford not to look at grants, however there is enough focus on this project and the need to continue to see constant progress, that we should not just sit back and go fish for grants and wait to see if get a grant. He would like to see if there is a way to break this into pieces and find immediate funding for a section while we continue to look for grants. He would be interested in ways that we can leverage the two-cent tax appropriation so we can continue to make progress and not just hope we get a grant. Paul Ray shared some possible grant opportunities. Mr. Hooper will work with Staff and come back to the committee with a report for discussion at the next meeting.

H. Committee Appointment Process

The committee discussed its new role as the reviewing committee for citizen appointments to boards and committees. Mr. Hooper referred to the draft Citizen Appointment Procedures memo prepared by former Interim City Manager Larry Faison and made the following recommendations for updates to that document:

1. Addition of a step to the "Summary of citizen appointment process" section that has the various boards and committees reviewing candidates. There was consensus that the various boards and committees should review the applications and make recommendation prior to the Finance, HR and Appointment committee's formal review of applications.
2. Adjust the timing of posting of notices of vacancies to include notification to the various boards and committees
3. Revise the Eligibility section to express the distinction between Policy Committees and Advisory Committees. Members of Policy Committees must be Brevard residents. Members of Advisory Committees must be vested, with a personal or professional stake in the affairs of the City of Brevard or in the commerce of the community; city residency is not required.

There was also consensus to enhance the online application to get more information as

to why an applicant wants to serve on a board or committee and to include questions such as other community involvement and limitations on hours of availability.

Staff will make the changes as discussed and bring back another draft of the policy for further review.

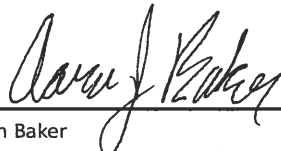
Paul Ray mentioned that the Board of Adjustment currently has a vacancy in a City-appointed position and all County appointed seats are vacant. BOA Chair Kevin Jones added that the board is running on fumes and there is a current member who has applied for reappointment. He said we are at the point where we are underserving people right now and because we only have four members, votes have to be unanimous. He requested the committee consider re-appointing Tad Fogel, whose term recently expired, under the current appointment method rather than waiting to appoint under the new method. Following discussion, there was consensus to recommend the reappointment and bring it to the full Council for its consideration.

I. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, January 23, 2023, 2022 at 11:00 am.

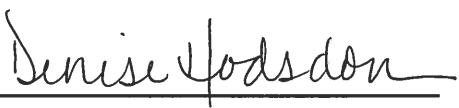
J. Adjourn

There being no further business, the meeting was adjourned at 12:02 PM.

X 

Aaron Baker
Chair, Council Member

Minutes Approved: January 23, 2023

X 

Denise Hodsdon
Executive Assistant

MINUTES
City Council Public Safety Committee

Friday, December 2, 2022 – 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Maurice Jones, Vice-Chair, Council Member
Wilson Hooper, City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief
Maureen Copelof, Mayor, Ex-officio

City Staff: Denise Hodsdon, City Clerk

Guests: Ruth Falck, The Haven
Billy Parrish, Blue Zones Project Representative
Kevin and Linda Gallo, Monica Driscoll, Ellen Dozier, and Tommy Kilgore, Residents

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Mac Morrow welcomed everyone and called the meeting to order at 3:30 PM.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Motion by Mr. Jones, seconded by Chief Cooper to approve the agenda as presented. The motion passed unanimously.

D. Minutes from October 24, 2022 Meeting

Motion by Mr. Jones, seconded by Chief Cooper to approve the minutes of the October 24, 2022 meeting as presented. The motion carried unanimously.

E. Discussion re No Parking on Mills Avenue

Mr. Hooper informed the committee that we have received a request to consider making Mills Avenue near the Mary C. Jenkins Community Center a no on-street parking zone. He said he looked to the City's Traffic Calming Policy as reference to evaluate this request. The steps outlined in that policy are:

1. Gather additional information such as accident and speeding complaints data, input from neighbors in the affected area, traffic pattern changes, etc.
2. Site survey for potential corrective action without the need for traffic calming
3. Educational measures such as neighborhood meetings, flyer distribution, meetings with neighborhood leaders or members, etc.
4. Analysis of concerns and data for potential traffic calming (although in this case it would be for potential changes to the parking rules)

Mr. Hooper said that although the plan is to update that policy in the near future, it was his recommendation that Staff do Step 2-site survey and Step 4-analysis of data we have on that street and come back to the committee with a more thorough recommendation. There was consensus to accept the recommendation of the City Manager.

F. Camping Ordinance Discussion

Mr. Hooper recalled that the instruction from the full Council is to receive public input from folks in the homeless services community as we consider an alternative to the camping ordinance that Council did not vote on last week. The purpose of this discussion is to determine when, where and who to include in the input session. The committee scheduled a special meeting for Wednesday, January 4, 2023 at 6:00 pm at the Mary C. Jenkins Community & Cultural Center. Invited service providers will include representatives of the Cove Shelter, The Haven, Sharing House, Blue Ridge Health, Thrive and the NC Coalition to End Homelessness. The objective of the meeting will be to focus on the ordinance, and seek ideas from stakeholders for solutions that will work for Brevard. Mr. Hooper will reach out to surrounding communities and find out what they are doing and how it is working, and request copies of their ordinances.

G. Set Date for Next Meeting

The next meeting will be on Wednesday, January 4, 2023 at 6:00 PM at the Mary C. Jenkins Community & Cultural Center.

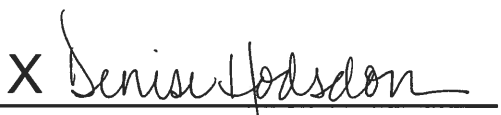
H. Adjourn

There being no further business, the meeting was adjourned at 4:01 PM.

Minutes Approved: January 23, 2023

X 

Mac Morrow,
Chair, Council Member

X 

Denise Hodsdon,
City Clerk

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, December 21, 2022 at 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Vice-Chair, Council Member
Nancy DePippo, Citizen Member
Howie Granat, Citizen Member
Matt Christian, Citizen Member

Absent: Mac Morrow, Chair, Council Member
Ryan Olson, At-Large Member
Tim Robinson, Citizen Member

Staff Present: Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Wesley Shook, Acting Public Works Director
Denise Hodsdon, City Clerk

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Vice-Chair Aaron Baker welcomed everyone and called the meeting to order at 3:30 pm.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Motion by Ms. DePippo, seconded by Mr. Granat, to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes from November 16, 2022 Meeting

Motion by Mr. Granat, seconded by Ms. DePippo, to approve the minutes of the November 16, 2022 meeting as presented. The motion carried unanimously.

E. Adopt-a-Green Space Applications

Paul Ray presented three applications for the Adopt-a-Green Space program as follows:

1. The Carson Family – Bike path section that runs from Poplar Street to behind McDonalds, to include trash pickup and installation of trash cans, removal of invasive species, installation of native species, educational signs, and volunteer workdays. The property is in a floodplain so the Planning Department will be issuing a floodplain permit for the work if the adoption is approved. The proposed signage will be attached to the boardwalk and discuss wetland interpretation.
2. Pisgah Drive/Temple Church Road Neighbors – Skatepark Greenway from the Sports Complex parking to behind the Buildings & Grounds building, to include pulling weeds, picking up litter, mulching/pruning plants, and cleaning of signs.
3. Conserving Carolina – Bracken Preserve in its entirety, to include weed pulling, litter removal, mulching/pruning, cleaning signs, and trail maintenance.

During discussion, Mr. Baker noted that the sign proposed by the Carson Family adoption is outside of what this program was originally intended for. Mr. Ray agreed and said while it is a good idea, he didn't believe it was up to this committee to decide on educational signage. He would like to take that to the City Manager and run it through the proper channels. Motion by Ms. DePippo, seconded by Mr. Granat to approve all of the applications, with the exception of the educational sign being handled by the Planning Director and City Manager. The motion carried unanimously.

F. Feasibility Study Grant Opportunity

Aaron Bland explained that this is a grant for a feasibility study on proposed infrastructure, including such things as different alignment options, cost estimates, cross sections, identify any sort of impediments or things to consider such as crossing of major roads or water bodies, and things that would require engineering such retaining walls or bridges. It does not include construction documents or fund construction, but having this in hand will be advantageous when applying funding for the design or construction. He presented a number of options of projects for the committee to consider for this feasibility study grant opportunity. He noted that this will be a popular and competitive grant so we need to be picky about what we choose.

Following discussion, Mr. Granat moved, seconded by Mr. Christian to recommend the Old Hendersonville Highway multi-use path as the project for the feasibility study grant application. The motion carried unanimously.

G. Briefing re Upcoming RAISE Grant Application

Mr. Ray briefed the committee on this year's RAISE grant application, noting that NCDOT has agreed to partner with the city to support the Ecusta Trail. NCDOT will fund

the grant writing and will be the grant applicant. Henderson County will also be a partner in this year's application.

H. Committee Membership

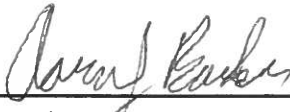
Denise Hodsdon updated the committee about membership changes as the result of Council's recently passed committee reforms. This committee will be largely unaffected until current member terms expire, at which time members will have to follow the new nomination and appointment process. Mr. Baker added that the advisory committees will review applications and make a recommendation as a committee.

I. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee is scheduled for Wednesday, January 18, 2023 at 3:30 PM.

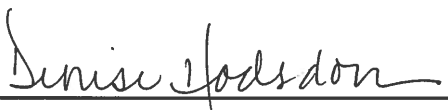
J. Adjourn

There being no further business, the meeting was adjourned at 4:33 pm.

X 

Aaron Baker,
Vice-Chair, Council Member

Minutes Approved: January 18, 2023

X 

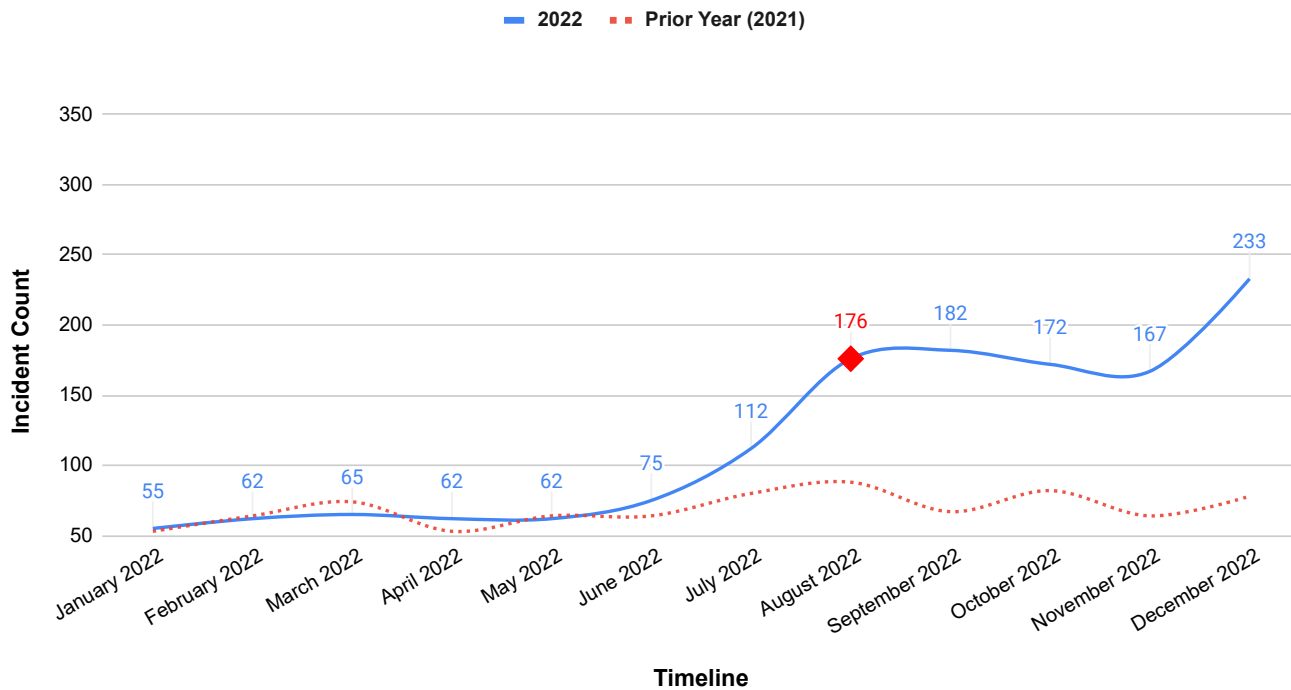
Denise Hodsdon
City Clerk

City of Brevard Fire Department

2022 Annual Report

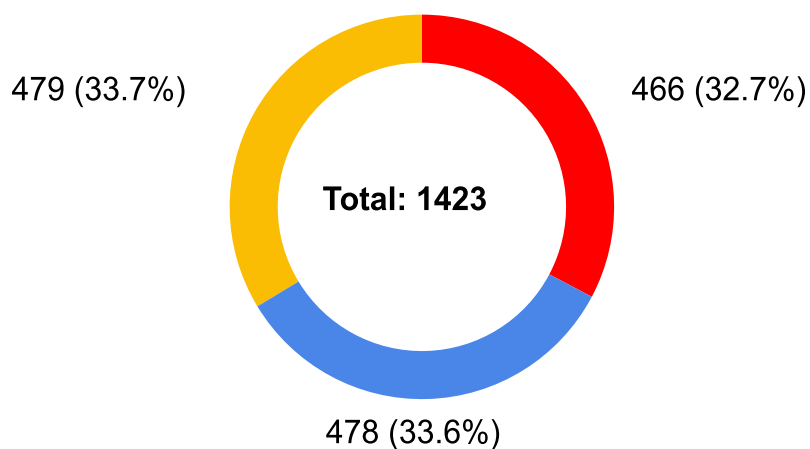
Incident Volume and Year-over-Year (YoY) Change

*Red Diamond denotes inception of First Response Program (August 1, 2022)



Incident Composition

● Fire ● EMS ● General Public Assistance

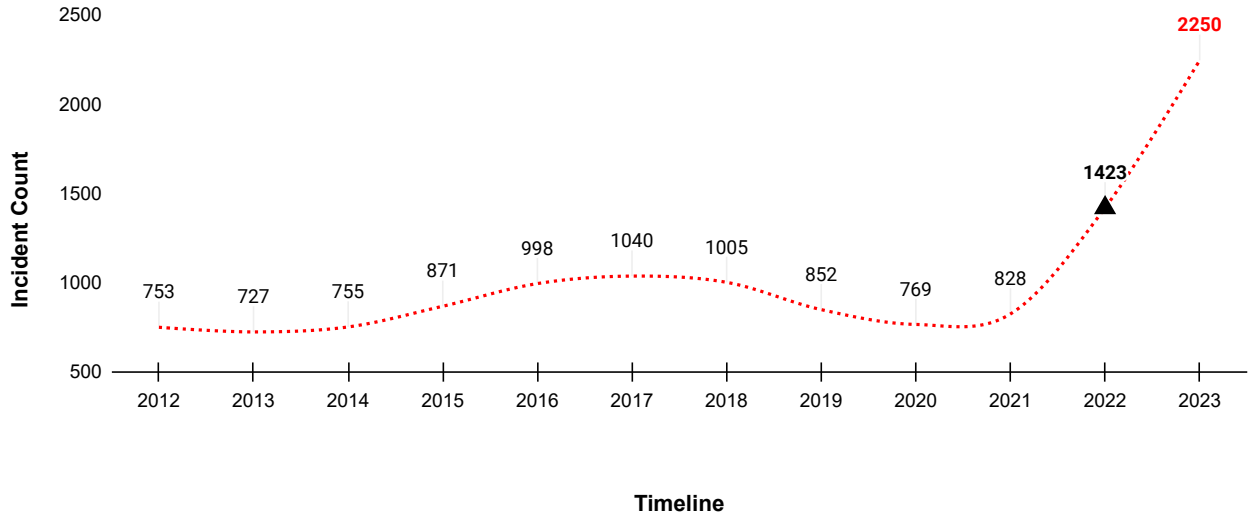


City of Brevard Fire Department

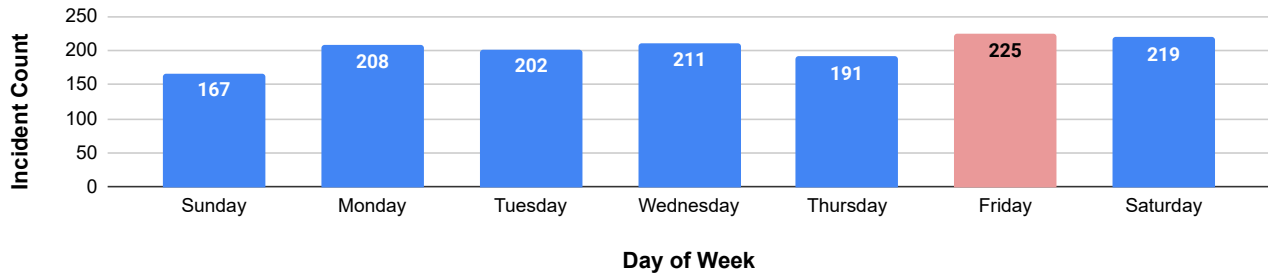
2022 Annual Report

Year-over-Year (YoY) Incident Trend

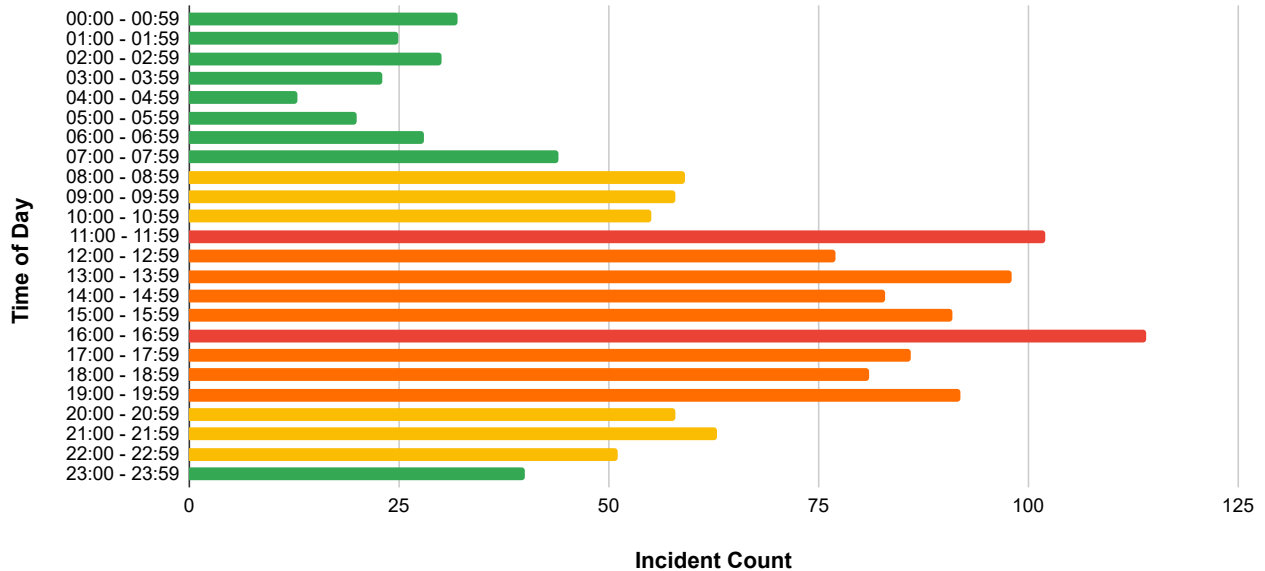
*With Forecasted 2023 Values



Day of Week Incident Trend



Time of Day Incident Trend



Highlights

6 to 8	<i>Number of incidents per day, on average</i>
376	<i>Overlapping Incidents (Incidents that occur simultaneously and require division of resources)</i>
5.3	<i>Average response time in minutes</i>
36	<i>Mutual aid incidents (Incidents that send resources outside of the primary response area)</i>
1984	<i>Total Personnel Hours on Incidents (Time personnel physically spends on the incident scene)</i>
5176.8	<i>Total Training Hours (Time personnel physically spends actively engaged in training and professional development)</i>
65+	<i>Special Events were planned and staffed by Fire Department personnel to promote public safety. 29 of these events were for the Brevard Music Center</i>

Insights

2022	<i>Has been the busiest year in terms of Incident Volume since the inception of the Fire Department in 1898</i>
186	<i>Incidents per month is the new average since starting the First Response program in August</i>
146%	<i>Increase in Year over Year Incident Volume since starting the First Response program in August</i>

11am to 8pm *Peak Incident Volume Time Interval*

Fri & Sat *Peak Incident Volume Days*



Brevard Police Department

Annual Review 2022

January 25, 2023
Chief C. Thomas Jordan

Introduction



Crime Reporting 2022

Year	Pop.	Murder	Rape	Robbery	Agg. Assault	Violent Crime Total	Burglary	Larceny	MV Theft	Arson	Property Crime	UCR Total	Crime Per 1000 residents
2013	7629	0	1	0	9	10	63	210	10	1	283	294	39
2014	7651	0	1	2	8	11	41	178	7	n/a	226	237	31
2015	7656	0	2	2	5	9	36	142	7	n/a	185	194	25
2016	7710	0	4	4	6	14	31	157	4	0	192	206	27
2017	7759	1	2	2	9	14	23	142	9	1	174	189	24
2018	7785	0	10	2	12	24	23	122	6	0	151	175	22
2019	7928	0	4	4	8	16	23	162	3	1	188	205	26
2020	7731	0	6	1	7	14	22	117	7	0	146	160	21
2021	7755	0	1	2	8	11	12	92	6	3	110	124	16
2022	7800+	0	4	0	12	16	19	87	4	1	110	127	16

Calls for Service 2022

Year	Calls for Service
2019	27415
2020	23210
2021	24135
2022	25330

Arrests 2022

Year	Arrests
2019	572
2020	461
2021	423
2022	437

Traffic Enforcement 2022

Year	Verbal Warnings	Written Warnings	Traffic Citations	Total Traffic Enforcement Contacts
2019	339	1373	1591	3303
2020	408	719	786	1913
2021	1198	615	555	2368
2022	1636	393	886	2915

Use of Force 2022

Number of Instances	Racial/Ethnic Background	Gender
25	White	Male
6	White	Female
3	Black	Male
4	Black	Female
4	Hispanic	Male
1	Hispanic	Female

- ❖ Out of 25330 Brevard Police interactions, only 37 incidents required the use of force to gain compliance, make an arrest, or subdue an individual. (.0015% of all Brevard Police interactions)
- ❖ 22 of the 37 incidents involved an officer being assaulted. (59%)
- ❖ Disturbance calls represented the highest number of incidents where force was necessary (9 events)

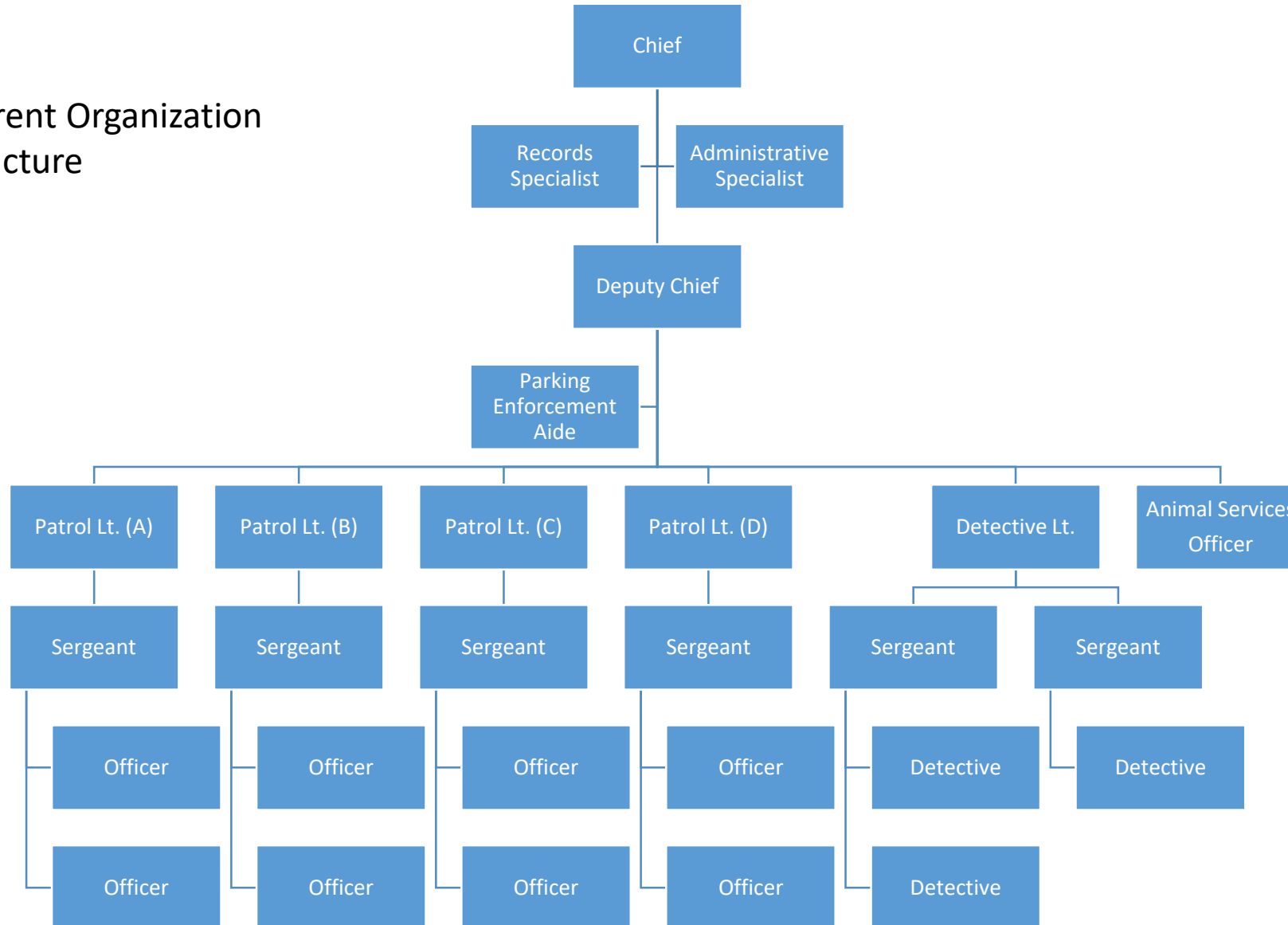
Special Events 2022

- Western Carolina Flyer Bike Race
- White Squirrel 5k
- July 4th Festivities
- Firecracker 5k
- Brevard Music Camp
- Mountain Song Festival
- Assault on the Carolinas
- Luft-Wasser Porsche Event



- National Night Out
- Halloween Fest
- Halloween Downtown Trick or Treating Event
- Flight of the Vampire 5k
- Reindeer Run 5k
- Christmas Parade
- Light up the Night Event

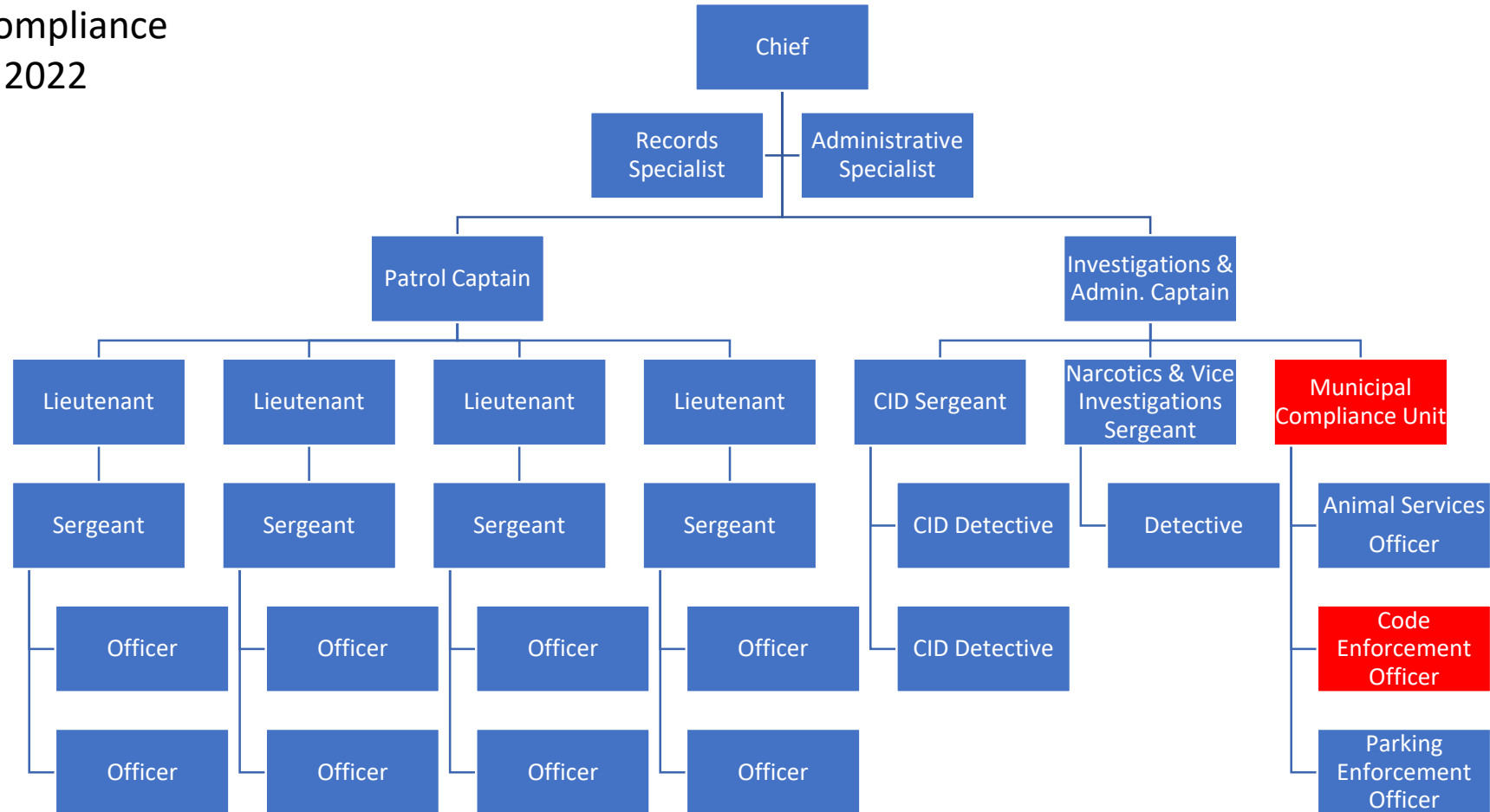
Current Organization Structure



Chief: 1
 Dep. Chief: 1
 Lieutenant: 5
 Sergeant: 6
 Officers: 9
 Detectives: 3
 Parking Aid: 1
 Rec. Spec: 1
 Admin Spec: 1

Total: 28

New Structure with
Municipal Compliance
Unit Added 2022



Summary



Increase Transparency and Accountability



Provide Additional Training in De-Escalation and Mental Health Crisis Awareness



Enhance our Community Outreach Efforts with Liaison Committees



Continue to Build out our Code Enforcement Capabilities



Increase Recruiting and Retention Efforts



Enhance Traffic and Pedestrian Safety in the City with the TC Vision Zero Initiative

Closing

- Thank you for your commitment to the Brevard Police Department!
- 2023 Looks to be a year of growth for the BPD!





Questions?



Transylvania County Building Department

City 12/01/2022 thru 12/31/2022

	Permits Issued	Construction Value	Permit Fees	Misc. Sales Fees	Credit Card Fees	Total of All Fees
Residential						
New House	4	1,255,000	2,671.00	0.00	0.00	2,671.00
Additions/Alterations	6	341,627	1,045.00	0.00	1,483.00	2,528.00
Elec/Plumb/Mech	15		75.00	0.00	1,052.00	1,127.00
Mobile Home						
Commercial						
New Commercial						
Additions/Alterations	2	30,970	150.00	0.00	250.00	400.00
Elec/Plumb/Mech	7		150.00	0.00	450.00	600.00
Miscellaneous						
Signs						
HRF/County			0.00	5.00	2.00	7.00
HRF/State			0.00	45.00	18.00	63.00
Other			200.00	0.00	711.00	911.00
Totals:	34	1,627,597	4,291.00	50.00	3,966.00	8,307.00
Less HRF Refundable to State:						(63.00)
Less Cancelled Permits:						0.00
Total Fees Collected:						8,244.00

Mike Owen - Building Director



Transylvania County Building Department

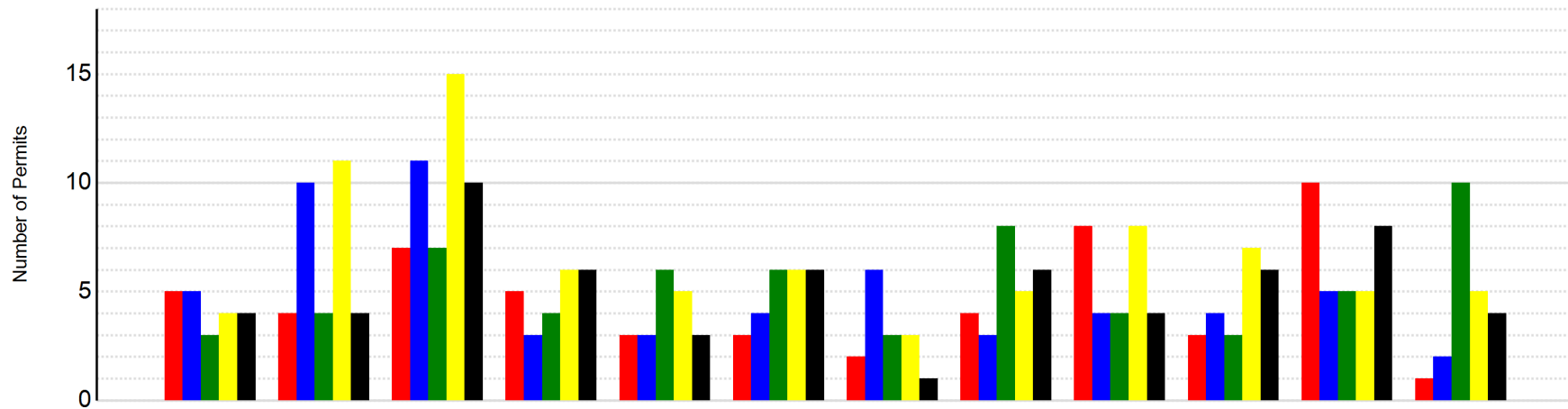
County 12/01/2022 thru 12/31/2022

	Permits Issued	Construction Value	Permit Fees	Misc. Sales Fees	Credit Card Fees	Total of All Fees
Residential						
New House	9	7,840,000	7,444.00	0.00	5,584.00	13,028.00
Additions/Alterations	22	1,744,600	6,704.00	0.00	1,150.00	7,854.00
Elec/Plumb/Mech	65		225.00	0.00	4,655.00	4,880.00
Mobile Home	4	528,715	200.00	0.00	700.00	900.00
Commercial						
New Commercial	5	630,000	3,600.00	0.00	1,125.00	4,725.00
Additions/Alterations	2	21,000	360.00	0.00	0.00	360.00
Elec/Plumb/Mech	2		0.00	0.00	150.00	150.00
Miscellaneous						
Signs						
HRF/County			0.00	10.00	7.00	17.00
HRF/State			0.00	90.00	63.00	153.00
Other			1,540.00	0.00	1,225.00	2,765.00
Totals:	109	10,764,315	20,073.00	100.00	14,659.00	34,832.00
Less HRF Refundable to State:						(153.00)
Less Cancelled Permits:						0.00
Total Fees Collected:						34,679.00

Mike Owen - Building Director

Commercial Additions and Alterations

1/1/2018 - 12/31/2022

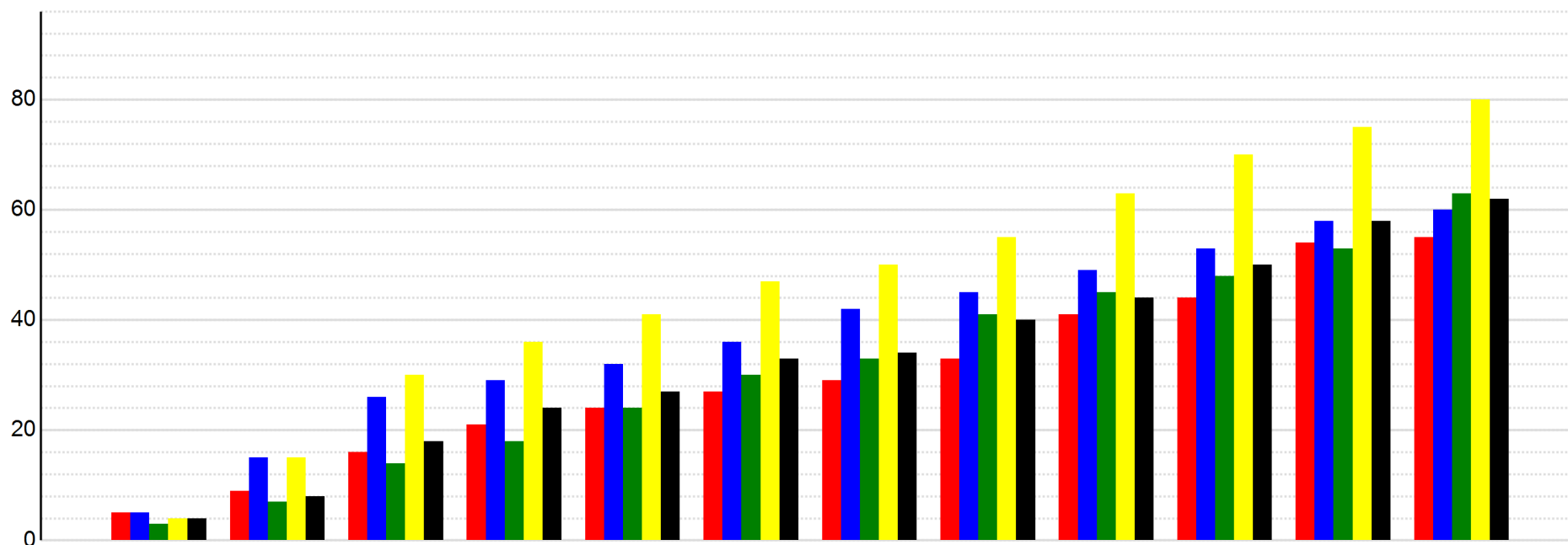


		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	5	4	7	5	3	3	2	4	8	3	10	1
	2019	5	10	11	3	3	4	6	3	4	4	5	2
	2020	3	4	7	4	6	6	3	8	4	3	5	10
	2021	4	11	15	6	5	6	3	5	8	7	5	5
	2022	4	4	10	6	3	6	1	6	4	6	8	4

Jan \$	\$498,500	Apr \$	\$2,139,621	Jul \$	\$152,368	Oct \$	\$1,396,600	Year End Totals	
Feb \$	\$1,059,832	May \$	\$405,000	Aug \$	\$144,627	Nov \$	\$2,383,000	2018	\$5,917,874
Mar \$	\$1,031,200	Jun \$	\$445,749	Sep \$	\$215,000	Dec \$	\$51,970	2019	\$9,763,577
								2020	\$7,333,887
								2021	\$12,671,175
								2022	\$9,923,467

Commercial Additions and Alterations (Cumulative)

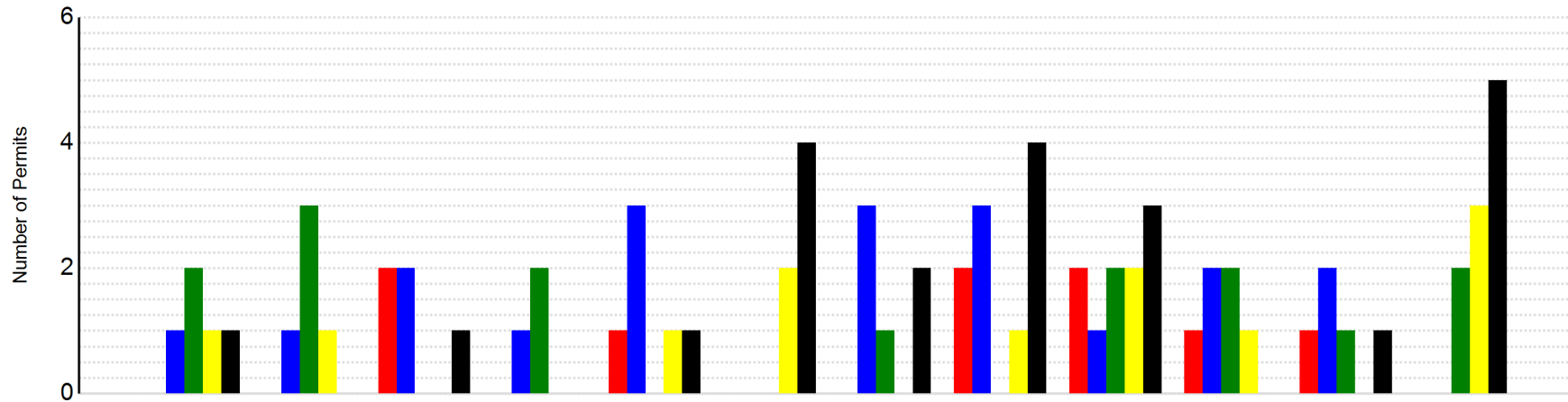
1/1/2018 - 12/31/2022



		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	5	9	16	21	24	27	29	33	41	44	54	55
	2019	5	15	26	29	32	36	42	45	49	53	58	60
	2020	3	7	14	18	24	30	33	41	45	48	53	63
	2021	4	15	30	36	41	47	50	55	63	70	75	80
	2022	4	8	18	24	27	33	34	40	44	50	58	62

New Commercial Permits

1/1/2018 - 12/31/2022

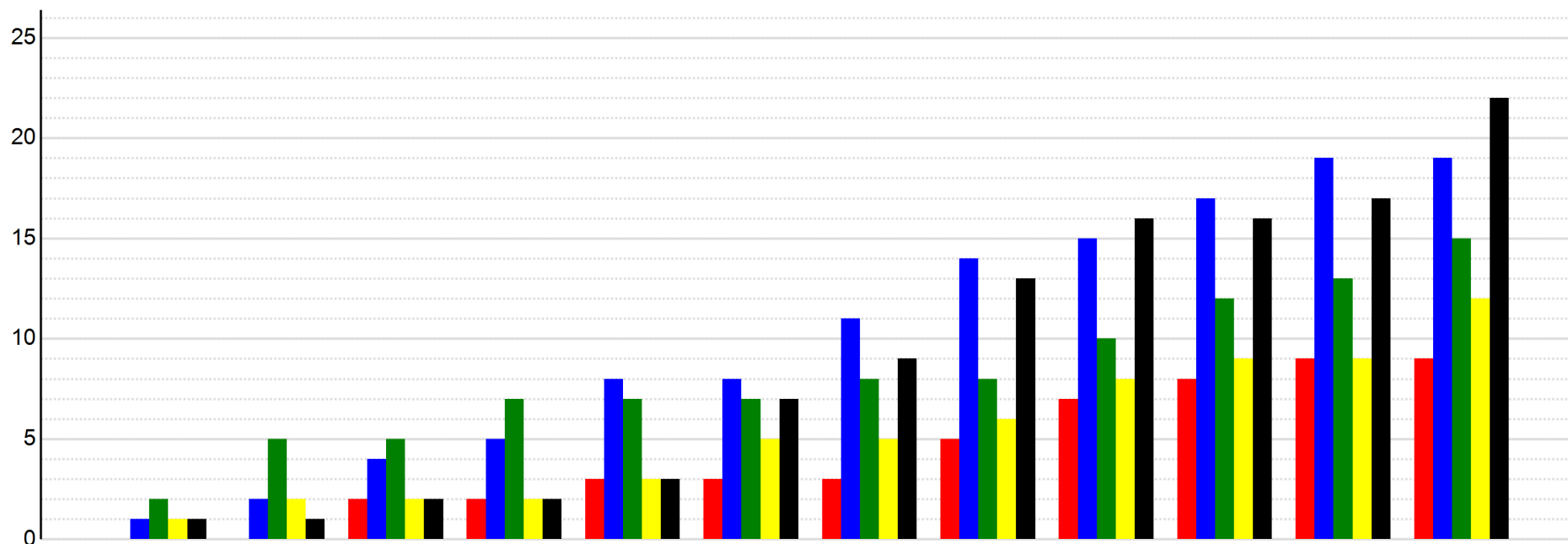


		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	0	0	2	0	1	0	0	2	2	1	1	0
	2019	1	1	2	1	3	0	3	3	1	2	2	0
	2020	2	3	0	2	0	0	1	0	2	2	1	2
	2021	1	1	0	0	1	2	0	1	2	1	0	3
	2022	1	0	1	0	1	4	2	4	3	0	1	5

Jan \$	\$840,000	Apr \$	\$0	Jul \$	\$650,000	Oct \$	\$0	Year End Totals	
Feb \$	\$0	May \$	\$450,000	Aug \$	\$1,194,568	Nov \$	\$1,368,348	2018	\$13,528,000
Mar \$	\$250,000	Jun \$	\$7,647,628	Sep \$	\$3,211,584	Dec \$	\$630,000	2019	\$18,194,886
								2020	\$10,620,303
								2021	\$12,518,701
								2022	\$16,242,128

