



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, August 22, 2023 - 5:30 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

- a. July 25, 2023

VI. New Business

- Consideration of Request for Contiguous Annexation ANN-23-002 by Melinda
- a. Greenfield for property located at 345 Forest Hill Road and further identified by PIN# 8585-35-1388-000.
- b. Proposed Expansion of the Downtown Development Overlay District

VII. Unfinished Business

- a. Continuation of Consideration of Text Amendment TXT-23-004 Parking

VIII. Public Comments

IX. Remarks

X. Adjourn

Agenda Posted, Website (August 18, 2023)

J. Pinson, Clerk to the Board

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your

Government” tab followed by “Agenda Packet” tab. Agenda packet materials are posted on Friday afternoon prior to the meeting.

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
JULY 25, 2023
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, July 25, 2023, at 5:30 PM, in Council Chambers at City Hall.

Members Present: Reid Wood, Vice Chair
Molly Jenkins
Alan Mercaldo
John Schommer
Peter Chaveas

Members Absent: Greg Hunter, Chair
James Carli

Staff Present: Paul Ray, Planning Director
Janice H. Pinson, Board Clerk

Others: Matt Fusco, Landscape Architect
Rhett Pace, Platt Construction
Maggie DeLapp, Platt Architecture

I. Welcome

At 5:30 PM, Reid Wood, Vice Chair called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

Vice Chair, Reid Wood confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion to approve the agenda by P. Chaveas, second by J. Schommer, unanimously carried.

V. Approval of Minutes

Motion to approve the June 27, 2023 minutes with revisions by J. Schommer, second by M. Jenkins, unanimously carried.

VI. New Business

a. Consideration of Final Master Plan, REZ-21-003 The Cindy Platt Boys & Girls Club

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

Background

On October 18, 2021, City Council created the Boys and Girls Club Conditional Zoning District, REZ-21-003. This special zoning district works in conjunction with the UDO, having its own list of conditions and a preliminary master plan that depicts the future expansion of the facility. The subject property is owned by the Boys and Girls Club and located at 11 Gallimore Road and 340 Greenville Highway in Brevard. The parcels are identified by the following PINs: 8585-77-6740-000 and 8585-77-9731-000 and have a base zoning district of Institutional Campus (IC), which is intended to allow inward facing development and the continued expansion of campuses.

Discussion

A conditional zoning district is intended to provide an effective means for the City to manage development in sensitive context by providing developers the flexibility for creative design approaches beyond the parameters of the Unified Development Ordinance (UDO). City Council and the developer negotiated site-specific development standards for this project, which was codified in an ordinance that works in conjunction with the UDO. If the enacting ordinance creating the conditional zoning district does not provide specific conditions, then the development shall comply with the applicable UDO standards in the corresponding base zoning district.

The applicant has submitted a complete Final Master Plan for review by Staff and approval by the Brevard Planning Board. The plan must show how the development requirements of the enacting ordinance and UDO will be met. The Boys and Girls Club also has a Development Agreement, which allows development over a term of 20 years. The preliminary master plan depicted a different construction sequence than currently proposed, which is a minor modification as determined by the Planning Director.

The following is a highlight of Staff's review of the Boys & Girls Club:

- The use of the Boys and Girls Club is consistent with the base zoning district of Institutional Campus (IC), which centers around community service organizations, culture or community facilities, a meeting facility, indoor & outdoor recreational facility, and other general uses permitted in IC Zoning District.

- There are no front, side or rear yard setbacks in this conditional zoning district, so the Final Master Plan is consistent.
- The single-story building additions will use split face CMU block for the exterior walls, which is a permissible material per the CZD ordinance.
- A stormwater analysis was submitted by Headwaters Engineering. Soil borings and hydraulic modeling indicated a high-water table, with groundwater ranging from 1 foot to 2.5 feet with soil types having moderate to slow infiltration rates. The stormwater treatment options considered include stormwater wetlands and subsurface chambers.

Stormwater wetlands can be feasible in shallow groundwater settings, but in this case the space available for stormwater treatment is too small. HydroCAD modeling indicated that stormwater wetland outlet structures would be overtopped during the 2-year storm and potentially flood existing buildings.

Subsurface chambers operate through infiltration, and generally need at least 1 foot of separation from the base of the chamber to the groundwater level. Given the volume of stormwater required for capture and treatment there is not sufficient vertical space between the ground surface and the groundwater level for chambers to function properly.

The UDO allows the option of paying a stormwater fee in lieu if environmental conditions prevent the installation of a formal stormwater system. The Boys & Girls Club project complies with the provisions of chapter 6.6 by accepting a stormwater fee in lieu due to the described site characteristics. The City's Consultant Engineer, with High Country Engineering, has provided a technical memorandum concurring with the applicant's engineer. If site conditions were conducive to building a formal stormwater management system, an infiltration basin would be the least expensive system, with an estimated cost of \$35,915.63. The City will use these funds exclusively for stormwater improvements made elsewhere in the corporate limit.