New Commercial Permits (Cumulative)

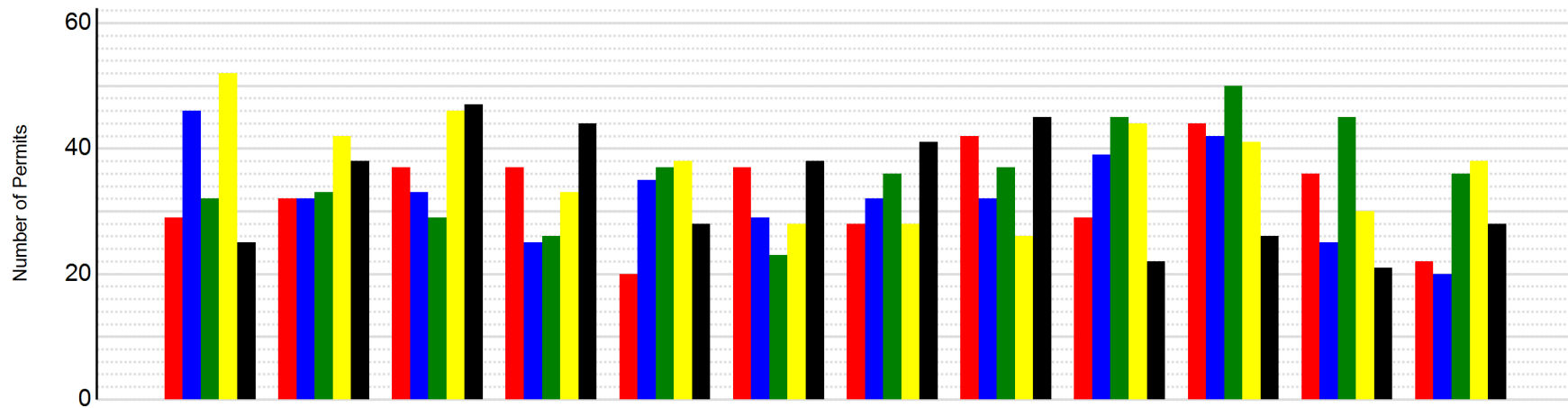
1/1/2018 - 12/31/2022



		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	0	0	2	2	3	3	3	5	7	8	9	9
	2019	1	2	4	5	8	8	11	14	15	17	19	19
	2020	2	5	5	7	7	7	8	8	10	12	13	15
	2021	1	2	2	2	3	5	5	6	8	9	9	12
	2022	1	1	2	2	3	7	9	13	16	16	17	22

Residential Additions and Alterations

1/1/2018 - 12/31/2022

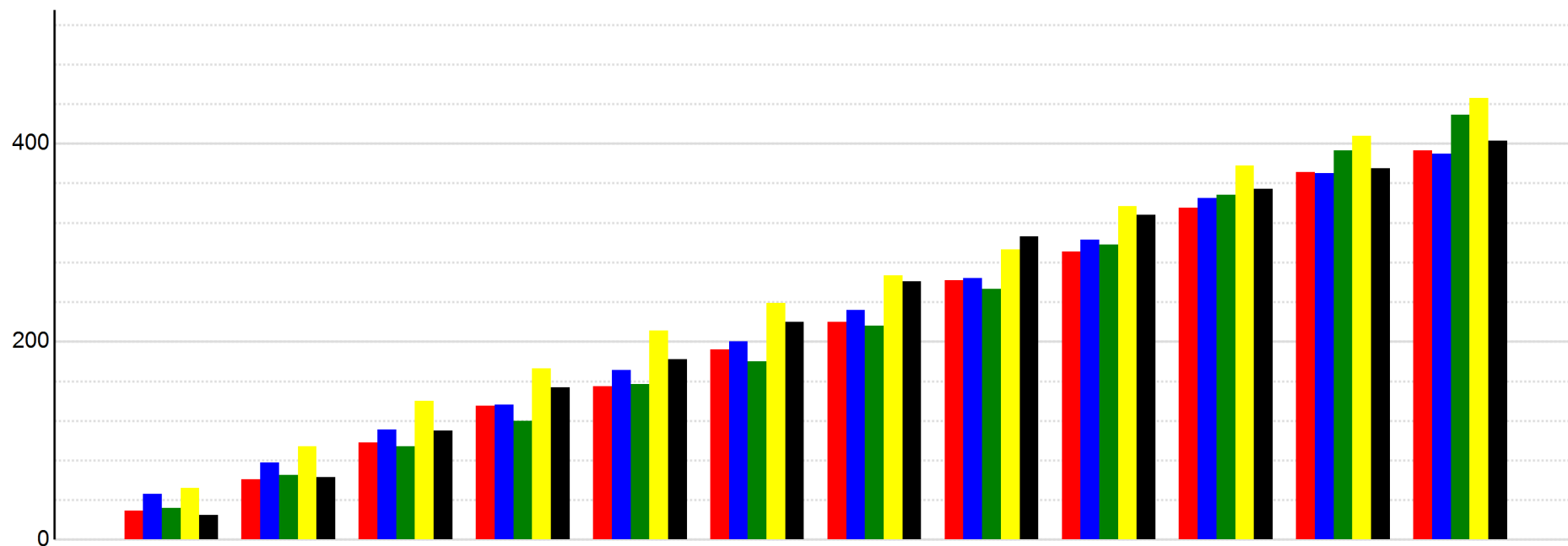


		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	29	32	37	37	20	37	28	42	29	44	36	22
	2019	46	32	33	25	35	29	32	32	39	42	25	20
	2020	32	33	29	26	37	23	36	37	45	50	45	36
	2021	52	42	46	33	38	28	28	26	44	41	30	38
	2022	25	38	47	44	28	38	41	45	22	26	21	28

Jan \$	\$955,367	Apr \$	\$5,605,464	Jul \$	\$1,883,729	Oct \$	\$2,270,912	Year End Totals	
Feb \$	\$3,146,097	May \$	\$4,464,982	Aug \$	\$2,295,891	Nov \$	\$1,497,900	2018	\$26,548,888
Mar \$	\$2,716,697	Jun \$	\$3,435,419	Sep \$	\$4,481,000	Dec \$	\$2,086,227	2019	\$21,875,250
								2020	\$31,993,167
								2021	\$40,188,093
								2022	\$34,839,685

Residential Additions and Alterations (Cumulative)

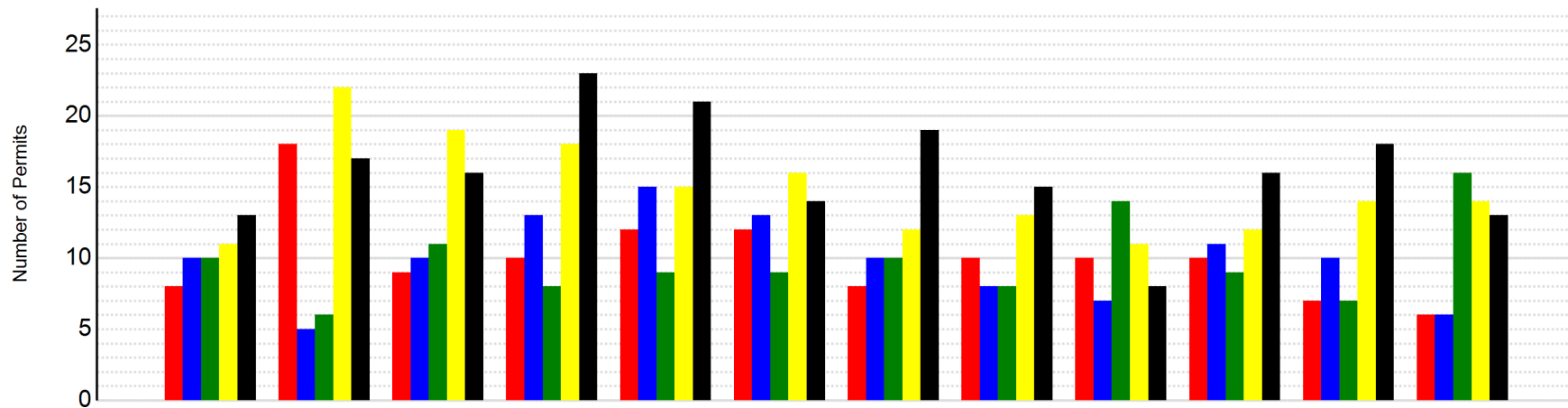
1/1/2018 - 12/31/2022



		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	29	61	98	135	155	192	220	262	291	335	371	393
	2019	46	78	111	136	171	200	232	264	303	345	370	390
	2020	32	65	94	120	157	180	216	253	298	348	393	429
	2021	52	94	140	173	211	239	267	293	337	378	408	446
	2022	25	63	110	154	182	220	261	306	328	354	375	403

Single Family Residential Permits

1/1/2018 - 12/31/2022

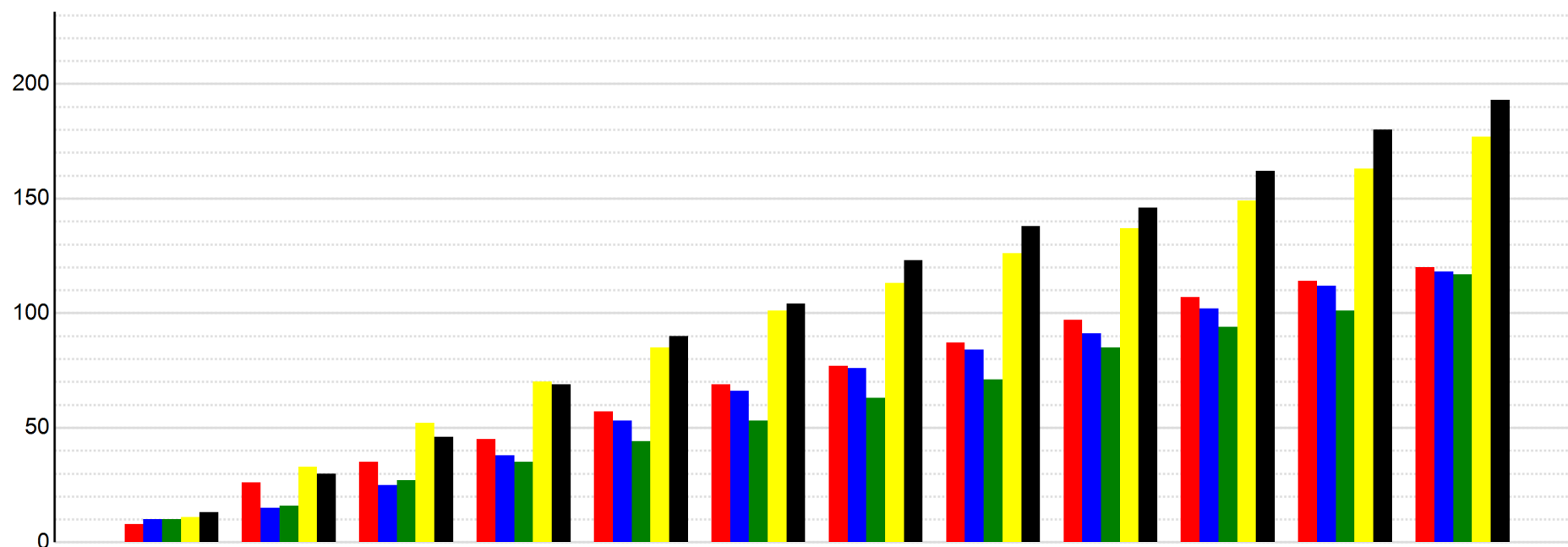


		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	8	18	9	10	12	12	8	10	10	10	7	6
	2019	10	5	10	13	15	13	10	8	7	11	10	6
	2020	10	6	11	8	9	9	10	8	14	9	7	16
	2021	11	22	19	18	15	16	12	13	11	12	14	14
	2022	13	17	16	23	21	14	19	15	8	16	18	13

Jan \$	\$5,506,397	Apr \$	\$14,859,398	Jul \$	\$10,731,151	Oct \$	\$8,603,855	Year End Totals	
Feb \$	\$7,147,563	May \$	\$14,870,257	Aug \$	\$7,778,316	Nov \$	\$9,179,750	2018	\$48,962,587
Mar \$	\$6,802,843	Jun \$	\$8,847,704	Sep \$	\$5,569,113	Dec \$	\$9,095,000	2019	\$55,246,587
								2020	\$45,814,854
								2021	\$98,878,772
								2022	\$108,991,347

Single Family Residential Permits (Cumulative)

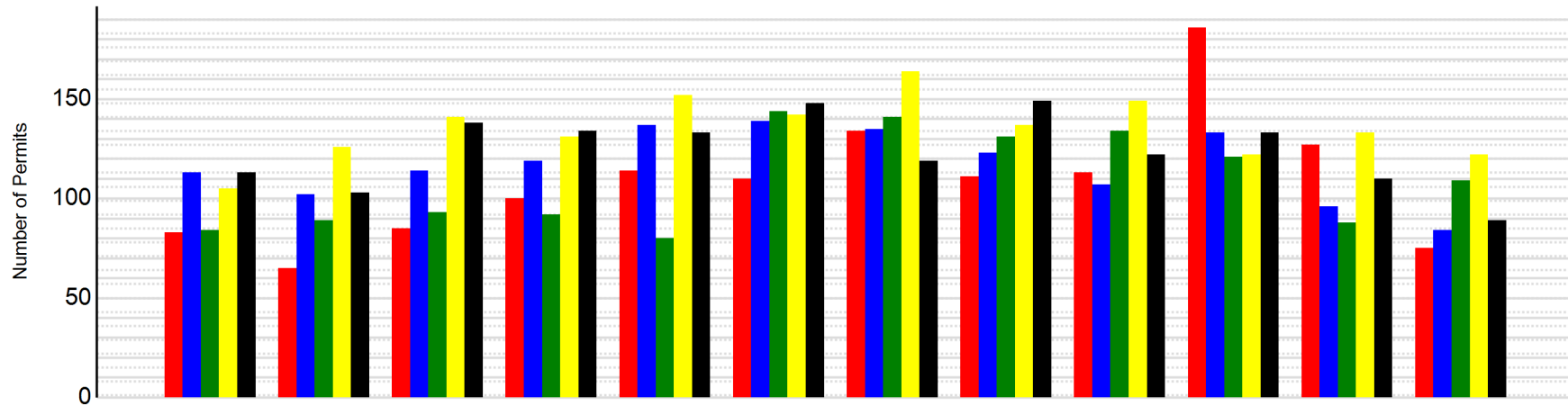
1/1/2018 - 12/31/2022



		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	8	26	35	45	57	69	77	87	97	107	114	120
	2019	10	15	25	38	53	66	76	84	91	102	112	118
	2020	10	16	27	35	44	53	63	71	85	94	101	117
	2021	11	33	52	70	85	101	113	126	137	149	163	177
	2022	13	30	46	69	90	104	123	138	146	162	180	193

Single Trade Permits

1/1/2018 - 12/31/2022



		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	2018	83	65	85	100	114	110	134	111	113	186	127	75
	2019	113	102	114	119	137	139	135	123	107	133	96	84
	2020	84	89	93	92	80	144	141	131	134	121	88	109
	2021	105	126	141	131	152	142	164	137	149	122	133	122
	2022	113	103	138	134	133	148	119	149	122	133	110	89

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Adoption of Brevard Pedestrian & Bicycle Plan

Speaker: Aaron Bland

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

In May of 2020 Council approved a resolution for Planning Department Staff to apply for the NCDOT Bicycle and Pedestrian Planning Grant. In the fall of 2020, the City was notified that it had received the grant and NCDOT assigned Alta Planning + Design as the consultant to produce the City's new combined pedestrian and bicycle plan. At the January 17th Council meeting, the plan and its development process was presented to Council by Matt Hayes of Alta Planning + Design. The plan document can be viewed at cityofbrevard.com/PedBikePlan.

Discussion

By adopting this new plan, Council would be replacing the current Comprehensive Pedestrian Plan, which was originally adopted in 2006, as the City's official planning and policy guidance document for pedestrian and bicycle infrastructure investments.

Policy Analysis

The Brevard Pedestrian and Bicycle Plan features policy, program, and infrastructure recommendations that, if adopted, funded, and implemented, will create the walking- and bicycle-friendly community that residents have long supported.

Long-range planning documents, like comprehensive bicycle and pedestrian plans, should be updated regularly; the general rule of thumb is every 10 years. With an age of over 15 years, the City's existing Comprehensive Pedestrian Plan is due for an update. The 2015 Comprehensive Plan specifically calls for updating the plan (Policy 5.2.A) and the existing plan itself recommends committee updates every five years.

Fiscal Impact

None at this time. Council should consider prioritization of the Plan's identified pedestrian and bicycling infrastructure recommendations during annual budget discussions.

Action

Staff requests that Council approve the attached resolution adopting the updated Brevard Pedestrian & Bicycle Plan and instructing staff to begin work on its implementation.

Attachments:

1. Resolution 2023-XX Adopting the City of Brevard Pedestrian and Bicycle Plan

RESOLUTION NO. 2023-__

**A RESOLUTION ADOPTING THE CITY OF
BREVARD PEDESTRIAN AND BICYCLE PLAN**

WHEREAS, Brevard is a safe, friendly, family-oriented city with small town charm, outdoor recreation, arts, and culture that bring investment opportunities, environmental consciousness, and economic diversity; and,

WHEREAS, Brevard continues planning for efficient and equitable infrastructure investments and improvements to create safe, convenient, and accessible transportation options for all users; and,

WHEREAS, the City of Brevard has a history of adopted plans that seek to integrate a range of transportation options, including, but not limited to, the 2015 Comprehensive Plan, Downtown Master Plan, and the City of Brevard Complete Streets Policy; and,

WHEREAS, the City of Brevard received a Multimodal Planning Grant from the Integrated Mobility Division of the North Carolina Department of Transportation; and,

WHEREAS, the City of Brevard Pedestrian and Bicycle Plan has been developed through a comprehensive planning process which included input from a diverse group of stakeholders, the Parks, Trails & Recreation Committee, and the public at large; and,

WHEREAS, the City of Brevard Pedestrian and Bicycle Plan has been evaluated and approved by the North Carolina Department of Transportation; and,

WHEREAS, it is the desire of the City of Brevard to renew its commitment towards thoughtful planning and implementation of pedestrian and bicycle infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. The City of Brevard adopts the attached Pedestrian and Bicycle Plan.

SECTION 2. City Staff is hereby directed to begin the Implementation Action Steps as outlined in the Plan.

Approved and adopted this the 6th day of February, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk CMC

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Designation of Historic Landmark-McMinn Building, 2-14 West Main Street

Speaker: Katherine Buzby, City Planner

Prepared by: Katherine Buzby, Planner/Assistant Zoning Administrator

Approved by: Wilson Hooper, City Manager

Background

A property, owned by McMinn Properties LLC, located at 2,4,6, and 12 West Main Street ("The McMinn Building"), has applied to be locally historically designated with the JHPC. The application and Designation Report has been reviewed by the State Historic Preservation Office (SHPO) and does meet requirements for a local designation. The requested ordinance from City Council will allow the local historical designation which enables the property owner to receive tax credits for the property and requires a Certificate of Appropriateness for any remodels or repairs to the property.

Discussion

The McMinn Building was built around 1899 and was the first brick commercial building erected in Transylvania County, located at the corner of N Broad Street and West Main Street. It features three one-story storefronts facing West Main Street and a separate entrance that features a staircase providing access to eighteen rental offices on the second floor. It remained in the McMinn family for many generations and is considered a prominent landmark in Brevard. It has been listed on the National Register of Historic Places since 1994. The local designation will be for the entire exterior of the building (listed under Tax Parcel Number 8586-51-1048-000) and for the interior stairway and hallway containing the second-floor offices.

Procedural

The JHPC reviews applications and helps landmark(s) complete a Designation Report that explains that the landmark(s) are "**significant** and retain **integrity**". A document provided by the SHPO office titled "Local Landmark Report" is attached and explains what information and documentation is required for these Designation Report.

Significance requires the property to be at least 50 years old and must have significance with one or more of the following 4 criteria:

1. Historic Event
2. Historic Person
3. Architecturally Distinctive
4. Archeological Information

Integrity is the extent to which the building or landmark looks like it did during the period it was built or gained significance.

Once these documents are approved by the JHPC, the report is sent to the SHPO office for review and comments. JHPC then reviews and makes a recommendation to the local governing board (for this application, the City of Brevard) for approval. A joint public hearing is conducted on the proposed landmark per GS 160D-601. Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.

Upon adoption of the regulation, the JHPC will notify the owners and occupants of each designated landmark, the office of the register of deeds, the tax offices, and the City.

Policy Analysis

The General Statute, 105-278 Historic Properties, states the following:

“(a) Real property designated as a historic property by a local ordinance adopted pursuant to former G.S. 160A-399.4 or designated as a historic landmark by a local ordinance adopted pursuant to G.S. 160D-945 or former G.S. 160A-400.5 is designated a special class of property under authority of Article V, Sec. 2(2) of the North Carolina Constitution. Property so classified shall be taxed uniformly as a class in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and 105-286, or 105-287.

(b) The difference between the taxes due on the basis of fifty percent (50%) of the true value of the property and the taxes that would have been payable in the absence of the classification provided for in subsection (a) shall be a lien on the property of the taxpayer as provided in G.S. 105-355(a). The taxes shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the property loses the benefit of this classification as a result of a disqualifying event. A disqualifying event occurs when there is a change in an ordinance designating a historic property or a change in the property, other than by fire or other natural disaster, that causes the property's historical significance to be lost or substantially impaired. In addition to the provisions in G.S. 105-277.1F, no deferred taxes are due and all liens arising under this subsection are extinguished when the property's historical significance is lost or substantially impaired due to fire or other natural disaster.”

General Statutes 160D-945 and 160D-946 govern the Joint Historic Preservation Commission (JHPC) landmark designation and procedures (see attached).

The City's Unified Development Ordinance (UDO) in Chapter 20.2 Historic Landmarks governs the City's procedures for local designation (see attached).

City Council's options are as follows:

1. Approve the ordinance as presented.

2. Approve the ordinance with modifications.
3. Deny the ordinance as presented.

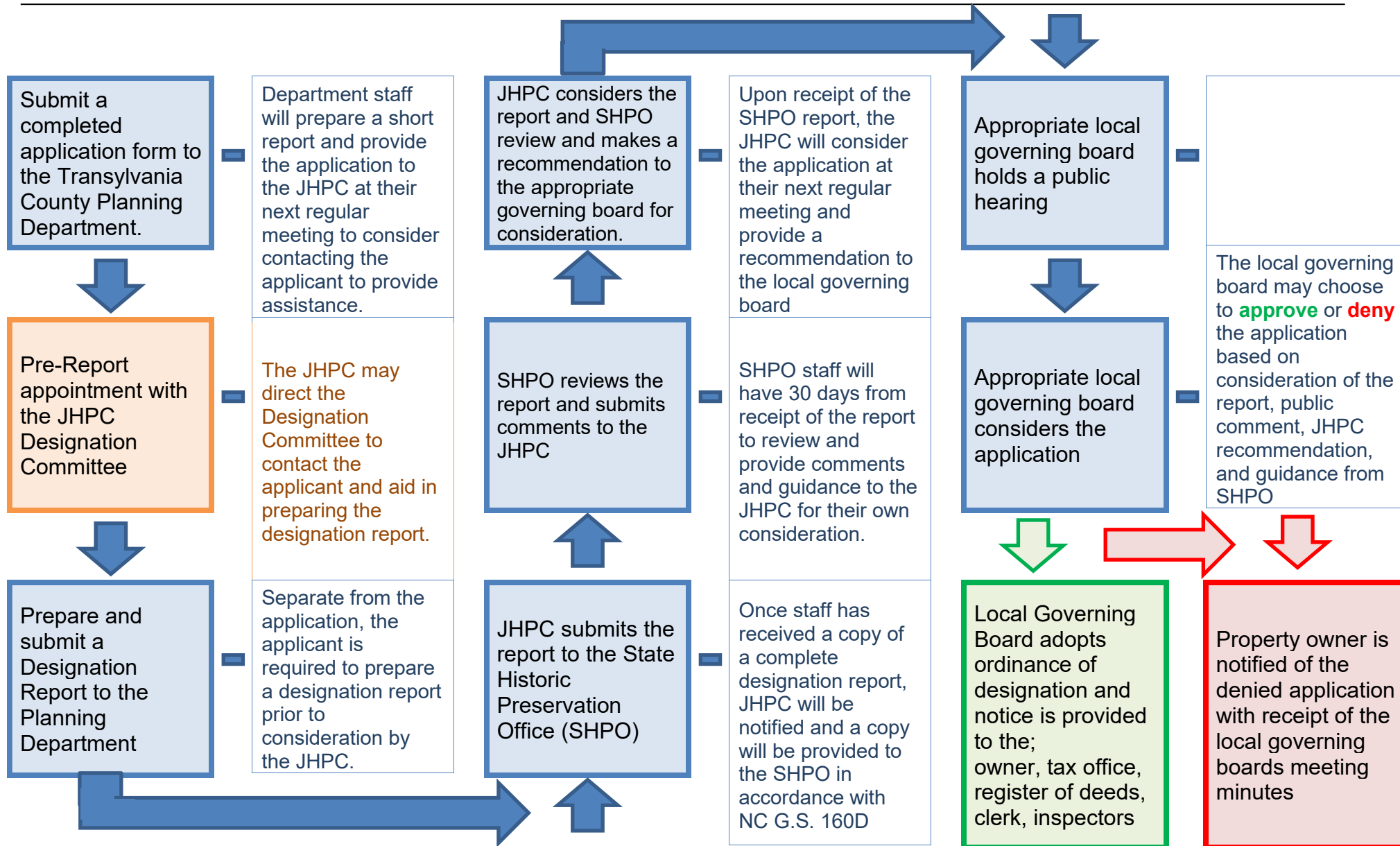
Fiscal Impact

A 50% reduction in City taxes, which is estimated at **\$4,412.90** based on the 2022 tax valuations.

Attachments:

1. LLD FlowChart
2. COB Local Designations
3. LocalLandmarkReports
4. McMinn Building Application and Report
5. General Statute 102-278 -historic design.
6. GS_160D-945
7. GS_160D-946
8. UDO Chapter 20.2. Historic Landmarks
9. McMinn Building Landmark Ordinance

LOCAL LANDMARK DESIGNATION PROCESS



McMinn Building Current

8586-51-1048-000

2022

2021

Current Value	COB Tax Levy	HOB Tax Levy	Total Levy
1,331,190.00	\$ 5,990.36	\$ 2,835.43	\$ 8,825.79
1,331,190.00	\$ 5,990.36	\$ 2,835.43	\$ 8,825.79

**McMinn Historic Designation- Estimate
Both land and building included**

50% Value	COB Tax Levy	HOB Tax Levy	Total Levy
665,595.00	\$ 2,995.18	\$ 1,417.72	\$ 4,412.90

Old Brevard City Hall & Fire Station

8586-41-7304-000

This parcel includes a Commercial
property record and a Condominium
property record. - Both are included in the current value

2022

2021

Current Value	COB Tax Levy	HOB Tax Levy	Total Levy
\$ 545,480.00	\$ 2,454.66	\$ 1,161.87	\$ 3,616.53
\$ 545,480.00	\$ 2,454.66	\$ 1,161.87	\$ 3,616.53

**Old Brevard City Hall & Fire Station Historic Designation -Estimate
Land & Building (including condo)**

50% Value	COB Tax Levy	HOB Tax Levy	Total Levy
\$ 272,740.00	\$ 1,227.33	\$ 580.94	\$ 1,808.27

City of Brevard Local Historical Designations

SITE NAME	OWNER	PIN	ADDRESS	DESCRIPTION	CITY TAX DEFERMENT
Inn at Brevard	Howard S (Faye)Yager	8586-60-6150	315 E Main St	1902 Colonial Revival 2-story pebbledash house	\$ 2,410.36
Grogan House	Samuel M & Carolina C Wheeler	8585-98-0454	24 Warren Ln	c 1890 Victorian 1-story frame house	\$ 713.14
Brevard College Stone Fence and Gate	Brevard College	8586-62-8087	1 Brevard College Dr	1936-37 WPA stone wall and gate	\$ -
Red House	Jason & Sasha Jones	8586-42-1026	266 W Probart St		\$ 1,697.24
Henry House	Martha R & Morris Jenkins	8586-41-7725	148 Probart St		\$ 1,425.04
Former Presbyterian Church Manse	Thomas R & Stephany Cutler	8586-41-8628	116 W Probart St	c 1912 frame 2-story house	\$ 1,413.41
Morris Education Center	Transylvania County Board of Education	8586-22-6181	225 Rosenwald Lane		\$ -
Charles Orr House	Henning L & Virginia M Meyn Trustees	8586-60-5370	269 E Main St	1926 Craftsman/Tudor 2-story stone house	\$ 1,603.71
Chapman House	Paul C& Andrea E Heidmann	8585-69-9414	431 E Main St	1917 1 1/2-story side gable frame Craftsman bungalow	\$ 1,125.90
Paxton-Kizer House	Dorothy K & Stephen C Marcinko	8585-68-8853	538 E Main St	c 1909 1 1/2-story pyramidal roof brick 19th-20th c traditional/vernacular house w/ pebbledash	\$ 1,103.99
Morrow Stone Cottage	Spencer M & Veronica Morrow	8585-78-0301	630 E Main St	1915 Craftsman style 1 1/2-story stone house	\$ 1,146.35
Galloway-Radford House	Mark S and Gay F Case	8585-68-8053	33 Deacon Lane	c 1910 2-story hip roof Colonial Revival house w/ pebbledash	\$ 1,427.38
Hemlock Hill	Robert C & Shannon W Powell	8585-67-7884	768 Main St	1940 rustic 1-story stone house	\$ 2,134.51
Godrey-Barnette House-Linden Tree Manor	Wierner Christopher Matthew Trustee	8585-48-3632	503 S Braod St	1918 Stone 2& 1/2 story English Manorial Revival Style	\$ 1,405.40
Exchange Building	Douglas Keith & Ellen Pratt Harris Co-Trustees	8586-51-1267	33 W Probart St		\$ 1,107.25
				TOTAL	\$ 18,713.68

Local Landmark Reports

Pursuant to NC GS 160D-945 and 946, North Carolina law provides for a straightforward but multi-step procedure for designation of historic landmarks at the local level.

The state enabling legislation requires that *before* recommending designation of a historic landmark to the local governing board, a local preservation commission must find that the property in question meets two criteria: first, that it is **significant** and, second, that it retains **integrity**. Because these can be variable terms, there has to be some way of explaining why a property is “significant” and how it has “integrity.” Thus, the legislation specifically requires a report or study, based on objective evidence and research, to be done examining each potential landmark *before* the local governing authority designates a landmark:

- **NC G.S. 160D-945.** *No property shall be recommended for designation as a historic landmark unless it is deemed and found by the preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association [emphasis added].*
- **NC G.S. 160D-946 (2).** *The preservation commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such investigation and report shall be forwarded to the [State Historic Preservation Office].*
- **NC G.S. 160D-946(3).** *The [State Historic Preservation Office] shall... be given an opportunity to review and comment upon the substance and effect of the designation of any landmark.... Any comments shall be provided in writing. If the [State Historic Preservation Office] does not submit its comments or recommendation in connection with any designation within 30 days following receipt... of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments.*

The landmark report should help justify and explain to the general public why the local governing authority’s decision to landmark any property as “historic” is appropriate and defensible. Ultimately, the decision to landmark rests in the hands of the local governing authority, but the report should inform both the general public as well as the local governing authority as to why a property is properly designated a “historic landmark”. The report also serves as a baseline for the preservation commission’s evaluation of certificate of appropriateness applications for the property. While the report is sent to both the State Historic Preservation Office (HPO) and the Office of State Archaeology (via the HPO) for review and comment, the report is required for the benefit of the public, the local governing authority, and the preservation commission.

SIGNIFICANCE AND INTEGRITY

Even though a property’s value as a historic resource may seem obvious, the required report sets forth what is known about the property and explains how it meets the statutory criteria for significance and integrity. Because it is both a public record and documented history of the property, a landmark report

must substantially inform and explain why a particular property is worthy of preferential taxation treatment by the local government.

A report must spell out the property's significance and integrity with specific details. When you say a property is **significant**, or important, you have to say why and how. Most of the time, significant properties are those that are fifty or more years old, although considerable age is not necessarily equated with significance. A property can be significant because it is associated with an important historic event (e.g., a house used as a stop on the Underground Railroad), or because it is associated with an important historic person (e.g., an office associated with the community's first doctor), or because it is architecturally distinctive (e.g., an Italianate house or a mill house), or because it holds or may hold important archaeological information (e.g., the site of railroad repair shops now vanished) – or for a combination of these things. One claim of significance usually is sufficient.

The significance claim should be thought of as an argument “making a case” for designation based on evidence. It must be clearly stated and supported by an evaluation of the property's integrity. **Integrity** is the extent to which the building looks like it did during the period in which it gained significance. In other words, a property can be said to have integrity if its historic importance can be seen or experienced, rather than imagined. To qualify for designation, a property generally should show integrity in most or all of these six aspects: design, setting, workmanship, materials, feeling, and association. (See pp. 47-48 of *Handbook for Historic Preservation Commissions in North Carolina* for an explanation of the aspects of integrity.) In particular, integrity of feeling or association alone is not sufficient, because these are more subjective qualities. Generally, a property retains integrity if it has not been substantially altered and if it is not severely deteriorated or dilapidated.

The integrity criterion gives you the opportunity to explain all the ways in which the property may or may not have been altered over time and how these changes have affected its integrity – specificity is *strongly* encouraged. For instance, if you say a house is important because it is a Federal-era house, then the report must show whether or not it is recognizable as such.

- Some changes can be considered to have attained historic status in and of themselves – for example an 1820s house, which has had its carriage shed demolished and replaced by an auto garage in 1920, or its back porch give way to a 1950 addition. These changes are not original to the house but do represent different historical periods and thus might contribute to an understanding of the property's significance. A change is likely to diminish integrity if it did not occur within the property's period of significance.
- However, some changes detract from integrity because they destroy, damage, or conceal authentic features or elements from historic periods – such as replacement siding, windows, and roofs; or the enclosure of open porches; or the removal of architectural features. These changes must be acknowledged and accounted for in this section. In the case of our Federal-era house, the architectural elements that define it as Federal should be apparent – even if a casual observer could not identify it as “Federal.” A Federal-era house that has had its windows and doors replaced or reconfigured, that has had its siding altered, or that has had porches or wings added may no longer look enough like a Federal-era house to make landmark designation appropriate – no matter how historic it might be!

REPORT FORMAT

In order for the Historic Preservation Office to provide informed and worthwhile comments regarding the proposed designation, each report should contain all of the following information:

I. General information

1. Common and Historical Property Names
2. Physical Address or Location
3. Tax Parcel Identification Number (PIN)
4. Current Owner(s) Name(s)
5. Current Owner(s) Mailing Address(es)
6. Appraised Value of the Property (a copy of the most recent tax card will suffice)

II. Abstract

1. A clear summary statement of the property's significance and degree of integrity in two to three sentences. Why are you proposing designation for this property?
2. A concise statement of what buildings and portion of land are to be included in the designation. Is it all of the legal parcel(s) historically and currently associated with the building(s) or only a portion? The land area included should be, at minimum, that which is historically associated with and which continues to provide historic context for, the building(s) for which designation is proposed.

III. Historic Background

1. A narrative of the property's history that focuses on points relevant to the significance and integrity criteria. A chain of title should not be included unless you are claiming that the property is significant for its association with a historically significant person – and then only those deeds directly related to that person.
2. Date(s) of original construction (use "circa" and a year if the exact year is unknown). The report may need a chain of title to help prove or substantiate the original construction date.
3. Date(s) of all additions and/or alterations (use "circa" and a year if the exact year is unknown)

IV. Assessment

1. A full description of the property's historical, prehistorical, architectural, and/or cultural importance (significance) for one or more of the following specific reasons:
 - a. its association with a historic event
 - b. its association with the life of a historically significant person
 - c. its architectural style or its type of construction or engineering
 - d. its archaeological potential
2. A complete architectural description of the property. For architecturally significant properties, the description should focus on the elements that define the building's design. For report preparers, commissions, or staff who are unfamiliar with this kind of technical

writing, an outline for an architectural description may be found at <https://files.nc.gov/ncdcr/historic-preservation-office/CLG/ArchitecturalDescriptionTemplate.pdf>

3. A description of any elements that contribute to the property's archaeological significance. A brief archaeological comment should be included in every report. If no known archaeological features are present at the current time, a statement to that effect will suffice.
4. A complete and thorough evaluation of the property's integrity of design, setting, workmanship, materials, feeling, and association, fully accounting for all alterations and changes to the property, including those which detract from or do not contribute to the property's significance.
5. A justification of the proposed boundaries of the designation.

V. Supporting documentation

1. Digital photographs that clearly show the overall property in its current condition
 - a. At least 1 digital photograph of each elevation, to the extent they are visible or accessible; if an elevation is not visible, the report must explain why.
 - b. At least 1 digital photograph of each interior feature proposed for designation; if interior features are not to be designated, photographs of interior spaces are encouraged for documentary purposes but are not required.
 - c. Supporting photographs that illustrate architectural features, spatial relationships, orientation, size, scale, and texture, or which otherwise illustrate context
 - d. Digital photographs should be submitted to the Local Government Program Coordinator via Drop Box or saved to a cd or flash drive and mailed.
2. A sketch floor plan of the building(s). It does not have to be of "draftsman quality" or exactly to scale, but should clearly show arrangement of spaces and their relationship to one another. Floor plans may be drawn by hand with a ruler and legible printing or may be created with graphics or drafting software.
3. A site plan (preferably but not necessarily drawn to scale) showing:
 - a. the property's location
 - b. location of primary structures
 - c. location of all outbuildings and appurtenant features (e.g., a well)
 - d. major landscape and hardscape features such as large, ancient trees, driveways, and walkways
 - e. the boundaries of the proposed designation.
4. Plat or tax map, including the tax appraised value of the property.
5. Any other information the local governing board deems necessary.

VI. Bibliography/Source Citations

Note: If the property has been listed individually in the National Register of Historic Places, the National Register nomination might serve as the substance of the local designation report, either verbatim or re-formatted to meet the report guidelines set forth by the local commission (including a cover form required by the commission). If the property boundaries for the local designation are different from those for the National Register nomination or if there have been physical changes to the property since the nomination was written, the nomination may substantively serve as the designation report as long as an explanation of the different boundary and physical changes to the property are incorporated in the report. The usefulness of a nomination depends on when the property was listed and the amount and quality of information in the nomination. Nominations written prior to ca. 2015 may need to be augmented for the architectural description and/or the significance section of the designation report.

SUBMITTAL. Please send completed reports to:

Kristi.brantley@ncdcr.gov

Or

Local Government Program
Attn: Local Landmarks Reports
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-461

JHPC LOCAL HISTORIC LANDMARK APPLICATION

JHPC Administration: ☒ City of Brevard/ETJ ☐ Rosman ☐ Transylvania County

Stage 1: Status Application (no fee)
Stage 2: Designation Submittal Fee - \$125.00
Stage 3: Final Designation Fee - \$75.00

Property P.I.N.: 8586-51-1048 recorded in Book 379 Page 496, Registry of Transylvania County

Stage 1: Local Historic Landmark Preliminary Status Application Process

This section of the application initiates preliminary consideration of a property for local historic landmark status. There is no application fee for this Preliminary Status Application of the process.

Legal Owner of Property: McMinn Properties, Inc. Phone: (828) 862-8735
Address: 4 West Main St., Suite 5, Brevard NC 28712

1. NAME OF PROPERTY

Historic Name(s)

Other Name(s)

McMinn Building

2. LOCATION OF PROPERTY

Street Address or Boundaries

City and Zip Code

Property Identification Number (PIN)

2-14 West Main Street

Brevard NC 28712

8586-51-1048

Acreage 0.239

3. CLASSIFICATION

Ownership of Property:

☒ Private

☐ Public

Days/Hours of operation: _____

Contact Name/Telephone: _____

Is it accessible for viewing:

☒ Inside

☒ Outside

Category of Property:

- ☒ **Building** – created principally to shelter any form of human activity (i.e. house, barn/stable, hotel, church, school, theater, etc.)
- ☐ **Structure** – constructed usually for purposes other than creating human shelter (i.e. tunnel, bridge, highway, silo, etc.)
- ☐ **Object** – constructions that are primarily artistic in nature. Although movable by nature or design, an object is typically associated with a specific setting or environment (i.e. monument, fountain, etc.)
- ☐ **Site** – the location of a historic event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure (i.e. battlefields, cemeteries, designed landscape, etc.)
- ☐ **District** – a group of buildings or properties that may have different levels of historic or architectural significance.

Planning and Community Development
106 East Morgan Street
Brevard, NC 28712
828.884.3205
planning.transylvaniacounty.org



JHPC LOCAL HISTORIC LANDMARK APPLICATION

4. PROPERTY RESOURCES

Number of contributing and non-contributing resources within property:

A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, yields important information about the period and possesses historic integrity.

	Contributing (Adds to significance)	Non-contributing (Does not add to significance)
Buildings	<u>1</u>	<u> </u>
Structures	<u> </u>	<u> </u>
Objects	<u> </u>	<u> </u>
Sites	<u> </u>	<u> </u>

5. FUNCTION OR USE (note approximate dates)

Historic Functions or Use:

Retail down, offices up

Current Functions or Use:

Retail down, offices up

6. DESCRIPTION OF STRUCTURES & SIGNIFICANCE/INTEGRITY

On an attached 8 ½ by 11 sheet, describe:

- property setting (rural or downtown, etc.)
- date of construction
- property condition
- architect, builder, carpenter or mason, if known
- dates and reasons if any structures have been moved
- architectural significance and integrity: For **buildings and structures**, describe significant exterior architectural features, additions, remodeling, alterations and any significant outbuildings. For **objects**, describe the physical appearance of the object(s) to be designated in context of the history of the local community or of Transylvania County. For example, a building or structure might be a community's only surviving example of Greek Revival architecture or it may be a unique local interpretation of the Arts and Crafts movement. An object might be a statue designed by a notable sculptor. Include a description of how the building, structure or object currently conveys its historic integrity. For example, does it retain elements of its original design, materials, location, workmanship, setting, historic associations, or feeling, or any combination thereof? Include a bibliography of sources consulted.

7. PROPERTY BOUNDARY & SIGNIFICANCE/INTEGRITY

On an attached 8 ½ by 11 sheet, describe the land area to be designated, addressing any prominent landscape features. Clearly explain the significance of the land area proposed for designation and its historical relationship to the **building(s), structure(s) or object(s)** located within the property boundary or, in the case of **sites**, the historical event or events that make the land area significant. For **buildings and structures**, the designated land area may represent part of or the entire original parcel boundaries, or may encompass vegetative buffers or important outbuildings. For **objects**, the designated land area may continue to provide the object's historic context (i.e., a statue's historic park setting). For **sites**, the designated area may encompass a landscape that retains its historic integrity (i.e. a battlefield encompassing undisturbed historic view sheds).

JHPC LOCAL HISTORIC LANDMARK APPLICATION

8. HISTORICAL SIGNIFICANCE/INTEGRITY (Applies to all classifications)

On an attached 8 ½ by 11 sheet, describe any significant events, people, and/or families associated with the property. Please clearly define the significance of the property in the commercial, social or political history of Transylvania County or of the local community. Include all major property owners of the property, if known. Include a bibliography of sources consulted.

9. PREVIOUS DOCUMENTATION

- ☐ Previous field documentation (when and by whom): _____
- ☐ Contact the National Register Coordinator at the State Historic Preservation Office to determine whether the property has been included in a county survey (919-733-6545). ☐ included ☐ not included
- ☒ National Register Status and date (listed, eligible, study list): listed 1994

10. ADDITIONAL DOCUMENTATION (Submit the following items with this section of the completed form)

- ☒ Attached sheets for descriptions of significance (#6, #7, & #8)
- ☒ Tax map or survey showing the exact location of property, boundaries and any outbuildings
- ☒ Photographs:
- Representative current photographs of the property showing all sides of each structure
 - 1 hard and 1 electronic copy
 - Label image files "TC_PropertyName_Description.jpg" (ie., TC_ABCHouse_front_façade.jpg). For buildings and structures, include all elevations and at least one (1) photo of all other contributing and non-contributing resources, as well as at least one (1) photo showing the main building or structure within its setting. For objects, include a view of the object within its setting, as well as a variety of representative views. For sites, include overall views and any significant details.

Stage 1: Local Historic Landmark Preliminary Status Application

McMinn Properties, Inc
(type or print applicant name)

(applicant signature)

(date)

4 West Main, Suite 5
(mailing address)

Brevard NC 28712
(city, state, zip)

(e-mail address)

(phone)

Preliminary Status Approved this ____ day of _____,

Donald E. Jordan
(type or print agent name)

[Signature] 9-10-02
(agent signature) (date)

4 West Main, Suite 5
(mailing address)

Brevard NC 28712
(city, state, zip)

jordanlaw@comporium.net (828) 862-8735
(e-mail address) (phone)

(JHPC Administrator for Transylvania County)

If the property meets the requirements for consideration as a local historic landmark, notification will be made by JHPC to continue on to the Local Historic Landmark Designation Application Process.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

Stage 2: Local Historic Landmark Designation Submittal Process

This section of the application will enable the Transylvania County Joint Historic Preservation Commission to determine whether the property qualifies for designation. The application fee for this process is \$125.00.

1. SUPPORTING DOCUMENTATION (Please attach to application)

☐ **Floor Plan (for buildings and structures)**

Please include a detailed floor plan showing the original layout, dimensions of all rooms, and any additions (with dates) to the building or structure. Drawings do not have to be professionally produced nor do they need to be to exact scale, but should accurately depict the layout and dimensions of the property.

☐ **Maps**

Include two (2) maps: one (1) clearly indicating the location of the property in relation to the local community, and one (1) showing the boundaries of the property. Tax maps with the boundaries of the property are preferred, but survey or sketch maps are acceptable. Please show street names and numbers and all structures.

☒ **Additional Items Requested by JHPC:** reno / update info

Stage 2: Local Historic Landmark Designation Submittal

Certificate of Appropriateness Required: From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within the historic district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Joint Historic Preservation Commission. Such a certificate is required to be issued by the Preservation Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required. "Exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all features, historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

I understand that designation as a local landmark imposes the restrictions described above.

(type or print applicant name)

(type or print agent name)

(applicant signature)

(date)

(agent signature)

(date)

(mailing address)

(mailing address)

(city, state, zip)

(city, state, zip)

Designation Submittal this ____ day of _____,

(JHPC Administrator for Transylvania County)

If the property meets the requirements for consideration as a local historic landmark, notification will be made by JHPC to continue on to the Local Historic Landmark Designation Application Process.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

JHPC Office Use:

- ☒ JHPC Hearing and Vote on Preliminary Status
- ☒ Report sent to NC Dept of Cultural Resources State Historic Preservation Office, allowing 30 days to respond
- ☒ JHPC Vote on Designation Status
- ☐ County/City Commissioner Public Hearing and adoption of Historic Landmark Designation Ordinance

Stage 3: Local Historic Landmark Designation Approval

This section of the application documents Transylvania County Joint Historic Preservation Commission approval of the Local Historic Landmark Designation.

☐ Final Designation Fee - \$75.00

I have read the general information on landmark designation provided by the Transylvania County Joint Historic Preservation Commission and affirm that I support landmark designation of the property defined herein.

(type or print applicant name)

(type or print agent name)

(applicant signature)

(date)

(agent signature)

(date)

(mailing address)

(mailing address)

(city, state, zip)

(city, state, zip)

Designation Approved this ____ day of _____,

(JHPC Administrator)

RECEIVED

United States Department of the Interior
National Park Service

JAN 10 1994

National Register of Historic Places
Registration Form

NATIONAL
REGISTER

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name McMinn Building

other names/site number _____

2. Location

street & number 2-6 West Main Street n/a ☐ not for publication

city or town Brevard n/a ☐ vicinity

state North Carolina code NC county Transylvania code 175 zip code 28712

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this ☒ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☒ meets ☐ does not meet the National Register criteria. I recommend that this property be considered significant ☐ nationally ☐ statewide ☒ locally. (See continuation sheet for additional comments.)

William S. Pinn
Signature of certifying official/Title

12-14-93
Date

State of Federal agency and bureau _____

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of certifying official/Title _____

Date _____

State or Federal agency and bureau _____

4. National Park Service Certification

I hereby certify that the property is:

- ☒ entered in the National Register.
☐ See continuation sheet.
- ☐ determined eligible for the National Register.
☐ See continuation sheet.
- ☐ determined not eligible for the National Register.
- ☐ removed from the National Register.
- ☐ other, (explain:) _____

to Signature of the Keeper

Entered in the
National Register

Date of Action

Gary M. Lysley

2/18/94

McMinn Building
Name of Property

Transylvania County, North Carolina
County and State

5. Classification

Ownership of Property

(Check as many boxes as apply)

- ☒ private
☐ public-local
☐ public-State
☐ public-Federal

Category of Property

(Check only one box)

- ☒ building(s)
☐ district
☐ site
☐ structure
☐ object

Number of Resources within Property

(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
1		buildings
		sites
		structures
		objects
1		Total

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

"Historic and Architectural Resources of Transylvania County

North Carolina (including the incorporated towns of

Brevard and Rosman), ca. 1820-1941"

Number of contributing resources previously listed in the National Register

6. Function or Use

Historic Functions

(Enter categories from instructions)

COMMERCE/TRADE/business

Current Functions

(Enter categories from instructions)

COMMERCE/TRADE/business

7. Description

Architectural Classification

(Enter categories from instructions)

Italianate

Materials

(Enter categories from instructions)

foundation Brick

walls Brick

roof Asphalt

other

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetMcMinn Building
Transylvania County, North CarolinaSection number 7 Page 1McMinn Building
Architectural Description

The McMinn Building, a two-story common-bond brick commercial building ornamented with robust decorative brickwork, is located at the north corner of the square in Brevard. A landmark in the county seat's small commercial district of mostly two and three-story brick buildings, it is positioned at the crossing of Broad and Main streets--the town's two principal avenues--and across Broad Street from the Transylvania County Court House. The McMinn Building was built for mixed commercial use and ushered in a late nineteenth-and twentieth-century commercial building boom in a heretofore sleepy county seat. Clearly, the West Main Street facade with its original Mesker Brothers' iron storefronts was seen as the principal elevation of the building. These impressive frontispieces offered Brevard merchants a fashionable setting from which to sell their goods. Here there are entrances into the three storefronts at #2, #4, and #6 West Main Street. A fourth doorway, positioned between the entrances to #2 and #4 West Main Street, opens into a stairway which rises to the second story of the building and a series of eighteen rental offices arranged off a U-shaped public corridor. In use for ninety-five years as a rental commercial building, the McMinn Building is remarkably intact and well-preserved. Except for alterations to the corner storefront at #2 West Main Street and some expected changes to the interiors of the first-story stores, the McMinn Building survives to the present as an impressive turn-of-the-century commercial building and largely as built.

With elevations facing on the town's two principal streets, the rectangular brick building has a descending hierarchy of finish from the principal, corbelled brickwork of the Main Street facade, through a somewhat simpler finish on its side elevation along Broad Street, to a plain utilitarian appearance on the rear elevation which faces onto the small vacant parking lot at the rear of the lot. (This parking lot is serviced by an alley.) In typical turn-of-the-century fashion, the front corner of the building is clipped to address the town square. This angled bay contains the entrance to the corner store on the first level and a pair of windows in an arch-headed opening on the second story. The bay serves as the transition point between the consistent finish of the facade facing West Main Street and the simpler, diminishing finish of the side elevation overlooking North Broad Street.

The first-story West Main Street elevation of the McMinn Building contains three storefronts and the doorway, in its own bay, opening onto the stair rising to the rental offices on the second level. Here brick pilasters, rising through the second-story elevations, define the unequal widths of these four components of the building. At some point in the recent past the Mesker Brothers' iron storefront enframing the corner store (#2 West Main) was replaced by the present simple treatment using plain modern materials in an undistinguished fashion. The entry at #2 West Main has plate glass doors into the store and large display windows which are protected by a canvas awning.

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetSection number 7 Page 2McMinn Building
Transylvania County, North Carolina

Next, moving west, a pair of brick piers frame the recessed doorway which opens onto the public stair to the second story. The two leaves of this original door feature four molded square panels below large glazed panes; a single-pane transom carries across the opening. A modern metal panel, above the metal awning protecting this doorway, carries the slogan "McMinn Building" and the name of an architectural firm which occupies offices in the building. The storefront at #4 West Main Street is framed between brick piers and appears to date from at least two periods. The recessed central entrance, comprised of paired mostly-glazed wood doors below a two-pane transom, is flanked by plate glass display windows set on a brick apron. A five-part multi-pane glazed transom, believed to be original, carries across the full storefront below the original Mesker Brothers' iron frieze. Its classical composition features alternating triglyphs and panels embossed with swags and ribbons.

The storefront at #6 West Main appears to be entirely original to the 1899 construction of the building. Here the classical frieze is supported by a wide pilaster at its west end and secondary pilasters framing the recessed central entrance to the store. The west pilaster has decorative elements at its base and capital and bears a plate stamped "Mesker Bros./Front Builders/St. Louis, Mo./Pat Oct 4, '87." The glass display windows rest on a shallow paneled apron and are surmounted by unusually tall two-pane transoms. The double-leaf door opening into #6 West Main is original and identical to the one opening onto the staircase and it retains its original hardware.

The four principal bays on the second-story elevation are marked by pilasters and recessed about the width of a brick behind the corbelled parapet cornice of the building. The window openings have granite sills, arched heads, and contain one-over-one sash. There are single window openings above the easternmost two bays and three symmetrically placed windows in the bays of #4 and #6 West Main. The top of the parapet cornice is covered with a later ceramic tile coping. Two stove flues rise above the coping.

On the southeast, Broad Street elevation, the wall is divided into four bays marked by pilasters which appear to contain stove flues. They rise from the base of the building to the stepped roofline. There, the flues project above the parapet and are joined by three additional flues which rise in the walls. The pattern of door and window openings is inconsistent in the four bays. In addition to the display windows in the southernmost bay, there were originally three single windows below multi-plane transoms and a door in the remaining three bays of the first story. The northernmost window was later converted to a door and opens into a shallow stoop which rises from the sidewalk. The original doorway in the northernmost bay is fitted with its original two-leaf door below a transom. The lower half of each leaf is fitted with three panels while the upper half is glazed.

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetSection number 7 Page 3McMinn Building
Transylvania County, North Carolina

The rear elevation has a simple utilitarian appearance and has a one-story service porch across the full elevation. The general form of the three storefronts on West Main Street is repeated here; however, the wall bears no demarcation or division into bays. Instead, there is a doorway flanked by window openings per store. The windows hold double-hung two-over-two wood sash set in a narrow simply-treated frame inside the reveal. This original arrangement is consistent throughout the building. The doorways of #2 and #6 West Main are fitted with their original two-leaf doors which are identical to the original service door on the Broad Street elevation of #2 West Main Street. The solid wood two-leaf door into #4 West Main has five panels per leaf and no glazing. On the second story elevation, there is a break in the wall indicating the open, inset light well that enables all of the offices on the second story to have outside windows. There are six window openings in the wall, five of which contain one-over-one sash; the sixth window has been closed up. There are two small square windows in the wall of #6 West Main, set between the first and second story fenestration, which illuminate the interior mezzanine.

The finish of the interiors of the three first-story stores of the McMinn Building vary in their appearance and retention of their original fabric. The interior of #2 West Main has a carpeted floor, painted walls, and a dropped ceiling of sheetboard panels with battens over the seams. There is open shelving with adjustable shelves carrying along the northwest, side wall from the front of the store for about two-thirds of the length of the wall. It has tongue and groove backing, drawers at the base of the shelf units, and appears to date from the early twentieth century. In the offset, where the enclosed public stair rises to the second story, there is a door which opens onto a closet under the stair. The front-two-thirds of the store has been simply partitioned off as the main sales space of the present tenant. The two doors and windows at the rear of the store retain their original, symmetrically-molded surrounds with corner blocks. There is an enclosed stair to the basement. A small lavatory has also been enclosed on the back of the store.

The store at #4 West Main which now houses a frame and art shop is one large space with a recent simple partition to separate the front sales area from the work area in the back half of the space. It has narrow oak flooring, running front to back, painted plaster walls above baseboards; and its original pressed tin ceiling. The design of the ceiling features square molded panels in raised perimeter frames. The cornice is embossed with anthemions. It also retains its original, symmetrically-molded window and door surrounds with corner blocks. A lavatory has been enclosed in the north rear corner with tongue and groove ceiling.

The interior of #6 West Main Street has pine flooring running front to back, plaster walls with some modern sheet paneling, and a dropped ceiling of sheetboard. It is now used as a shoe shop. The rear third of the store features a mezzanine which is original to this space and illuminated by a pair of shallow windows on the rear elevation. This store was used by a department store and it seems likely that the mezzanine was used for the ladies department. The existence of the mezzanine here

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetSection number 7 Page 4McMinn Building
Transylvania County, North Carolina

raises the distinct possibility that McMinn varied the interior finish and fitting out of the three stores to satisfy different types of use. The mezzanine is supported by chamfered posts; the sills of its floor have exposed beaded edges. On the main level there is open shelving on the northwest wall and an enclosed lavatory under the mezzanine. At the rear of the store, the door and windows retain their symmetrically-molded surrounds with corner blocks. The entrance into the basement, fitted with a five-panel turn-of-the-century door, is enclosed with tongue and groove ceiling and is set below the stair which rises front-to-back to the mezzanine. The railing features turned members below a molded top handrail which carries between square newels. This railing guards the stairwell on the mezzanine level and carries across the open southwest front of the mezzanine.

The public stairs, located behind paired doors between the entrances to #2 and #4 West Main Street, rise to the northeast to the second-story rental offices. A free-hand plan of the second story of the building is included with this nomination. Except for the installation of lighting fixtures over the years and the enclosure of a portion of the U-shaped hall, little has changed in the fabric and appearance of the hall and the offices since 1898. The stairhead on the second story is protected by two lengths of handsome railing featuring turned members below molded top handrails and turned newels topped with molded ball finials. The pine flooring is laid on the diagonal, a simple device which enlivens the public hall. The sheathed wainscot carrying between the baseboard and chair rail features flush, molded-edge boards also nailed on a diagonal. The walls above the wainscot and those in all of the offices are plaster on lath. In most offices, the original tongue-and-groove ceiling has been covered by celotex panels or dropped ceilings. The door and window surrounds throughout the hall and offices are symmetrically molded with corner blocks. The wainscot and surrounds in the hall have a dark, stained finish. Those in the offices have been mostly painted by the occupants. The majority of the doors opening from the hall into the offices feature three panels in their lower half with a large glazed pane above. Some of the office doors have solid wood five-panel doors. All of these eighteen office doors have top-hinged glazed transoms.

In plan, fourteen of the eighteen offices are arranged in a U-shaped plan along the northwest, southwest, and southeast sides of the building. Nearly all of these offices open onto the U-shaped corridor and communicate with their adjoining offices by five-panel doors. The remaining four offices are arranged in a tier inside the "U" and have windows onto the open well visible on the exterior of the building. Five (#1-#5) of the six offices situated along the southeast, Broad Street side of the building have been leased to an architectural firm which has enclosed, by glazing, the portion of the public hall that adjoins four of their five leased rooms. The large corner office, #6, and the adjoining office (#7) were long occupied by attorney Robert Lenoir Gash and are now the offices of his son Judge Robert T. Gash. The walls in #7 are painted green and the woodwork a warm rose mocca, colors which probably date from the early twentieth century. This room also houses a safe lettered with "R. L. Gash." A portion of the office (#15) in the back northwest corner has been enclosed for a public lavatory for the office occupants. Across the hall is a small enclosed service closet.

8. Statement of Significance**Applicable National Register Criteria**

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ **A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ **B** Property is associated with the lives of persons significant in our past.
- ☒ **C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ **D** Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- ☐ **A** owned by a religious institution or used for religious purposes.
- ☐ **B** removed from its original location.
- ☐ **C** a birthplace or grave.
- ☐ **D** a cemetery.
- ☐ **E** a reconstructed building, object, or structure.
- ☐ **F** a commemorative property.
- ☐ **G** less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

Architecture

Commerce

Period of Significance

1899

Significant Dates

1899

Significant Person

(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Unknown

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References**Bibliography**

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey

- ☐ recorded by Historic American Engineering
Record # _____

Primary location of additional data:

- ☒ State Historic Preservation Office
- ☐ Other State agency
- ☐ Federal agency
- ☐ Local government
- ☐ University
- ☐ Other

Name of repository:

McMinn Building
Name of Property

Transylvania County, North Carolina
County and State

10. Geographical Data

Acreage of Property less than one acre

UTM References

(Place additional UTM references on a continuation sheet.)

1	117	342180	3900160
Zone	Easting	North	ing
2			

3			
Zone	Easting	North	ing
4			

☐ See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Davyd Foard Hood

organization _____ date 12 July 1993

street & number Isinglass, 6907 Old Shelby Road telephone 704/462-4331

city or town Vale state N.C. zip code 28168

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A USGS map (7.5 or 15 minute series) indicating the property's location.

A Sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of SHPO or FPO.)

name Ms. Kayron McMinn Laska

street & number 6272 Brookstown Boulevard telephone 706/327-7581

city or town Columbus state Georgia zip code 31904

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reduction Projects (1024-0018), Washington, DC 20503.

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetMcMinn Building
Transylvania County, North CarolinaSection number 8 Page 1McMinn Building
Summary

Erected in 1899 for Nathan Van Buren McMinn, the McMinn Building is a handsome well-preserved two-story late-Victorian brick commercial building which has been a landmark in the small town of Brevard for nearly a century. Its significance is discussed in "Historic and Architectural Resources in Transylvania County, North Carolina (including the incorporated towns of Brevard and Rosman), ca. 1820-1941" in Historic Context #3, Early Industrialization, 1895-1916, and in Property Type #9, Commercial and Industrial Buildings. The McMinn Building satisfies National Register Criterion A for its significance in the area of Commerce, and National Register Criterion C for its significance in the area of Architecture.

Occupying a critical position on the north corner of the town square--at the crossing of Broad and Main streets--it was the first brick commercial building erected in the county seat of Transylvania County. In that position, it was the senior member of the group of two and three-story brick commercial buildings, erected between 1899 and the opening of World War I, which transformed the county seat from a village of frame buildings surrounding the brick court house to a small town with the appearance of prosperity and enterprise. Because of its position at the heart of the town and near the court house, the McMinn Building was a desirable address at the turn of the century and it has retained that distinction to the present.

The McMinn Building is architecturally significant in the town of Brevard as an important, and the town's earliest, brick commercial building. Built as a rental investment building, it featured three one-story storefronts facing on West Main Street. A separate entrance on West Main Street opened onto the staircase providing access to eighteen rental offices on the second story. Although some minor alterations have been effected to the first-story exterior and the store interiors, the building retains a remarkable degree of integrity in its construction and finish. The building is distinguished by handsome corbelled brickwork, original Mesker Brothers cast iron storefronts, a pressed tin ceiling, and other contemporary, original fittings in the three storefronts. However, it is the survival of the original plan and finish of the eighteen rental offices on the second story which crowns the building's architectural significance.

Since its construction the building has descended in the ownership of four generations of the McMinn family whose stewardship of the building has been laudable. The building, in turn, is the chief reminder of their prominence in the commercial and social life of turn-of-the-century Brevard.

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Continuation SheetSection number 8 Page 2McMinn Building
Transylvania County, North CarolinaMcMinn Building
Historical Background and Commerce Context

On 20 March 1898, Nathan Van Buren McMinn, a prosperous businessman and merchant in Brevard, wrote a three-page letter to his son John W. McMinn on the letterhead of his Southern Drug Company. On the third page of the letter, he began his final paragraph:

I think I will put a Good Brick on the Corner this fall and Save Rent. I have 8 Thousand in the Bank and 1500 in Drugs & Can put 5 thousand in a house on the Corner.

The terms "Good Brick" and "House" are the first references to the two-story brick building at 2-6 West Main Street which was erected for McMinn and has thereafter been known as the McMinn Building (TV 266). As the first brick commercial building erected in Brevard, the seat of Transylvania County, it was also the second-known brick building erected in the small town, following on the construction of the brick court house in 1873. For those reasons, for its handsome well-finished construction, and for its location on the town square (across North Broad Street from the court house) the McMinn Building has been a prominent landmark in Brevard. Because of the continued ownership in the McMinn family to the present, the rental commercial building has retained a remarkable degree of integrity and remains little-changed to the present, continuing to house commercial tenants in the first story storefronts and rental offices on the second level. With the loss of the McMinn residence and the later hopelessly compromising alterations to the John W. McMinn's Aethelwold Hotel, diagonally across the square in Brevard, the McMinn Building survives as the foremost reminder of the family's prominence in their community.¹

Nathan Van Buren McMinn (1836-1902), for whom the building was built and whose name it bears to the present, was an important figure in Brevard in the later-nineteenth century and until his death at the age of sixty-five. He was born on 25 August 1836, probably in Henderson County and perhaps in that portion that is now Transylvania County. In 1861, a portion of Henderson County and a part of Jackson County were separated to form Transylvania County; Brevard, named for Revolutionary War hero Ephriam Brevard, would become the county seat.

Through his marriage to Elizabeth "Lizzie" England, McMinn became a part of one of Transylvania County's best known and highly respected families. Elizabeth England was born on 12 October 1851, the daughter of Alexander England (1822-1896). It appears likely that the marriage occurred in 1870 or 1871. The couple's first known child, John William McMinn, was born in 1872. The next year Nathan McMinn was a witness at the marriage of his kinsman George W. McMinn to Mary M. England on Christmas Day. This union further conjoined the McMinn and England families. Members of both families are buried in the same prominent plot in the cemetery at the

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Transylvania County, North Carolina

(former) Oak Grove Methodist Church in Brevard. Lizzie and Nathan McMinn acquired substantial property in Brevard and Transylvania County by both purchase and inheritance, jointly and individually: the first purchase occurred in 1873 and they would continue to acquire property until shortly before their deaths in 1898 and 1902, respectively. In the following year, 1874, the couple's first daughter Beulah McMinn was born. There would be at least two additional children born to the couple: Nathan E. McMinn, and Mary B. McMinn.

In the absence of a fully developed history of Transylvania County, a complete understanding of Nathan McMinn's life and role in the commercial life of Brevard remains to be confirmed. However, certain information on the range of his activities can be gleaned from the successive volumes of Branson's North Carolina Business Directory for the years 1884 through 1897. His name first appears in the 1884 edition when he was listed as sheriff of the county and as a merchant dealing in general merchandise. The dates of his term as sheriff are unknown; however, he held the office of sheriff as late as 1887. In the 1890 edition of Branson's North Carolina Business Directory, Nathan McMinn was listed as the proprietor of a manufacturing concern which produced "Saddles and harness." Six years later, in 1896, he was cited as the proprietor of the Central Hotel, one of four hotels located in Brevard at that time. The 1897 directory contained the same listing.

The changing roles which Nathan McMinn assumed in his community and the range of those enterprises suggest something of the parallel movements afoot in the growing town of Brevard. Although outside capital was responsible for many of the major real estate and industrial projects in Transylvania County, long-established local men such as McMinn prospered in related or service businesses. The history of this late-nineteenth century expansion in the economy of Transylvania County and Brevard is discussed in two historic contexts in the "Historic and Architectural Resources of Transylvania County, North Carolina (including the incorporated towns of Brevard and Rosman), ca. 1820-1941": "Pre-Railroad Transylvania County, 1861-1894," and "Early Industrialization, 1895-1916." Nathan McMinn was an important local figure in this period and his (then new) brick building is perhaps the earliest and most intact surviving landmark in Brevard from this turn-of-the-century era of commercial expansion.

It appears likely that Nathan McMinn delayed construction on the new brick building on the square until early in 1899. (Five months after writing to his eldest son, his wife, Elizabeth "Lizzie" England McMinn died on 26 August 1898 and was buried beside her father in the family plot at Oak Grove Methodist Church.) In the fall of 1899, Nathan McMinn took his son, John William McMinn, into partnership in the ownership of the McMinn Building, selling him a one-half indidived interest in the property for \$1,500. The property conveyed by deed, dated 19 October 1899, describes it as "Being the lot on the corner of Main and East Broad Streets on which a brick building 75 x 85 is now being constructed, said lot including the said brick building." The reason

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Continuation SheetMcMinn Building
Transylvania County, N.C.Section number 8 Page 4

for McMinn's sale of a one-half interest in the property to his son while the building was under construction is now unknown; however, it seems likely to have had some connection with the formation of the Brevard Banking Company. The bank had its offices in the McMinn Building and in deeds of 1902, the building would be referred to as the "Bank Building." In 1902, John William McMinn was cashier of the Brevard Banking Company and treasurer of both the town of Brevard and the county of Transylvania.

As noted, the McMinn Building was only the second brick building known to have been erected in Brevard after the 1873 Transylvania County Court House. As the first brick commercial building erected in the county seat, it is important as the senior member of a series of buildings that transformed the commercial heart of Brevard from a cluster of frame stores and houses to a square lined with one, two, and three-story brick stores, hotels, and commercial buildings within a dozen or so years beginning in 1898. Members of the McMinn family erected two of this series of brick commercial buildings between 1902 and 1904.

At present the identity of the contractor-builder of the McMinn Building is unconfirmed; however, it seems likely to have been C. C. Kilpatrick. In the 1897 Branson's North Carolina Business Directory, there were three such contracting and building concerns listed: J. A. Miller, Kilpatrick Bros., and P. B. Wilson. Of these three only the Kilpatrick brothers, C. C. and J. M., were listed in the 1902 North Carolina Year Book. The more specific reason that the Kilpatrick Brothers were the likely contractors is that C. C. Kilpatrick was erecting a second brick building, under contract, for Nathan McMinn at the time of McMinn's death in the summer of 1902. In the account of the settlement of McMinn's estate, dated 18 September 1903, there is record of nine payments, totalling \$1,802.56, made to C. C. Kilpatrick. The payment for 6 September 1902 has the explanatory notation of "Contract, Brick House." It is believed that the "Brick House" cited in the account is the two-story brick building which adjoins the McMinn Building on the west and which, in part, replicates the brickwork of the original 1899 building. In contemporary deeds it is cited as the "Nathan McMinn Building," differentiating it from the "McMinn Building" on the square.

Knowledgeable of the local market, Nathan McMinn wisely built a mixed-use building on the square. It provided commodious space for the Brevard Banking Company and merchants on the first story and offices for the town's increasing rank of professionals and companies on the second story. The three first-story rental storefronts, each twenty-five feet in width, were covered with typical cast iron fronts manufactured by Mesker Brothers of St. Louis, Missouri. The later first-story rental storefront on the adjoining Nathan McMinn Building, at 8 West Broad Street, features a pair of tall cast-iron Corinthian columns flanking the entrance.

On 5 August 1902, Nathan Van Buren McMinn died and was later buried beside his wife

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Continuation Sheet

McMinn Building

Transylvania County, North Carolina

Section number 8 Page 5

in the England/McMinn family plot where his grave is marked by a variegated marble obelisk erected by the Butler Marble Works at a cost of \$700. McMinn died intestate and his estate was administered by his eldest son and business partner, John William McMinn. The real estate holdings comprising the real property of Nathan McMinn was surveyed by A. L. Hardin, the county surveyor. Since 19 October 1899, John William McMinn had held a one-half interest in the McMinn Building property. In the division of Nathan McMinn's estate by the commissioners's deed of 18 September 1902, his one-half interest in the building was equally divided among his other three children: Beulah McMinn Zachary, Nathan E. McMinn, and Mary B. McMinn. They were each allotted a one-sixth undivided interest in the lot at the corner of Main and Broad streets and the building which was then called the "Bank Building." The personal property was divided among the four children and the estate was settled by 18 August 1903. A year later, in 1904, when the new Methodist Church was built in Brevard, the McMinn Window was given in memory of Nathan and Lizzie McMinn by their four children.

Like his father, John William McMinn (1872-1918) rose to prominence in his community and served for periods of time around the turn of the century as treasurer of both Transylvania County and the town of Brevard. He was also cashier of the Brevard Banking Company and treasurer of the Brevard Water Works. Following in his father's footsteps as the proprietor of the Central Hotel, John McMinn erected a handsome three-story hostelry diagonally across the square from the McMinn Building in 1903-1904. He operated it as the Aetholwold Hotel, named for his wife Ethel (1880-1971), until his death in 1918. For the next forty years until her death in 1958, Beulah McMinn Zachary, the widow of William Woodford Zachary (1862-1913) was the senior member of the family. Over the course of years, the shares in the McMinn Building were either inherited or purchased by Beulah McMinn Zachary and her daughter and heir, Elizabeth Zachary Vogler (1901-1993), who died without issue on 20 March 1993. Elizabeth Zachary Vogler was a graduate of the Brevard Institute (1917), Salem College (1923), and received an M.A. from the University of North Carolina in 1940. From 1925 until 1941, she was Dean of Girls at Salem College. After 1941, she and her husband, H. Harold Vogler (died 1989) operated Vogler's Jewelers in Winston-Salem. In her will she bequeathed the McMinn Building to Kayron McMinn Laska, the granddaughter of John William McMinn.

From 1898 to the present, the McMinn Building has been the address of an important roster of commercial enterprises, stores, attorneys, doctors, and other professional men. Waightstill Avery Gash had an office here at the turn of the century and his stationery bore "McMinn Building" as his address. Later both Robert Lenoir Gash and D. L. English, the judges in the county court, had offices here that were convenient to the nearby court house. Judge Robert T. Gash, who now manages the building, continues to rent the corner office overlooking the square. After the Hendersonville and Brevard Railroad failed, it was reorganized as the Transylvania Railroad Company in 1897 and the new railroad company, too, had its offices in the McMinn Building. The corner storefront at #2 West Broad Street has housed a series of (mainly) drug

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Transylvania County, North CarolinaSection number 8 Page 6

stores or pharmacies, while #4 and #6 West Broad Street have been the addresses of groceries, a restaurant, a department store, and other concerns. Presently, the storefronts house the White Squirrel Shop (antiques and gifts) at #2, Frame Up (an art, crafts, and frame shop) at #4, and Jack R. Williams's Shoe Shop in #6. Upstairs, in addition to Judge Gash's office, are the offices of Eckert Realty, Cocoon Interior Design, and a suite of offices undergoing renovation for a new tenant. Its critical position on the square in the county seat has always made the McMinn Building a desirable location for a shop or an office.

Architectural Context

The architectural context of the McMinn Building is discussed in "Historic and Architectural Resources of Transylvania County, North Carolina (including the incorporated towns of Brevard and Rosman), ca. 1820-1941" in Property Type 9, "Commercial and Industrial Buildings." It is described as the "oldest and finest commercial building" in Brevard. Indeed, the McMinn Building is significant as the oldest and finest commercial building in Brevard. It is also significant in the architectural history of the county seat as an important, early example of a mixed use rental building--with three stores on the first story and rental offices on the second story--and for the remarkable degree of integrity which it has retained to the present. On the first level, parts of two of the three original Mesker Brothers iron storefronts which faced on West Main Street remain intact. The handsome corbelled brickwork of the elevations also survives intact. The interiors of the stores have seen varying alterations, however, in each instance and as discussed in the architectural description, signal original/early fittings or furnishings remain in place, principally a pressed tin ceiling, shelves, and wall finishes. This is unusual in buildings which have been in constant use by a succession of tenants for ninety-four years. On the second story, however, the plan and finish of the rental offices remain intact to an altogether remarkable degree. Here, only extremely minor alterations/changes have done little to compromise the turn-of-the-century office interiors. Their simple, imposing presence and appearance are of broad importance, an honor shared by the like, remarkable second and third-story interiors of the later (1906-1907) Brinkley Hotel in Plymouth, N.C. (Plymouth Historic District, 1991).

The same economic factors which caused Nathan McMinn to prosper in the later nineteenth century and enabled him to build his new brick building in 1899 likewise altered the appearance of Brevard in the final years of the century and the opening decades of the twentieth century. For twenty-five years from its completion in 1873 until the construction of the McMinn Building in 1899, the Transylvania County Court House was the only known brick building in Brevard. (That distinction may even hold to the entire county.) The court house, occupying the east corner of the square at the crossing of Broad and Main streets, was surrounded by frame stores, houses, churches, and other necessary buildings which lined the small town's unpaved streets. The arrival of the Hendersonville and Brevard Railroad in 1895, its

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Transylvania County, North CarolinaSection number 8 Page 7

successful reorganization as the Transylvania Railroad in 1897, and its eventual incorporation into the Southern Railway system, provided the means by which this dramatic evolution in the town's fortunes and appearance occurred. This and related economic factors is discussed in "Early Industrialization, 1895-1916," the third historic context in the "Historic and Architectural Resources of Transylvania County, North Carolina."

The construction of the two-story brick McMinn Building in 1899 was the first important step in the series of efforts which saw the frame stores and warehouses of the commercial district replaced with brick buildings and the county seat's more imposing houses of its merchant and professional class covered with stylish pebble-dash or built in brick. Within a few years, the court house and the McMinn Building were joined by two additional brick buildings on the west and south corners of the square. The (now much altered) Picklesimer Block (TV 291) was built on the south corner--across Main Street from the McMinn Building. In 1903-1904 John W. McMinn erected a three-story brick building (TV 295) in which he operated the Aethelwold Hotel until his death in 1918. It was probably the most imposing commercial building erected in Brevard in the early twentieth century and featured a granite-trimmed corner entrance diagonally opposite the corner entrance to the McMinn Building across the square, a separate and well-finished porch sheltering the hotel entrance on South Broad Street, bracketed eaves, and Colonial Revival style gambrel-roof dormers punctuating the roofline of more conventional hipped roof dormers. The removal of the building's third story, the loss of the hotel entrance porch, and the alteration of other elements of its finish have sadly compromised the building.

Within this trio of turn-of-the-century commercial buildings on the square--and within the larger context of the commercial center of Brevard--the McMinn Building retains the presence of a historic building in a streetscape of contemporary (and later buildings) which have mostly been altered to some degree. Its survival as an architectural landmark in the town of Brevard can be attributed, principally, to two factors. The first is that it was seen as an important building in its day and it has retained that distinction to the present. The second factor assuring its survival has been the continued ownership of the McMinn Building in four generations of the McMinn family to whom it has been a source of income and pride.

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FOOTNOTE

1. The principal source of information on the McMinn Building is District Court Judge Robert T. Gash, an attorney who has managed the McMinn Building for the late owner, Elizabeth Zachary Volger, and her estate. Since the late-nineteenth century when W. A. Gash was given power of attorney for the minor Mary B. McMinn in the settlement of her mother's estate, the McMinn and Gash families have had close professional and social relationships which have continued to the present. Notes of the author's conversations and interviews with Robert T. Gash are in the possession of the author. Information on the context of the McMinn Building and the history of Brevard was gleaned from "Historic and Architectural Resources of Transylvania County, North Carolina" which represents the first systematic, chronological narrative history of Transylvania County. Interviews with Brevard residents, principally Rowell Bosse, also enabled the author to gain a fuller understanding of the history of Brevard. Mr. Bosse provided to the author a photocopy of Nathan McMinn's letter to his son in which he proposed the construction of the McMinn Building. Notes of those interviews as well as records of gravestone inscriptions at Oak Grove Cemetery and Gillespie Evergreen Cemetery are in the possession of the author. Transylvania County Public Records in the Transylvania County Court House were also useful as were successive volumes of Branson's North Carolina Business Directory which are cited in the text.

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McMinn Building
Transylvania County, North Carolina

Rowell Bosse, interview by Davyd Foard Hood, 8 January 1993, interview notes are in the possession of the author.

BRANSON'S NORTH CAROLINA BUSINESS DIRECTORY, 1884. Raleigh, N. C.: Levi Branson, 1884.

BRANSON'S NORTH CAROLINA BUSINESS DIRECTORY, 1890. Raleigh, N. C.: Levi Branson, 1890.

BRANSON'S NORTH CAROLINA BUSINESS DIRECTORY, 1896. Raleigh, N. C.: Levi Branson, 1896.

BRANSON'S NORTH CAROLINA BUSINESS DIRECTORY, 1897. Raleigh, N. C.: Levi Branson, 1897.

Robert T. Gash, interview by Davyd Foard Hood, 29 October 1992, interview notes are in the possession of the author.

Transylvania County Records, North Carolina State Archives, Archives Building, Raleigh, North Carolina(Subgroup: Estates Records).

Transylvania County Records, Office of the Register of Deeds, Transylvania County Court House, Brevard, North Carolina(Subgroup: Deeds).

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National Park Service

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Continuation Sheet**

McMinn Building
Transylvania County, North Carolina

Section number 10 Page 1

Verbal Boundary Description

The nominated property is Parcel BRE-6-2-A-02-008 which appears on Transylvania County Tax Map BRE-6-2-A.

Boundary Justification

The boundary encompasses all that property both historically and currently associated with the McMinn Building.

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Continuation Sheet

McMinn Building

Transylvania County, North Carolina

Photographs 1

Section number _____ Page _____

The following numbered list of photographs is a schedule of photographs included in the nomination for the McMinn Building. The following information applies to all photographs unless otherwise noted:

Name of Property: McMinn Building

2-6 West Main Street

Brevard

Transylvania County

North Carolina

Photographer: Davyd Foard Hood

Date of Photographs: 29 October 1992

Location of Original Negatives: Division of Archives and History
109 East Jones Street
Raleigh, North Carolina
27601-2807

1. Overall view of the McMinn Building, looking north.
2. View of the West Main Street elevation of the McMinn Building (including the Transylvania County Court House), looking east.
3. View of the storefront at 6 West Main Street (and a portion of #4), looking northeast.
4. View of the pressed tin ceiling in the store at 4 West Main Street, looking southwest.
5. View of the railing protecting the stairwell and mezzanine in the store at 6 West Main Street, looking south.
6. View of the second story hall including the railing protecting the stair which rises from the first story, looking southwest.
7. View of the second story hall including entrances into offices #13-15 (left) and #18 (beside fuseboxes), looking northeast.
8. View from office #6 (Judge Gash's) into hall, looking north.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY NAME: McMinn Building

MULTIPLE NAME: Transylvania MPS

STATE & COUNTY: NORTH CAROLINA, Transylvania

DATE RECEIVED: 1/10/94
DATE OF 16TH DAY: 2/11/94
DATE OF WEEKLY LIST:

DATE OF PENDING LIST: 1/26/94
DATE OF 45TH DAY: 2/24/94

REFERENCE NUMBER: 94000034

NOMINATOR: STATE

REASONS FOR REVIEW:

APPEAL:	N	DATA PROBLEM:	N	LANDSCAPE:	N	LESS THAN 50 YEARS:	N
OTHER:	N	PDIL:	N	PERIOD:	N	PROGRAM UNAPPROVED:	N
REQUEST:	N	SAMPLE:	N	SLR DRAFT:	N	NATIONAL:	N

COMMENT WAIVER: N

☒ ACCEPT ☐ RETURN ☐ REJECT 2/18/94 DATE Entered in the
National Register

ABSTRACT/SUMMARY COMMENTS:

RECOM./CRITERIA _____
REVIEWER _____
DISCIPLINE _____
DATE _____

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

CLASSIFICATION

___count ___resource type

STATE/FEDERAL AGENCY CERTIFICATION

FUNCTION

___historic ___current

DESCRIPTION

___architectural classification
___materials
___descriptive text

SIGNIFICANCE

Period Areas of Significance--Check and justify below

Specific dates Builder/Architect
Statement of Significance (in one paragraph)

___summary paragraph
___completeness
___clarity
___applicable criteria
___justification of areas checked
___relating significance to the resource
___context
___relationship of integrity to significance
___justification of exception
___other

BIBLIOGRAPHY

GEOGRAPHICAL DATA

___acreage ___verbal boundary description
___UTMs ___boundary justification

ACCOMPANYING DOCUMENTATION/PRESENTATION

___sketch maps ___USGS maps ___photographs ___presentation

OTHER COMMENTS

Questions concerning this nomination may be directed to

_____ Phone _____

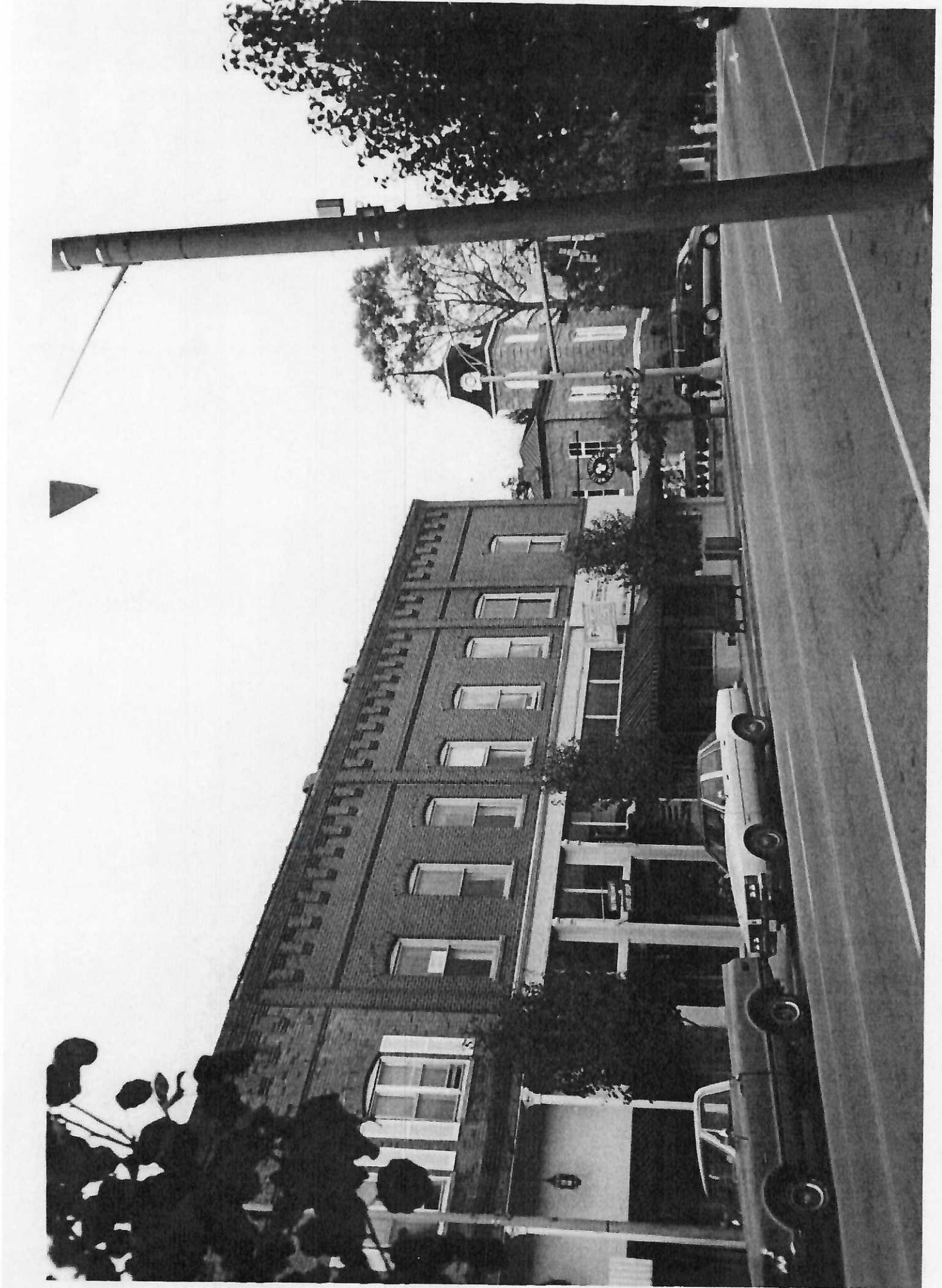
Signed _____ Date _____



McMahon Dickling
Brevard

North Carolina

#1



Median Berling

Brevard

North Carolina

#2

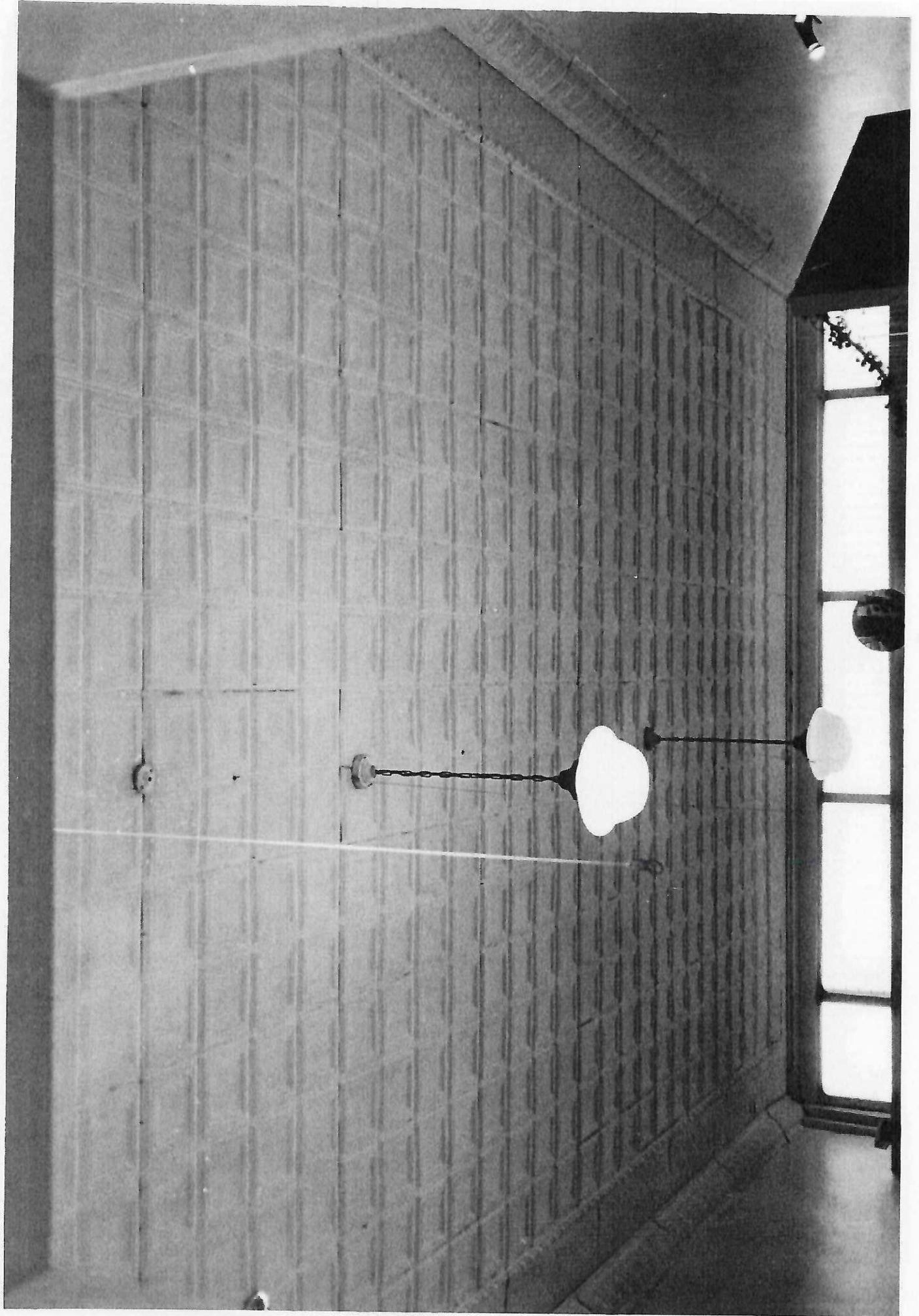


McNinn Building

Brevard

North Carolina

#3



McMan Building

Brevard

North Carolina

#4



McMinn Beikling
Brevard

North Carolina

#5



McNair Building

Brevard

North Carolina

#6



McMinn Building
Dreux

North Carolina.

7



McMinn Building
Brevard

North Carolina

#8



Contributed by NYS, NOAA, USGS, and TVA
 Request to photographers: methods from aerial
 photographs taken 1967. For details 1968
 Hydrologic division 1977 *North American Atlas*
 1:60,000 feet grid is located in North Carolina, Carolina
 system and South Carolina composite system north zone
 1000 meter Universal Transverse Mercator grid lines
 zone 17, shown in black
 To place on the present North American Atlas 1983
 show the principal lines 5 miles south and
 12 miles west as shown by dashed line and ticks
 Fine red dashed lines show the 1000 foot and 1000 foot lines
 generally visible on aerial photographs. This information is an

FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092,
AND U.S. TENNESSEE VALLEY AUTHORITY, CHATTANOOGA, TENN. 37402.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST.

Primary highway _____ Light duty road, farm or
hard surface _____ improved surface _____
Secondary highway _____ Unimproved road _____
Hard surface _____
☐ Interstate Route ☐ U.S. Route ☐ State Route

15165a



North Carolina Department of Cultural Resources

James B. Hunt, Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
William S. Price, Jr., Director

December 21, 1993

Jerry Rogers, Keeper
National Register of Historic Places
National Park Service
U.S. Department of the Interior
Post Office Box 37127
Washington, D.C. 20013-7127

RECEIVED

JAN 10 1994

**NATIONAL
REGISTER**

Re: McMinn Building, Transylvania County

Dear Mr. Rogers:

Enclosed is the nomination for the above-referenced property to be listed in the National Register of Historic Places.

We trust you will find the nomination to be in order. If you have any questions, please contact Linda Harris Edmisten at 919/733-6545.

Sincerely,

A handwritten signature in cursive script that reads "William S. Price, Jr.".

William S. Price, Jr.
State Historic Preservation Officer

WSP,Jr/lhe

Enclosures



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

October 19, 2022

Ashley Minery
Planner
Transylvania County Planning and Community Development
106 East Morgan St., Suite 207
Brevard, NC 28712

Via email: ashley.minery@transylvaniacounty.org

RE: Proposed designation of **McMinn Building, 2-4 West Main St., Brevard, Transylvania County.**

Dear Ms. Minery:

Thank you for the report we received on the proposed designation of the McMinn Building, 2-4 West Main St., Brevard, Transylvania County. We have reviewed the information in the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, the McMinn Building is of local historic significance because it was the first brick commercial building built in Brevard and because of its association with Nathan McMinn, a banker and businessman who also served as Sheriff and County Commissioner.

We have shared recommendations with staff to perform a few changes to the report regarding the extent of the proposed designation, dates and description of alterations, and an integrity assessment. With these changes, we believe the designation report will provide the preservation commission and local governing board sufficient information to determine whether the McMinn Building possesses the requisite special local significance and integrity for local historic landmark designation.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Transylvania County Joint Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

Landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance to the property would be subject to the design review procedures of the preservation

commission. The owner may receive an annual deferral of up to fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. (N.C.G.S. 105-278 *et seq.*).

This letter serves as our comments on the proposed designation of McMinn Building, 2-4 West Main St., Brevard, Transylvania County. Please contact me at Kristi.brantley@ncdcr.gov (preferred) or 919-814-6576 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style with a long, sweeping tail on the "y".

Kristi Brantley
Local Preservation Commissions/CLG Coordinator

Enclosure

DONALD E. JORDAN

ATTORNEY AT LAW

4 West Main Street, Suite 5
Brevard, North Carolina 28712

(828)862-8735

jordanlaw@comporium.net

fax: (828)966-9556

October 27, 2022

Ashley Minery
Transylvania County Planning Department
via hand delivery

Kristi Brantley
NC Local Preservation Coordinator
via e-mail

Re: McMinn Building

Dear Ashley and Kristi:

Thank you both for your careful review and analysis of our Landmark Designation Application for the McMinn Building. Please accept this letter as a supplement to the Application.

The entire exterior of the building is included in the designation. The interior is not included.

In 1994 when the Building was added to the National Register, the corner tenant was the White Squirrel Shoppe. Wooden siding had been installed below the plate glass windows along the corner. That wooden siding was removed and the original bricks were exposed when the corner space was converted to use by the Transylvania County Council for the Arts in about 2018. The photos we submitted show the Building with and without the siding.

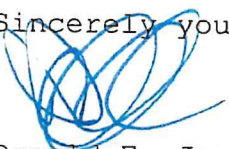
All elements of the Building's integrity were discussed at length in the National Register application. Those all remain the same, as improved by the removal of the wooden siding. The integrity of the design is entirely intact. With a setting on the major corner of Brevard, the McMinn Building has served as an anchor for the downtown, helping inspire careful restorations of several nearby buildings. The integrity of the workmanship has been protected for all of the 123 years since construction, and is apparent in the many exterior details. I have practiced law here in the McMinn Building since 1994, and the feeling I have is like stepping back into 1899. My clients frequently share similar feelings. The Building is a common stop in history tours of downtown Brevard. The Building has the look and feel of a grand old structure, well maintained and likely to remain a community asset for many years to come.

Ashley Minery
Kristi Brantley
Page Two

The property boundary runs from the Main Street sidewalk to the alley in the rear of the Building, and from the North Broad Street sidewalk to the next building to the northwest. The Deed calls for 75' of Main Street frontage, which is the exact dimension shown on the original building blueprint submitted as part of the Application. Thank you for noting that our tax mapping department has overshot those dimensions. It appears that the Main Street frontage shown on the tax map is shown in error as 87', which would give the McMinn Building part of the North Broad sidewalk, and almost 10' of the adjoining building. Especially since that error throws off the mapping of other buildings on down Main Street, we have requested that the mapping department make an appropriate correction. Our Application is only for the McMinn Building, and not for any portion of the adjoining building.

Please let me know if there are additional questions or if we can provide any further documentation.

Sincerely yours,



Donald E. Jordan

§ 105-278. Historic properties.

(a) Real property designated as a historic property by a local ordinance adopted pursuant to former G.S. 160A-399.4 or designated as a historic landmark by a local ordinance adopted pursuant to G.S. 160D-945 or former G.S. 160A-400.5 is designated a special class of property under authority of Article V, Sec. 2(2) of the North Carolina Constitution. Property so classified shall be taxed uniformly as a class in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and 105-286, or 105-287.

(b) The difference between the taxes due on the basis of fifty percent (50%) of the true value of the property and the taxes that would have been payable in the absence of the classification provided for in subsection (a) shall be a lien on the property of the taxpayer as provided in G.S. 105-355(a). The taxes shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the property loses the benefit of this classification as a result of a disqualifying event. A disqualifying event occurs when there is a change in an ordinance designating a historic property or a change in the property, other than by fire or other natural disaster, that causes the property's historical significance to be lost or substantially impaired. In addition to the provisions in G.S. 105-277.1F, no deferred taxes are due and all liens arising under this subsection are extinguished when the property's historical significance is lost or substantially impaired due to fire or other natural disaster. (1977, c. 869, s. 2; 1981, c. 501; 1989, c. 706, s. 3.1; 2005-435, s. 38; 2006-162, s. 28; 2008-35, s. 2.5; 2010-95, s. 17; 2021-180, s. 42.13F(a).)

§ 160D-945. Designation of landmarks.

Upon complying with G.S. 160D-946, the governing board may adopt and amend or repeal a regulation designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

The regulation shall describe each property designated in the regulation, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area, or object so designated as a historic landmark, the regulation shall require that the waiting period set forth in this Part be observed prior to its demolition. For each designated landmark, the regulation may also provide for a suitable sign on the property indicating that the property has been so designated. If the owner consents, the sign shall be placed upon the property. If the owner objects, the sign shall be placed on a nearby public right-of-way. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-946. Required landmark designation procedures.

As a guide for the identification and evaluation of landmarks, the preservation commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistorical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Office of Archives and History. No regulation designating a historic building, structure, site, area, or object as a landmark nor any amendment thereto may be adopted, nor may any property be accepted or acquired by a preservation commission or the governing board, until all of the following procedural steps have been taken:

- (1) The preservation commission shall (i) prepare and adopt rules of procedure and (ii) prepare and adopt principles and guidelines, not inconsistent with this Part, for altering, restoring, moving, or demolishing properties designated as landmarks.
- (2) The preservation commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such investigation or report shall be forwarded to the Office of Archives and History, North Carolina Department of Cultural Resources.
- (3) The Department of Cultural Resources, acting through the State Historic Preservation Officer, shall, upon request of the department or at the initiative of the preservation commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments.
- (4) The preservation commission and the governing board shall hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Notice of the hearing shall be made as provided by G.S. 160D-601.
- (5) Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.
- (6) Upon adoption of the regulation, the owners and occupants of each designated landmark shall be given written notice of such designation within a reasonable time. One copy of the regulation and all amendments thereto shall be filed by the preservation commission in the office of the register of deeds of the county in which the landmark or landmarks are located. In the case of any landmark property lying within the planning and development regulation jurisdiction of a city, a second copy of the regulation and all amendments thereto shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the regulation and any amendments shall be given to the local government building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the local government for such period as the designation remains in effect.
- (7) Upon the adoption of the landmark regulation or any amendment thereto, it shall be the duty of the preservation commission to give notice thereof to the

tax supervisor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

20.2. Historic landmarks.

- A. No property shall be recommended for designation as an historic landmark unless it is deemed and found by the historical preservation committee to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance. It must also possess integrity of design, setting, workmanship, materials, feeling and/or association.
- B. Upon complying with the required landmark designation procedures set forth herein, the city council may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks.
- C. The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the city council deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this chapter be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property with the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.
- D. As a guide for the identification and evaluation of landmarks, the commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical, architectural, prehistorical and cultural significance within the city's jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the division of archives and history.
- E. No property shall be designated as a landmark until the following steps have been taken:
 - 1. The committee shall make, or cause to be made, an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
 - 2. The department of cultural resources, acting through the state historic preservation officer, or his or her designee, shall, either upon request of the department or at the initiative of the committee, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the department does not submit its comments to the committee within 30 days following receipt by the department of the report, the committee and the city council shall be relieved of any responsibility to consider such comments.
 - 3. The committee and the city council shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.
 - 4. Following the public hearing(s), the city council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
 - 5. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be filed by the committee in the office of the Register of Deeds of Transylvania County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the register of deeds office and the committee shall pay a reasonable fee for filing and indexing, in accordance with G.S. 160D-402(d). For landmarks located in the city's jurisdiction, a second copy of the ordinance and all amendments thereto shall be kept on file in the office the city clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments shall be given to the building inspector. The fact that a

building, structure, site, area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the county for such period as the designation remains in effect.

6. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the committee to give notice thereof to the tax supervisor of the county. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

(Ord. No. 26-97, § 1, 9-2-97; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20)

ORDINANCE NO. 23-XX

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK CERTAIN PROPERTY KNOWN AS THE McMINN BUILDING AS IS MORE SPECIFICALLY DESCRIBED IN A DEED IN THE TRANSYLVANIA COUNTY REGISTER OF DEEDS OFFICE, IN DEED BOOK 379, AT PAGE 419, AND BEING DATED AUGUST 29, 1994, SAID PROPERTY BEING OWNED BY McMINN PROPERTIES, INC.; THE PARCEL OF LAND BEING ESPECIALLY DESIGNATED IS ALL OF THE PARCEL OF LAND OCCUPIED BY THE BUILDING, LISTED UNDER TAX PARCEL NO. 8586-51-1048-000 IN THE TRANSYLVANIA COUNTY TAX OFFICE, BREVARD, NORTH CAROLINA

WHEREAS, all the prerequisites to the adoption of this Ordinance described in Chapter 160A, Article 19, as amended of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard have been fully completed; and

WHEREAS, the City Council has taken into full consideration all statements and information presented during a public hearing held on January __, 2023, on the question of designating certain property known as The McMinn Building as an historic landmark; and

WHEREAS, The McMinn Building was built in or near the year 1899 as commercial retail and office space is now one of the oldest historic buildings in the City of Brevard in present and continual service; and

WHEREAS, The McMinn Building possesses special significance in terms of its history, architectural and cultural importance; and

WHEREAS, the property known as The McMinn Building is presently owned by McMinn Properties, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA:

Section 1. That the property known as The McMinn Building (including the entire exterior of the building, the entire parcel of land listed under Tax Parcel No. 8586-51-1048-000), and the interior stairway and hallway is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard. The location of said landmark is hereby noted as being situated at 2, 4, 6 and 12 West Main Street, Brevard, North Carolina. The exterior features of the McMinn Building are more completely described in the Application for Local Historic Landmark Status, dated September 10, 2022.

Section 2. That said designated historic landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Joint Historic Preservation Commission, With regard to issuance of any Certificate of Appropriateness, the provisions of Ordinance No. 26-97 of the City of Brevard shall control.

Section 3. This Ordinance shall not be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature in the event that a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed or interpreted to prevent the owner of the historic landmark from making any use not prohibited by other statutes, ordinance or regulations, including the zoning ordinance of the City of Brevard.

Section 4. A suitable sign may be posted on the property with the owners' permission or near the property in the City right-of-way, indicating that said property has been designated as an historic landmark, and containing any other appropriate information. Such sign must comply with the Sign Ordinance of the City of Brevard.

Section 5. The owner of the historic landmark known as The McMinn Building shall be given notice of this Ordinance as required by law, and a certified copy of this Ordinance shall be filed and indexed in the offices of the Transylvania County Register of Deeds and Brevard City Clerk.

Section 6. The McMinn Building, hereby designated as an historic landmark, shall be subject to the provisions of Chapter 160A, Article 19, as amended, of the North Carolina General Statutes, as well as any subsequent amendments thereto, and Ordinance No. 26-97 of the City of Brevard, as well as any subsequent amendments thereto.

Section 7. This Ordinance shall be effective upon its adoption and approval.

Adopted and approved this 17th day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Designation of Historic Landmark- Brevard City Hall and Fire Station, 114 & 116 West Main Street

Speaker: Katherine Buzby

Prepared by: Katherine Buzby, Planner/Assistant Zoning Administrator

Approved by: Wilson Hooper, City Manager

Background

A property, owned by Drew D. Deane, located at 114 and 116 West Main Street, has applied to be locally historically designated with the Joint Historic Preservation Commission (JHPC). The application and Designation Report has been reviewed by the State Historic Preservation Office (SHPO) and does meet requirements for a local designation. The requested ordinance from City Council will allow the local historical designation which enables the property owner to receive tax deferments for the property and requires a Certificate of Appropriateness for any remodels or repairs to the property.

Discussion

Brevard City Hall and Fire Station was built around 1899 and was considered the City's first municipal building (a fire station) from 1926 until 1938. Additionally, the building was constructed by R.P. Kilpatrick (1872-1954), who played an important part in the development of the City of Brevard and Transylvania County through construction of many brick commercial buildings. It is a contributing resource to the Main Street Historic District as the façade on the front (southwest) and upper portion of the right façade are original to the building. Additions and renovations were conducted in 2006 to the rest of the building. The local designation will be for the entire exterior of the building (listed under Tax Parcel Number 8586-41-7304-000).

Procedural

The JHPC reviews applications and helps landmark(s) complete a Designation Report that explains that the landmark(s) are “**significant** and retain **integrity**”. A document provided by the SHPO office titled “Local Landmark Report” is attached and explains what information and documentation is required for these Designation Reports.

Significance requires the property to be at least 50 years old and must have significance with one or more of the following 4 criteria:

1. Historic Event
2. Historic Person
3. Architecturally Distinctive
4. Archeological Information

Integrity is the extent to which the building or landmark looks like it did during the period it was built or gained significance.

Once these documents are approved by the JHPC, the report is sent to the SHPO office for review and comments. JHPC then reviews and makes a recommendation to the local governing board (for this application, the City of Brevard) for approval. A joint public hearing is conducted on the proposed landmark per GS 160D-601. Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.

Upon adoption of the regulation, the JHPC will notify the owners and occupants of each designated landmark, the office of the register of deeds, the tax offices, and the City.

Policy Analysis

The General Statute, 105-278 Historic Properties, states the following:

“(a) Real property designated as a historic property by a local ordinance adopted pursuant to former G.S. 160A-399.4 or designated as a historic landmark by a local ordinance adopted pursuant to G.S. 160D-945 or former G.S. 160A-400.5 is designated a special class of property under authority of Article V, Sec. 2(2) of the North Carolina Constitution. Property so classified shall be taxed uniformly as a class in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and 105-286, or 105-287.

(b) The difference between the taxes due on the basis of fifty percent (50%) of the true value of the property and the taxes that would have been payable in the absence of the classification provided for in subsection (a) shall be a lien on the property of the taxpayer as provided in G.S. 105-355(a). The taxes shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the property loses the benefit of this classification as a result of a disqualifying event. A disqualifying event occurs when there is a change in an ordinance designating a historic property or a change in the property, other than by fire or other natural disaster, that causes the property's historical significance to be lost or substantially impaired. In addition to the provisions in G.S. 105-277.1F, no deferred taxes are due and all liens arising under this subsection are extinguished when the property's historical significance is lost or substantially impaired due to fire or other natural disaster.”

General Statutes 160D-945 and 160D-946 govern the Joint Historic Preservation Commission (JHPC) landmark designation and procedures (see attached).

The City's Unified Development Ordinance (UDO) in Chapter 20.2 Historic Landmarks governs the City's procedures for local designation (see attached).

City Council's options are as follows:

1. Approve the ordinance as presented.

2. Approve the ordinance with modifications.
3. Deny the ordinance as presented.

Fiscal Impact

A 50% reduction in City taxes, which is estimated at **\$1808.27** based on the 2022 tax valuations.

Attachments:

1. COB Local Designations
2. Brevard City Hall and Fire Station App.
3. Brevard City Hall and Fire Station (edited 10-24-2022)
4. Brevard Fire Station Landmark - Ordinance

McMinn Building Current

8586-51-1048-000

2022

2021

Current Value	COB Tax Levy	HOB Tax Levy	Total Levy
1,331,190.00	\$ 5,990.36	\$ 2,835.43	\$ 8,825.79
1,331,190.00	\$ 5,990.36	\$ 2,835.43	\$ 8,825.79

**McMinn Historic Designation- Estimate
Both land and building included**

50% Value	COB Tax Levy	HOB Tax Levy	Total Levy
665,595.00	\$ 2,995.18	\$ 1,417.72	\$ 4,412.90

Old Brevard City Hall & Fire Station

8586-41-7304-000

This parcel includes a Commercial
property record and a Condominium
property record. - Both are included in the current value

2022

2021

Current Value	COB Tax Levy	HOB Tax Levy	Total Levy
\$ 545,480.00	\$ 2,454.66	\$ 1,161.87	\$ 3,616.53
\$ 545,480.00	\$ 2,454.66	\$ 1,161.87	\$ 3,616.53

**Old Brevard City Hall & Fire Station Historic Designation -Estimate
Land & Building (including condo)**

50% Value	COB Tax Levy	HOB Tax Levy	Total Levy
\$ 272,740.00	\$ 1,227.33	\$ 580.94	\$ 1,808.27

City of Brevard Local Historical Designations

SITE NAME	OWNER	PIN	ADDRESS	DESCRIPTION	CITY TAX DEFERMENT
Inn at Brevard	Howard S (Faye)Yager	8586-60-6150	315 E Main St	1902 Colonial Revival 2-story pebbledash house	\$ 2,410.36
Grogan House	Samuel M & Carolina C Wheeler	8585-98-0454	24 Warren Ln	c 1890 Victorian 1-story frame house	\$ 713.14
Brevard College Stone Fence and Gate	Brevard College	8586-62-8087	1 Brevard College Dr	1936-37 WPA stone wall and gate	\$ -
Red House	Jason & Sasha Jones	8586-42-1026	266 W Probart St		\$ 1,697.24
Henry House	Martha R & Morris Jenkins	8586-41-7725	148 Probart St		\$ 1,425.04
Former Presbyterian Church Manse	Thomas R & Stephany Cutler	8586-41-8628	116 W Probart St	c 1912 frame 2-story house	\$ 1,413.41
Morris Education Center	Transylvania County Board of Education	8586-22-6181	225 Rosenwald Lane		\$ -
Charles Orr House	Henning L & Virginia M Meyn Trustees	8586-60-5370	269 E Main St	1926 Craftsman/Tudor 2-story stone house	\$ 1,603.71
Chapman House	Paul C& Andrea E Heidmann	8585-69-9414	431 E Main St	1917 1 1/2-story side gable frame Craftsman bungalow	\$ 1,125.90
Paxton-Kizer House	Dorothy K & Stephen C Marcinko	8585-68-8853	538 E Main St	c 1909 1 1/2-story pyramidal roof brick 19th-20th c traditional/vernacular house w/ pebbledash	\$ 1,103.99
Morrow Stone Cottage	Spencer M & Veronica Morrow	8585-78-0301	630 E Main St	1915 Craftsman style 1 1/2-story stone house	\$ 1,146.35
Galloway-Radford House	Mark S and Gay F Case	8585-68-8053	33 Deacon Lane	c 1910 2-story hip roof Colonial Revival house w/ pebbledash	\$ 1,427.38
Hemlock Hill	Robert C & Shannon W Powell	8585-67-7884	768 Main St	1940 rustic 1-story stone house	\$ 2,134.51
Godrey-Barnette House-Linden Tree Manor	Wierner Christopher Matthew Trustee	8585-48-3632	503 S Braod St	1918 Stone 2& 1/2 story English Manorial Revival Style	\$ 1,405.40
Exchange Building	Douglas Keith & Ellen Pratt Harris Co-Trustees	8586-51-1267	33 W Probart St		\$ 1,107.25
				TOTAL	\$ 18,713.68

JHPC LOCAL HISTORIC LANDMARK APPLICATION

JHPC Administration: ☐ City of Brevard/ETJ ☐ Rosman ☐ Transylvania County

Stage 1: Status Application (no fee)
Stage 2: Designation Report Submittal Fee - \$200.00

Property P.I.N.: 2586-41-730100 recorded in Book _____, Page _____, Registry of Transylvania County

Stage 1: Local Historic Landmark Preliminary Status Application Process

This section of the application initiates preliminary consideration of a property for local historic landmark status. There is no application fee for this Preliminary Status Application of the process.

drewdeane17@gmail.com

Legal Owner of Property: DREW DUGGER DEANE Phone: 828-553-5532
Address: 114-116 WEST MAIN ST BREVARD, NC 28712
1535 CARALEIGH MILLS CT. PAREKH, NC 27603

1. NAME OF PROPERTY

Historic Name(s) _____

Other Name(s) _____

BREVARD FIRE STATION

CITY HALL, DREW DEANE GALLERY

2. LOCATION OF PROPERTY

Street Address or Boundaries _____

City and Zip Code _____

Property Township _____

114 + 116 WEST MAIN ST BREVARD, NC 28712

Select One _____

Acreage _____

3. CLASSIFICATION

Ownership of Property:



Private



Public

Days/Hours of operation: _____

Contact Name/Telephone: _____

Is it accessible for viewing:



Inside



Outside

Category of Property:



Building – created principally to shelter any form of human activity (i.e. house, barn/stable, hotel, church, school, theater, etc.)



Structure – constructed usually for purposes other than creating human shelter (i.e. tunnel, bridge, highway, silo, etc.)



Object – constructions that are primarily artistic in nature. Although movable by nature or design, an object is typically associated with a specific setting or environment (i.e. monument, fountain, etc.)



Site – the location of a historic event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure (i.e. battlefields, cemeteries, designed landscape, etc.)



District – a group of buildings or properties that may have different levels of historic or architectural significance.

Planning and Community Development

106 East Morgan Street

Brevard, NC 28712

828.884.3205

planning.transylvaniacounty.org



JHPC LOCAL HISTORIC LANDMARK APPLICATION

4. PROPERTY RESOURCES

Number of contributing and non-contributing resources within property:

A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, yields important information about the period and possesses historic integrity.

	Contributing (Adds to significance)	Non-contributing (Does not add to significance)
✓ Buildings	Select One	Select One
Structures	Select One	Select One
Objects	Select One	Select One
Sites	Select One	Select One

5. FUNCTION OR USE (note approximate dates)

Historic Functions or Use:

BREWARD FIRE STATION

Current Functions or Use:

Stage 1: Local Historic Landmark Application

DREW DEANE
(type or print applicant name)

(type or print agent name, if applicable)

Drew Deane 8/15/22
(applicant signature) (date)

(agent signature) (date)

114 WEST MAIN ST
(mailing address)

(mailing address)

BREWARD, NC 28712
(city, state, zip)

(city, state, zip)

drewdeane17@gmail.com
(e-mail address)

(e-mail address)

(phone) 828-553-5532

(phone)

Application Submitted on 15 day of Aug, 2022

(JHPC Administrator for Transylvania County)

If the property meets the requirements for consideration as a local historic landmark, notification will be made by JHPC to continue on to the Local Historic Landmark Designation Application Process.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

Stage 2: Local Historic Landmark Designation Report Submittal Process

The designation report may be submitted with the Local Historic Landmark Application, or separately after the Joint Historic Preservation Commission has considered the application and directed the designation committee to provide assistance or guidance to the applicant. Designation reports required in accordance with NC GS 160D-945 and 946.

1. SUPPORTING DOCUMENTATION

☒ Designation Report

A designation report should help justify and explain to the general public why the local governing authority's decision to landmark the property as "historic" is appropriate and defensible. A report format guide is available on the Transylvania County Planning and Community Development website and report examples and other useful material are available on the State Historic Preservation Office website at <https://www.ncdcr.gov/about/history/division-historical-resources/nc-state-historic-preservation-office/local-historic-0#preparing-a-local-landmark-report>

☐ Additional Items Requested by JHPC: _____

Stage 2: Designation Report Submittal and Certificate of Appropriateness Statement of Understanding

Certificate of Appropriateness Required: From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within the historic district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Joint Historic Preservation Commission. Such a certificate is required to be issued by the Preservation Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required. "Exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all features, historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

I understand that designation as a local landmark imposes the restrictions described above.

DREW DIANE
(type or print applicant name)

(type or print agent name, if applicable)

Drew Diane
(applicant signature) (date)

(agent signature) (date)

114 WEST MAIN ST
(mailing address)

(mailing address)

BREWARD, NC 28712
(city, state, zip)

(city, state, zip)

Date: 15 day of Aug, 2022

(JHPC Administrator for Transylvania County)

If the property meets the requirements for consideration as a local historic landmark, notification will be made by JHPC to continue on to the Local Historic Landmark Designation Application Process.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

For Transylvania County Planning and Community Development Staff Use

- ☒ Status Application submitted to the Transylvania County Planning and Community Development Department.
Date: 8/15/22
- ☒ JHPC status application review. Date meeting: 9/13/22
- ☒ Designation Report submitted to the Transylvania County Planning and Community Development Department.
Date: 8/15/22
- ☒ Report sent to NC Dept of Cultural Resources State Historic Preservation Office, allowing 30 days to respond
Date of report submittal to SHPO: 11/6/20
- ☒ JHPC vote on designation status recommendation. Date of meeting: 11/8/22
- ☐ County/City/Town Public Hearing and adoption of Historic Landmark Designation.
Date of consideration: _____

Approval Confirmation: (To be completed by Transylvania County Planning and Community Development Department Staff)

This section of the application documents Transylvania County Joint Historic Preservation Commission's recommendation, and the appropriate governing Board's ultimate approval of the Local Historic Landmark Designation.

I have read the general information on landmark designation provided by the Transylvania County Joint Historic Preservation Commission and affirm that I support landmark designation of the property defined herein.

DREW DEANE
(type or print applicant name)

(type or print agent name)

[Signature] 8/15/22
(applicant signature) (date)

(agent signature)

(date)

114 WEST MAIN ST
(mailing address)

(mailing address)

BREWARD, NC 28712
(city, state, zip)

(city, state, zip)

(JHPC Administrator – Printed)

Designation Approved this ____ day of ____, ____

(JHPC Administrator – Signature)

LOCAL LANDMARK REPORT
Brevard City Hall and Fire Station
TV 269
October 2022



ca. 1938



2002

LOCAL LANDMARK REPORT
Brevard City Hall and Fire Station
TV 269
October 2022

I. General Information

- A. Common and Historical Property Names
 - 1. Kilpatrick Building, 1926
 - 2. K & M Auto Repair (back of upper level), July 1926 - moved by 1930
 - 3. Union Bus Terminal (street front), July - November 1926
 - 4. Brevard City Hall and Fire Station (street front), December 1926 - June 1938
 - 5. K & M Automotive Company, 1939-2003
 - 6. Main Street Development, George Williams (unoccupied, under construction), 2003 - 2006
 - 7. Drew Dugger Deane Gallery and Canto 34 Coffee Lounge (commercial and residential), 2006 - present
- B. Physical Address or Location:
114 and 116 West Main Street, Brevard, North Carolina, 27812
- C. Tax Parcel Identification Number (PIN): 8586-41-7304-000
- D. Current Owner Name and Address:
Drew Dugger Deane
1535 Caraleigh Mills Court
Raliegh, NC 27603
- E. Appraised Value of the Property \$683,470 (2022) See Document F for latest tax card

II. Abstract

- A. Statement of Significance:
The property is significant socially and architecturally at the local level by association with events that have made significant contributions to broad patterns of our history. Considered to be the town's first municipal building, it served as the fire station from 1926 until June 1938 during which time the Brevard Fire Department contributed to significant local and regional developments in firefighting. Additionally, the property is significant for its association with the builder, R.P. Kilpatrick (1872-1954), who played an important role in the development of the town of Brevard and Transylvania County through his construction of many of the brick commercial buildings that form the Main Street National Register Historic District.
- B. Statement of Integrity:
The building remains in its originally location and is part of the National Register Main Street Historic District as a contributing resource to the district's period of significance. The building retains integrity of design with the overall massing and scale of the building as well as the original exterior brick and terracotta materials of the main façade. Recent

rehabilitation work has taken care to utilize replacement windows and doors that are consistent with the historic commercial character of the building. The building retains integrity of feeling with the original brick detailing and colors, replacement windows and roll-up garage door that resemble the original design and appearance of a historic automotive garage and fire station. While not maintaining the original use, the building maintains integrity of association through its congruent use as a downtown commercial mixed-use building with main-level retail and upper-level residential units.

The entire legal parcel of PIN #8586-41-7304-000 (0.05 acres), inclusive of the exterior of the existing building, is included in the local designation. The interior of the building is not included in the local designation.

III. Historic Background

Built in 1926, the Brevard City Hall and Fire Station is associated with the development of the city as well as prominent local citizens and commerce. The building maintains its architectural integrity as part of the historic Main Street streetscape. The property is a contributing resource in the Main Street Historic District, listed on the National Register of Historic Places in 2002. Current property boundaries follow the footprint of the rectangular building with a small additional open area to the rear. Only the front (southwest) façade and the upper portion of the right façade are original, as other buildings are attached on the sides and an addition was constructed on the rear in 2006. The interior of the building was rehabilitated in 2006.

The two-story building in which the Drew Deane Gallery and Canto 34 Coffee Lounge are currently located was constructed in 1926 by R.P. (Robert Porter) Kilpatrick. The building was used for commercial purposes (K&M Auto Repair) briefly before the Town of Brevard leased the main level in November 1926. Over the next 12 years (until June 1938) the Town of Brevard leased space for the Fire Station and other purposes, including as City Hall.

From 1939 to 2003, the building operated as K & M Automotive Company, including a dealership and automotive repair shop (Illustrations #1, #2, #3). The Kilpatrick family retained ownership of the building until George Williams purchased it in 2003, along with adjoining properties, for redevelopment. It was then fully rehabilitated for commercial and residential use.

IV. Assessment

A. Historical Significance - Uses

1. K & M Auto Repair

K & M Auto Repair was located on the back of the second floor and was accessible at ground level from the rear.¹ The business was owned and operated by R.E. (Robert Earle) Kilpatrick and D.W. (Daniel Webster) Merrill, son and son-in-law of R.P. Kilpatrick.

2. Union Bus Terminal

¹ "K & M Auto Repair Shop Opens for Business Here", *Brevard News* (NC) July 1, 1926

The first tenant on the main floor, the building was probably designed for this purpose, although it was used for only a few months. A newspaper description announcing the business is as follows:

The building is of brick construction, 24 by 74 feet, will be modernly equipped with office, ladies and gents waiting rooms, comfortable seats, and all necessary equipment for the convenience and comfort of the traveling public. The floor is of concrete, with front of plate glass and large double doors allowing entrance of the busses when necessary.²

3. Brevard City Hall and Fire Station

The Brevard Fire Department started in 1898 with its main piece of equipment being a “pushcart,” later upgraded to a Ford truck and then an American-LaFrance fire truck.³ Equipment was housed in a wood garage-type structure located on the north end of the town square, immediately west of the Transylvania County Courthouse.⁴ By 1926 the Fire Department was outgrowing this facility. In addition, the planned extension of Broad Street from the town square at Main St. to King Creek meant the fire department and street and maintenance department located in the small wood structures needed new homes.

In November 1926 R.P. Kilpatrick’s West Main Street building became the home of the fire department and quickly became known as Brevard City Hall and Fire Station (Illustrations #24 and #25). It is considered the town’s first municipal building. The building served as the fire station until June 1938 during which time the Brevard Fire Department contributed to significant local and regional developments in firefighting.

4. K & M Auto Company

After the building’s municipal use, the K & M Auto Company returned to the building and took over the entire facility as a Chrysler automobile dealership and the auto maintenance and repair shop for city operated vehicles. As previously noted, the business was owned and operated by R.E. (Robert Earle) Kilpatrick and D.W. (Daniel Webster) Merrill, son and son-in-law of R.P. Kilpatrick. The business would continue under the ownership of Donald H. Kilpatrick, Sr. (son of Robert Earle and grandson of Robert Porter) and his son Don Kilpatrick, Jr.⁵ The building’s automotive centered existence ended in 2003.

B. Association with Key Figures

Builder—R.P. Kilpatrick

The Brevard City Hall and Fire Station building was constructed by R.P. (Robert Porter) Kilpatrick in 1926.

² “Union Bus Terminal Being Constructed”, *Brevard News* (NC) July 1, 1926.

³ “Department Has Good Equipment and Organization,” *Transylvania Times* (Brevard, NC) October 8, 1942.

⁴ “Sanborn Fire Insurance Maps,” Brevard, Transylvania, NC, June 1911/October 1916/September 1924. Sanborn Map Company. <https://digitalsanbornmaps-proquest-com.proxy174.nclive.org/about?accountid=7980>

⁵ “Donald H. Kilpatrick,” obituary *Transylvania Times* (Brevard, NC) February 5, 2004.

R.P. Kilpatrick (1872-1954) played an important role in the development of the town of Brevard and Transylvania County. A native of Transylvania County, Kilpatrick was credited with building “a majority” of Brevard’s business buildings, including the former Brevard Banking Company; the Clayton and Aethelwold Hotels, all three of which feature in the 1998 publication, *Transylvania: The Architectural History of a Mountain County*.⁶ He also built hundreds of homes in Brevard and Transylvania County.⁷ Besides construction, Kilpatrick was the proprietor of a store that sold “groceries, notions, and shoes” and was a Brevard alderman for sixteen years.⁸ R.P. Kilpatrick and his brother, Chester Kilpatrick, worked together in the construction business, Kilpatrick Brothers, as early as 1896.⁹ Kilpatrick was “responsible for many of the town’s fine commercial brick buildings,” as well as several speculative homes on Probart Street, one of Brevard’s earliest residential streets.¹⁰

In 2002, Brevard’s Main Street Historic District attained inclusion on the National Register of Historic Places, in part because of Kilpatrick’s work including the 1924 construction of the Brevard Banking Company, as well as the 1926 Brevard City Hall and Fire Station. Both properties were associated with events that have made a significant contribution to the broad patterns of our nation’s history.

Fire Department Members

Brief biographies of two of Brevard’s long-time firefighters James Sherrill Bromfield and Daniel Webster Merrill demonstrate that the Brevard Fire Department served as a developmental incubator for firefighting leadership that benefitted Brevard and all western North Carolina.

James Sherrill Bromfield

J.S. Bromfield (1877-1952) played a significant role in the business and civic life of Transylvania County and its county seat, the town of Brevard. He served as Chief of the Brevard Fire Department from 1915 to 1940¹¹ (Illustration #26). As fire chief, Bromfield was reputedly “one of the most able fire chiefs in the state,”¹² with his leadership earning praise from visiting fire inspectors, community leaders, and citizens. A much-lauded addition to the department was the purchase of a 1925 American-LaFrance fire truck.¹³ In

⁶ Laura A.W. Phillips and Deborah Thompson. *Transylvania: The Architectural History of a Mountain County*, (Raleigh: Transylvania County Joint Historic Preservation Commission in association with Marblehead Publishing, 1988) 147-148.

⁷ “Kilpatrick Bro’s,” *Brevard Hustler* (NC), April 30, 1896; “Why Rent When You Can Own Your Own Home on Rent Money?” *Sylvan Valley News* (Brevard, NC) August 6, 1909; “Funeral Rites For Kilpatrick Set Tomorrow,” *Asheville Citizen-Times* (NC) January 6, 1954.

⁸ “Funeral Rites For Kilpatrick Set Tomorrow,” *Asheville Citizen-Times* (NC) January 6, 1954; “New City Officials Elected Today,” *Brevard News* (NC) May 9, 1919.

⁹ Marcy Thompson, “Kilpatricks Were Leading Brevard Builders,” *Transylvania Times* (Brevard, NC) April 3, 2016.

¹⁰ *Historic and Architectural Resources of Transylvania County, North Carolina*, United States Department of the Interior National Park Service National Register of Historic Places Multiple Property Documentation Form, June 21, 1993.

¹¹ “Former Chief Praises Department,” *Transylvania Times* (Brevard, NC) October 8, 1942.

¹² “Freeman and Bromfield Are Re-elected by New Council,” *Brevard News* (NC) May 14, 1931.

¹³ “Department Has Good Equipment and Organization,” *Transylvania Times* (Brevard, NC) October 8, 1942

1927, fire insurance rates were reduced by 25% because of the city's provision for requested, and improved, firefighting equipment.¹⁴ In 1933, an inspector from the Fire Underwriters Association stated that "for a town the size of Brevard, he had found no better outfit."¹⁵

Bromfield carried out aggressive efforts to educate the public about Fire Safety that was echoed in newspaper articles and celebrated community events throughout the 1920s.¹⁶ The *Brevard News* in 1932 opined that "people in this town may have their differences of opinion of many things...but there is one thing here upon which all people of this town pour out their loyal devotion. That one institution is our fire department."¹⁷

Daniel Webster Merrill

Dan Merrill (1892 to 1975) started his career with the Brevard Fire Department in 1925 when he was tasked with driving and maintaining the town's fire truck.¹⁸ Merrill was Brevard's fire chief from 1945 to 1969¹⁹ (Illustration #26). The *Volunteer Firefighter Magazine*, a national publication, displayed an image of Chief Dan Merrill on its cover and a featured article: "Dan Merrill—Is His Brevard N.C. department the best trained and best equipped in the South?"²⁰ (Illustration #27).

Merrill was also instrumental in founding the Western North Carolina Firemen's Association and was its first vice president and elected its president in 1951.²¹ In 1975, a firefighter from Henderson County who Merrill had trained respectfully recalled that Chief Dan Merrill, although short of physical stature, was a leader who "stood as a giant among giants."²²

In 1980, the North Carolina Fire Insurance Rating Bureau awarded the Brevard Fire Department an improved rating that moved from a 6 rating to a 5; for property owners, a lower rating was good, because it meant lower fire insurance costs. The rating provided significant standing, making Brevard "the only fire department in the state with a rating that low."²³ The *Asheville Citizen-Times* proclaimed that the Brevard Fire Department was "the best in the state," with Chief Dan Merrill's earlier work being credited for the honor, five years after his death.²⁴

V. Architectural Description of Structure & Integrity

¹⁴ "Fire Insurance Rates in Brevard Will Be Reduced," *Brevard News* (NC) April 7, 1927.

¹⁵ Inspector Praises Fire Department," *Transylvania Times* (Brevard, NC) July 20, 1933.

¹⁶ "Praise Due Brevard Fire Department," *Brevard News* (NC) April 1, 1926; "Kiwanis Hold Fire Prevention Meet," *Brevard News* (NC) October 14, 1926; "To Entertain Firemen At Lunch," *Brevard News* (NC) October 9, 1929.

¹⁷ "Brevard's Loyalty To The Fire Department," *Brevard News* (NC) October 6, 1932.

¹⁸ "Employes [sic] Names At Brevard By City Council," *Asheville Citizen-Times* (NC) June 8, 1945.

¹⁹ Lewis Green, "Volunteer Fire Departments Have Reduced Fear In Rural Areas," *Asheville Citizen-Times* (NC) October 6, 1963; "Brevard Firemen Tops," *Asheville Citizen-Times* (Asheville, NC) January 29, 1980.

²⁰ *The Volunteer Firefighter*, May 1957, Volume 1, Number 9, (Charlotte: Thomas Higgins Company); Western North Carolina Association of Firefighters, <https://wncaff.com/previous-officers/>

²¹ *The Volunteer Firefighter*, May 1957, Volume 1, Number 9

²² Roy B. Laughter, "Good Fireman," *Asheville Citizen-Times* (NC) December 1, 1975.

²³ "Brevard Firemen Tops," *Asheville Citizen-Times* (NC) January 29, 1980.

²⁴ "Brevard Firemen Tops," *Asheville Citizen-Times* (NC) January 29, 1980.

The two-story Brevard City Hall and Fire Station maintains its original façade of yellow brick with red brick contrasting square panels, along with additional brick accents and terra cotta caps on the parapet wall (Illustration #5). The first-floor façade currently has a roll-up garage door with a connecting entry door and transom window. A single storefront window is now in the original recessed entryway that led directly upstairs to the second floor (Illustration #6, #7, #8). Four one-over-one sash windows on the second floor have larger decorative rectangular sections of red bricks above and below them.

The original sides of the building were unadorned, blank with no windows. The rear is only one story due to a change in grade and is a concrete and brick addition from 2006 that extends down to the first floor. A roof top deck, accessed by a spiral stair and surrounded by a steel and cable railing is accessed from the rear. Historic and newer buildings nearby on Main Street demonstrate architectural and historical continuity as the same yellow brick is used, namely the Brevard Municipal Building, erected in 1969 and the (former) Brevard Banking Company (1924), also constructed by R. P. Kilpatrick. (Illustrations #9 and #10) The Brevard City Hall and Fire Station was rehabilitated in 2006 by George Williams (developer) and Steve Blythe (contractor) and was designed by Harris Architects of Brevard.

In the summer of 2019, Drew Deane installed a roll-up garage door that resembles the original door, giving the building a closer feeling to its original purpose (Illustrations #11, #12, #23).

Although the interior is not part of the current application, the original square-tin ceiling was replaced with new square-tin ceiling tiles as insulation for fire separation was needed between the floors. that replicates a similar look to the original tin ceiling; the tin ceiling required replacement because the insulation between floors did not meet new fire codes. Drew Deane also discovered that the original by-fold front doors of the 1926 fire station were stored in the rear of the building; she has since had these original doors preserved, having them encased and used as wall-dividers separating the front space of the interior from the back-office area on the bottom floor (refer to Illustration #16). The original concrete floor is also presently exposed on the downstairs level. Moreover, the interior space on the lower level is still largely an open footprint in keeping with its past uses (Illustrations #15 & #16). Also, Drew Deane commemorates Brevard's Fire Department history with her original works of art, the display of the original exterior doors to the firehouse building, showcasing a fire fighter's uniform mounted on a mannequin, as well as patches from various regional Fire Departments who have donated patches (Illustrations #17 to #22).

No known archaeological features are present at this time.

VI. Property Boundary Description & Justification

The property deed between E.S. English and his wife Leila J. English (grantor) and R.P. Kilpatrick (grantee) states, "A part of the consideration of this Deed is that the Grantee herein named shall erect upon the lot herein described within twelve months hereof a two-story Brick Building."²⁵ The building was completed and in use as a commercial space by July 1926.

²⁵ Deed from E.S. English and his wife Leila J. English to R.P. Kilpatrick, July 24, 1925.

The building faces West Main Street, one and a half blocks west of the Transylvania County Courthouse. It is directly across the street from the current City Hall and Fire Station. It is built into a hill so that there is street access for the front (south) and lower level on W. Main St. and the rear (north) on West Probart St. A one-story commercial building adjoins it to the east and a two-story building with a similar façade was added to the west in 2006. Other 2006 alterations included removal of shed additions on the west and north, a new two-story rear addition, a roof top deck including a metal spiral stair, and replacement of all windows and doors with original masonry openings.

There is no driveway as the original fire truck (which remains housed at the current fire station) drove directly into the street through the original bi-fold doors and then in later years, through the overhead garage door into the building.

Drew Deane has taken many steps to maintain the original integrity and feeling of the building. There are no remaining out-buildings related to the original lot (Illustration #23).

The property is a contributing resource in the Main Street Historic District, listed on the National Register of Historic Places in 2002. The building maintains architectural integrity as part of the historic Main Street streetscape.

VII. Supporting Documentation

The following documents include attestation to the historic and architectural significance of the Brevard City Hall and Fire Station:

--Brevard Historic Downtown Walking Tour Guide," *Joint Historic Preservation Commission*, 2018

--Laura A.W. Phillips and Deborah Thompson, *Transylvania: The Architectural History of a Mountain County*, (Raleigh: Transylvania County Joint Historic Preservation Commission in association with Marblehead Publishing, 1998) 147-148.

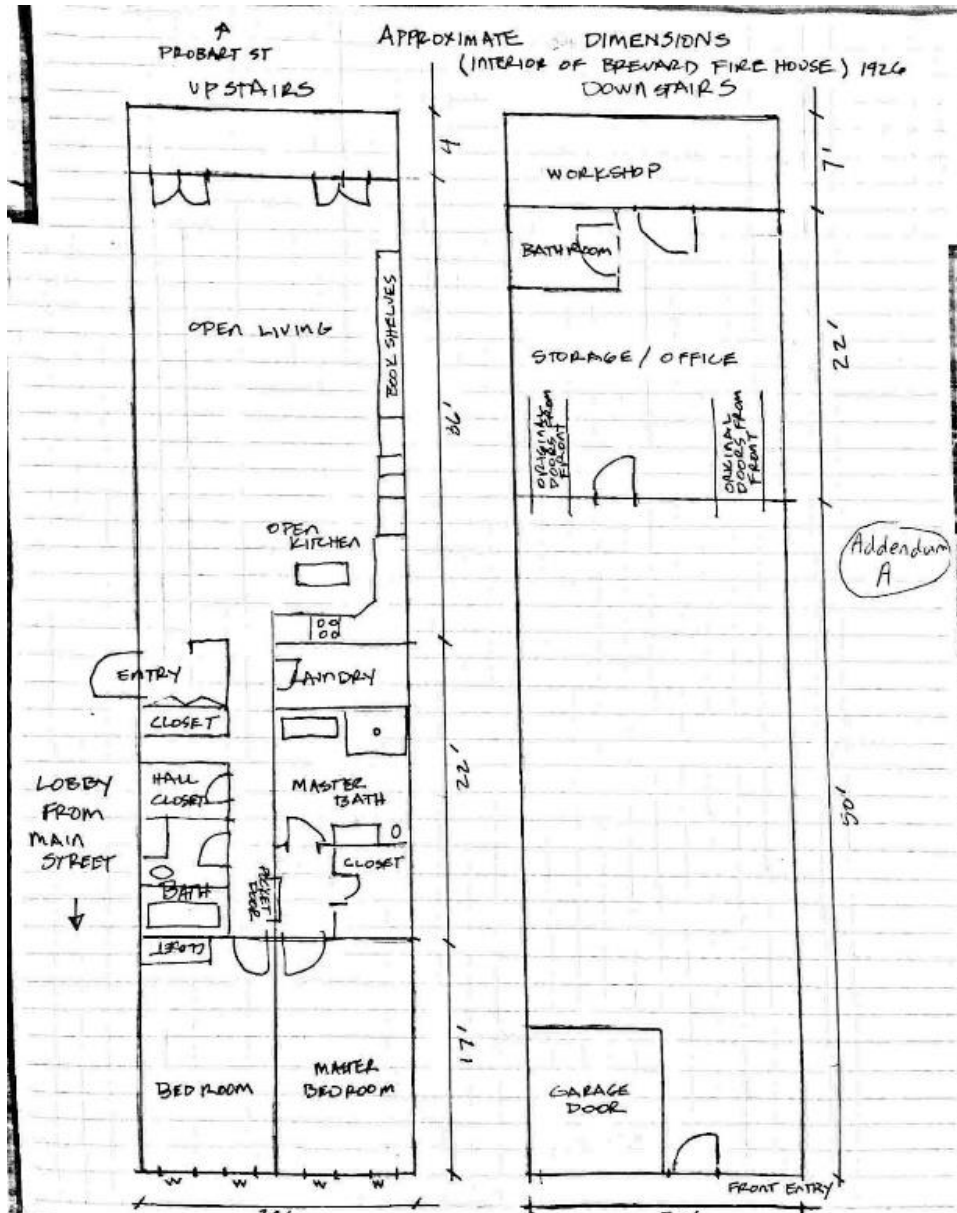
--United States Department of the Interior National Park Service National Register of Historic Places Multiple Property Documentation Form, June 21, 1993, "Historic and Architectural Resources of Transylvania County, North Carolina, including the incorporated towns of Brevard and Rosman, ca. 1820-1941,"
<https://files.nc.gov/ncdcr/nr/TV0610.pdf>

--United States Department of the Interior National Park Service, National Register of Historic Places Registration Form, "Main Street Historic District Brevard, North Carolina," "Historic and Architectural Resources of Transylvania Co., NC, including the Towns of Brevard and Rosman, ca. 1820-1941" July 1, 2002, North Carolina Department of Cultural Resources.

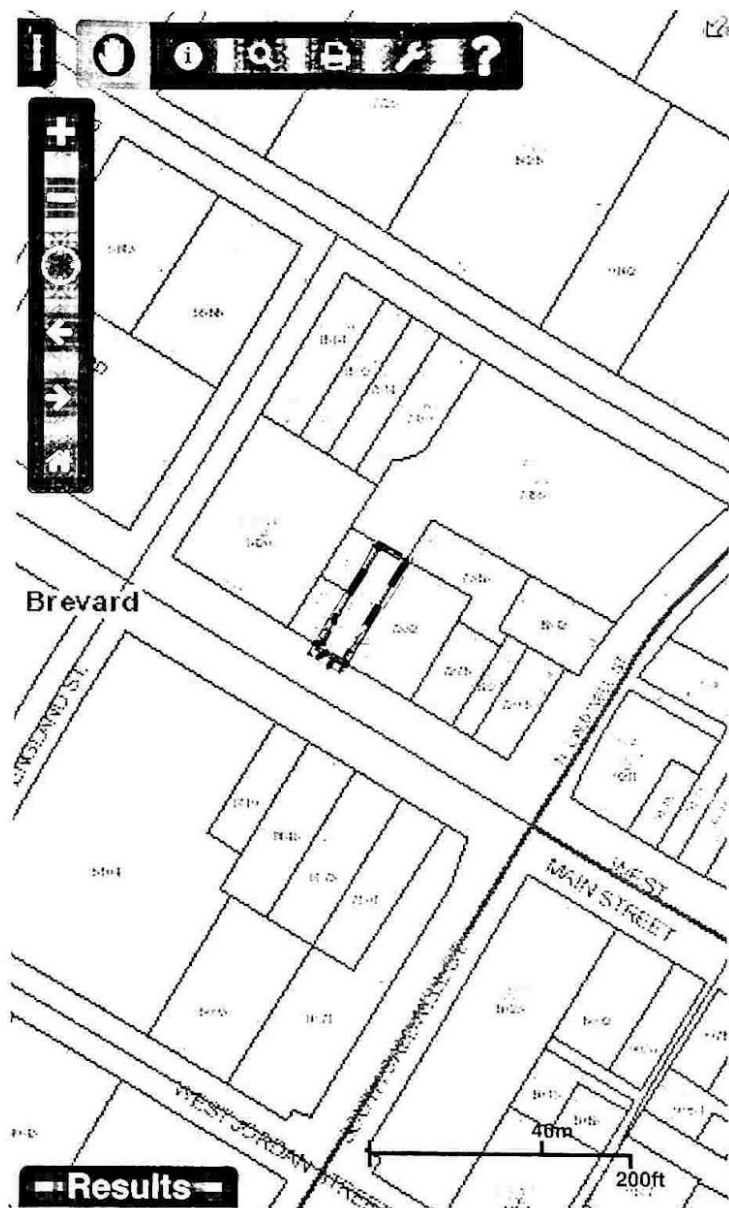
VIII. Additional Documentation

- A. Floor Plan of Drew Deane Gallery and upstairs residence located at 114-116 West Main Street, Brevard, NC, 28712.
- B. Tax Map of Property
- C. Aerial view of property; Drew Deane Gallery = Canto 34 Coffee shop
- D. 2006 Image of the property being gutted and rejuvenated.
- E. 2006 Image of the property when Drew Deane purchased it, prior to being gutted.
- F. Current tax card.

Additional Documentation A



Additional Documentation B

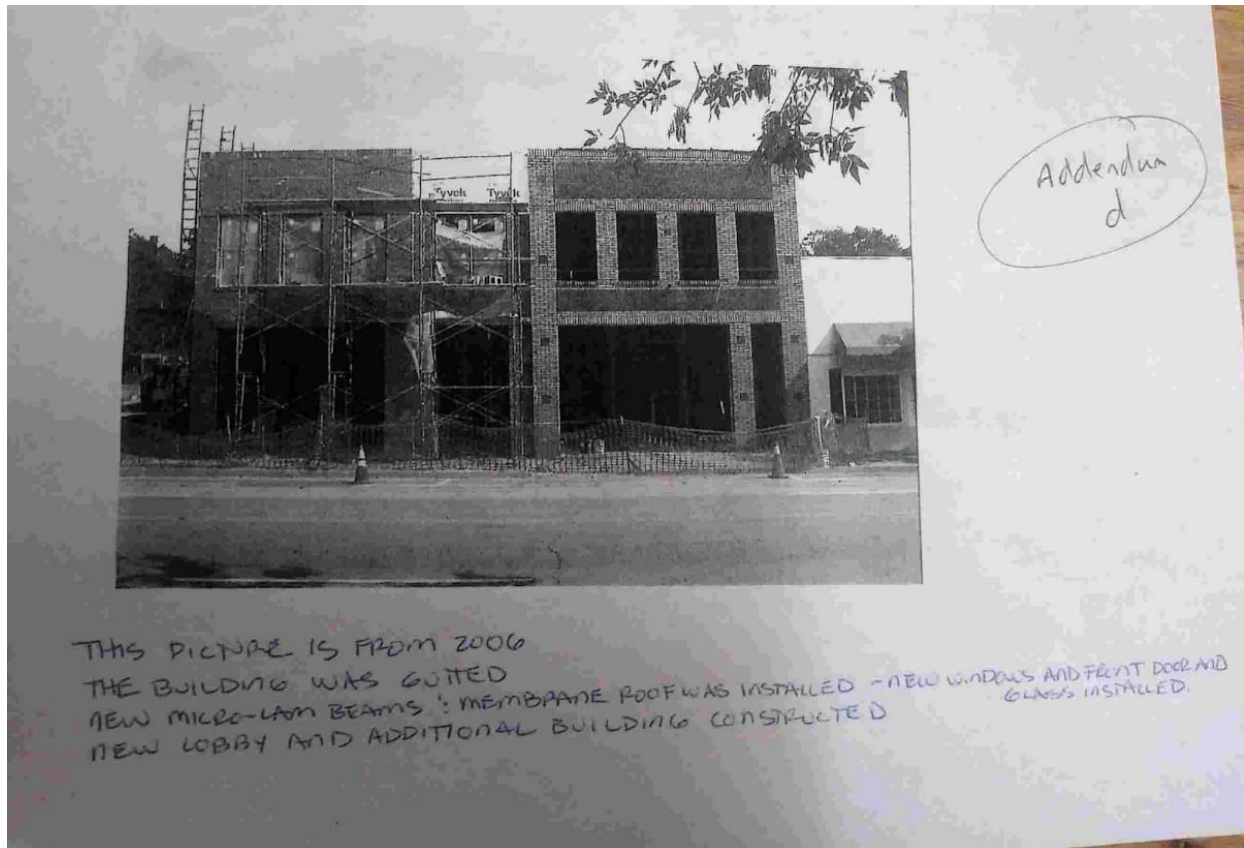


TAX MAP OF PROPERTY 2015

Additional Documentation C



Additional Documentation D



Additional Documentation E



Additional Documentation F

TRANSYLVANIA COUNTY										10/19/2022 10:27:01 AM																													
Deane Drew D Trustee 114 W MAIN ST 70331700										Return/Appeal Notes: Parcel: 8586-41-7304-000 PLAT: F11/147 UNIQ ID 34103 ID NO: B062A01006 08 MS.18																													
COUNTY TAX (100), BREVARD CITY (100), HEART OF BREV (100)										CARD NO. 1 of 2 1.0000 LT SRC=																													
Reval Year: 2021 Tax Year: 2023 LSR W MAIN ST .05										TW-08 CI-01FB-EX- AT- LAST ACTION 20210212																													
Accrued by 14 on 01/01/2021 92222 HEART OF BREVARD																																							
CONSTRUCTION DETAIL Foundation - 4 Spread Footing 6.00 Sub Floor System - 2 Slab on Grade 5.00 Exterior Walls - 20 Common Brick 23.00 Roofing Structure - 07 Wood Truss 7.00 Roofing Cover - 04 Built Up Tar and Gravel/Rubber 3.00 Interior Wall Construction - 5 Drywall/Sheetrock 26.00 Interior Wall Construction - 6 Custom Interior 0.00 Interior Floor Cover - 12 Hardwood 14.00 Heating Fuel - 03 Gas 1.00 Heating Type - 04 Forced Air - Ducted 5.00 Air Conditioning Type - 03 Central 6.00 Commercial Heat & Air - 1 None 0.00 Structural Frame - 04 Masonry 6.00 Ceiling & Insulation - 08 Not Suspended - No Insulation 2.00 Average Rooms Per Floor - 2 Average Rooms Per Floor 0.00 Half-Bathrooms BAS - 0 PUS - 0 LL - 0 Plumbing Fixtures 4.00 Office BAS - 0 PUS - 0 LL - 0 TOTAL POINT VALUE 111.000										MARKET VALUE EFF. AREA 1,728 QUAL 154 BASE RATE 129.36 RCN 223534 EYB 2005 AYS 1926 TYPE: OFFICE STYLE: 1 - 1.0 Story  24' 72' 6AS 72' 24' Click on image to enlarge										DEPRECIATION Standard 0.27000 % GOOD 73.0										CORRELATION OF VALUE CREDENCE TO MARKET DEPR. BUILDING VALUE - CARD 163,180 DEPR. OB/XF VALUE - CARD 1,190 MARKET LAND VALUE - CARD 214,680 TOTAL MARKET VALUE - CARD 379,050 TOTAL APPRAISED VALUE - CARD 379,050 TOTAL APPRAISED VALUE - PARCEL 545,480 TOTAL PRESENT USE VALUE - PARCEL 0 TOTAL VALUE DEFERRED - PARCEL 0 TOTAL TAXABLE VALUE - PARCEL \$ 545,480 PRIOR BUILDING VALUE 292,960 OBXX VALUE 830 LAND VALUE 389,680 PRESENT USE VALUE 0 DEFERRED VALUE 0 TOTAL VALUE 683,470 PERMIT CODE DATE NOTE NUMBER AMOUNT ROUT: WTRSHD: SALES DATA OFF. RECORD DATE DEED TYPE O/W/I INDICATE BOOK/PAGE MO/YR 00344/0599 4 2006 WD* Q I 560000 00577/0715 6 2011 QC E I 0 00099/0331 4 2002 WD* X I 0 00375/0188 5 1994 WD X I 0 BUILDING AREA 1,728 NOTES PICTURE AVAILABLE 06908,06103-UC,07102									
SUBAREA TYPE GS AREA % RPL CS BAS 1,728 100 223534 TOTAL OB/XF VALUE 1,190 SUBAREA TOTALS 1,728 223,534										BUILDING DIMENSIONS BAS=W24S72P24N72A=1728>TotalArea=1728 LAND INFORMATION HIGHEST AND BEST USE 0700 LOCAL ZONING C1 FROM TAGE 24 DEPTH 92 DEPTH / SIZE 0.9700 LND MOD 1 COND FACT 1.0000 OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT ROAD TYPE LAND UNIT PRICE TOTAL LAND UNITS UNT TYP TOTAL ADJST ADJUSTED UNIT PRICE LAND VALUE OVERRIDE VALUE LAND NOTES COMMERCIAL 0700 C1 24 92 0.9700 1 1.0000 6,000.00 24.000 PF 0.970 5,820.00 139680 0 CONDOMINIUM 0300 0 0 1.0000 0 0.7500 100,000.00 1.000 UF 0.750 75,000.00 75000 0 TOTAL MARKET LAND DATA 214,680 TOTAL PRESENT USE DATA																													

IX. Bibliography

Books

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Brevard Hustler (NC)

Brevard News (NC)

Sylvan Valley News (Brevard, NC)

Transylvania Times (Brevard, NC)

Other Sources

State Archives of North Carolina, Raleigh.

Wilson Library, Special Collections, University of North Carolina, Chapel Hill.

United States Census Bureau

“Brevard Historic Downtown Walking Tour Guide,” *Joint Historic Preservation Commission*, 2018

Transylvania Heritage Museum, Inc., <http://www.transylvaniaheritage.org>

United States Department of the Interior National Park Service National Register of Historic Places Multiple Property Documentation Form, June 21, 1993, “Historic and Architectural Resources of Transylvania County, North Carolina, including the incorporated towns of Brevard and Rosman, ca. 1820-1941,” <https://files.nc.gov/ncdcr/nr/TV0610.pdf>

United States Department of the Interior National Park Service, National Register of Historic Places Registration Form, “Main Street Historic District Brevard, North Carolina,” 2002.

www.transylvaniacounty.org

<https://www.transylvaniacounty.org/departments/planning-and-community-development/history>

www.findagrave.com

The Volunteer Firefighter, May 1957, Volume 1, Number 9, (Charlotte: Thomas Higgins Company)

Western North Carolina Association of Firefighters, <https://wncaff.com/previous-officers/>

Interviews

Drew Deane in conversation with Don Kilpatrick, Jr., May 12, 2006.

X. Illustrations

Illustration #1

Chrysler Automobile sales at K & M Auto Co., Brevard, N.C., see bottom of the ad in *Asheville Citizen-Times* (NC), October 27, 1940.

Tailored to Taste!

BEAUTIFUL new Airflow bodies, space-flared for greater roominess! New radiator design . . . new, longer hood . . . new graceful rear!

Lower, stronger, double-channel frame brings the body closer to the ground, improving appearance, balance and easy handling.

Great roominess everywhere! Bodies belled out at the window line to make room for five-foot cushions! Extra head room, leg room, shoulder room!

The button-tufted upholstery is real, not just ornamental. And the whole interior is tailored to your taste!

A wide selection of rich broadcloths, pile fabrics, Bedford cords, novel new materials, leathers. Many different color schemes, including



the handsome Chrysler two-tone combinations. Plastics in many colors to match the color scheme you select.

Soft Airfoam cushions . . . bigger windows and windshield . . . beautiful new instrument panel . . . clear vision steering wheel. Luxury, comfort, completeness . . . beyond the power of words to describe! So see for yourself . . . examine . . . compare! You be the judge.

★ Tune in on Major Bowes, CBS, Thurs. 9 to 10 P.M., E. S. T.

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Chrysler dealers are the most enthusiastic dealers in America today. They know that one ride in the 1941 Chryslers will tell you more than a million words. Accept your Chrysler dealer's invitation to see for yourself . . . try for yourself . . . decide for yourself. The keys to a demonstrator are waiting for you! Make a date today!

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Illustration #2

Advertisement for K & M Auto Co., in the *Asheville Citizen-Times* (NC), August 24, 1941.

1940 Oldsmobile Convertible Coupe. One owner. Original cream finish.

K & M AUTO CO.
Brevard, N. C.

Illustration #3

Yellow brick with red brick contrasting square panels, along with additional accents on the façade. Photograph taken by Drew Deane 2022.



Illustration #4, #5, and #6

The images below show the doorway that is to the left of the Drew Deane Gallery (#4) and the narrow hallway leading to the second floor (#5 & #6). Photographs taken in 2022 by Drew Deane.

#4



#5



#6

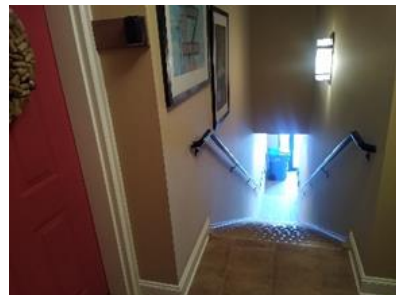


Illustration #7 and #8

The modern Municipal Building (City Hall) built in 1969 uses the same type of yellow brick found in the City Hall and Fire Station. Illustration #8 shows the front of the Municipal Building memorial plaque and yellow brick. Illustration #9 shows the yellow brick of the Municipal Building with the City Hall and Fire Department visible in the background. Photographs taken by Drew Deane, August 14, 2022.

#7



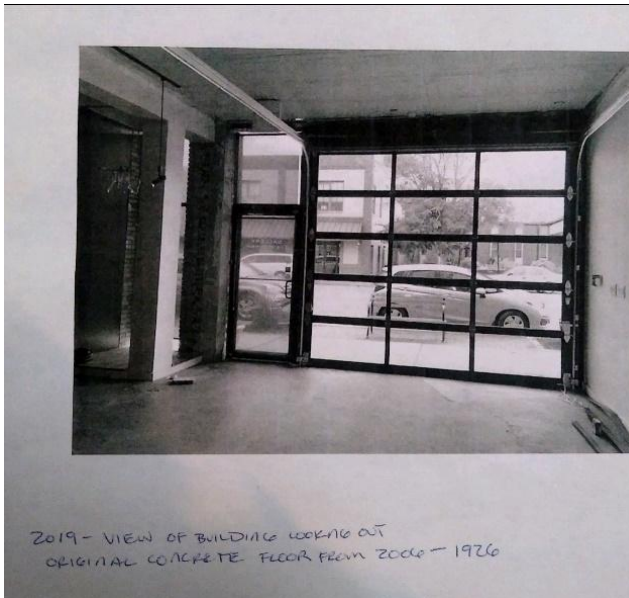
#8



Illustration #9 and #10

The images below show the new garage added to the property by the photographer and property owner, Drew Deane.

#9



#10



Illustration #11

The image shows the Drew Deane Gallery and the Benjamin Moore Paint store located to the left of Deane's Gallery. The doorway leading to Drew Deane's second floor is located in front of the Benjamin Moore paints sign. Image taken by Drew Deane, August 14, 2022.



Illustration #12

There are three buildings displayed in the image below; from left to right: Benjamin Moore Paints, doorway to Drew Deane's 2nd floor residence, the Drew Deane Gallery, Sandra Purcell & Associates Realtors. Photograph taken August 14, 2022, by Drew Deane.



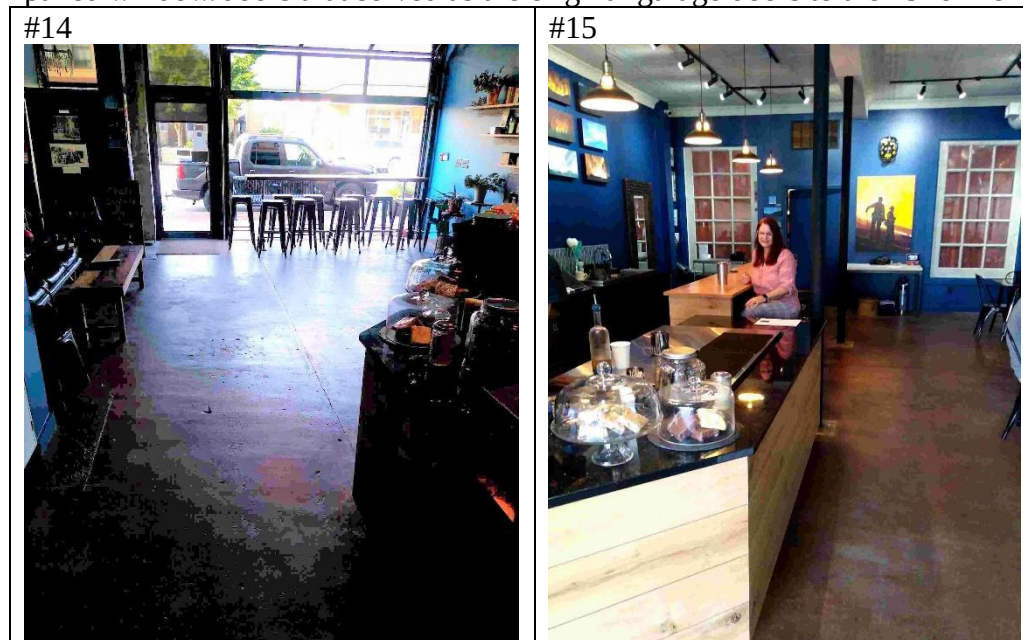
Illustration #13

Rear of building. Photo by Ellen Harris.



Illustrations #14 and #15

First floor, Drew Deane Gallery; also, in image #15, visible in the background are the white-paned window/doors that served as the original garage doors to the 1926 fire house.



Illustrations #16 - 20

Images were taken on August 14, 2022, by Drew Deane inside the Drew Deane Gallery.

#16 Drew Deane Art of firemen in action, along with a donated fireman's helmet displayed.

#16 A mannequin fully outfitted with fireman's uniform and equipment in a display window visible to pedestrians on West Main Street.

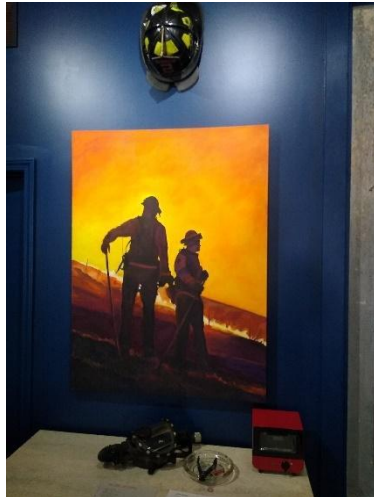
#17 Patches donated from various fire departments around the country.

#18 Firefighter helmets and Drew Deane art.

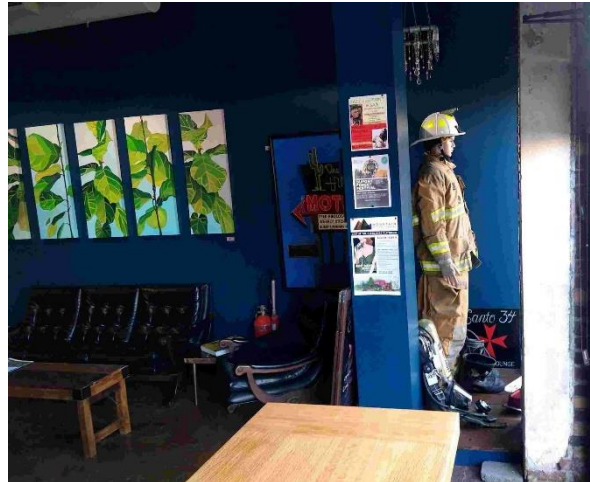
#19 Drew Deane paintings of various fire scenes

#20 Framed images of the original Brevard Fire Department building and firefighters.

#16



#17



#18



#19



#20



#21



Illustrations #22 and #23

Brevard Fire Department as they moved to a new building across the street in 1938. Second photo identified members. Image courtesy of the Rowell Bosse North Carolina Room, Transylvania County Library.



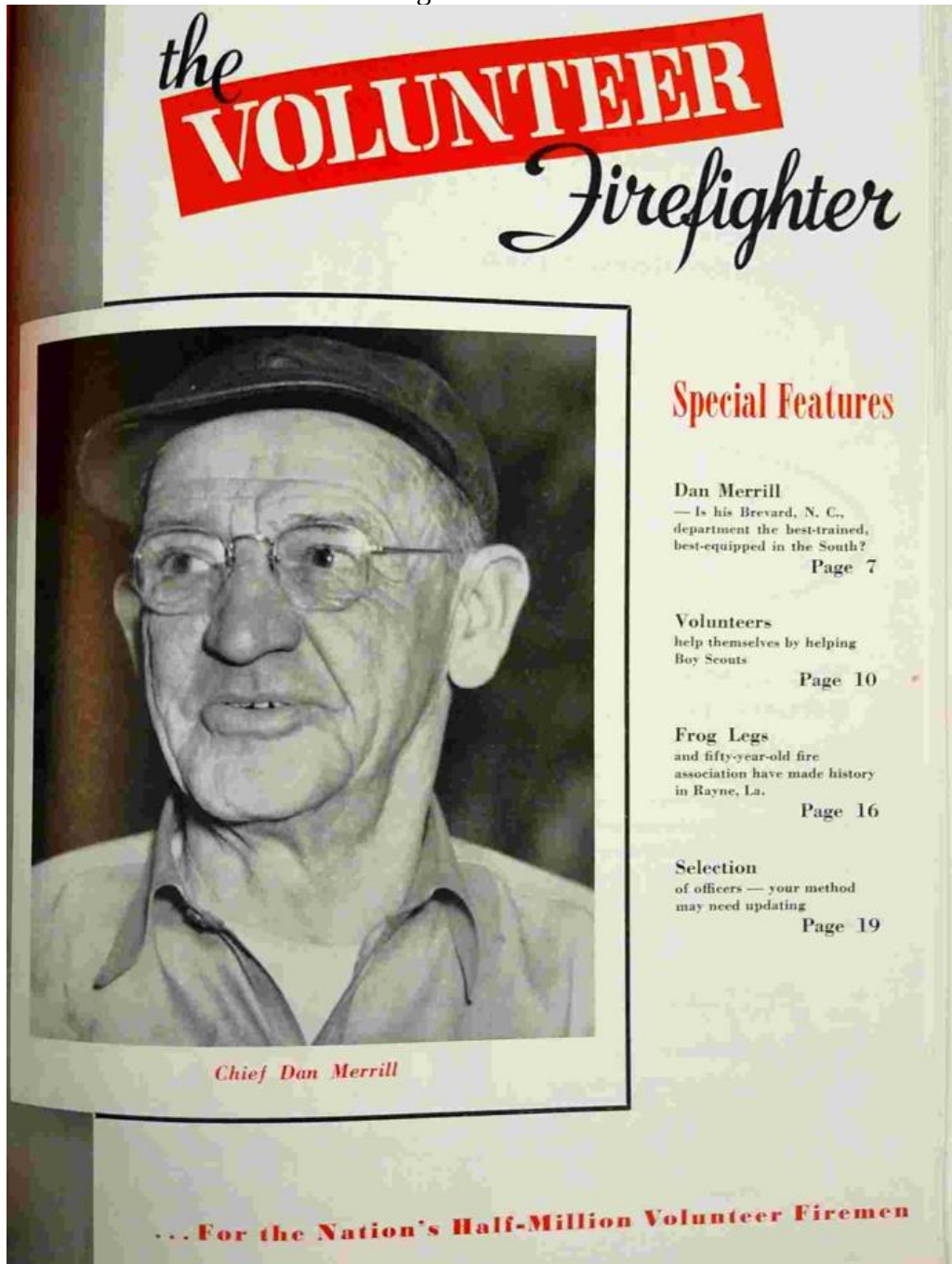
Illustration #24

This undated image was obtained on the Transylvania County website and shows the Brevard Fire Station sometime between 1940 and 1960. The original building bears signage showing its new use as a Chrysler Automobile dealership and automotive repair shop. Image courtesy of the Rowell Bosse North Carolina Room, Transylvania County Library.



Illustration #25

A magazine that boasted a national readership, the Volunteer Firefighter magazine recognized Brevard's fire chief who earned regional acclaim in 1957.

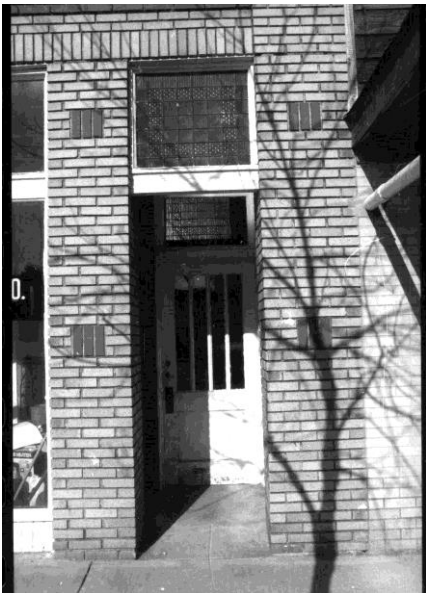


Illustrations #26-28

Images from Transylvania County Architectural Survey, 1991, by Laura Phillips. Courtesy of the Rowell Bosse North Carolina Room, Transylvania County Library.



Front, West Main Street.



Façade detail



Rear

ORDINANCE NO. 23-XX

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK CERTAIN PROPERTY KNOWN AS THE BREVARD CITY HALL AND FIRE STATION BUILDING AS IS MORE SPECIFICALLY DESCRIBED IN A DEED IN THE TRANSYLVANIA COUNTY REGISTER OF DEEDS OFFICE, IN DEED BOOK 577, AT PAGE 715, AND BEING DATED June 15, 2011, SAID PROPERTY BEING OWNED BY DREW D. DEANE, TRUSTEE FOR DREW D. DEANE AND ALEXIS DREW DEANE; THE PARCEL OF LAND BEING ESPECIALLY DESIGNATED IS ALL OF THE PARCEL OF LAND OCCUPIED BY THE BUILDING, LISTED UNDER TAX PARCEL NO. 8586-41-7304-000 IN THE TRANSYLVANIA COUNTY TAX OFFICE, BREVARD, NORTH CAROLINA

WHEREAS, all the prerequisites to the adoption of this Ordinance described in Chapter 160A, Article 19, as amended of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard have been fully completed; and

WHEREAS, the City Council has taken into full consideration all statements and information presented during a public hearing held on January 17, 2023, on the question of designating certain property known as The BREVARD CITY HALL AND FIRE STATION as an historic landmark; and

WHEREAS, The BREVARD CITY HALL AND FIRE STATION was built in or near the year 1899 as commercial retail and office space is now one of the oldest historic buildings in the City of Brevard in present and continual service; and

WHEREAS, The BREVARD CITY HALL AND FIRE STATION possesses special significance in terms of its history, architectural and cultural importance; and

WHEREAS, the property known as The BREVARD CITY HALL AND FIRE STATION is presently owned by DREW D. DEANE as TRUSTEE for DREW D. DEANE and ALEXIS DREW DEANE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA:

Section 1. That the property known as The BREVARD CITY HALL AND FIRE STATION (including the entire exterior of the building, the entire parcel of land listed under Tax Parcel No. 8586-41-7304-000) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard. The location of said landmark is hereby noted as being situated at 114 and 116 West Main Street, Brevard, North Carolina. The exterior features of the BREVARD CITY HALL AND FIRE STATION are more completely described in the Application for Local Historic Landmark Status, dated August 15, 2022 and in the report filed October of 2022.

Section 2. That said designated historic landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Joint Historic Preservation Commission, With regard to issuance of any Certificate of Appropriateness, the provisions of Ordinance No. 26-97 of the City of Brevard shall control.

Section 3. This Ordinance shall not be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature in the event that a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed or interpreted to prevent the owner of the historic landmark from making any use not prohibited by other statutes, ordinance or regulations, including the zoning ordinance of the City of Brevard.

Section 4. A suitable sign may be posted on the property with the owners'

permission
or near the property in the City right-of-way, indicating that said property has been designated as an historic landmark, and containing any other appropriate information. Such sign must comply with the Sign Ordinance of the City of Brevard.

Section 5. The owner of the historic landmark known as The BREVARD CITY HALL AND FIRE STATION shall be given notice of this Ordinance as required by law, and a certified copy of this Ordinance shall be filed and indexed in the offices of the Transylvania County Register of Deeds and Brevard City Clerk.

Section 6. The BREVARD CITY HALL AND FIRE STATION, hereby designated as an historic landmark, shall be subject to the provisions of Chapter 160A, Article 19, as amended, of the North Carolina General Statutes, as well as any subsequent amendments thereto, and Ordinance No. 26-97 of the City of Brevard, as well as any subsequent amendments thereto.

Section 7. This Ordinance shall be effective upon its adoption and approval.

Adopted and approved this 17th day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 15 and 16-Permit Categories

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

This is a Staff-initiated text amendment that revises the planning and zoning permit categories and clarifies the responsibilities of staff, City Council, and other boards. The proposed text amendments are included as Attachment 1. The Planning Board discussed this text amendment at their November 15th meeting and unanimously recommended approval. In accordance with N.C.G.S. § 160D-605, the Planning Board also submits the attached statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (Attachment 4).

Discussion

The specific changes are listed below along with Staff's reasoning for proposing the change.

1. ***Revised Permit Categories and Clarification of Responsibilities (Section 16.6):*** Permits are grouped into Category I, Category II, and Category III (see Attachment 2 for the current chart in Section 16.6). These roughly align with the approving authority. The revised charts remove these arbitrary categories and clearly outlines the groups responsible for reviewing materials, approving activity, and hearing appeals. The chart is also split into projects with subdivision activities and those without. However, subdivision is considered a ministerial act of Staff. As such, they require a separate permit application. The columns differentiating projects that have subdivision activities was removed, and a new category was created ("Subdivision").
2. ***Removal of Previous Categories (Section 15.5):*** Section 15.5, which establishes the Planning Board, the Board of Adjustment and the Technical Review Committee, was amended to reflect the changes made in Section 16.6.

Policy Analysis

Planning and zoning administrators are responsible for creating an effective, efficient and equitable development process. The City's 2015 Comprehensive Plan calls for clarity around the process and procedures for development review:

- **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.*

Recommendation

The Planning Board and staff recommend adoption of the amendments as presented. Council has the following options:

1. Adopt the amendments as written;
2. Revise and adopt the amendments as revised by Council;
3. Reject the amendments; or
4. Table the amendments for further public hearings and/or consideration.

Attachments:

1. Proposed Text Amendment
2. Current Development Approval Review Procedure Chart in Section 16.6
3. Proposed Development Approval Review Procedure Chart in Section 16.6
4. Consistency Statement
5. Draft Ordinance

15.1. Boards and commissions established.

The following boards and commissions are hereby established:

- Brevard Planning Board (BPB).
- Board of Adjustment (BOA).
- Technical Review Committee (TRC).

A. *Brevard Planning Board.* The authority to establish a Planning Board for the City of Brevard is granted under the authority of G.S. 160D-301 and 160D-307.

1. *Authority and responsibility.* The Brevard Planning Board (hereafter BPB) shall have the following duties and responsibilities:
 - a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions.
 - b. Prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area.
 - c. Establish principles and policies for guiding action in the development of the area.
 - d. Prepare and recommend to the city council ordinances promoting orderly development along the lines indicated in the comprehensive plan.
 - e. Determine whether specific proposed zoning amendments developments conform to the principles and requirements of the adopted comprehensive plan for the growth and improvement of this area, as well as any other officially adopted plan that is applicable in accordance with G.S. 160D-604(d).
 - f. Keep the city council and the general public informed and advised as to these matters.
 - g. To review and make a recommendation on development activities ~~text amendments, rezoning applications, and annexations, and certain Category III Land Development Applications, including Conditional Zoning Districts, special use permits (upon request from the board of adjustment),~~ and other requests as set forth in Section 16.6 of this ordinance in accordance with G.S. 160D-604(c).
 - h. To render opinions and make recommendations on all issues and petitions related to the City of Brevard Code of Ordinances and other land use plans and policies, transportation plans and policies, road closings, and other policies which may be adopted from time to time which require approval by the city council, pursuant to G.S. 160D-604(c).
 - i. To review with the city manager and other city officials and report its recommendations to the city council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, in the absence of a recommendation from the board, the city council may, if it deems wise, after

the expiration of 30 days from the date on which the question has been submitted in writing to the board for review and recommendation, take final action.

j. Perform any other duties which may lawfully be assigned to it.

2. *Membership and terms of office.*

a. The BPB shall consist of a total of seven members with four members residing within the city and three members residing in the extraterritorial jurisdiction. The members residing in the ETJ shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the Unified Development Ordinance both within the corporate limits of the city and within its ETJ.

b. In accordance with G.S. 160D-307(a), the total membership of the BPB shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.

c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.

d. The term of office shall be three years staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

e. The BPB shall elect the board chair and vice-chair from among its members. They each shall serve a one-year term.

B. *Board of adjustment.* The authority to establish a board of adjustment is granted under the authority of G.S. 160D-302.

1. *Authority and responsibility.* The board of adjustment (hereinafter BOA) shall have the following duties and responsibilities:

a. To hear and decide appeals from any order, decision, determination, or interpretation made by the administrator pursuant to or regarding these regulations and in accordance with G.S. 160D-405.

b. To hear and decide petitions for variances from the requirements of these regulations.

c. To hear and decide petitions for special use permits.

d. To make an interpretation of any portion of this ordinance.

e. To change the use of, or expand certain nonconformities.

2. *Membership and terms of office.*

a. The BOA shall consist of a total of five members with three members residing in the city limits and two members residing in the ETJ. In addition, two alternate members residing in the city limits and one alternate member residing in the ETJ shall be appointed. Alternates shall serve on the board in the absence of a member and while serving shall have and may exercise all of

the powers and duties of a regular member. The members residing in the ETJ shall have equal right, privileges and duties with other members of the board in all matters pertaining to the Unified Development Ordinance both within the corporate limits of the city and within its ETJ.

- b. In accordance with G.S. 160D-307(a), the total membership of the BOA shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.
- c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.
- d. The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- e. The BOA shall elect the board chair and vice-chair from among its members. They shall each serve a one-year term.

C. *Technical review committee.*

- 1. *Authority and responsibility.* The technical review committee (hereinafter TRC) shall have the following duties and responsibilities:
 - a. To review and offer recommendations regarding all applicable local, state, and federal codes and regulations in response to all ~~Category II and Category III~~ land development applications or projects in accordance with Section 16.6 of this ordinance.
 - b. At the request of the planning director, to review and offer recommendations regarding all applicable local, state, and federal codes and regulations in response to any ~~Category I~~ land development application or project that has been deemed, in the opinion of the planning director, because of its potential impact to the city, due to the development project's size, scope, mass, number of dwelling units, or complexity. The planning director shall provide written justification for such review of ~~Category I~~these applications.
 - c. At the direction of the administrator, to review and render opinions and make recommendations on issues and petitions related to the City of Brevard Code of Ordinances and other land use plans and policies which may be adopted and require approval by the city council.
 - d. To make recommendation and/or approve any other item as requested by the administrator, the planning board, or city council.
- 2. *Actions by the TRC.*
 - a. Upon receiving notices of a land development application which requires TRC review from the planning director, members of the TRC must take the following action:

- Review the development application and related plan documents in relation to all applicable local, state, and federal codes and regulations.
- Recommend major and/or minor changes to the application to be considered by the developer or property owner.
- Each member of the TRC shall provide written comments to the planning director within 15 days of having received notification from the planning director of a land development application requiring their review.

3. *Members.*

a. The TRC shall consist of the following members:

- City planning director
- City zoning administrators
- Chief of Brevard Police Department, or designee
- Chief of Brevard Fire Department, or designee
- City public ~~services~~-works director
- City wastewater treatment plant ORC
- City water treatment plan ORC
- Transylvania County Building Permitting and Inspections Department Director, or designee
- Transylvania County Fire Marshall, or designee

b. Other appropriate city, county, state, or federal officials may be invited to participate in the TRC review when deemed necessary by the administrator.

16.6. Development approval review procedure in general.

- A. Planning department staff, also referred to as the administrator, and ~~The the~~ approving authority shall have the discretion to refer any land development permit application to a body of greater authority for consideration and approval or denial consistent with this section.
- B. ~~Planning department staff, also referred to as the~~ The administrator, shall provide advisory review and comment to all boards and city council regarding the application's compliance to this section. The administrator may determine that additional review is required and request review and/or a recommendation by a board beyond the required process described herein.
- C. Designation of approving authority:

Category	Development Activities	Review / Recommendation	Approving Authority	Appeal Authority
<u>Annexation & Dedication</u>	<u>Annexations</u>	<u>Planning Board</u>	<u>City Council</u>	<u>Superior Court</u>
	<u>Plats of Dedication</u>	<u>Technical Review Committee</u>	<u>Staff</u>	<u>Board of Adjustment</u>

	Street / Right-of-Way/Easement Abandonment	Technical Review Committee	City Council	Superior Court
Land Use & Development	All Land Use and Development Activity for which No Higher Review is Required	-	Staff	Board of Adjustment
	Group Developments	Technical Review Committee	Staff	Board of Adjustment
	Temporary Uses	-	Staff	Board of Adjustment
	Special Use Permits	-	Board of Adjustment	Superior Court
	Development Agreements	-	City Council	Superior Court
	Vested Rights Determination	-	City Council	Superior Court
Regulations	Adoption, Amendment, or Repeal of Development Regulations	Planning Board	City Council	Superior Court
	Official Zoning Determinations and Other Interpretations of this Ordinance	-	Staff	Board of Adjustment
Subdivision	Major Subdivisions	Technical Review Committee and Planning Board	City Council	Superior Court
	Minor Subdivisions for which New Public Infrastructure is Proposed	Technical Review Committee	Staff	Board of Adjustment
	Minor Subdivisions Creating No New Public Infrastructure	-	Staff	Board of Adjustment
	Recombination Plats	-	Staff	Board of Adjustment
Zoning	Rezoning / Zoning Map Amendments	Planning Board	City Council	Superior Court
	Conditional Zoning Districts	Technical Review Committee and Planning Board	City Council	Superior Court
	Final Master Plan Approval for Conditional Zoning Districts	-	Planning Board	Superior Court
	Variances	-	Board of Adjustment	Superior Court

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Approving Authority	Projects for Which Subdivision Activity is proposed	Projects for Which No Subdivision Activity is Proposed	Permit Category
Staff	Recombination plats	Development permitted with standards	Category 1
		Temporary Uses	
	Minor subdivision creating no new public infrastructure	Land disturbance, tree/vegetation removal	
		The establishment of land uses and the demolition, relocation, construction, expansion, movement, or modification of	

		any sign, building or structure for which no higher review is required	
Staff	Minor subdivisions for which new public infrastructure is proposed	Group developments for which no subdivision is proposed	Category II
	Plats of dedication		
	Group developments to be subdivided (townhomes, condominium lots and buildings)		
Planning Board	Major subdivisions	None	Category III
	Final Master Plan Approval for Conditional Zoning Districts		
Board of Adjustment	None	Special Use Permits	
		Administrative Appeals	
		Variances	
		Requests for interpretation of this ordinance	
City Council	Conditional Zoning Districts		Category III
	Street/right-of-way abandonment		
	Development Agreements		
		Rezoning/Zoning Map Amendments	
		Text Amendments	
		Annexations	
		Vested rights	
Adoption, amendment, or repeal of development regulations			

- D. In addition to any findings that may be otherwise required by this chapter, the approving authority shall only approve a land development application upon determination that the application meets the following requirements:
- All applicable requirements of this ordinance and Brevard City Code are satisfied.
 - All other applicable federal, state, and local requirements and plans are satisfied.
 - All applicable policies and plans of the City of Brevard are satisfied.
 - All required system development fees, performance guarantees, or other dedications have been or will be secured.
 - Approval of the application will not otherwise endanger the health, safety, or welfare of the public.
 - The applicant agrees to adhere to all reasonable conditions and requirements imposed in accordance with this chapter.
- E. The approving authority shall consider impacts upon traffic conditions, public safety, public infrastructure and services, and other relevant factors, including any proposed project's likely effect on the public health or safety in determining whether to approve or reject any land development application, and may impose such reasonable conditions as are allowed under G.S. 160D noting the applicable approval process. Findings as to such factors made by any

reviewing entity shall not bind the city officer, committee, board, or council acting as the approving authority, which shall consider such factors de novo.

F. If the administrator or approving authority requires the application to be reviewed by the technical review committee (TRC) in accordance with Section 15.1, its members shall provide written comments to the planning director within 15 days of having received notification from the planning director of a land development application requiring their review, unless otherwise stated in this Chapter.

G. A permit or development approval shall be in writing, and may be issued in print or electronic form pursuant to G.S. 160D-403. Any permit or approval issued exclusively in electronic form shall be protected from further editing once issued. The permit or approval may contain a provision that the development shall comply with all applicable state and local laws. If an application is denied, the reasons for denial shall be stated in writing.

H. Typical procedures following issuance of land development permit:

1. Upon issuance of a land development permit, the applicant may proceed to the Transylvania County Health Department and/or Transylvania County Building Permitting and Enforcement for any necessary permits.
2. Upon creation of structural footers or the pouring of the first-floor slab of any building or structure, the applicant shall contact the administrator for a preliminary setback inspection. The administrator shall inspect for compliance with applicable dimensional requirements and shall issue preliminary setback approval or require modifications, as applicable.
3. Upon completion of all land development activity and the installation of all approved improvements the applicant shall contact the administrator to arrange for a final inspection. As authorized by G.S. 160D-403(e) and -1113, the administrator shall inspect for compliance with all applicable requirements of this ordinance and Brevard City Code. The administrator shall deny final inspection approval if full compliance with this ordinance and Brevard City Code, approved development plans, and all other requirements, is not observed. The administrator may issue conditional approval. Conditional approval shall be extended for a defined period of time and all conditions shall be clearly set forth in writing. The administrator may require the submission of final "as built" construction documents as a condition of final written approval.
4. Upon issuance of final approval by the administrator, the applicant shall contact the Transylvania County Building Inspection Department to request issuance of a certificate of occupancy in accordance with G.S. 160D-403(g).
5. The administrator shall, from time to time, inspect the building, structure, use, subdivision, or other approved activity for continued compliance with this ordinance, Brevard City Code, the approved land development plan, and any other applicable requirement, and shall take such action as is necessary to ensure continued compliance, including any remedy as set forth in Chapter 18 of this ordinance.

I. Final zoning approval and certificate of occupancy:

1. No structure shall be used or occupied until final zoning approval has been issued by the City of Brevard and a certificate of occupancy has been issued by the Transylvania County Building Inspection Department pursuant to G.S. 160D-403(g). Such approval shall be issued with the presumption that the structure or portion of a structure is in compliance

with Brevard City Code, all applicable provisions of this ordinance, any specific conditions and requirements of the city, and the information stated on the development permit.

2. A record of all final zoning approvals shall be kept on file in the office of the administrator, and a record of all certificates of occupancy shall be kept on file in the office of the Transylvania County Building Inspection Department. Copies shall be furnished, on request, to all interested parties.

3. If final zoning approval or a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

~~3.~~4. Where certain infrastructure elements have not been installed (i.e. landscaping due to time of year), a temporary final zoning approval may be issued by the administrator, and a final certificate of occupancy may be issued by Transylvania County with permission from the administrator.

J. Right of appeal:

1. If a request for a development permit is denied or if a ruling of the administrator is questioned, any aggrieved party may appeal such ruling to the board of adjustment (hereafter, "BOA") in accordance with this chapter and G.S. 160D-405.

2. Appeals of a ruling of the BPB, the BOA, or city council shall be heard by the Superior Court of Transylvania County. In accordance with G.S. 160D-1402, the aggrieved party may request a stay of execution or enforcement of the decision of the quasi-judicial board pending superior court review. If in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk.

Approving Authority	Projects for Which Subdivision Activity is proposed	Projects for Which No Subdivision Activity is Proposed	Permit Category
Staff	Recombination plats	Development permitted with standards	Category I
		Temporary Uses	
	Minor subdivision creating no new public infrastructure	Land disturbance, tree/vegetation removal	
		The establishment of land uses and the demolition, relocation, construction, expansion, movement, or modification of any sign, building or structure for which no higher review is required	
Staff	Minor subdivisions for which new public infrastructure is proposed	Group developments for which no subdivision is proposed	Category II
	Plats of dedication		
	Group developments to be subdivided (townhomes, condominium lots and buildings)		
Planning Board	Major subdivisions	None	Category III
	Final Master Plan Approval for Conditional Zoning Districts		
Board of Adjustment	None	Special Use Permits	
		Administrative Appeals	
		Variances	
City Council		Requests for interpretation of this ordinance	Category III
	Conditional Zoning Districts		
	Street/right-of-way abandonment		
	Development Agreements		
		Rezoning/Zoning Map Amendments	
		Text Amendments	
		Annexations	
		Vested rights	
		Adoption, amendment, or repeal of development regulations	

Category	Development Activities	Review / Recommendation	Approving Authority	Appeal Authority
Annexation & Dedication	Annexations	Planning Board	City Council	Superior Court
	Plats of Dedication	Technical Review Committee	Staff	Board of Adjustment
	Street / Right-of-Way/Easement Abandonment	Technical Review Committee	City Council	Superior Court
Land Use & Development	All Land Use and Development Activity for which No Higher Review is Required	-	Staff	Board of Adjustment
	Group Developments	Technical Review Committee	Staff	Board of Adjustment
	Temporary Uses	-	Staff	Board of Adjustment
	Special Use Permits	-	Board of Adjustment	Superior Court
	Development Agreements	-	City Council	Superior Court
	Vested Rights Determination	-	City Council	Superior Court
Regulations	Adoption, Amendment, or Repeal of Development Regulations	Planning Board	City Council	Superior Court
	Official Zoning Determinations and Other Interpretations of this Ordinance	-	Staff	Board of Adjustment
Subdivision	Major Subdivisions	Technical Review Committee and Planning Board	City Council	Superior Court
	Minor Subdivisions for which New Public Infrastructure is Proposed	Technical Review Committee	Staff	Board of Adjustment
	Minor Subdivisions Creating No New Public Infrastructure	-	Staff	Board of Adjustment
	Recombination Plats	-	Staff	Board of Adjustment
Zoning	Rezoning / Zoning Map Amendments	Planning Board	City Council	Superior Court
	Conditional Zoning Districts	Technical Review Committee and Planning Board	City Council	Superior Court
	Final Master Plan Approval for Conditional Zoning Districts	-	Planning Board	Superior Court
	Variances	-	Board of Adjustment	Superior Court

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

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

2015 Comprehensive Plan

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.

ORDINANCE NO. 2023-____

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 15 – BOARDS AND COMMISSIONS AND CHAPTER 16 – ADMINISTRATION**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 15 – Boards and Commissions and Chapter 16 – Administration ; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Plans:

2015 Comprehensive Plan:

- **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.

and,

WHEREAS, a public hearing was conducted on Tuesday, January 17, 2023, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Brevard City Code, Unified Development Ordinance Chapter 2, Chapter 3, Chapter 4, Chapter 10, and Chapter 19 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 17th day of January 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

15.1. Boards and commissions established.

The following boards and commissions are hereby established:

- Brevard Planning Board (BPB).
- Board of Adjustment (BOA).
- Technical Review Committee (TRC).

A. *Brevard Planning Board.* The authority to establish a Planning Board for the City of Brevard is granted under the authority of G.S. 160D-301 and 160D-307.

1. *Authority and responsibility.* The Brevard Planning Board (hereafter BPB) shall have the following duties and responsibilities:

- a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions.
- b. Prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area.
- c. Establish principles and policies for guiding action in the development of the area.
- d. Prepare and recommend to the city council ordinances promoting orderly development along the lines indicated in the comprehensive plan.
- e. Determine whether specific proposed zoning amendments developments conform to the principles and requirements of the adopted comprehensive plan for the growth and improvement of this area, as well as any other officially adopted plan that is applicable in accordance with G.S. 160D-604(d).
- f. Keep the city council and the general public informed and advised as to these matters.
- g. To review and make a recommendation on development activities and other requests as set forth in Section 16.6 of this ordinance in accordance with G.S. 160D-604(c).
- h. To render opinions and make recommendations on all issues and petitions related to the City of Brevard Code of Ordinances and other land use plans and policies, transportation plans and policies, road closings, and other policies which may be adopted from time to time which require approval by the city council, pursuant to G.S. 160D-604(c).
- i. To review with the city manager and other city officials and report its recommendations to the city council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, in the absence of a recommendation from the board, the city council may, if it deems wise, after the expiration of 30 days from the date on which the question has been submitted in writing to the board for review and recommendation, take final action.
- j. Perform any other duties which may lawfully be assigned to it.

2. *Membership and terms of office.*

- a. The BPB shall consist of a total of seven members with four members residing within the city and three members residing in the extraterritorial jurisdiction. The members residing in the ETJ shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the Unified Development Ordinance both within the corporate limits of the city and within its ETJ.
- b. In accordance with G.S. 160D-307(a), the total membership of the BPB shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.
- c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.
- d. The term of office shall be three years staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- e. The BPB shall elect the board chair and vice-chair from among its members. They each shall serve a one-year term.

B. *Board of adjustment.* The authority to establish a board of adjustment is granted under the authority of G.S. 160D-302.

62 1. *Authority and responsibility.* The board of adjustment (hereinafter BOA) shall have the
63 following duties and responsibilities:

- 64 a. To hear and decide appeals from any order, decision, determination, or
65 interpretation made by the administrator pursuant to or regarding these
66 regulations and in accordance with G.S. 160D-405.
67 b. To hear and decide petitions for variances from the requirements of these
68 regulations.
69 c. To hear and decide petitions for special use permits.
70 d. To make an interpretation of any portion of this ordinance.
71 e. To change the use of, or expand certain nonconformities.

72 2. *Membership and terms of office.*

- 73 a. The BOA shall consist of a total of five members with three members residing in the
74 city limits and two members residing in the ETJ. In addition, two alternate members
75 residing in the city limits and one alternate member residing in the ETJ shall be
76 appointed. Alternates shall serve on the board in the absence of a member and while
77 serving shall have and may exercise all of the powers and duties of a regular
78 member. The members residing in the ETJ shall have equal right, privileges and
79 duties with other members of the board in all matters pertaining to the Unified
80 Development Ordinance both within the corporate limits of the city and within its
81 ETJ.
82 b. In accordance with G.S. 160D-307(a), the total membership of the BOA shall be
83 proportional to the population of residents of the city and residents in the ETJ area.
84 At a minimum, the membership of the board shall be examined following every
85 decennial census, and changes shall be made as necessary to maintain an
86 appropriate balance of city and ETJ board membership.
87 c. Representatives from within the corporate limits shall be appointed by the Brevard
88 City Council. Representatives from the ETJ area shall be appointed by the
89 Transylvania County Board of Commissioners.
90 d. The term of office shall be three years, although initial appointments shall be made
91 for one, two and three years so the terms may be staggered. Vacancies occurring for
92 reasons other than expiration of terms shall be filled as they occur for the period of
93 the unexpired term.
94 e. The BOA shall elect the board chair and vice-chair from among its members. They
95 shall each serve a one-year term.

96 C. *Technical review committee.*

97 1. *Authority and responsibility.* The technical review committee (hereinafter TRC) shall
98 have the following duties and responsibilities:

- 99 a. To review and offer recommendations regarding all applicable local, state, and
100 federal codes and regulations in response to all land development applications or
101 projects in accordance with Section 16.6 of this ordinance.
102 b. At the request of the planning director, to review and offer recommendations
103 regarding all applicable local, state, and federal codes and regulations in response to
104 any land development application or project that has been deemed, in the opinion of
105 the planning director, because of its potential impact to the city, due to the
106 development project's size, scope, mass, number of dwelling units, or complexity.
107 The planning director shall provide written justification for such review of these
108 applications.
109 c. At the direction of the administrator, to review and render opinions and make
110 recommendations on issues and petitions related to the City of Brevard Code of
111 Ordinances and other land use plans and policies which may be adopted and require
112 approval by the city council.
113 d. To make recommendation and/or approve any other item as requested by the
114 administrator, the planning board, or city council.

115 2. *Actions by the TRC.*

- 116 a. Upon receiving notices of a land development application which requires TRC
117 review from the planning director, members of the TRC must take the following
118 action:
- 119 • Review the development application and related plan documents in
120 relation to all applicable local, state, and federal codes and
121 regulations.
 - 122 • Recommend major and/or minor changes to the application to be
123 considered by the developer or property owner.
 - 124 • Each member of the TRC shall provide written comments to the
125 planning director within 15 days of having received notification from

- the planning director of a land development application requiring their review.
3. *Members.*
- a. The TRC shall consist of the following members:
- City planning director
 - City zoning administrators
 - Chief of Brevard Police Department, or designee
 - Chief of Brevard Fire Department, or designee
 - City public works director
 - City wastewater treatment plant ORC
 - City water treatment plan ORC
 - Transylvania County Building Permitting and Inspections Department Director, or designee
 - Transylvania County Fire Marshall, or designee
- b. Other appropriate city, county, state, or federal officials may be invited to participate in the TRC review when deemed necessary by the administrator.

16.6. Development approval review procedure in general.

- A. Planning department staff, also referred to as the administrator, and the approving authority shall have the discretion to refer any land development permit application to a body of greater authority for consideration and approval or denial consistent with this section.
- B. The administrator shall provide advisory review and comment to all boards and city council regarding the application's compliance to this section. The administrator may determine that additional review is required and request review and/or a recommendation by a board beyond the required process described herein.
- C. Designation of approving authority:

Category	Development Activities	Review / Recommendation	Approving Authority	Appeal Authority
Annexation & Dedication	Annexations	Planning Board	City Council	Superior Court
	Plats of Dedication	Technical Review Committee	Staff	Board of Adjustment
	Street / Right-of-Way/Easement Abandonment	Technical Review Committee	City Council	Superior Court
Land Use & Development	All Land Use and Development Activity for which No Higher Review is Required	-	Staff	Board of Adjustment
	Group Developments	Technical Review Committee	Staff	Board of Adjustment
	Temporary Uses	-	Staff	Board of Adjustment
	Special Use Permits	-	Board of Adjustment	Superior Court
	Development Agreements	-	City Council	Superior Court
	Vested Rights Determination	-	City Council	Superior Court
Regulations	Adoption, Amendment, or Repeal of Development Regulations	Planning Board	City Council	Superior Court
	Official Zoning Determinations and Other Interpretations of this Ordinance	-	Staff	Board of Adjustment
Subdivision	Major Subdivisions	Technical Review Committee and Planning Board	City Council	Superior Court
	Minor Subdivisions for which New Public Infrastructure is Proposed	Technical Review Committee	Staff	Board of Adjustment
	Minor Subdivisions Creating No New Public Infrastructure	-	Staff	Board of Adjustment

	Recombination Plats	-	Staff	Board of Adjustment
Zoning	Rezoning / Zoning Map Amendments	Planning Board	City Council	Superior Court
	Conditional Zoning Districts	Technical Review Committee and Planning Board	City Council	Superior Court
	Final Master Plan Approval for Conditional Zoning Districts	-	Planning Board	Superior Court
	Variances	-	Board of Adjustment	Superior Court

- D. In addition to any findings that may be otherwise required by this chapter, the approving authority shall only approve a land development application upon determination that the application meets the following requirements:
- All applicable requirements of this ordinance and Brevard City Code are satisfied.
 - All other applicable federal, state, and local requirements and plans are satisfied.
 - All applicable policies and plans of the City of Brevard are satisfied.
 - All required system development fees, performance guarantees, or other dedications have been or will be secured.
 - Approval of the application will not otherwise endanger the health, safety, or welfare of the public.
 - The applicant agrees to adhere to all reasonable conditions and requirements imposed in accordance with this chapter.
- E. The approving authority shall consider impacts upon traffic conditions, public safety, public infrastructure and services, and other relevant factors, including any proposed project's likely effect on the public health or safety in determining whether to approve or reject any land development application, and may impose such reasonable conditions as are allowed under G.S. 160D noting the applicable approval process. Findings as to such factors made by any reviewing entity shall not bind the city officer, committee, board, or council acting as the approving authority, which shall consider such factors de novo.
- F. If the administrator or approving authority requires the application to be reviewed by the technical review committee (TRC) in accordance with Section 15.1, its members shall provide written comments to the planning director within 15 days of having received notification from the planning director of a land development application requiring their review, unless otherwise stated in this Chapter.
- G. A permit or development approval shall be in writing, and may be issued in print or electronic form pursuant to G.S. 160D-403. Any permit or approval issued exclusively in electronic form shall be protected from further editing once issued. The permit or approval may contain a provision that the development shall comply with all applicable state and local laws. If an application is denied, the reasons for denial shall be stated in writing.
- H. Typical procedures following issuance of land development permit:
- Upon issuance of a land development permit, the applicant may proceed to the Transylvania County Health Department and/or Transylvania County Building Permitting and Enforcement for any necessary permits.
 - Upon creation of structural footers or the pouring of the first-floor slab of any building or structure, the applicant shall contact the administrator for a preliminary setback inspection. The administrator shall inspect for compliance with applicable dimensional requirements and shall issue preliminary setback approval or require modifications, as applicable.
 - Upon completion of all land development activity and the installation of all approved improvements the applicant shall contact the administrator to arrange for a final inspection. As authorized by G.S. 160D-403(e) and -1113, the administrator shall inspect for compliance with all applicable requirements of this ordinance and Brevard City Code. The administrator shall deny final inspection approval if full compliance with this ordinance and Brevard City Code, approved development plans, and all other requirements, is not observed. The administrator may issue conditional approval. Conditional approval shall be extended for a defined period of time and all conditions

shall be clearly set forth in writing. The administrator may require the submission of final "as built" construction documents as a condition of final written approval.

4. Upon issuance of final approval by the administrator, the applicant shall contact the Transylvania County Building Inspection Department to request issuance of a certificate of occupancy in accordance with G.S. 160D-403(g).

5. The administrator shall, from time to time, inspect the building, structure, use, subdivision, or other approved activity for continued compliance with this ordinance, Brevard City Code, the approved land development plan, and any other applicable requirement, and shall take such action as is necessary to ensure continued compliance, including any remedy as set forth in Chapter 18 of this ordinance.

I. Final zoning approval and certificate of occupancy:

1. No structure shall be used or occupied until final zoning approval has been issued by the City of Brevard and a certificate of occupancy has been issued by the Transylvania County Building Inspection Department pursuant to G.S. 160D-403(g). Such approval shall be issued with the presumption that the structure or portion of a structure is in compliance with Brevard City Code, all applicable provisions of this ordinance, any specific conditions and requirements of the city, and the information stated on the development permit.

2. A record of all final zoning approvals shall be kept on file in the office of the administrator, and a record of all certificates of occupancy shall be kept on file in the office of the Transylvania County Building Inspection Department. Copies shall be furnished, on request, to all interested parties.

3. If final zoning approval or a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

4. Where certain infrastructure elements have not been installed (i.e. landscaping due to time of year), a temporary final zoning approval may be issued by the administrator, and a final certificate of occupancy may be issued by Transylvania County with permission from the administrator.

J. Right of appeal:

1. If a request for a development permit is denied or if a ruling of the administrator is questioned, any aggrieved party may appeal such ruling to the board of adjustment (hereafter, "BOA") in accordance with this chapter and G.S. 160D-405.

2. Appeals of a ruling of the BPB, the BOA, or city council shall be heard by the Superior Court of Transylvania County. In accordance with G.S. 160D-1402, the aggrieved party may request a stay of execution or enforcement of the decision of the quasi-judicial board pending superior court review. If in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk.

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, 17 and 19-Setback Measurements

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

This is a Staff-initiated text amendment that clarifies the measurement and determination of building setbacks. The proposed text amendments are included as Attachment 1 (strike-through) and Attachment 2 (clean). For the strike-through version of the proposed text amendment, please note that blue text indicates new text and red indicates removed text. Black text means the text is currently in the UDO. If the text is currently in the UDO but was moved from one section to another, the text will be black and underlined.

The Planning Board discussed this text amendment at their November 15th meeting and unanimously recommended approval. In accordance with N.C.G.S. § 160D-605, the Planning Board also submits the attached statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (Attachment 3).

Discussion

Setbacks are the minimum distance that a structure can be located from the edge of the property. They protect public infrastructure, preserve the rights of neighboring property owners, and retain the pattern of city development. Staff proposes changes to the Unified Development Ordinance that refine and consolidate the regulations for building setbacks. The specific changes are listed below along with Staff's reasoning for proposing the change.

1. Consolidation of Setback Standards (Section 2.3 and Section 4.3):

- a. Currently, Section 2.3 provides separate tables for the front setbacks and the rear and side setbacks in the various zoning districts. The regulations for setbacks are included under the tables. Staff has proposed a proceeding sub-section entitled "General standards for all setbacks" to provide overarching information and standards. This section includes the types of setbacks (front yard, rear yard, and side yard) and which are required, how to measure setbacks, administrator decisions related to setbacks, and setback regulations for unique lot shapes.
- b. The setback regulations for some uniquely shaped lots (infill developments, corner/multi-frontage lots and irregular lots) were in Section 4.3. These were moved to the new general setback standards in Section 2.3.B.

2. Clarifying Definitions (Section 2.3 and Section 19.3)

- a. Staff has clarified the definition, application and measurement for setbacks in the new Section 2.3.B and in Section 19.3. More specifically, the text further clarifies that front-yard setbacks are measured from either the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
- b. Staff also revised the definition for infill development to be more objective.

3. Setback Tables (Section 2.3)

- a. Staff combined the tables for front yard, side yard, and rear yard setbacks in the various zoning districts into one table. This will improve the usability of this section for members of the public that may not be familiar with how the UDO is organized.
- b. The column labeled “Setback between buildings / New development without partiwall” was removed. This was used to determine when an accessory structure should adhere to the principal structure setbacks. The column was replaced with the stipulation that if an accessory structure is within 6 feet of a residential principal structure it must comply with the principal setbacks.

4. Other Items (Section 2.3, Section 4.4, Section 4.8, Section 17.6, and Section 17.8)

- a. Lastly, staff made minor revisions to other sections that referenced setbacks or other relevant terms.
- b. One such revision was removing the encroachment provisions under Section 2.3.E. These are duplicative of standards in Section 5.17, which outlines all types of encroachments.
- c. Another revision is removing setbacks from final plats. Subdivision is a procedure outlined by state statute. A zoning administrator must confirm that the subdivision conforms with zoning at the time of record. However, setbacks may change in the future and including them on recorded plats may be misleading. All future development must conform with the current zoning regulations, which may not coincide with the zoning regulations at the time the plat was recorded.

Policy Analysis

According to North Carolina General Statute §160D, land use and development regulations should be objective standards that zoning administrators can apply in implementation, administration and enforcement actions (NCGS §160D-102). Recent case law has confirmed the importance of establishing clear, objective standards: “...the drafters of zoning ordinances that restrict property rights have a responsibility to provide clear rules on which property owners can rely.” (*Visible Props., LLC v. the Village of Clemmons*, case no. COA21-398 [N.C. App. August 2, 2022]).

Additionally, applying setbacks appropriately can establish a consistent neighborhood character and improve public safety. The 2015 Comprehensive Plan contains objectives and policies for Brevard's livability, safety, and cohesiveness:

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

Recommendation

The Planning Board and staff recommend adoption of the amendments as presented. Council has the following options:

1. Adopt the amendments as written;
2. Revise and adopt the amendments as revised by Council;
3. Reject the amendments; or
4. Table the amendments for further public hearings and/or consideration.

Attachments:

1. Proposed Text Amendment – Strike-through Version
2. Proposed Text Amendment – Clean Version
3. Consistency Statement
4. Draft Ordinance

2.3. Density and dimensional requirements.

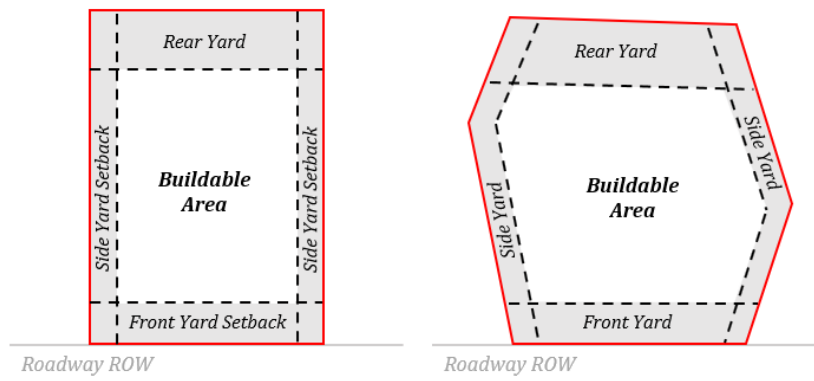
B. General standards for all setbacks.

1. A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section 5.17.
 - a. ~~Setbacks as listed in the preceding table may not account for landscaping requirements set forth in Chapter 8 of this ordinance.~~ Landscaping requirements set forth in Chapter 8 of this ordinance may supersede setbacks listed herein.

2. Types of setbacks:

- a. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
- b. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.
- c. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

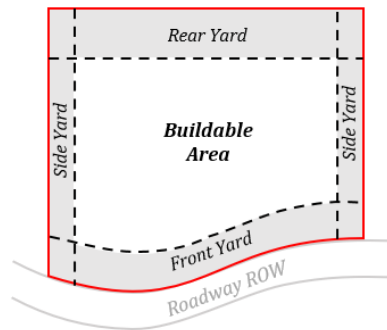
Illustrative Setback Diagrams



3. Measurement of setbacks:

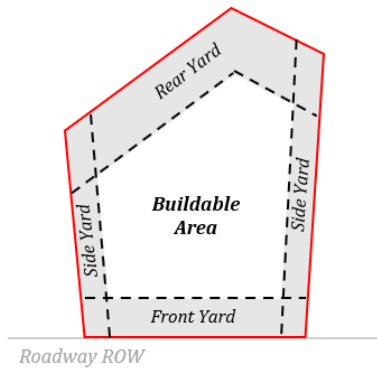
- a. Required yard setbacks are measured parallel to the applicable lot line or public right-of-way line.
 - i. Front yard setbacks shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
 - ii. Side yard and rear yard setbacks shall be measured from the property line(s).
- b. When lot lines are curvilinear, setbacks shall be measured parallel to the curvilinear lot line.

Setbacks from Curvilinear Lot Lines



- c. When there are multiple rear lot lines, the rear setback must be measured from each of the rear lot lines.

Setbacks from Multiple Rear Lot Lines



4. Administrative decisions for setbacks:

- a. The administrator ~~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.

- i. For private streets, a right-of-way in accordance with Chapter 13 shall be assumed by the administrator.

- ii. When determining the edge of the right-of-way, 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.

- b. 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:

- i. protect existing or proposed rights-of-way and other infrastructure improvements

~~iii. one-way streets.~~

~~ii. or in deference to the~~ ensure environmental protection of sensitive and/or conservation areas, including steep slope areas

~~iii. account for , surface water protection , and /or satisfy other requirements of this ordinance, as well as the flood damage prevention requirements of Chapter 34 of Brevard City Code.~~

c. For non-conforming lots without street frontage, the administrator shall designate a front yard for the purposes of setback measurement.

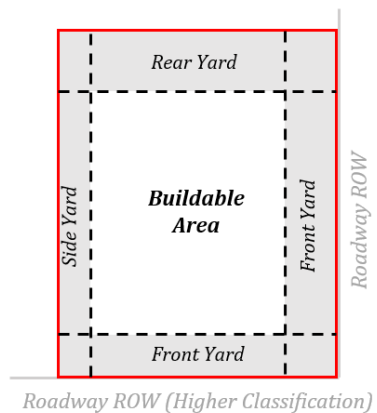
5. Corner lots and multi-frontage lots setbacks:

a. Any structure on any lot that fronts on more than one street shall comply with the minimum front yard setback requirement for each street upon which the lot fronts.

b. Alleys, rear lanes, and commercial service lanes are not classified as streets for the purpose of determining corner or multi-frontage lot setbacks.

c. The rear yard shall be determined as the portion of the lot on the opposite side of the lot from the front yard on the street with the higher classification.

Setbacks from Multi-frontage Lots



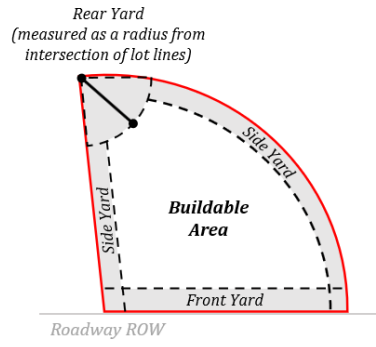
d.

~~b. The administrator may grant a 50 percent reduction in front yard setbacks to structures fronting upon more than one street upon a determination that the normal setback requirements would render the lot unusable. Such reduction shall only be applied to the street or streets of lowest classification, and shall not be applied to any street when such would conflict with adopted plans for the improvement of a street or pedestrian facility, or other utilities and infrastructure lying adjacent to the street. Other setback deviations shall be considered as a variance by the BOA in accordance with the provisions set forth in Chapter 16 of this ordinance.~~

6. Triangle lots and other lots without a rear lot line:

a. On properties where there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

Setbacks from Lots with No Rear Lot Line



b.

7. Irregular lot setbacks:

a. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the administrator. This determination shall be based on the spirit and intent of this ordinance to continue the appropriate spacing and location of buildings and structures on individual lots.

b. Lots that do not have an obvious visual relationship with the fronting street, such as "irregular lots," shall be evaluated on the basis of having one setback from neighboring properties. The setback amount shall be equal to the minimum rear setback for the district, unless:

i. A newly-created irregular lot would convert an existing conforming secondary or accessory dwelling unit to a principal single-family structure. In this case, the setbacks for the principal structure may equal that of an accessory structure of that size in the zoning district.

c. For irregular lots, the Zoning Administrator will determine the termination of the "parcel connector" based on the definition and will measure front-yard setbacks from that point.

8. Zero-lot line development setbacks:

a. Zero-lot line development (i.e., townhomes, condominiums and similar structures) and other structures using partiwalls are permitted subject to other requirements as set forth in this ordinance.

9. Infill lot setbacks:

a. The administrator may grant exceptions to the setback requirements of this ordinance for infill developments where the average setback on already-built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

b. In established neighborhoods, the administrator may determine that the functional rear yard is not opposite the front yard based on the peculiar shape of the parcel or the development pattern. In these cases, the administrator may determine that another line shall be considered the rear lot line for setback purposes.

10. Lots within the Downtown Development Overlay District:

a. New buildings in the Downtown Development Overlay District shall be subject to a front build-to line, or maximum setback, of 12 feet, as measured from the edge of the right-of-way,

with a build-to percentage of 80 percent. The build-to percentage may be reduced to 50 percent if the new building includes a public courtyard or plaza space.

BC. Setbacks for zoning districts:

1. The minimum setback distance for principal structures varies by zoning district and shall be measured in accordance with this section.

<u>District</u>	<u>Front Yard Setback</u>	<u>Rear Yard Setback</u>	<u>Side Yard Setback</u>
<u>GR (4, 8)</u>	<u>15 feet</u>	<u>25 feet</u>	<u>6 feet</u>
<u>RMX</u>	<u>10 feet</u>	<u>25 feet</u>	<u>6 feet</u>
<u>NMX</u>	<u>Edge of right-of-way</u>	<u>10 feet</u>	<u>0 feet / 10 feet from residential district</u>
<u>DMX</u>	<u>Edge of right-of-way</u>	<u>0 feet</u>	<u>0 feet</u>
<u>CMX</u>	<u>10 feet</u>	<u>10 feet / 25 feet from residential district</u>	<u>0 feet / 10 feet from residential district</u>
<u>IC</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>
<u>GI</u>	<u>15 feet</u>	<u>10 feet / 25 feet from residential district</u>	<u>10 feet / 25 feet from residential district</u>
<u>CZD</u>	<u>To be determined by approving authority</u>		

~~Front yard setbacks.~~

<u>Minimum Front Yard Setbacks</u>		
<u>District</u>	<u>Setback from Right-of-Way (See 2.4(B(1)))</u>	<u>Commercial Service/Alley/Rear Lane (See 2.3(B(1)))</u>
<u>GR (4, 8)</u>	<u>15 feet</u>	<u>Edge of right-of-way</u>
<u>RMX</u>	<u>10 feet</u>	<u>Edge of right-of-way</u>
<u>NMX</u>	<u>Edge of right-of-way</u>	<u>Edge of right-of-way</u>
<u>DMX</u>	<u>Edge of right-of-way</u>	<u>Edge of right-of-way</u>
<u>CMX</u>	<u>10 feet</u>	<u>Edge of right-of-way</u>
<u>IC</u>	<u>40 feet</u>	<u>Edge of right-of-way</u>
<u>GI</u>	<u>15 feet</u>	<u>Edge of right-of-way</u>
<u>CD</u>	<u>To be determined by approving authority</u>	

- ~~1. Front yard setbacks as set forth below shall be measured from the edge of the right-of-way of the roadway.~~
- ~~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. 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.~~
- ~~4. The administrator shall deduct appropriate setbacks as necessary to account for one-way streets.~~

~~C. Side and rear yard setbacks.~~

<u>District</u>	<u>Side Yard Setback</u>	<u>Setback Between Buildings New Development Without Partiwall</u>	<u>Rear Yard Setback</u>
<u>GR (4, 8)</u>	<u>6</u>	<u>6</u>	<u>25</u>
<u>RMX</u>	<u>6</u>	<u>6/10 (MF)</u>	<u>25</u>

NMX	0/10 from residential district	6/10 (MF)	10
DMX	0	0	0
CMX	0/10 from residential district	0	10/25 from residential district
IC	40 foot setback along all external boundaries		
GI	10/25 from residential district		10/25 from residential district
GD	To be determined by approving authority		

D. Setbacks for Accessory structures.

1. Setbacks for accessory structures vary based on the size of the structure and the zoning district.

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet
IC	40 feet foot setback along all external boundaries			
GI	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district
CZD	To be determined by approving authority			

2. Accessory structures to residential uses within 6 feet of the principal structure are considered to be attached for the purpose of setbacks, and shall comply with the setbacks of the principal structure.

E. Other structure and lot dimensional requirements.

District	Height By Right (1)	Min. Lot Width for Conventional Lot (2)	Min. Lot Width of Irregularly Shaped Lot (3)	Max. Parcel Connector Length of Irregular Lots (4)	Out-Parcels (5)
GR (4, 8)	35 feet	30 feet	20 feet	300 feet	-
RMX	35 feet	30 feet	20 feet	300 feet	-
NMX	35 feet	20 feet	-	-	-
DMX	50 feet	0 feet	-	-	P
CMX	50 feet	0 feet	-	-	P
IC	50 feet	60 feet	20 feet	300 feet	P
GI	50 feet	60 feet	20 feet	300 feet	P
CZD		To be determined by approving authority			

- Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in Chapter 5, Section 5.14. See computation of building height as set forth in Chapter 5, Section 5.17.
- Minimum lot width for conventional lots shall be fulfilled at the right-of-way line.
- Irregularly shaped lots are permitted to have the reduced minimum lot width at the right-of-way line if the lot width reaches the minimum lot width for a conventional lot within the maximum

- allowable parcel connector length. Additional standards are levied on these parcels (see Section 4.3.G).
5. In Zoning Districts where out-parcels are permitted, the minimum lot width at the right-of-way for irregular lots may be fulfilled by an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District.
 - a. "P" denotes out-parcels are permitted.
 - b. "-" denotes out-parcels are not permitted within the given district.
 - ~~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.~~
 69. 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.

4.3. Lot ~~and yard~~ requirements.

- A. *May not reduce/create lot(s) below minimum requirements:* No ~~yard or~~ lot existing upon adoption of this ordinance shall be reduced in size or area below the minimum requirements of the zoning district in which it is located. ~~Yards or~~ Lots created after the effective date of this ordinance shall meet the minimum requirements established by this ordinance. This prohibition shall not be construed to prevent the purchase or condemnation of land for public utilities, substations, street right-of-way, pedestrian facilities, recreational facilities, stormwater management or similar public purposes.
- ~~B. Dimensional standards for infill lots: The setback requirements of this ordinance shall not apply to any lot where the average setback on already built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.~~
- ~~C.B.~~ *Right-of-way protection:*
 1. Notwithstanding any other provision of this ordinance, no building or structure shall be permitted within a public street, road right-of-way, or easement, public sidewalk or other pedestrian facility, or within any private right-of-way, except for those encroachments permitted in Chapter 5 of this ordinance.
 2. No portion of any structure shall be placed upon any parcel boundary or within any street right-of-way. New subdivisions of land shall be designed to prevent the placement of a structure on any parcel boundary or within any street right-of-way. This provision shall not prohibit zero lot line structures with common walls situated on one or more lot lines.
 3. Rights-of-way or easements for streets and roads shall not be considered a part of a lot or open space, or front, side, or rear yards for the purpose of meeting yard requirements.

~~D. — Civic structures: Churches and other civic buildings shall be exempt from front yard setback requirements but shall otherwise comply with the standards of Chapter 5.~~

~~ED.~~ *Number of principal buildings per lot:*

1. Except as indicated in paragraph 4.3(E(3)), below, there shall be no limit on the number of principal buildings on an individual lot and provided that all other requirements set forth in this ordinance and other federal, state, or local laws are met.
2. Multiple principal buildings shall be considered to be group developments in accordance with Section 2.3.
3. Single-family dwellings. There shall be no more than one single-family dwelling on an individual lot in a residential zoning district. This requirement shall not prohibit the establishment of secondary dwelling units in accordance with Section 3.14.

~~F. Irregular lot setbacks: The location of required front, side and rear yards on irregularly shaped lots shall be determined by the administrator. This determination shall be based on the spirit and intent of this ordinance to achieve continue the appropriate spacing and location of buildings and structures on individual lots.~~

~~1. — Lots that do not have an obvious visual relationship with the fronting street, such as flag “irregular lots,” shall be evaluated on the basis of having one setback from neighboring properties, which. The setback amount shall be equal to the minimum rear setback for the district, unless:~~

~~a. — A newly created irregular lot would convert an existing conforming secondary or accessory dwelling unit to a principal single family structure. In this case, the setbacks for the principal structure may equal that of an accessory structure of that size in the zoning district.~~

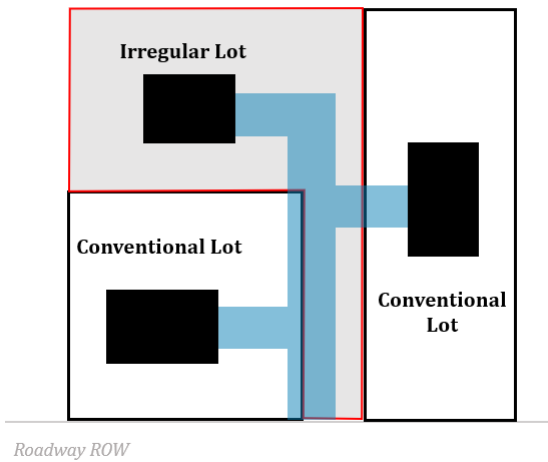
~~2. — For irregular lots, the Zoning Administrator will determine the termination of the “parcel connector” based on the definition and will measure front yard setbacks from that point.~~

~~GE.~~ *New Irregularly shaped lots:*

1. An irregular lot shall only be permitted if necessary to allow a property owner reasonable use and benefit from their land or to alleviate situations which would otherwise cause a hardship as determined by the Zoning Administrator, including but not limited to the following:
 - a. Where necessary to eliminate access onto arterials
 - b. To reasonably utilize irregularly shaped land
 - c. To reasonably utilize land with extreme topography
 - d. To reasonably utilize land with limited sites suitable for septic tank nitrification fields
 - e. Where it is unlikely that a road created in lieu of an irregular lot would ever be extended, or otherwise needed to provide access to adjoining parcels
 - f. To provide for the protection of significant natural or cultural resources
2. Irregular lots shall not be permitted:
 - a. If the dimensional requirements or other element of the definition is not met.
 - b. If the irregular lot does not appear to have reasonable development potential.
 - c. If the irregular lot is a clear circumvention of other provisions of this ordinance.
3. The Zoning Administrator may grant exceptions to the requirement that the “parcel connector” provide functional access with an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning

- District. All other requirements for irregular lots shall be fulfilled by the exclusive access easement. This exemption may only be granted in instances where:
- The property is located in zoning districts where out-parcels are permitted.
 - The Administrator determines that an easement is necessary to reduce the number of driveways on a public street where the posted speed limit is 25 miles per hour or greater.
 - The Administrator determines that extreme site conditions preclude the property owner from reasonably achieving functional access.
4. Use of a shared private drive to serve an irregular lot and adjoining lot(s) is permitted and encouraged. The shared private drive shall be constructed in accordance with Section 9.3.B.

**Illustrative Diagram of
Shared Private Drives**



5. The development standards of the zoning district in which a property is located shall apply to the irregular lot development, except that the required minimum lot width for a conventional lot is replaced by the minimum lot width for irregular lots in the zoning district (Section 2.3.E).

~~H. Corner lots and double frontage lots: Any structure on any lot that fronts on more than one street shall comply with the minimum front yard setback requirement for each street upon which the lot fronts. Where a structure faces two streets having different setback requirements, the structure shall comply with the applicable front yard setback requirements for each street. The administrator may grant a 50 percent reduction in front yard setbacks to structures fronting upon more than one street upon a determination that the normal setback requirements would render the lot unusable. Such reduction shall only be applied to the street or streets of lowest classification, and shall not be applied to any street when such would conflict with adopted plans for the improvement of a street or pedestrian facility, or other utilities and infrastructure lying adjacent to the street. Other setback deviations shall be considered as a variance by the BOA in accordance with the provisions set forth in Chapter 16 of this ordinance.~~

- ~~F.~~ **F.** Reserve strips: There shall be no reserve strips platted in any subdivision.

4.4. Street frontage required.

- A. A public street is any road ~~or~~ street, ~~alley, or other travel lane~~ that is under the ownership, control, and maintenance of the City of Brevard, the State of North Carolina, or the United States of America.

- 256 B. Access, utility, service, or other easements under the ownership, control, or maintenance of the City of
 257 Brevard, the State of North Carolina, or the United States of America shall not be considered public
 258 streets for the purposes of satisfying street frontage requirements.
- 259 C. Public rights-of-way under the ownership and control of the City of Brevard, the State of North Carolina,
 260 or the United States of America, which are not open and operable as a travel lane for motorized vehicles
 261 shall not be considered public streets for the purposes of satisfying street frontage requirements, but
 262 shall be protected from encroachment in accordance with Section 4.3(C), above.
- 263 D. All subdivisions of land (i.e., parcels, lots, tracts, or other subdivisions of land), shall directly abut and
 264 have direct frontage upon a publicly-maintained street. Street frontage shall meet the minimum
 265 requirements set forth in Chapter 2.
- 266 E. In no case shall a new parcel, lot, tract, condominium, lot or space, or other subdivision of land be
 267 created that does not conform to the public street frontage requirements of this ordinance, except as
 268 otherwise provided herein. Private streets, rights-of-way or access easements shall not be permitted in
 269 lieu of public street frontage requirements contained herein except as allowed below.
- 270 1. *Residential single-family developments in General Residential—4 (GR4) zoning districts.*
- 271 a. Privately-maintained streets, rights-of-way, or access easements of less than 100 linear feet
 272 in length may satisfy frontage requirements for up to three single-family lots, provided they
 273 consist of a drivable surface of at least 16 feet in width.
- 274 b. Privately-maintained streets 100 linear feet or greater in length may satisfy frontage
 275 requirements for up to eight single-family lots, provided they consist of a paved surface of at
 276 least 16 feet in width.
- 277 c. All such privately-maintained streets, rights-of-way, or access easements must remain
 278 adequately maintained to afford a reasonable means of ingress and egress of emergency
 279 vehicles.
- 280 F. Exceptions to street frontage requirements: Following are standards whereby certain uses are excepted
 281 from the street frontage requirements contained herein:
- 282 1. *Commercial, group developments, and developments in General Industrial zoning districts:*
 283 Subdivisions for the creation of outparcels within the foregoing developments may be allowed
 284 without frontage on a public street.
- 285 2. *Residential multi-family developments:* Private streets, right-of-way, and access easements may be
 286 permitted within the foregoing developments proposing no more than four principal structures,
 287 each containing no more than four dwelling units in each structure, and for which no subdivision
 288 activity or condominium buildings or lots are proposed.
- 289 3. *Condominium lots and condominium buildings:*
- 290 a. Condominium lots may be separated from a public street by common space, maintained by a
 291 property owner's association, that is permitted within the same phase of the same
 292 subdivision within which the condominium lot is located.
- 293 b. No condominium lot shall be situated more than 100 feet from a public street. This distance
 294 shall be considered a maximum distance that is in keeping with the public health and safety,
 295 which shall not be varied or extended.
- 296 c. Condominium lots that are separated from a public street by common space shall be serviced
 297 by a private access easement or private right-of-way that directly connects to the nearest
 298 public street. No more than four condominium lots or spaces shall be serviced by the same
 299 private access easement or right-of-way.
- 300 d. Private streets, right-of-way, and access easements serving condominium lots and buildings
 301 shall be no longer than 100 feet as measured from the intersection of the centerlines of the
 302 public street and the private easement or right-of-way. Parking for condominium lots not

accessed by a public street shall be accessed by such private access easements or private rights-of-way.

e. These provisions shall only apply to subdivisions of land for the creation of condominium lots and condominium buildings, and shall not be applied to any other form of subdivision of land.

4. *Pre-existing lots without adequate street frontage:*

a. On parcels of land that do not front upon a public street ("landlocked parcels") or that otherwise do not meet frontage requirements of this ordinance, only one "by right" use or structure, along with related accessory uses or structures, shall be. No subdivision activity shall be permitted on parcels of land that do not meet the street frontage requirements of this ordinance. This requirement shall apply regardless of the size of the landlocked or otherwise non-compliant parcel.

b. In such cases the administrator shall require evidence of the presence of a deeded right-of-way or other access easement prior to the issuance of any permit.

c. The administrator may permit the establishment of a private right-of-way or access easement in order to facilitate access to pre-existing land-locked parcels. However, the provision of such private access shall not be considered satisfaction of the requirement that all lots front upon a public street.

5. *Additional private access, when all frontage requirements are met:* The administrator may permit the establishment of additional private rights-of-way or access easements to properties that otherwise conform to public street frontage requirements of this ordinance.

~~6. *Rolling services:* The point of contact for "rolling services" of the city (i.e., garbage, recycling, etc.) shall be at the public street, i.e., the intersection of the public street and private right-of-way or easement. Rolling services shall not be provided along newly created private streets, right-of-way, or access easements created after the enactment of this ordinance.~~

~~6.7.~~ *Designed and built in accordance with public street standards:* All newly created private streets, right-of-way, and access easements except those authorized under Section 4.4(F(4)), above, shall be designed and built in accordance with public street standards set forth in Chapter 13 of this ordinance.

~~7.8.~~ *Relation to private streets:* Buildings shall be oriented and situated in relation to private streets so that they conform to all applicable requirements for public streets, such that private streets could be accepted as public streets.

~~8.9.~~ *Additional requirements/conditions:* In addition to any other applicable requirements set forth in this ordinance, the approving entity may impose such conditions, including but not limited to, the provision of access easements to the City of Brevard, as are necessary to ensure the adequate provision of public services.

4.8. Accessory structures.

A. Principal buildings required. The construction of an accessory structure or building is not permitted unless a principal building is located on the lot, except as set forth below or as otherwise provided in this ordinance. Accessory structures shall be incidental and subordinate to the principal structure(s). Accessory and principal buildings may be constructed concurrently.

1. Accessory structures utilized for agricultural purposes in association with bona-fide agricultural operations may be permitted in the absence of a principal structure.

2. Garden sheds may be permitted in the absence of a principal structure subject to the following requirements:

- a. Garden sheds shall be no larger than 120 square feet in size;
- b. Garden sheds shall be single-story;
- c. Garden shed shall not be connected to water, sewer, or electricity; and
- d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and other implements necessary for the maintenance of gardens and grounds.

B. Accessory structures shall meet the density and dimensional requirements set forth in Section 2.3 of this ordinance.

C. Accessory structures shall not exceed two stories in height.

~~D. Where an accessory structure is structurally attached to a principal structure or is less than six feet distant from a main building, it shall be subject to, and must conform with, all regulations of this ordinance applicable to the principal structures.~~

~~D~~E. Accessory structures on lots with single-family dwellings and duplexes.

- 1. Maximum number permitted. No more than two accessory structures shall be permitted per lot. Beehives and chicken coops shall not count toward the maximum number of accessory structures on a lot.
- 2. Accessory structures shall be located only in the side or rear yards, except for gazebos, private garages, and carports. Such structures shall comply with the front yard setbacks in Section 2.3.BC. The administrator shall make a determination as to the side or rear yard for accessory structures proposed to be located on lots fronting more than one street.
- 3. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except as otherwise provided in this ordinance.
- 4. Accessory structures with a footprint of more than 500 square feet shall be buffered from the adjacent residential development with a type A buffer yard. Accessory structures located more than 24 feet from a property line shall be exempt from this buffering requirement.
- 5. Under no circumstances shall the use of a shipping container be permitted for the purpose of providing permanent storage as an accessory use.

~~F~~E. Accessory structures on lots with non-residential uses, multi-family uses, and group developments.

- 1. Maximum number permitted. No more than two accessory structures shall be permitted per lot, except in General Industrial (GI). In all other zoning districts, additional structures shall be considered as principal structures in a group development.
- 2. Accessory structures shall be located only in side or rear yards except for bona-fide agricultural enterprises.
- 3. Accessory structures shall comply with the applicable landscaping requirements of Chapter 8 of this ordinance.
- 4. Accessory structures shall be clad in materials similar in appearance to the principal structure in accordance with Chapter 5, except when such material is non-conforming with this ordinance.

17.6. Construction document requirements.

The construction documents for site plans, conditional rezoning plans, special use plans, major subdivisions, vested rights, and master plans shall be submitted in accordance with the specifications of this

section except where specifically noted. Construction documents shall constitute the complete submittal requirements for site plans and preliminary plats required prior to construction.

The size and number of completed application submittal copies required shall be set by the administrator. No certifications other than the certificate of survey and accuracy as in Section 17.7(J) and the seal of the professional designer must be provided in connection with the submission.

Construction drawings must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. No processing or review of construction documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be subdivided with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements, bridges, floodplains, or other significant features of the tract.
- B. Scale in feet denoted both graphically and numerically with north arrow and declination.
- C. A sketch vicinity map at a scale no smaller than one inch equals 1,200 feet showing the relationship between the proposed subdivision and surrounding area.
- D. Environmental survey in accordance with Section 17.2.
- E. Existing topography and finish grading with contours drawn at two foot intervals. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
- F. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
- G. The proposed names of the development and streets, the owner's name and address, signature of the owner or owner's duly authorized agent, the surveyor's name, the names of existing and proposed adjoining subdivisions or property owners, the names of the city, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- H. Proposed lot lines, lot and block numbers, and exact dimensions.
- I. The future ownership (dedication or reservation for public use to a governmental body; for owners to duly constituted home owners' associated, for tenant's remaining in subdivider's ownership of recreation and open space lands).
- J. A statement from the City of Brevard regarding the availability of adequate water and sewer capacity for the proposed development.
- K. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All systems shall conform to current city standards.
- L. The location and size of all utility lines, easements, and rights-of-way. Easements shall be provided on all construction documents as follows:
 1. *Utility easements:* Easements for underground or above ground utilities shall be provided for and centered along rear or side lot lines, and shall be a minimum of ten feet in width. Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe and a minimum of 20 feet in width or as required by design manual.
 2. *Drainage easements:* Where a development is crossed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as shall be adequate to maintain the overall integrity of the drainage area and provide for its periodic maintenance.
 3. *Landscape easements:* Landscape easements along streets should be designed in accordance with the provisions of Chapters 6, Environmental Protection, and 8, [Tree Protection and]

- 436 Landscaping. The city may require landscape easements for developments where industrial
437 or commercial uses abut residential uses.
- 438 4. *Public access easements:* Public access easements shall be provided for sidewalks, trails,
439 greenways, and other pedestrian and bicycle facilities that provide connections other than
440 within public rights-of-way.
- 441 M. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other
442 open spaces, reservations (i.e. school sites), property lines and building setback lines with street
443 dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood
444 hazard areas, watershed protection districts, and/or jurisdictional wetlands. ~~Building setbacks are~~
445 ~~measured to the closest point of the structure, including gutters and roof overhangs.~~ Buildings
446 shown for the purpose of measuring setbacks must reflect these elements when applicable.
- 447 N. Site calculations shall include total acreage of tract, acreage in parks and other non-residential
448 uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use
449 and non-residential buildings, gross project density per acre, linear feet of streets, and the
450 accurate locations and descriptions of all monuments, markers, and control points.
- 451 O. The location and dimensions of all off-street parking and loading spaces, and walkways indicating
452 the type of surfacing, size, angle of stalls, width of aisles, and a specific.
- 453 P. Development permit and certification application with supporting documentation as required by
454 the flood hazard prevention requirements of Chapter 34 of Brevard City Code.
- 455 Q. The location and dimensions of any sidewalks, curb cuts, curb and gutters to be installed along
456 public street frontages, and other required street improvements designated in Chapter 11 of this
457 ordinance, or as called for in the Brevard Transportation Plan, the Rural Planning Organization
458 Thoroughfare Plan or Transportation Improvement Program, or other plan or policy of the city.
459 Required right-of-way shall be drawn in the location shown on any official plan at the width
460 specified in this ordinance.
- 461 R. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and
462 design engineering data for all corners and curves. Where a proposed street is an extension of an
463 existing street the profile of the street shall include 300 feet of the existing roadway, with a cross
464 section of the existing street. Where a proposed street within the subdivision abuts a tract of land
465 that adjoins the subdivision and where said street may be expected to extend into said adjoining
466 tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- 467 S. The location of any existing or proposed demolition landfills in the site. Such sites shall not be
468 used for building.
- 469 T. A copy of the full soil erosion and sedimentation permit application including forms, plans, and
470 calculations to be submitted to the North Carolina Department of Environmental Quality-Erosion
471 and Sediment Control Office, and a copy of the approval letter prior to site plan or preliminary plat
472 approval.
- 473 U. Final proposed elevations of all non-single family and duplex buildings proposed for construction
474 as part of this site plan approval. Subsequent buildings within the development may be handled as
475 separate site plans. Such elevations shall include all facades visible from public streets.
- 476 V. Supplemental plans as applicable:
- 477 1. Landscape plan in accordance with Section 17.8.
- 478 2. Tree preservation plan in accordance with Section 17.9.
- 479 3. Lighting plan in accordance with Section 17.10.
- 480 4. Architectural plans in accordance with Section 17.11.
- 481 5. Traffic impact analysis (if required) in accordance with Section 17.12.

6. Floodplain development information (if required) in accordance with Section 17.13.
 7. Stormwater management concept plan in accordance with Section 17.14.
- W. The following statement shall be placed upon all final construction documents, as applicable:
- "Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- In addition to the above required information, the following additional information may be necessary for specific sites as determined by the administrator:
- X. Where a proposed water and sewer system does not contemplate the use of facilities owned and operated by the city, the proposed facility plans as approved by the appropriate agency, shall be submitted with the construction documents.
- Y. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Transylvania County Health Department shall be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

17.7. Final plat requirements.

The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North Carolina and must be drawn to a scale no less than one inch = 100 feet, and shall meet the requirements of the Transylvania County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site, which the subdivider proposes to record, and develop at the time. The size and number of completed applications shall be set by the administrator.

No final plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this ordinance or has posted performance guarantees in accordance with Chapter 11. The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- C. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- D. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building line, and easement line, ~~and setback line~~. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- E. The lines and names of all streets, alley lines, lot lines, lot and block numbers, ~~lot addresses, building setback lines,~~ easements, reservations, protected areas or required open space (steep slope areas, surface water protection areas, floodways and non-encroachment areas, etc.), the special flood hazard area, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. The final plat shall contain the following statement:

"Areas delineated upon this plat or plan as a protection area or special flood hazard areas is subject to limitations upon development as set forth Chapter 6 of the City of Brevard Unified Development Ordinance, and any development, disturbance, or encroachment is prohibited except in accordance therewith."

- F. The accurate locations and descriptions of all monuments, markers, and control points.
- G. Underground and aerial utility easements shall be shown.
- H. The name of the city in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- I. Submittal of payment in lieu of dedicated open space (if applicable).

19.3. Definitions.

Infill development: New development or expansions, including all uses except industrial, that is sited on vacant, ~~or~~ undeveloped or underdeveloped land in a built-up area which is abutted by urban development or designated open space and which can be readily connected to within the jurisdiction of this ordinance, and that is enclosed by other types of development, these areas are already served by public infrastructure, such as transportation, water, wastewater, and other utilities. Development on tracts of land larger than 5 acres shall not be considered infill development. The term urban infill itself implies that existing land is mostly built-out and what is being built is in effect "filling in" the gaps. The term most commonly refers to building single-family homes in existing neighborhoods but may also be used to describe new development in commercial, office or mixed-use areas.

Principal building or structure: A building in which is conducted the principal use of the parcel on which it is situated.

Property line: The legally established boundary of a lot, which boundary shall be considered coincident with any abutting public street right-of-way line unless the metes and bounds description contained in.

Right-of-way: A dedicated strip of land reserved for a specific use, such as for a street, pedestrian, or utility easement.

Setback: The minimum distance a structure may be located from a curb line, lot line, or right-of-way line along frontages and side and rear lot lines. The distance from the street right-of-way to the closest edge of a structure or sign.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, front: A yard situated between the front building line and the front lot line or the edge of the right-of-way, whichever is greater, extending the full width of the lot.

Yard, rear: A yard situated between the rear building line and the rear lot line extending the full width of the lot.

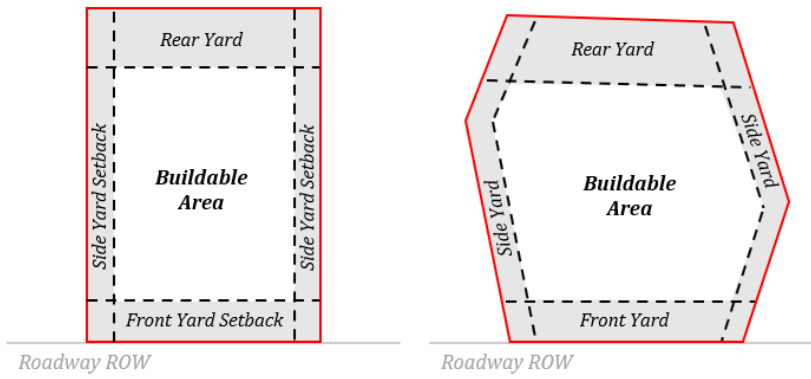
Yard, side: A yard situated between a side building line and side lot line and extending from the required front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall be assumed to extend through the rear yard to the rear lot line.

2.3. Density and dimensional requirements.

B. General standards for all setbacks.

1. A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section 5.17.
 - a. Landscaping requirements set forth in Chapter 8 of this ordinance may supersede setbacks listed herein.
2. Types of setbacks:
 - a. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
 - b. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.
 - c. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

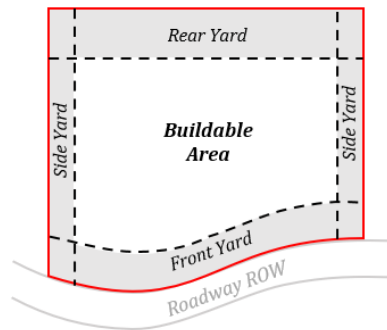
Illustrative Setback Diagrams



3. Measurement of setbacks:

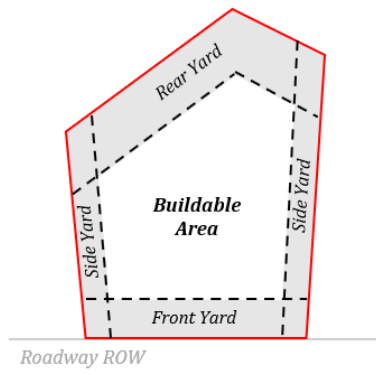
- a. Required yard setbacks are measured parallel to the applicable lot line or public right-of-way line.
 - i. Front yard setbacks shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
 - ii. Side yard and rear yard setbacks shall be measured from the property line(s).
- b. When lot lines are curvilinear, setbacks shall be measured parallel to the curvilinear lot line.

Setbacks from Curvilinear Lot Lines



- c. When there are multiple rear lot lines, the rear setback must be measured from each of the rear lot lines.

Setbacks from Multiple Rear Lot Lines



4. Administrative decisions for setbacks:

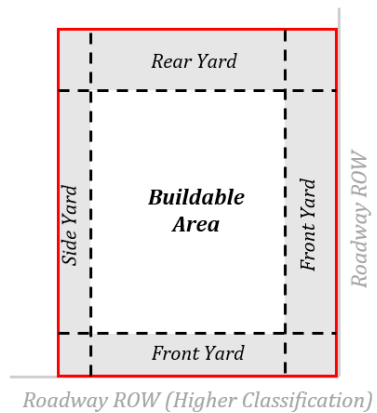
- a. The administrator may impose additional setbacks based upon specific guidance from the City of Brevard Comprehensive Plan, the City of Brevard Downtown Master Plan and other district or small area/master plans, the City of Brevard Comprehensive Pedestrian Plan, the City of Brevard Street Schedule, or other plans or policies of the city.
 - i. For private streets, a right-of-way in accordance with Chapter 13 shall be assumed by the administrator.
 - ii. When determining the edge of the right-of-way, the administrator shall 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.
- b. 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:
 - i. protect existing or proposed rights-of-way and other infrastructure improvements
 - ii. ensure environmental protection of sensitive and/or conservation areas, including steep slope areas

- iii. account for surface water protection and/or satisfy flood damage prevention requirements
- c. For non-conforming lots without street frontage, the administrator shall designate a front yard for the purposes of setback measurement.

5. *Corner lots and multi-frontage lots setbacks:*

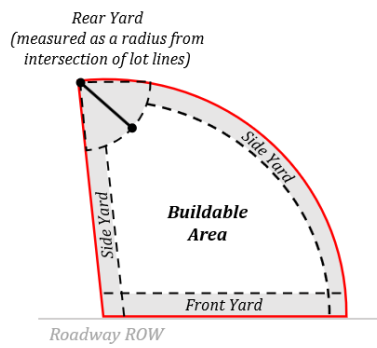
- a. Any structure on any lot that fronts on more than one street shall comply with the minimum front yard setback requirement for each street upon which the lot fronts.
- b. Alleys, rear lanes, and commercial service lanes are not classified as streets for the purpose of determining corner or multi-frontage lot setbacks.
- c. The rear yard shall be determined as the portion of the lot on the opposite side of the lot from the front yard on the street with the higher classification.

Setbacks from Multi-frontage Lots



- d.
- 6. *Triangle lots and other lots without a rear lot line:*
- a. On properties where there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

Setbacks from Lots with No Rear Lot Line



- b.

7. *Irregular lot setbacks:*

- a. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the administrator. This determination shall be based on the spirit and intent of this ordinance to continue the appropriate spacing and location of buildings and structures on individual lots.
- b. Lots that do not have an obvious visual relationship with the fronting street, such as "irregular lots," shall be evaluated on the basis of having one setback from neighboring properties. The setback amount shall be equal to the minimum rear setback for the district, unless:
 - i. A newly-created irregular lot would convert an existing conforming secondary or accessory dwelling unit to a principal single-family structure. In this case, the setbacks for the principal structure may equal that of an accessory structure of that size in the zoning district.
- c. For irregular lots, the Zoning Administrator will determine the termination of the "parcel connector" based on the definition and will measure front-yard setbacks from that point.

8. *Zero-lot line development setbacks:*

- a. Zero-lot line development (i.e., townhomes, condominiums and similar structures) and other structures using partiwalls are permitted subject to other requirements as set forth in this ordinance.

9. *Infill lot setbacks:*

- a. The administrator may grant exceptions to the setback requirements of this ordinance for infill developments where the average setback on already-built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.
- b. In established neighborhoods, the administrator may determine that the functional rear yard is not opposite the front yard based on the peculiar shape of the parcel or the development pattern. In these cases, the administrator may determine that another line shall be considered the rear lot line for setback purposes.

10. *Lots within the Downtown Development Overlay District:*

- a. New buildings in the Downtown Development Overlay District shall be subject to a front build-to line, or maximum setback, of 12 feet, as measured from the edge of the right-of-way, with a build-to percentage of 80 percent. The build-to percentage may be reduced to 50 percent if the new building includes a public courtyard or plaza space.

C. *Setbacks for zoning districts:*

1. The minimum setback distance for principal structures varies by zoning district and shall be measured in accordance with this section.

District	Front Yard Setback	Rear Yard Setback	Side Yard Setback
GR (4, 8)	15 feet	25 feet	6 feet
RMX	10 feet	25 feet	6 feet
NMX	Edge of right-of-way	10 feet	0 feet / 10 feet from residential district
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from residential district	0 feet / 10 feet from residential district
IC	40 feet	40 feet	40 feet

GI	15 feet	10 feet / 25 feet from residential district	10 feet / 25 feet from residential district
CZD	To be determined by approving authority		

D. *Setbacks for accessory structures.*

1. Setbacks for accessory structures vary based on the size of the structure and the zoning district.

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet
IC	40 feet along all external boundaries			
GI	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district
CZD	To be determined by approving authority			

2. Accessory structures to residential uses within 6 feet of the principal structure are considered to be attached for the purpose of setbacks, and shall comply with the setbacks of the principal structure.

E. *Other structure and lot dimensional requirements.*

District	Height By Right (1)	Min. Lot Width for Conventional Lot (2)	Min. Lot Width of Irregularly Shaped Lot (3)	Max. Parcel Connector Length of Irregular Lots (4)	Out-Parcels (5)
GR (4, 8)	35 feet	30 feet	20 feet	300 feet	-
RMX	35 feet	30 feet	20 feet	300 feet	-
NMX	35 feet	20 feet	-	-	-
DMX	50 feet	0 feet	-	-	P
CMX	50 feet	0 feet	-	-	P
IC	50 feet	60 feet	20 feet	300 feet	P
GI	50 feet	60 feet	20 feet	300 feet	P
CZD		To be determined by approving authority			

- Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in Chapter 5, Section 5.14. See computation of building height as set forth in Chapter 5, Section 5.17.
- Minimum lot width for conventional lots shall be fulfilled at the right-of-way line.
- Irregularly shaped lots are permitted to have the reduced minimum lot width at the right-of-way line if the lot width reaches the minimum lot width for a conventional lot within the maximum allowable parcel connector length. Additional standards are levied on these parcels (see Section 4.3.G).
- In Zoning Districts where out-parcels are permitted, the minimum lot width at the right-of-way for irregular lots may be fulfilled by an exclusive access easement for ingress, egress, and utilities.

This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District.

a. "P" denotes out-parcels are permitted.

b. "-" denotes out-parcels are not permitted within the given district.

6. No structure or land use shall encroach upon any public right-of-way or easement, unless otherwise provided for by this ordinance.

4.3. Lot requirements.

A. *May not reduce/create lot(s) below minimum requirements:* No lot existing upon adoption of this ordinance shall be reduced in size or area below the minimum requirements of the zoning district in which it is located. Lots created after the effective date of this ordinance shall meet the minimum requirements established by this ordinance. This prohibition shall not be construed to prevent the purchase or condemnation of land for public utilities, substations, street right-of-way, pedestrian facilities, recreational facilities, stormwater management or similar public purposes.

B. *Right-of-way protection:*

1. Notwithstanding any other provision of this ordinance, no building or structure shall be permitted within a public street, road right-of-way, or easement, public sidewalk or other pedestrian facility, or within any private right-of-way, except for those encroachments permitted in Chapter 5 of this ordinance.
2. No portion of any structure shall be placed upon any parcel boundary or within any street right-of-way. New subdivisions of land shall be designed to prevent the placement of a structure on any parcel boundary or within any street right-of-way. This provision shall not prohibit zero lot line structures with common walls situated on one or more lot lines.
3. Rights-of-way or easements for streets and roads shall not be considered a part of a lot or open space, or front, side, or rear yards for the purpose of meeting yard requirements.

D. *Number of principal buildings per lot:*

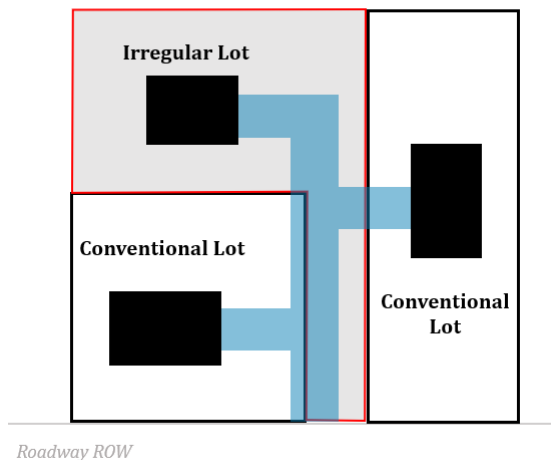
1. Except as indicated in paragraph 4.3(E(3)), below, there shall be no limit on the number of principal buildings on an individual lot and provided that all other requirements set forth in this ordinance and other federal, state, or local laws are met.
2. Multiple principal buildings shall be considered to be group developments in accordance with Section 2.3.
3. Single-family dwellings. There shall be no more than one single-family dwelling on an individual lot in a residential zoning district. This requirement shall not prohibit the establishment of secondary dwelling units in accordance with Section 3.14.

E. *New Irregularly shaped lots:*

1. An irregular lot shall only be permitted if necessary to allow a property owner reasonable use and benefit from their land or to alleviate situations which would otherwise cause a hardship as determined by the Zoning Administrator, including but not limited to the following:
 - a. Where necessary to eliminate access onto arterials
 - b. To reasonably utilize irregularly shaped land
 - c. To reasonably utilize land with extreme topography
 - d. To reasonably utilize land with limited sites suitable for septic tank nitrification fields

- e. Where it is unlikely that a road created in lieu of an irregular lot would ever be extended, or otherwise needed to provide access to adjoining parcels
- f. To provide for the protection of significant natural or cultural resources
2. Irregular lots shall not be permitted:
 - a. If the dimensional requirements or other element of the definition is not met.
 - b. If the irregular lot does not appear to have reasonable development potential.
 - c. If the irregular lot is a clear circumvention of other provisions of this ordinance.
3. The Zoning Administrator may grant exceptions to the requirement that the “parcel connector” provide functional access with an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District. All other requirements for irregular lots shall be fulfilled by the exclusive access easement. This exemption may only be granted in instances where:
 - a. The property is located in zoning districts where out-parcels are permitted.
 - b. The Administrator determines that an easement is necessary to reduce the number of driveways on a public street where the posted speed limit is 25 miles per hour or greater.
 - c. The Administrator determines that extreme site conditions preclude the property owner from reasonably achieving functional access.
4. Use of a shared private drive to serve an irregular lot and adjoining lot(s) is permitted and encouraged. The shared private drive shall be constructed in accordance with Section 9.3.B.

**Illustrative Diagram of
Shared Private Drives**



5. The development standards of the zoning district in which a property is located shall apply to the irregular lot development, except that the required minimum lot width for a conventional lot is replaced by the minimum lot width for irregular lots in the zoning district (Section 2.3.E).
- F. *Reserve strips:* There shall be no reserve strips platted in any subdivision.

4.4. Street frontage required.

- A. A public street is any road or street that is under the ownership, control, and maintenance of the City of Brevard, the State of North Carolina, or the United States of America.

- 186 B. Access, utility, service, or other easements under the ownership, control, or maintenance of the City of
187 Brevard, the State of North Carolina, or the United States of America shall not be considered public
188 streets for the purposes of satisfying street frontage requirements.
- 189 C. Public rights-of-way under the ownership and control of the City of Brevard, the State of North Carolina,
190 or the United States of America, which are not open and operable as a travel lane for motorized vehicles
191 shall not be considered public streets for the purposes of satisfying street frontage requirements, but
192 shall be protected from encroachment in accordance with Section 4.3(C), above.
- 193 D. All subdivisions of land (i.e., parcels, lots, tracts, or other subdivisions of land), shall directly abut and
194 have direct frontage upon a publicly-maintained street. Street frontage shall meet the minimum
195 requirements set forth in Chapter 2.
- 196 E. In no case shall a new parcel, lot, tract, condominium, lot or space, or other subdivision of land be
197 created that does not conform to the public street frontage requirements of this ordinance, except as
198 otherwise provided herein. Private streets, rights-of-way or access easements shall not be permitted in
199 lieu of public street frontage requirements contained herein except as allowed below.
- 200 1. *Residential single-family developments in General Residential—4 (GR4) zoning districts.*
- 201 a. Privately-maintained streets, rights-of-way, or access easements of less than 100 linear feet
202 in length may satisfy frontage requirements for up to three single-family lots, provided they
203 consist of a drivable surface of at least 16 feet in width.
- 204 b. Privately-maintained streets 100 linear feet or greater in length may satisfy frontage
205 requirements for up to eight single-family lots, provided they consist of a paved surface of at
206 least 16 feet in width.
- 207 c. All such privately-maintained streets, rights-of-way, or access easements must remain
208 adequately maintained to afford a reasonable means of ingress and egress of emergency
209 vehicles.
- 210 F. Exceptions to street frontage requirements: Following are standards whereby certain uses are excepted
211 from the street frontage requirements contained herein:
- 212 1. *Commercial, group developments, and developments in General Industrial zoning districts:*
213 Subdivisions for the creation of outparcels within the foregoing developments may be allowed
214 without frontage on a public street.
- 215 2. *Residential multi-family developments:* Private streets, right-of-way, and access easements may be
216 permitted within the foregoing developments proposing no more than four principal structures,
217 each containing no more than four dwelling units in each structure, and for which no subdivision
218 activity or condominium buildings or lots are proposed.
- 219 3. *Condominium lots and condominium buildings:*
- 220 a. Condominium lots may be separated from a public street by common space, maintained by a
221 property owner's association, that is permitted within the same phase of the same
222 subdivision within which the condominium lot is located.
- 223 b. No condominium lot shall be situated more than 100 feet from a public street. This distance
224 shall be considered a maximum distance that is in keeping with the public health and safety,
225 which shall not be varied or extended.
- 226 c. Condominium lots that are separated from a public street by common space shall be serviced
227 by a private access easement or private right-of-way that directly connects to the nearest
228 public street. No more than four condominium lots or spaces shall be serviced by the same
229 private access easement or right-of-way.
- 230 d. Private streets, right-of-way, and access easements serving condominium lots and buildings
231 shall be no longer than 100 feet as measured from the intersection of the centerlines of the
232 public street and the private easement or right-of-way. Parking for condominium lots not

- accessed by a public street shall be accessed by such private access easements or private rights-of-way.
- e. These provisions shall only apply to subdivisions of land for the creation of condominium lots and condominium buildings, and shall not be applied to any other form of subdivision of land.
4. *Pre-existing lots without adequate street frontage:*
- a. On parcels of land that do not front upon a public street ("landlocked parcels") or that otherwise do not meet frontage requirements of this ordinance, only one "by right" use or structure, along with related accessory uses or structures, shall be. No subdivision activity shall be permitted on parcels of land that do not meet the street frontage requirements of this ordinance. This requirement shall apply regardless of the size of the landlocked or otherwise non-compliant parcel.
- b. In such cases the administrator shall require evidence of the presence of a deeded right-of-way or other access easement prior to the issuance of any permit.
- c. The administrator may permit the establishment of a private right-of-way or access easement in order to facilitate access to pre-existing land-locked parcels. However, the provision of such private access shall not be considered satisfaction of the requirement that all lots front upon a public street.
5. *Additional private access, when all frontage requirements are met:* The administrator may permit the establishment of additional private rights-of-way or access easements to properties that otherwise conform to public street frontage requirements of this ordinance.
6. *Designed and built in accordance with public street standards:* All newly created private streets, right-of-way, and access easements except those authorized under Section 4.4(F(4)), above, shall be designed and built in accordance with public street standards set forth in Chapter 13 of this ordinance.
7. *Relation to private streets:* Buildings shall be oriented and situated in relation to private streets so that they conform to all applicable requirements for public streets, such that private streets could be accepted as public streets.
8. *Additional requirements/conditions:* In addition to any other applicable requirements set forth in this ordinance, the approving entity may impose such conditions, including but not limited to, the provision of access easements to the City of Brevard, as are necessary to ensure the adequate provision of public services.

4.8. Accessory structures.

- A. Principal buildings required. The construction of an accessory structure or building is not permitted unless a principal building is located on the lot, except as set forth below or as otherwise provided in this ordinance. Accessory structures shall be incidental and subordinate to the principal structure(s). Accessory and principal buildings may be constructed concurrently.
1. Accessory structures utilized for agricultural purposes in association with bona-fide agricultural operations may be permitted in the absence of a principal structure.
2. Garden sheds may be permitted in the absence of a principal structure subject to the following requirements:
- a. Garden sheds shall be no larger than 120 square feet in size;
- b. Garden sheds shall be single-story;

- 278 c. Garden shed shall not be connected to water, sewer, or electricity; and
- 279 d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and
- 280 other implements necessary for the maintenance of gardens and grounds.
- 281 B. Accessory structures shall meet the density and dimensional requirements set forth in Section 2.3 of
- 282 this ordinance.
- 283 C. Accessory structures shall not exceed two stories in height.
- 284 D. Accessory structures on lots with single-family dwellings and duplexes.
- 285 1. Maximum number permitted. No more than two accessory structures shall be permitted per lot.
- 286 Beehives and chicken coops shall not count toward the maximum number of accessory structures
- 287 on a lot.
- 288 2. Accessory structures shall be located only in the side or rear yards, except for gazebos, private
- 289 garages, and carports. Such structures shall comply with the front yard setbacks in Section 2.3.C.
- 290 The administrator shall make a determination as to the side or rear yard for accessory structures
- 291 proposed to be located on lots fronting more than one street.
- 292 3. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except
- 293 as otherwise provided in this ordinance.
- 294 4. Accessory structures with a footprint of more than 500 square feet shall be buffered from the
- 295 adjacent residential development with a type A buffer yard. Accessory structures located more
- 296 than 24 feet from a property line shall be exempt from this buffering requirement.
- 297 5. Under no circumstances shall the use of a shipping container be permitted for the purpose of
- 298 providing permanent storage as an accessory use.
- 299 E. Accessory structures on lots with non-residential uses, multi-family uses, and group developments.
- 300 1. Maximum number permitted. No more than two accessory structures shall be permitted per lot,
- 301 except in General Industrial (GI). In all other zoning districts, additional structures shall be
- 302 considered as principal structures in a group development.
- 303 2. Accessory structures shall be located only in side or rear yards except for bona-fide agricultural
- 304 enterprises.
- 305 3. Accessory structures shall comply with the applicable landscaping requirements of Chapter 8 of
- 306 this ordinance.
- 307 4. Accessory structures shall be clad in materials similar in appearance to the principal structure in
- 308 accordance with Chapter 5, except when such material is non-conforming with this ordinance.
- 309

310 **17.6. Construction document requirements.**

311 The construction documents for site plans, conditional rezoning plans, special use plans, major
 312 subdivisions, vested rights, and master plans shall be submitted in accordance with the specifications of this
 313 section except where specifically noted. Construction documents shall constitute the complete submittal
 314 requirements for site plans and preliminary plats required prior to construction.

315 The size and number of completed application submittal copies required shall be set by the
 316 administrator. No certifications other than the certificate of survey and accuracy as in Section 17.7(J) and the
 317 seal of the professional designer must be provided in connection with the submission.

318 Construction drawings must be drawn to the following specifications and must contain or be
 319 accompanied by the applicable information listed below. All plans shall be submitted at a scale not less than
 320 one inch = 50 feet unless otherwise authorized by the administrator. No processing or review of construction
 321 documents will proceed without all of the following information:

- 322 A. The boundary, as determined by survey, of the area to be subdivided with all bearings and
323 distances shown and the location within the area, or contiguous to it, of any existing streets,
324 railroad lines, water courses, easements, bridges, floodplains, or other significant features of the
325 tract.
- 326 B. Scale in feet denoted both graphically and numerically with north arrow and declination.
- 327 C. A sketch vicinity map at a scale no smaller than one inch equals 1,200 feet showing the
328 relationship between the proposed subdivision and surrounding area.
- 329 D. Environmental survey in accordance with Section 17.2.
- 330 E. Existing topography and finish grading with contours drawn at two foot intervals. This
331 requirement may be waived for developments smaller than one acre or where insufficient
332 topographic changes warrant such information.
- 333 F. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
- 334 G. The proposed names of the development and streets, the owner's name and address, signature of
335 the owner or owner's duly authorized agent, the surveyor's name, the names of existing and
336 proposed adjoining subdivisions or property owners, the names of the city, county, and state in
337 which the development is located, the date of preparation, and the zoning classification of the tract
338 to be developed and of adjoining properties.
- 339 H. Proposed lot lines, lot and block numbers, and exact dimensions.
- 340 I. The future ownership (dedication or reservation for public use to a governmental body; for
341 owners to duly constituted home owners' associated, for tenant's remaining in subdivider's
342 ownership of recreation and open space lands).
- 343 J. A statement from the City of Brevard regarding the availability of adequate water and sewer
344 capacity for the proposed development.
- 345 K. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating
346 connections to existing systems. All systems shall conform to current city standards.
- 347 L. The location and size of all utility lines, easements, and rights-of-way. Easements shall be provided
348 on all construction documents as follows:
 - 349 1. *Utility easements:* Easements for underground or above ground utilities shall be provided for
350 and centered along rear or side lot lines, and shall be a minimum of ten feet in width.
351 Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe
352 and a minimum of 20 feet in width or as required by design manual.
 - 353 2. *Drainage easements:* Where a development is crossed by a stream or drainage way, an
354 easement shall be provided conforming with the lines of such stream and of sufficient width
355 as shall be adequate to maintain the overall integrity of the drainage area and provide for its
356 periodic maintenance.
 - 357 3. *Landscape easements:* Landscape easements along streets should be designed in accordance
358 with the provisions of Chapters 6, Environmental Protection, and 8, [Tree Protection and]
359 Landscaping. The city may require landscape easements for developments where industrial
360 or commercial uses abut residential uses.
 - 361 4. *Public access easements:* Public access easements shall be provided for sidewalks, trails,
362 greenways, and other pedestrian and bicycle facilities that provide connections other than
363 within public rights-of-way.
- 364 M. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other
365 open spaces, reservations (i.e. school sites), property lines and building setback lines with street
366 dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood
367 hazard areas, watershed protection districts, and/or jurisdictional wetlands. Buildings shown for
368 the purpose of measuring setbacks must reflect these elements when applicable.

- 369 N. Site calculations shall include total acreage of tract, acreage in parks and other non-residential
370 uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use
371 and non-residential buildings, gross project density per acre, linear feet of streets, and the
372 accurate locations and descriptions of all monuments, markers, and control points.
- 373 O. The location and dimensions of all off-street parking and loading spaces, and walkways indicating
374 the type of surfacing, size, angle of stalls, width of aisles, and a specific.
- 375 P. Development permit and certification application with supporting documentation as required by
376 the flood hazard prevention requirements of Chapter 34 of Brevard City Code.
- 377 Q. The location and dimensions of any sidewalks, curb cuts, curb and gutters to be installed along
378 public street frontages, and other required street improvements designated in Chapter 11 of this
379 ordinance, or as called for in the Brevard Transportation Plan, the Rural Planning Organization
380 Thoroughfare Plan or Transportation Improvement Program, or other plan or policy of the city.
381 Required right-of-way shall be drawn in the location shown on any official plan at the width
382 specified in this ordinance.
- 383 R. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and
384 design engineering data for all corners and curves. Where a proposed street is an extension of an
385 existing street the profile of the street shall include 300 feet of the existing roadway, with a cross
386 section of the existing street. Where a proposed street within the subdivision abuts a tract of land
387 that adjoins the subdivision and where said street may be expected to extend into said adjoining
388 tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- 389 S. The location of any existing or proposed demolition landfills in the site. Such sites shall not be
390 used for building.
- 391 T. A copy of the full soil erosion and sedimentation permit application including forms, plans, and
392 calculations to be submitted to the North Carolina Department of Environmental Quality-Erosion
393 and Sediment Control Office, and a copy of the approval letter prior to site plan or preliminary plat
394 approval.
- 395 U. Final proposed elevations of all non-single family and duplex buildings proposed for construction
396 as part of this site plan approval. Subsequent buildings within the development may be handled as
397 separate site plans. Such elevations shall include all facades visible from public streets.
- 398 V. Supplemental plans as applicable:
- 399 1. Landscape plan in accordance with Section 17.8.
- 400 2. Tree preservation plan in accordance with Section 17.9.
- 401 3. Lighting plan in accordance with Section 17.10.
- 402 4. Architectural plans in accordance with Section 17.11.
- 403 5. Traffic impact analysis (if required) in accordance with Section 17.12.
- 404 6. Floodplain development information (if required) in accordance with Section 17.13.
- 405 7. Stormwater management concept plan in accordance with Section 17.14.
- 406 W. The following statement shall be placed upon all final construction documents, as applicable:
- 407 "Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is
408 subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and
409 any development, disturbance, or encroachment is prohibited except in accordance
410 therewith."
- 411 In addition to the above required information, the following additional information may be
412 necessary for specific sites as determined by the administrator:

- X. Where a proposed water and sewer system does not contemplate the use of facilities owned and operated by the city, the proposed facility plans as approved by the appropriate agency, shall be submitted with the construction documents.
- Y. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Transylvania County Health Department shall be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

17.7. Final plat requirements.

The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North Carolina and must be drawn to a scale no less than one inch = 100 feet, and shall meet the requirements of the Transylvania County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site, which the subdivider proposes to record, and develop at the time. The size and number of completed applications shall be set by the administrator.

No final plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this ordinance or has posted performance guarantees in accordance with Chapter 11. The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- C. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- D. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building line, and easement line. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- E. The lines and names of all streets, alley lines, lot lines, lot and block numbers, easements, reservations, protected areas or required open space (steep slope areas, surface water protection areas, floodways and non-encroachment areas, etc.), the special flood hazard area, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. The final plat shall contain the following statement:

"Areas delineated upon this plat or plan as a protection area or special flood hazard areas is subject to limitations upon development as set forth Chapter 6 of the City of Brevard Unified Development Ordinance, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- F. The accurate locations and descriptions of all monuments, markers, and control points.
- G. Underground and aerial utility easements shall be shown.
- H. The name of the city in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- I. Submittal of payment in lieu of dedicated open space (if applicable).

19.3. Definitions.

Infill development: New development or expansions, including all uses except industrial, on vacant, undeveloped or underdeveloped land in a built-up area which is abutted by urban development or designated open space and which can be readily connected to public infrastructure, such as transportation, water, wastewater, and other utilities. Development on tracts of land larger than 5 acres shall not be considered infill development.

Principal building or structure: A building in which is conducted the principal use of the parcel on which it is situated.

Property line: The legally established boundary of a lot, which boundary shall be considered coincident with any abutting public street right-of-way line unless the metes and bounds description contained in.

Right-of-way: A dedicated strip of land reserved for a specific use, such as for a street, pedestrian, or utility easement.

Setback: The minimum distance a structure may be located from a curb line, lot line, or right-of-way line along frontages and side and rear lot lines. *Yard:* A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, front: A yard situated between the front building line and the front lot line or the edge of the right-of-way, whichever is greater, extending the full width of the lot.

Yard, rear: A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Yard, side: A yard situated between a side building line and side lot line and extending from the required front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall be assumed to extend through the rear yard to the rear lot line.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

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

2015 Comprehensive Plan

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 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.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.

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

ORDINANCE NO. 2023-____

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 2 – DISTRICT PROVISIONS, CHAPTER 4 – GENERAL LOT AND STRUCTURE
PROVISIONS, CHAPTER 17 – DEVELOPMENT PLAN REQUIREMENTS, AND CHAPTER 19
– DEFINITIONS**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 2 – District Provisions, Chapter 4 – General Lot and Structure Provisions, Chapter 17 – Development Plan Requirements, and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Plans:

2015 Comprehensive Plan:

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

and,

WHEREAS, a public hearing was conducted on Tuesday, January 17, 2023, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Brevard City Code, Unified Development Ordinance Chapter 2, Chapter 3, Chapter 4, Chapter 10, and Chapter 19 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 17th day of January 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

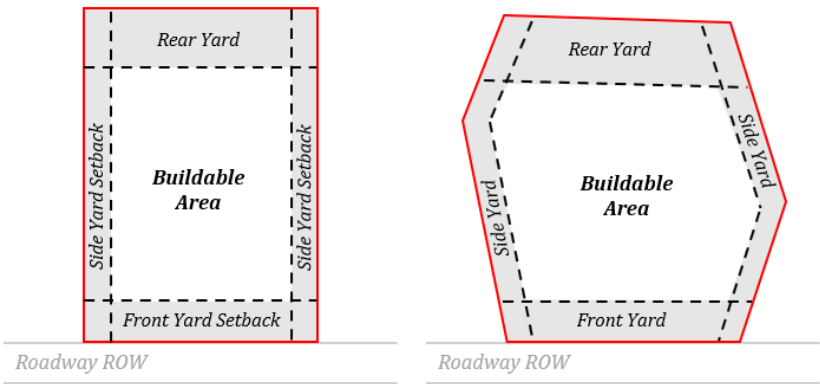
Mack McKeller
City Attorney

EXHIBIT A

2.3. Density and dimensional requirements.

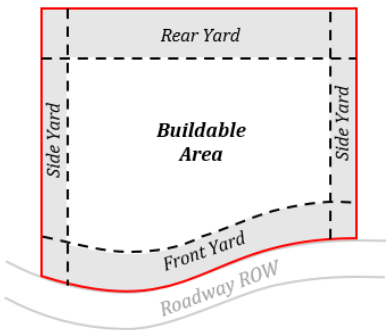
- B. *General standards for all setbacks.*
1. A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section 5.17.
 - a. Landscaping requirements set forth in Chapter 8 of this ordinance may supersede setbacks listed herein.
 2. *Types of setbacks:*
 - a. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
 - b. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.
 - c. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

Illustrative Setback Diagrams



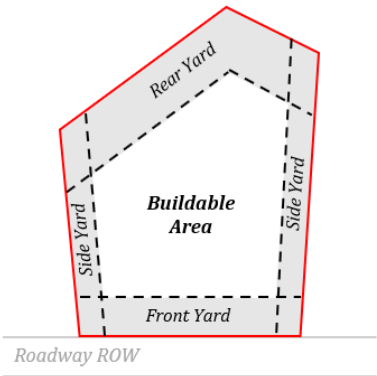
3. *Measurement of setbacks:*
- a. Required yard setbacks are measured parallel to the applicable lot line or public right-of-way line.
 - i. Front yard setbacks shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
 - ii. Side yard and rear yard setbacks shall be measured from the property line(s).
 - b. When lot lines are curvilinear, setbacks shall be measured parallel to the curvilinear lot line.

Setbacks from Curvilinear Lot Lines



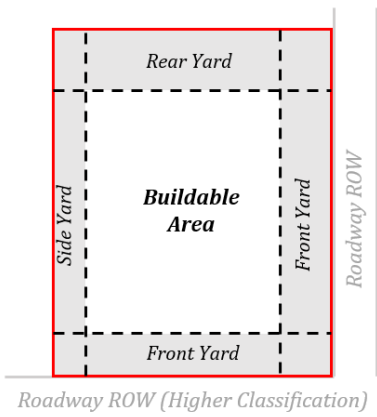
- c. When there are multiple rear lot lines, the rear setback must be measured from each of the rear lot lines.

Setbacks from Multiple
Rear Lot Lines



4. *Administrative decisions for setbacks:*
- a. The administrator may impose additional setbacks based upon specific guidance from the City of Brevard Comprehensive 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.
 - i. For private streets, a right-of-way in accordance with Chapter 13 shall be assumed by the administrator.
 - ii. When determining the edge of the right-of-way, the administrator shall 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.
 - b. 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:
 - i. protect existing or proposed rights-of-way and other infrastructure improvements
 - ii. ensure environmental protection of sensitive and/or conservation areas, including steep slope areas
 - iii. account for surface water protection and/or satisfy flood damage prevention requirements
 - c. For non-conforming lots without street frontage, the administrator shall designate a front yard for the purposes of setback measurement.
5. *Corner lots and multi-frontage lots setbacks:*
- a. Any structure on any lot that fronts on more than one street shall comply with the minimum front yard setback requirement for each street upon which the lot fronts.
 - b. Alleys, rear lanes, and commercial service lanes are not classified as streets for the purpose of determining corner or multi-frontage lot setbacks.
 - c. The rear yard shall be determined as the portion of the lot on the opposite side of the lot from the front yard on the street with the higher classification.

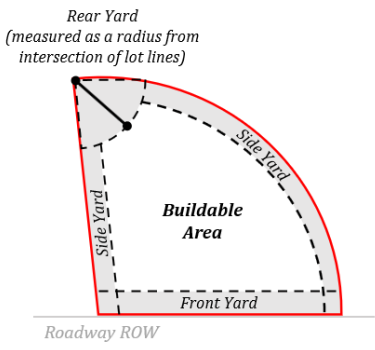
Setbacks from
Multi-frontage Lots



- d.
6. *Triangle lots and other lots without a rear lot line:*

- a. On properties where there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

**Setbacks from Lots with
No Rear Lot Line**



- b.
7. *Irregular lot setbacks:*
- a. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the administrator. This determination shall be based on the spirit and intent of this ordinance to continue the appropriate spacing and location of buildings and structures on individual lots.
 - b. Lots that do not have an obvious visual relationship with the fronting street, such as “irregular lots,” shall be evaluated on the basis of having one setback from neighboring properties. The setback amount shall be equal to the minimum rear setback for the district, unless:
 - i. A newly-created irregular lot would convert an existing conforming secondary or accessory dwelling unit to a principal single-family structure. In this case, the setbacks for the principal structure may equal that of an accessory structure of that size in the zoning district.
 - c. For irregular lots, the Zoning Administrator will determine the termination of the “parcel connector” based on the definition and will measure front-yard setbacks from that point.
8. *Zero-lot line development setbacks:*
- a. Zero-lot line development (i.e., townhomes, condominiums and similar structures) and other structures using partiwalls are permitted subject to other requirements as set forth in this ordinance.
9. *Infill lot setbacks:*
- a. The administrator may grant exceptions to the setback requirements of this ordinance for infill developments where the average setback on already-built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.
 - b. In established neighborhoods, the administrator may determine that the functional rear yard is not opposite the front yard based on the peculiar shape of the parcel or the development pattern. In these cases, the administrator may determine that another line shall be considered the rear lot line for setback purposes.
10. *Lots within the Downtown Development Overlay District:*
- a. New buildings in the Downtown Development Overlay District shall be subject to a front build-to line, or maximum setback, of 12 feet, as measured from the edge of the right-of-way, with a build-to percentage of 80 percent. The build-to percentage may be reduced to 50 percent if the new building includes a public courtyard or plaza space.

C. *Setbacks for zoning districts:*

- 1. The minimum setback distance for principal structures varies by zoning district and shall be measured in accordance with this section.

District	Front Yard Setback	Rear Yard Setback	Side Yard Setback
GR (4, 8)	15 feet	25 feet	6 feet
RMX	10 feet	25 feet	6 feet
NMX	Edge of right-of-way	10 feet	0 feet / 10 feet from residential district
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from residential district	0 feet / 10 feet from residential district

IC	40 feet	40 feet	40 feet
GI	15 feet	10 feet / 25 feet from residential district	10 feet / 25 feet from residential district
CZD	To be determined by approving authority		

D. *Setbacks for accessory structures.*

1. Setbacks for accessory structures vary based on the size of the structure and the zoning district.

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet
IC	40 feet along all external boundaries			
GI	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district
CZD	To be determined by approving authority			

2. Accessory structures to residential uses within 6 feet of the principal structure are considered to be attached for the purpose of setbacks, and shall comply with the setbacks of the principal structure.

E. *Other structure and lot dimensional requirements.*

District	Height By Right (1)	Min. Lot Width for Conventional Lot (2)	Min. Lot Width of Irregularly Shaped Lot (3)	Max. Parcel Connector Length of Irregular Lots (4)	Out-Parcels (5)
GR (4, 8)	35 feet	30 feet	20 feet	300 feet	-
RMX	35 feet	30 feet	20 feet	300 feet	-
NMX	35 feet	20 feet	-	-	-
DMX	50 feet	0 feet	-	-	P
CMX	50 feet	0 feet	-	-	P
IC	50 feet	60 feet	20 feet	300 feet	P
GI	50 feet	60 feet	20 feet	300 feet	P
CZD		To be determined by approving authority			

1. Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in Chapter 5, Section 5.14. See computation of building height as set forth in Chapter 5, Section 5.17.

2. Minimum lot width for conventional lots shall be fulfilled at the right-of-way line.

3&4. Irregularly shaped lots are permitted to have the reduced minimum lot width at the right-of-way line if the lot width reaches the minimum lot width for a conventional lot within the maximum allowable parcel connector length. Additional standards are levied on these parcels (see Section 4.3.G).

5. In Zoning Districts where out-parcels are permitted, the minimum lot width at the right-of-way for irregular lots may be fulfilled by an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District.

a. "P" denotes out-parcels are permitted.

b. "-" denotes out-parcels are not permitted within the given district.

6. No structure or land use shall encroach upon any public right-of-way or easement, unless otherwise provided for by this ordinance.

4.3. Lot requirements.

A. *May not reduce/create lot(s) below minimum requirements:* No lot existing upon adoption of this ordinance shall be reduced in size or area below the minimum requirements of the zoning district in which it is located. Lots created after the effective date of this ordinance shall meet the minimum requirements established by this ordinance. This prohibition shall not be construed to prevent the purchase or condemnation of land for public utilities, substations, street right-of-way, pedestrian facilities, recreational facilities, stormwater management or similar public purposes.

B. *Right-of-way protection:*

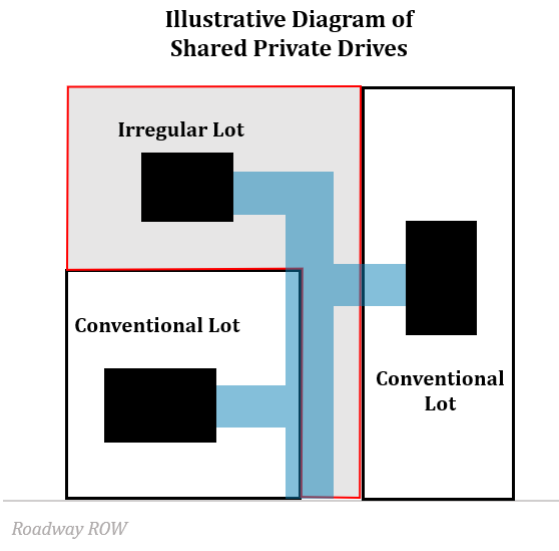
1. Notwithstanding any other provision of this ordinance, no building or structure shall be permitted within a public street, road right-of-way, or easement, public sidewalk or other pedestrian facility, or within any private right-of-way, except for those encroachments permitted in Chapter 5 of this ordinance.
2. No portion of any structure shall be placed upon any parcel boundary or within any street right-of-way. New subdivisions of land shall be designed to prevent the placement of a structure on any parcel boundary or within any street right-of-way. This provision shall not prohibit zero lot line structures with common walls situated on one or more lot lines.
3. Rights-of-way or easements for streets and roads shall not be considered a part of a lot or open space, or front, side, or rear yards for the purpose of meeting yard requirements.

D. *Number of principal buildings per lot:*

1. Except as indicated in paragraph 4.3(E(3)), below, there shall be no limit on the number of principal buildings on an individual lot and provided that all other requirements set forth in this ordinance and other federal, state, or local laws are met.
2. Multiple principal buildings shall be considered to be group developments in accordance with Section 2.3.
3. Single-family dwellings. There shall be no more than one single-family dwelling on an individual lot in a residential zoning district. This requirement shall not prohibit the establishment of secondary dwelling units in accordance with Section 3.14.

E. *New Irregularly shaped lots:*

1. An irregular lot shall only be permitted if necessary to allow a property owner reasonable use and benefit from their land or to alleviate situations which would otherwise cause a hardship as determined by the Zoning Administrator, including but not limited to the following:
 - a. Where necessary to eliminate access onto arterials
 - b. To reasonably utilize irregularly shaped land
 - c. To reasonably utilize land with extreme topography
 - d. To reasonably utilize land with limited sites suitable for septic tank nitrification fields
 - e. Where it is unlikely that a road created in lieu of an irregular lot would ever be extended, or otherwise needed to provide access to adjoining parcels
 - f. To provide for the protection of significant natural or cultural resources
2. Irregular lots shall not be permitted:
 - a. If the dimensional requirements or other element of the definition is not met.
 - b. If the irregular lot does not appear to have reasonable development potential.
 - c. If the irregular lot is a clear circumvention of other provisions of this ordinance.
3. The Zoning Administrator may grant exceptions to the requirement that the "parcel connector" provide functional access with an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District. All other requirements for irregular lots shall be fulfilled by the exclusive access easement. This exemption may only be granted in instances where:
 - a. The property is located in zoning districts where out-parcels are permitted.
 - b. The Administrator determines that an easement is necessary to reduce the number of driveways on a public street where the posted speed limit is 25 miles per hour or greater.
 - c. The Administrator determines that extreme site conditions preclude the property owner from reasonably achieving functional access.
4. Use of a shared private drive to serve an irregular lot and adjoining lot(s) is permitted and encouraged. The shared private drive shall be constructed in accordance with Section 9.3.B.



5. The development standards of the zoning district in which a property is located shall apply to the irregular lot development, except that the required minimum lot width for a conventional lot is replaced by the minimum lot width for irregular lots in the zoning district (Section 2.3.E).
- F. *Reserve strips:* There shall be no reserve strips platted in any subdivision.

4.4. Street frontage required.

- A. A public street is any road or street that is under the ownership, control, and maintenance of the City of Brevard, the State of North Carolina, or the United States of America.
- B. Access, utility, service, or other easements under the ownership, control, or maintenance of the City of Brevard, the State of North Carolina, or the United States of America shall not be considered public streets for the purposes of satisfying street frontage requirements.
- C. Public rights-of-way under the ownership and control of the City of Brevard, the State of North Carolina, or the United States of America, which are not open and operable as a travel lane for motorized vehicles shall not be considered public streets for the purposes of satisfying street frontage requirements, but shall be protected from encroachment in accordance with Section 4.3(C), above.
- D. All subdivisions of land (i.e., parcels, lots, tracts, or other subdivisions of land), shall directly abut and have direct frontage upon a publicly-maintained street. Street frontage shall meet the minimum requirements set forth in Chapter 2.
- E. In no case shall a new parcel, lot, tract, condominium, lot or space, or other subdivision of land be created that does not conform to the public street frontage requirements of this ordinance, except as otherwise provided herein. Private streets, rights-of-way or access easements shall not be permitted in lieu of public street frontage requirements contained herein except as allowed below.
1. *Residential single-family developments in General Residential—4 (GR4) zoning districts.*
- a. Privately-maintained streets, rights-of-way, or access easements of less than 100 linear feet in length may satisfy frontage requirements for up to three single-family lots, provided they consist of a drivable surface of at least 16 feet in width.
- b. Privately-maintained streets 100 linear feet or greater in length may satisfy frontage requirements for up to eight single-family lots, provided they consist of a paved surface of at least 16 feet in width.
- c. All such privately-maintained streets, rights-of-way, or access easements must remain adequately maintained to afford a reasonable means of ingress and egress of emergency vehicles.
- F. Exceptions to street frontage requirements: Following are standards whereby certain uses are excepted from the street frontage requirements contained herein:
1. *Commercial, group developments, and developments in General Industrial zoning districts:* Subdivisions for the creation of outparcels within the foregoing developments may be allowed without frontage on a public street.
2. *Residential multi-family developments:* Private streets, right-of-way, and access easements may be permitted within the foregoing developments proposing no more than four principal structures, each containing no more than four dwelling units in each structure, and for which no subdivision activity or condominium buildings or lots are proposed.
3. *Condominium lots and condominium buildings:*
- a. Condominium lots may be separated from a public street by common space, maintained by a property owner's association, that is permitted within the same phase of the same subdivision within which the condominium lot is located.

- b. No condominium lot shall be situated more than 100 feet from a public street. This distance shall be considered a maximum distance that is in keeping with the public health and safety, which shall not be varied or extended.
 - c. Condominium lots that are separated from a public street by common space shall be serviced by a private access easement or private right-of-way that directly connects to the nearest public street. No more than four condominium lots or spaces shall be serviced by the same private access easement or right-of-way.
 - d. Private streets, right-of-way, and access easements serving condominium lots and buildings shall be no longer than 100 feet as measured from the intersection of the centerlines of the public street and the private easement or right-of-way. Parking for condominium lots not accessed by a public street shall be accessed by such private access easements or private rights-of-way.
 - e. These provisions shall only apply to subdivisions of land for the creation of condominium lots and condominium buildings, and shall not be applied to any other form of subdivision of land.
4. *Pre-existing lots without adequate street frontage:*
- a. On parcels of land that do not front upon a public street ("landlocked parcels") or that otherwise do not meet frontage requirements of this ordinance, only one "by right" use or structure, along with related accessory uses or structures, shall be. No subdivision activity shall be permitted on parcels of land that do not meet the street frontage requirements of this ordinance. This requirement shall apply regardless of the size of the landlocked or otherwise non-compliant parcel.
 - b. In such cases the administrator shall require evidence of the presence of a deeded right-of-way or other access easement prior to the issuance of any permit.
 - c. The administrator may permit the establishment of a private right-of-way or access easement in order to facilitate access to pre-existing land-locked parcels. However, the provision of such private access shall not be considered satisfaction of the requirement that all lots front upon a public street.
5. *Additional private access, when all frontage requirements are met:* The administrator may permit the establishment of additional private rights-of-way or access easements to properties that otherwise conform to public street frontage requirements of this ordinance.
6. *Designed and built in accordance with public street standards:* All newly created private streets, right-of-way, and access easements except those authorized under Section 4.4(F(4)), above, shall be designed and built in accordance with public street standards set forth in Chapter 13 of this ordinance.
7. *Relation to private streets:* Buildings shall be oriented and situated in relation to private streets so that they conform to all applicable requirements for public streets, such that private streets could be accepted as public streets.
8. *Additional requirements/conditions:* In addition to any other applicable requirements set forth in this ordinance, the approving entity may impose such conditions, including but not limited to, the provision of access easements to the City of Brevard, as are necessary to ensure the adequate provision of public services.

4.8. Accessory structures.

- A. Principal buildings required. The construction of an accessory structure or building is not permitted unless a principal building is located on the lot, except as set forth below or as otherwise provided in this ordinance. Accessory structures shall be incidental and subordinate to the principal structure(s). Accessory and principal buildings may be constructed concurrently.
 - 1. Accessory structures utilized for agricultural purposes in association with bona-fide agricultural operations may be permitted in the absence of a principal structure.
 - 2. Garden sheds may be permitted in the absence of a principal structure subject to the following requirements:
 - a. Garden sheds shall be no larger than 120 square feet in size;
 - b. Garden sheds shall be single-story;
 - c. Garden shed shall not be connected to water, sewer, or electricity; and
 - d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and other implements necessary for the maintenance of gardens and grounds.
- B. Accessory structures shall meet the density and dimensional requirements set forth in Section 2.3 of this ordinance.
- C. Accessory structures shall not exceed two stories in height.

- D. Accessory structures on lots with single-family dwellings and duplexes.
1. Maximum number permitted. No more than two accessory structures shall be permitted per lot. Beehives and chicken coops shall not count toward the maximum number of accessory structures on a lot.
 2. Accessory structures shall be located only in the side or rear yards, except for gazebos, private garages, and carports. Such structures shall comply with the front yard setbacks in Section 2.3.C. The administrator shall make a determination as to the side or rear yard for accessory structures proposed to be located on lots fronting more than one street.
 3. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except as otherwise provided in this ordinance.
 4. Accessory structures with a footprint of more than 500 square feet shall be buffered from the adjacent residential development with a type A buffer yard. Accessory structures located more than 24 feet from a property line shall be exempt from this buffering requirement.
 5. Under no circumstances shall the use of a shipping container be permitted for the purpose of providing permanent storage as an accessory use.
- E. Accessory structures on lots with non-residential uses, multi-family uses, and group developments.
1. Maximum number permitted. No more than two accessory structures shall be permitted per lot, except in General Industrial (GI). In all other zoning districts, additional structures shall be considered as principal structures in a group development.
 2. Accessory structures shall be located only in side or rear yards except for bona-fide agricultural enterprises.
 3. Accessory structures shall comply with the applicable landscaping requirements of Chapter 8 of this ordinance.
 4. Accessory structures shall be clad in materials similar in appearance to the principal structure in accordance with Chapter 5, except when such material is non-conforming with this ordinance.

17.6. Construction document requirements.

The construction documents for site plans, conditional rezoning plans, special use plans, major subdivisions, vested rights, and master plans shall be submitted in accordance with the specifications of this section except where specifically noted. Construction documents shall constitute the complete submittal requirements for site plans and preliminary plats required prior to construction.

The size and number of completed application submittal copies required shall be set by the administrator. No certifications other than the certificate of survey and accuracy as in Section 17.7(J) and the seal of the professional designer must be provided in connection with the submission.

Construction drawings must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. No processing or review of construction documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be subdivided with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements, bridges, floodplains, or other significant features of the tract.
- B. Scale in feet denoted both graphically and numerically with north arrow and declination.
- C. A sketch vicinity map at a scale no smaller than one inch equals 1,200 feet showing the relationship between the proposed subdivision and surrounding area.
- D. Environmental survey in accordance with Section 17.2.
- E. Existing topography and finish grading with contours drawn at two foot intervals. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
- F. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
- G. The proposed names of the development and streets, the owner's name and address, signature of the owner or owner's duly authorized agent, the surveyor's name, the names of existing and proposed adjoining subdivisions or property owners, the names of the city, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- H. Proposed lot lines, lot and block numbers, and exact dimensions.
- I. The future ownership (dedication or reservation for public use to a governmental body; for owners to duly constituted home owners' associated, for tenant's remaining in subdivider's ownership of recreation and open space lands).

- J. A statement from the City of Brevard regarding the availability of adequate water and sewer capacity for the proposed development.
- K. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All systems shall conform to current city standards.
- L. The location and size of all utility lines, easements, and rights-of-way. Easements shall be provided on all construction documents as follows:
1. *Utility easements:* Easements for underground or above ground utilities shall be provided for and centered along rear or side lot lines, and shall be a minimum of ten feet in width. Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe and a minimum of 20 feet in width or as required by design manual.
 2. *Drainage easements:* Where a development is crossed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as shall be adequate to maintain the overall integrity of the drainage area and provide for its periodic maintenance.
 3. *Landscape easements:* Landscape easements along streets should be designed in accordance with the provisions of Chapters 6, Environmental Protection, and 8, [Tree Protection and] Landscaping. The city may require landscape easements for developments where industrial or commercial uses abut residential uses.
 4. *Public access easements:* Public access easements shall be provided for sidewalks, trails, greenways, and other pedestrian and bicycle facilities that provide connections other than within public rights-of-way.
- M. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands. Buildings shown for the purpose of measuring setbacks must reflect these elements when applicable.
- N. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use and non-residential buildings, gross project density per acre, linear feet of streets, and the accurate locations and descriptions of all monuments, markers, and control points.
- O. The location and dimensions of all off-street parking and loading spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific.
- P. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of Chapter 34 of Brevard City Code.
- Q. The location and dimensions of any sidewalks, curb cuts, curb and gutters to be installed along public street frontages, and other required street improvements designated in Chapter 11 of this ordinance, or as called for in the Brevard Transportation Plan, the Rural Planning Organization Thoroughfare Plan or Transportation Improvement Program, or other plan or policy of the city. Required right-of-way shall be drawn in the location shown on any official plan at the width specified in this ordinance.
- R. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- S. The location of any existing or proposed demolition landfills in the site. Such sites shall not be used for building.
- T. A copy of the full soil erosion and sedimentation permit application including forms, plans, and calculations to be submitted to the North Carolina Department of Environmental Quality-Erosion and Sediment Control Office, and a copy of the approval letter prior to site plan or preliminary plat approval.
- U. Final proposed elevations of all non-single family and duplex buildings proposed for construction as part of this site plan approval. Subsequent buildings within the development may be handled as separate site plans. Such elevations shall include all facades visible from public streets.
- V. Supplemental plans as applicable:
1. Landscape plan in accordance with Section 17.8.
 2. Tree preservation plan in accordance with Section 17.9.
 3. Lighting plan in accordance with Section 17.10.
 4. Architectural plans in accordance with Section 17.11.
 5. Traffic impact analysis (if required) in accordance with Section 17.12.

- 6. Floodplain development information (if required) in accordance with Section 17.13.
- 7. Stormwater management concept plan in accordance with Section 17.14.
- W. The following statement shall be placed upon all final construction documents, as applicable:
"Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- In addition to the above required information, the following additional information may be necessary for specific sites as determined by the administrator:
- X. Where a proposed water and sewer system does not contemplate the use of facilities owned and operated by the city, the proposed facility plans as approved by the appropriate agency, shall be submitted with the construction documents.
- Y. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Transylvania County Health Department shall be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

17.7. Final plat requirements.

The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North Carolina and must be drawn to a scale no less than one inch = 100 feet, and shall meet the requirements of the Transylvania County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site, which the subdivider proposes to record, and develop at the time. The size and number of completed applications shall be set by the administrator.

No final plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this ordinance or has posted performance guarantees in accordance with Chapter 11. The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- C. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- D. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building line, and easement line. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- E. The lines and names of all streets, alley lines, lot lines, lot and block numbers, easements, reservations, protected areas or required open space (steep slope areas, surface water protection areas, floodways and non-encroachment areas, etc.), the special flood hazard area, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. The final plat shall contain the following statement:
"Areas delineated upon this plat or plan as a protection area or special flood hazard areas is subject to limitations upon development as set forth Chapter 6 of the City of Brevard Unified Development Ordinance, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- F. The accurate locations and descriptions of all monuments, markers, and control points.
- G. Underground and aerial utility easements shall be shown.
- H. The name of the city in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- I. Submittal of payment in lieu of dedicated open space (if applicable).

19.3. Definitions.

Infill development: New development or expansions, including all uses except industrial, on vacant, undeveloped or underdeveloped land in a built-up area which is abutted by urban development or designated open space and which can be readily connected to public infrastructure, such as transportation, water,

wastewater, and other utilities. Development on tracts of land larger than 5 acres shall not be considered infill development.

Principal building or structure: A building in which is conducted the principal use of the parcel on which it is situated.

Property line: The legally established boundary of a lot, which boundary shall be considered coincident with any abutting public street right-of-way line unless the metes and bounds description contained in.

Right-of-way: A dedicated strip of land reserved for a specific use, such as for a street, pedestrian, or utility easement.

Setback: The minimum distance a structure may be located from a curb line, lot line, or right-of-way line along frontages and side and rear lot lines. *Yard:* A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, front: A yard situated between the front building line and the front lot line or the edge of the right-of-way, whichever is greater, extending the full width of the lot.

Yard, rear: A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Yard, side: A yard situated between a side building line and side lot line and extending from the required front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall be assumed to extend through the rear yard to the rear lot line.

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Proposed Amendments to City of Brevard Code of Ordinances
Section 58-Solid Waste Management

Speaker: Wesley Shook, Acting Public Works Director

Prepared by: Wesley Shook, Acting Public Works Director

Approved by: Wilson Hooper, City Manager

Updates to the Solid Waste Management chapter of the city's code of ordinances were initiated by former Public Works director David Lutz prior to his retirement last fall.

An initial presentation was given to the Public Works & Utilities committee on November 2, 2022. Staff incorporated committee feedback and presented a revised version at the committee's December 7, 2022 meeting. The committee voted to recommend the changes and send forward for public hearing.

The updates are intended to increase safety, clarify unclear language, remove dated references, and give the Public Works director additional legal tools to use in exceptional circumstances. They are denoted in red in the first attached document.

A Public Hearing was held at the January 20, 2023 City Council meeting.

ACTION

Council is asked to approve the attached resolution (Attachment 3) codifying the proposed changes to the ordinance as denoted in the red text of the Attachment 1

Attachments:

1. Proposed revisions to Chapter 58 - Solid Waste Management
2. Recommended terms of rental agreement for Sec. 58-8(e)
3. Ordinance

Chapter 58 SOLID WASTE MANAGEMENT¹

Sec. 58-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means the residue from the burning of wood, coal, coke or other combustible materials.

Director means the public works director.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes (including ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, rubble, crockery and similar materials.

(Code 1980, § 17-80)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 58-2. Management and control of collection services; appeals.

- (a) All garbage and other refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the control of the city manager, and under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the regulations after due notice as required by law, provided such regulations are not contrary to the provisions of law.
- (b) Any person aggrieved by a regulation of, or fee charged by, the director shall have the right of appeal to the city manager, who shall have the authority to confirm, modify or revoke any such regulations or fee.

(Code 1980, § 17-2)

¹Cross reference(s)—Burning trash or other material within the fire district, § 30-2; health and sanitation, ch. 38; unlawful deposit of human waste, § 38-42.

State law reference(s)—Authority to regulate garbage and trash, G.S. 160A-303.1; public enterprise for the collection and disposal of solid waste, G.S. 160A-311 et seq.; littering, G.S. 14-399; removal of junk vehicles, G.S. 160A-303, 20-137.6 et seq.

Sec. 58-3. Refuse to be collected only by city; exceptions.

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city. No person shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except as follows:

- (1) *Actual producers.* This section shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other applicable provisions of law.
- (2) *Outside collectors.* This section shall not prohibit collectors of refuse from outside of the city from hauling such refuse over city streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of law.

(Code 1980, § 17-81)

Sec. 58-4. Separation of different types of refuse.

Garbage, ~~ashes~~ and rubbish shall each be placed and maintained in separate containers. Rubble, wood, tree trimmings, hedge clippings and similar material shall not be placed with other refuse for routine or regular collection.

(Code 1980, § 17-82)

Sec. 58-5. Containers.

(a) *Required; maintenance; specifications.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises served and shall be of a type approved by the public works director. Containers shall be maintained in good condition and shall be kept in a clean, neat and sanitary condition at all times. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The public works director shall have the authority to refuse collection services for failure to comply herewith. City collection personnel shall exercise due care in the handling of containers and the city shall not be liable for any damage to containers resulting from handling the containers unless it can be shown that the personnel were negligent or careless in the handling thereof, and in such cases the liability of the city shall extend only to replacement of the container with one in good condition of like material and capacity. The following types and numbers of containers are prescribed for use in the collection of waste material:

- (1) *Residential containers.* The standard small container, normally used at residences, shall be made of metal or substantial plastic equipped with suitable handles and tight-fitting covers, shall be watertight and shall have a capacity of not more than 32 gallons. These containers may be used for any waste material, ~~except that ashes may only be placed in metal containers.~~ Care shall be taken to ensure that the weight of the contents shall be such that the container, with contents, can readily be handled by one adult person.
- (2) *Dumpsters.* Commercial dumpster containers shall be of steel construction, of up to four-cubic-yard capacity and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the city. Sub-grade dumpsters may be ~~installed~~ of steel or polyethylene construction ~~for private hauler service and maintenance~~; the public works director may require the

customer use a private hauler to collect the waste in such dumpsters due to city collection capabilities. Dumpsters may be used for garbage, refuse or rubbish.

- (3) *Disposable containers.* Disposable containers shall be made of either metal, plastic, wood, cardboard or paper, all of which shall be removed with the contents thereof. These containers together with the contents thereof shall be of such weight that they can readily be handled by one adult person and shall be of sufficient strength to withstand failure when being picked up and placed in the collection vehicle.
- (4) *Number of containers.* Residential and noncommercial business customers shall be limited to four standard small containers per dwelling unit or business per collection. If more than four containers are used on a regular basis, the collection fee shall be doubled. For multifamily residential buildings having more than four units, a commercial dumpster container shall be provided in lieu of the standard small containers. Commercial customers requiring more than four standard small containers on a regular basis shall be required to use a commercial dumpster container.
- (b) *Use.* No person shall place any refuse in any street, alley or other public place, or upon any private property, whether or not owned by such person, within the city except in proper containers for collection or under express approval granted by the director; nor shall any person throw or deposit any refuse in any stream or other body of water.
- (c) *Placement.* Refuse containers shall be placed for collection at ground level and directly accessible from the street or alley from which collection is made. Residential refuse containers shall be placed at curbside prior to collection, **no later than 7:30 AM** and shall be removed within reasonable time thereafter. A suitable permanent location, satisfactory to the director, may be established for containers of commercial customers.

(Code 1980, §§ 17-83—17-85; Ord. No. 2021-35 , § 1(Exh. A), 8-16-21)

Sec. 58-6. Frequency of collection.

- (a) Refuse shall be collected **twice once** each week under normal circumstances.
- (b) Hotels, restaurants and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection.
- (c) Where necessary to protect the public health, the director shall have the authority to require that more frequent collection be made. **If necessary, an extra city-wide collection shall not affect fees. Individual collections made according to this section shall be charged on a pro-rata basis to the affected fee payer.**

(Code 1980, § 17-86)

Sec. 58-7. Refuse quantity.

- (a) The director shall collect a reasonable accumulation of refuse of each patron during each collection period for the standard charge. The director shall have the authority to refuse to collect unreasonable amounts, or to make additional charges for such amounts.
- (b) Only material placed in approved containers shall be picked up. Refuse placed on the ground or scattered about in the immediate vicinity of the container shall not be picked up unless, in the opinion of the public works director, pickup by city personnel is warranted due to delays in the service or other factors which are strictly the responsibility of the city.

(Code 1980, § 17-87)

Sec. 58-8. Special refuse problems.

- (a) *Contagious disease refuse.* The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the county health department. Such refuse shall not be placed in containers for regular collection.
- (b) *Construction debris; tree limbs, trunks, etc.* Rubbish resulting from any construction, remodeling, wrecking or repair of any building or other real estate improvement shall be removed by the producer of such rubbish, or by the owner of the premises upon which rubbish has accumulated, at his own expense, subject to the provisions of section 58-9. These restrictions shall apply to the removal of limbs, trunks, stumps, etc., of any trees or shrubs removed or trimmed by landscape gardeners, tree surgeons or other parties engaged to carry on such work.
- (c) *Inflammable or explosive refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the director at the expense of the owner or possessor thereof.
- (d) *Free curbside pickup service.* Rubble, wood, tree trimmings, hedge clippings and debris resulting from cleaning of property may be placed at curbside for collection ~~during the first Thursday through Saturday period of each month~~. The director shall collect a reasonable amount of such rubbish at no charge, but he shall have the authority to refuse to collect heavy or bulky items that cannot be handled readily by two adult persons. It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery trimmings on any street or sidewalk so as to obstruct the free passage of vehicles or pedestrians.
- (e) *Parking of pickup vehicles at private residences.* The city manager or his designee may authorize city vehicles to be parked at private residences to facilitate the collection of brush ~~and other refuse~~ that would otherwise be collected under other provisions of this section. The city manager is directed to develop a written policy to provide for the implementation of this subsection. The policy is to be kept on file in the office of the city clerk and at the public works department. ~~The fee for this service shall be adopted in the city's annual schedule of fees.~~

(Code 1980, § 17-88)

Sec. 58-9. Collection by actual producers and outside collectors.

- (a) *Vehicles.* The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the city who desire to haul over the streets of the city shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.
- (b) *Additional rules and regulations.* The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal, and relating to the hauling of refuse over city streets by outside collectors, as such director may find necessary, subject to the right of appeal as set forth in section 58-2.

(Code 1980, § 17-89)

Sec. 58-10. Refuse to become property of city.

Ownership of refuse material set out for collection ~~or deposited on the city dump and delivery to the county landfill~~ shall be vested in the city, and such material shall not be removed from ~~the a city dump collection vehicle~~ except by special permit approved by the city council and issued by the city clerk.

(Code 1980, § 17-90)

Sec. 58-11. Fees; delinquent accounts.

- (a) *Establishment of fees for the collection and disposal of refuse.* Fees for the collection and disposal of refuse shall be set forth within the schedule of taxes, fees and charges of the annually adopted budget ordinance for the City of Brevard. The specific policies and procedures for the collection of such fees shall be established by the city manager.
- (b) *Applicability of fee.* The appropriate fee for collection and disposal of refuse shall be charged each occupied single, duplex or multifamily dwelling. Businesses which have a contract for refuse collection by a private contractor shall not be required to pay the city fee.
- (c) *Single and duplex family dwellings.* The fee for collection and disposal of refuse placed for collection adjacent to the side of the street or alley from which collection is made shall be as set forth in the schedule of taxes, fees and charges, and shall include the free pickup service provided for in section 58-8(d).
- (d) *Multifamily dwellings.* For each dwelling unit in a multifamily dwelling, i.e., three or more family dwelling units per building, the fee shall be as set forth in the schedule of taxes, fees and charges, provided, however, that this fee shall not include the free pickup service provided for in section 58-8(d). The regular fee provided for in subsection (f) of this section shall be charged for pickup of rubble, wood, tree trimmings, hedge clippings and debris resulting from cleaning of property at multifamily dwellings. Owners of multifamily dwelling buildings shall have the option of using a dumpster container at the regular commercial rate in lieu of individual unit garbage containers.
- (e) *Fee for commercial premises.* The fee for collection and disposal of refuse from nonresidential premises shall be as set forth in the schedule of taxes, fees and charges.
- (f) *Fee for special loads.* The fee for the collection and disposal of special loads of refuse shall be as set forth in the schedule of taxes, fees and charges.
- (g) *Delinquent accounts.* All accounts shall be considered delinquent if not paid by the 20th of the month following the month in which service is rendered. All delinquent accounts are subject to stoppage of service without notice. If the delinquent account is not paid within 30 days, the director shall cease all refuse collection for that account unless otherwise directed by the city manager. Service shall be resumed thereafter only upon payment of the accumulated fees for the period of collection and the period of noncollection unless the city manager specifically directs otherwise. The stoppage of services for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in any manner provided by law for the collection of a claim of the city.

(Code 1980, § 17-91; Ord. No. 12-2011, § 5(Exh. E), 6-20-11, eff. 7-1-11)

RECOMMENDED TERMS OF RENTAL POLICY FOR SEC. 58-8(e)*

Recommended terms of rental policy:

- 1.) The equipment shall be available for no more than two business days per reservation.
- 2.) Service available pending availability of equipment. City has the right to cancel reservations if the equipment is needed.
- 3.) There shall be a fee for this service as written in the schedule of fees. \$100 (nonrefundable deposit) plus tipping fee (to be billed)
- 4.) Rental agreement shall indemnify the city from any claims that may arise from the vehicle being parked on private property.
- 5.) The rental agreement shall outline the types of refuse that is eligible to be collected in this manner, and types of refuse that are prohibited.

*Sec. 58-8 Special refuse problems

(E) *"Parking of city vehicles at private residences* – The city manager or his designee may authorize city vehicles to be parked at private residences to facilitate the collection of brush and other refuse that would otherwise be collected under the provisions of this section. The city manager shall develop a written policy to provide for the implementation of this subsection. The fee for this service shall be adopted in the city's annual schedule of fees."

ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING SECTION 58
THE CITY OF BREVARD CODE OF ORDINANCE**

WHEREAS, a public hearing was conducted on January 17, 2023, by Brevard City Council, and after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 58 Solid Waste Management of the Brevard City Code of Ordinance be amended as outlined below; and

WHEREAS, the amendments are intended to increase safety, clarify unclear language, remove dated references, and give the Public Works Director additional legal tools to use in exceptional circumstances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. The City of Brevard Code of Ordinance is hereby amended as set forth in Exhibit A which is attached and incorporated herein.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinance to reflect the amendments.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 6th day of February, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller, Attorney at Law
City Attorney

STAFF REPORT

City Council, Monday, February 6, 2023

Title: Main Street & Times Arcade Project Update

Speaker:

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

On September 19, 2022 Council approved the design for Main St. streetscape improvements and Times Arcade Alley stormwater improvements. Together, these improvements are significant pieces of the downtown master plan. Work to repair and replace underground utility infrastructure in preparation for the streetscape work started recently and is on schedule.

The scope of the project in the public solicitation consisted of both the streetscape improvement and alleyway stormwater work. The initial bid opening was scheduled for January 10, 2023. Only two bids were received, and since state statute requires three the bids were not opened. The make-up bid opening was held on January 23, 2023. Again, two bids were received but state statute permits bids to be opened if two are received after reposting.

Both bids were significantly higher than staff had hoped (\$1.9M and \$3.3M). Even the low bid would require a significant extra contribution to make work. Therefore, staff have taken the following actions:

- 1.) Reject both bids. Statute gives municipalities the authority to reject all bids for any reason.
- 2.) Rebid the project with reduced scope. The new scope will remove the Times Arcade stormwater work from the project, and focus on the Main St. streetscape improvements.
- 3.) Reconfigure the funding plan, depending on the amount of the bids for the new scope.
- 4.) Request that Council schedule a Special Meeting to officially reappropriate money and award bid (see next agenda item)

FISCAL IMPACT:

The city's consulting engineer, Arbor Land Design, has reviewed the details of the bid documents and estimated that between \$800,000 and \$1.3M of the total proposed cost was for the streetscape improvements.

The budget for this project was \$880,000, and the City has spent or is currently under contract with Arbor Land Design for \$80,000, leaving \$800,000 available for construction services. Dependent upon the exact amount of the bid received, the City may need to identify funding sources of approximately \$500,000.

ACTION:

For information and discussion only.

Attachments:

1. Possible Streetscape Funding Options

POSSIBLE MAIN ST. STREETScape FUNDING OPTIONS

Downtown Master Plan Fund (Fund 83)			
Current Balance ¹	Encumbrances/Expenses ²	Available Balance	Note
\$755,000	(\$33,572.05)	\$721,427.95	This fund was endowed by...

1 – Actual balance is \$880,000, but \$125,000 is reserved for stormwater related work, and thus ineligible for use on streetscape.

2 – Architectural, design, and engineering work.

Other Available Funding Sources				
Source	Amount Available	Pros	Cons	Notes
Available GF fund balance above 25% minimum	\$1,015,268	Available to spend at any time. Would still leave us above policy minimum.	If spent, rainy day fund diminished in the face of possible economic downturn.	Amount Available already reflects \$240k allocated in FY23 for roundabouts
ABC one-time surplus payment	\$40,000	Undesignated surplus one-time money	Won't be available for other purposes	
Surplus investment income as of 1/31/23 ³	\$150,772	Extra revenue collection above and beyond what was budgeted. Not needed by any other department.	May be needed to mitigate rising operational costs due to inflation.	\$52,000 commitment to Bracken Preserve acquisition already factored into Amount Available
Exec/Admin. salary savings ⁴	\$47,223	Money budgeted, so money collects as each position remains vacant	Using this would make offering a higher amount to an extremely qualified candidate more challenging	\$18,000 commitment to Bracken Preserve acquisition already factored into Amount Available
Parking meter revenue	\$150,000 ⁵	Revenue is not currently designated for any specific purpose	Less money available for parking-related projects	Conceptually, this money is dedicated to making parking-related improvements
Tourism Development Authority Grant	???,???			Grants typically do not exceed \$50,000

3 – Collections as of 12/31/22 are \$159,769. \$400,000 EOY projection

4 – Communications coordinator salary savings with offered salary and hire date of 2/13/23 (\$12,975), PW director with assumed hire date of April 1 (\$50,489), City Manager salary savings (\$1,759), for a total of \$65,223 in salary savings.

5 – FY22 (\$70,000) and FY23 (\$80,000) collections combined.

STAFF REPORT

City Council, Monday, February 6, 2023

Title: City Council Meeting Schedule Amendment

Speaker:

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

To accommodate the bid and award schedule discussed in the previous item, staff requests that City Council schedule a Special Meeting for Monday, March 6, 2023 at 5:30 PM. There will be one topic on the agenda: Main St. Streetscape Improvements contract.

Council will likely be asked to take action on a series of administrative items related to this project; award the bid, pass a budget amendment, etc.

Action

Amend the City Council meeting schedule to add a Special Meeting for Monday, March 6, 2023 at 5:30 PM

Attachments:

1. Amended 2023 Council Meeting Schedule

Brevard City Council 2023 Meeting Schedule

Day / Date	Time	Type	Location
Tuesday, January 3, 2023	5:30 PM	Regular Meeting	Council Chambers
Tuesday, January 17, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, February 6, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, February 20, 2023	5:30 PM	Regular Meeting	Council Chambers
Wednesday, March 1, 2023	5:15 PM	Strategic Planning Session #1	Mary C. Jenkins Community Center
Thursday, March 2, 2023	5:15 PM	Strategic Planning Session #2	Mary C. Jenkins Community Center
Monday, March 6, 2023	5:30 PM	Special Meeting	Council Chambers
Monday, March 20, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, April 3, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, April 17, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, May 1, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, May 15, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, June 5, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, June 19, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, July 17, 2023 (If Needed)	5:30 PM	Regular Meeting	Council Chambers
Monday, August 7, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, August 21, 2023	5:30 PM	Regular Meeting	Council Chambers
Tuesday, September 5, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, September 18, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, October 2, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, October 16, 2023	5:30PM	Regular Meeting	Council Chambers
Monday, November 6, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, November 20, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, December 4, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, December 18, 2023 (If Needed)	5:30 PM	Regular Meeting	Council Chambers

Amended/Readopted: February 6, 2023

Amended/Readopted: January 17, 2023

Adopted: December 5, 2022

Distribution: December 13, 2022

D Hodsdon, City Clerk