The runoff from the expanded areas of this project will sheet flow to adequately sized, stormwater conveyance swales without incident. This plan complies with Chapter 6.6 of the Stormwater Runoff Provisions.

- The project has an approved State Erosion Control permit from NCDEQ.

- There is an 8-foot wooden shadowbox fence along the western and southern perimeter as required in the CZD.
- A Driveway Permit Application was approved by NCDOT.
- The number of parking spaces is well below the maximum number of 110.
- A 10-foot-wide paved bike path is shown on the plans and will follow Highway 276 to the furthest extent of the Boys & Girls Club property. The path will be offset from the edge of the roadway due to utility poles, and the bike path will be dedicated to the City upon completion.
- A dedication plat shall be required for a 20-foot-wide utility easement along the sewer main, as required by the CZD.
- Landscaping will be upgraded to comply with Chapter 8 of the UDO.
- Lighting shall comply with the UDO and “dark skies” and wiring to the building is underground.

Recommendation

The Board’s role is to approve or deny a Final Master Plan for a Conditional Zoning District, or it may continue for no more than 30 days for additional consideration. Staff believes this Final Master Plan is in line with the established Conditional Zoning District Ordinance and recommends approval.

Matt Fusco explained the stormwater challenges with the project being location in the 100 year flood and in close proximity to the French Broad River, and he explained that a study was done by Headwaters Engineering on the on-site stormwater control constraints (Exhibit “A”) which decision aided in the request to pursue the fee in lieu for stormwater management. He explained that the flood study provided that the project would not negatively affect a rise. He explained the different measures they are taking to mitigate the stormwater through additional landscaping to help draw the water up and that conveyance swales will be a part of the landscape plan. He explained that they will take measure to make sure as much water goes into the ground and the French Broad River as possible.

When asked he explained that the current impervious surface is a total of 1.88 acres and that the increase with the project will add an additional .89 of impervious surface. He stated that he, as well as the Platts, are good stewards to the projects they work on and to the community.

Paul Ray, Planning Director, explained that he too had concerns about stormwater management on the site and hired High Country Engineering to review the submitted documentation and they concurred with the findings. (Exhibit "B"). He further explained that the UDO does allow the acceptance of a stormwater fee in lieu.

Rhett Pace, Platt Construction, explained that the original and most recent buildings predate the UDO.

J. Schommer made a motion to approve as submitted, second by P. Chaveas, unanimously carried.

VII. Unfinished Business - None

IX. Remarks - None

X. Adjournment

There being no further business, P. Chaveas made a motion to adjourn seconded by J. Schommer, the motion carried unanimously, and the meeting adjourned 6:00 PM.

Reid Wood, Vice Chair

Janice H. Pinson, Board Clerk

STAFF REPORT

Planning Board, Tuesday, August 22, 2023

Title: Consideration of Request for Contiguous Annexation ANN-23-002 by Melinda Greenfield for property located at 345 Forest Hill Road and further identified by PIN# 8585-35-1388-000.

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

On June 7, 2023, Melinda Greenfield (“Applicant”) submitted a request for voluntary continuous annexation for property located at 345 Forest Hill Drive, further identified by PIN 8585-35-1388-000.

Discussion

The subject property is located within the City’s Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 4 (GR4). The Applicant wishes to annex the entirety of the property. The financial and service delivery impacts are estimated to be minimal; see Attachment 2 for full financial impact details.

There are currently two structures on the property, one single-family house and a detached garage. The home is already connected to City water, upon annexation it is assumed it will also be connected to City sewer. The cost of connecting to the sewer system will be borne by the property owner.

Policy Analysis

Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute.

Recommendation

Staff recommends approval of the proposed annexation.

Attachments:

1. Application and Plat
2. Revenue Estimator

RECEIVED
6/14/2023

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



PETITION REQUESTING A CONTIGUOUS
ANNEXATION
(G.S. 160A-31)

Date: 06/07/2023

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is contiguous to the City of Brevard and the boundaries of such territory are as follows:

Transylvania County Property Identification Number(s): 8585-35-1388-000

Street Address: 345 Forest Hill Road Brevard, NC 28712

**(ATTACH A METES AND BOUNDS PROPERTY
DESCRIPTION AS "ATTACHMENT A")**

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s): Do you declare vested rights? Yes X No
(Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name Melinda Greenfield
Address 218 Grand Palm Ct Ponte Vedra Beach, FL 32082 *< mailing address*
Telephone 229-809-0504 Email melsag@aol.com
Signature 

b. Name _____
Address _____
Telephone _____ Email _____
Signature _____

c. Name _____
Address _____
Telephone _____ Email _____
Signature _____

Property Ownership by Corporation or LLC: (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name _____
Address _____
Telephone _____ Email _____
By: _____
Type or Print Name and Title (President / Managing Member)
Signature _____

b. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

c. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

AGENT:

Name: _____

Address: _____

Telephone: _____ Email _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of \$500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712



2022003650

TRANSYLVANIA CO, NC FEE \$28.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:
06-06-2022 10:39:39 AMBETH C LANDRETH
REGISTER OF DEEDS
BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS

BK: DOC 1040

PG: 127-128

NORTH CAROLINA QUIT CLAIM DEED

Mail after recording to: Sherman Willis at 1115 W. Third Avenue, Albany, GA 31707

This instrument prepared by: Sherman Willis

Brief description for the index: 345 Forest Hill Rd. Brevard NC 28712

THIS QUITCLAIM DEED made this the 17th day of May, in the year 2022, by and between

GRANTOR

GRANTEE

Uniformity Hub, LLC
A Georgia limited liability company
218 Grand Palm Court
Ponte Vedra Beach, FL 32082Melinda F. Greenfield, Trustee of the
Melinda F. Greenfield Living Trust
218 Grand Palm Court
Ponte Vedra Beach, FL 32082

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as may be required by context. WITNESSETH, that said Grantor, for and in consideration of the sum of ten dollars and other consideration to it in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and its heirs and assigns all right, title, claim, and interest of the said Grantor in and to all that certain parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING all of 0.86 acres, more or less, as shown and described on a plat dated April 24, 2014 by E. Rogers Raxter, PLS, and recorded in Plat File 16, Slide 61 of the Register of Deeds for Transylvania County, North Carolina.

The property hereinabove described was acquired by Grantor by instrument recorded in Document Book 959, Page 84.

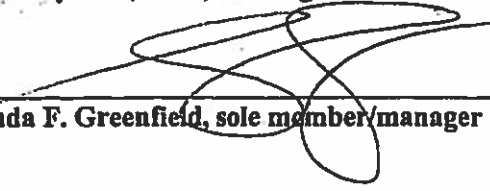
A map showing the above-described property is recorded in Plat File 16, Slide 61.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to the said Grantee and its heirs and assigns free and discharged from all right, title, claim or interest of the said Grantor or anyone claiming by, and through or under it. Title to the property hereinabove described is subject to the following exceptions if any:

ANY AND ALL OF PUBLIC RECORD

IN WITNESS WHEREOF, said Grantor has hereunto set its hand and seal the day and year first above written.

Uniformity Hub, LLC, a Georgia limited liability company

By:  (Seal)
Melinda F. Greenfield, sole member/manager

STATE OF GEORGIA
COUNTY OF DOUGHERTY

I, Kevin Dybalski, a Notary Public, of said State and County aforesaid, do hereby certify that Melinda F. Greenfield, sole member/manager of Uniformity Hub, LLC, Grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the Grantor(s), or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the Grantor(s) photograph in the form of a driver's license, and that she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated.

Witness my hand and official seal or stamp, this 17th day of May, in the year 2022.

KEVIN DYBALSKI
Notary Public, State of Florida

My Comm. Expires 03/06/2023 (Seal)

Notary Public Commission No. GG308484

My commission Expires: _____

NCGS MONUMENT "GEORGE"
N : 556,738.13'
E : 882,107.13'
NAD 83 (2001)

COMBINED FACTOR
USED : 0.99977522

NCGS MONUMENT "TRIANGLE"
N : 558,408.41'
E : 884,066.68'
NAD 83 (2001)

- NTS TIE -
N 49°33'23" E
2,574.81' (GRID)

- NTS TIE -
N 34°50'06" W
1522.04' (GRID)

"HAFLER"
5/8" IRF

FOREST HILL DRIVE
SR NO. 1123, 18' +/-
PUBLIC ASPHALT ROAD

1/2" IRF AT THE NORTHEAST CORNER
OF LOT 12 OF BLOCK 4 OF LAKEVIEW
SECTION OF LAWRENCE LAND COMPANY
PER P.B. 1, PAGE 5.

NCGS NORTH
ROGER RAXTER
SURVEYING
NAD 83 (2001)

CITY OF BREVARD-ANNEXATION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER _____ TO ANNEX THE PROPERTY DESCRIBED HEREIN ON _____ WITH THE EFFECTIVE DATE OF ANNEXATION ON _____.

City Clerk

OWNER CERTIFICATION - ANNEXATION

I (WE) HEREBY CERTIFY THAT I (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

DATE

OWNER(S)

DATE

OWNER(S)

LILLIAN JEAN BYERS
D.B. 996, PAGES 670-672
P.F. 19, SLIDE 328 &
P.F. 21, SLIDE 81
8585-35-1540-000

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, Kevin D. Balski, a Notary Public
of said State and County, do hereby certify that

Melinda F. Greenfield
personally appeared before me this day and acknowledged
the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 4th
day of June, 2023.

My Commission Expires 3/22/27

KEVIN D. BALSKI
NOTARY PUBLIC
STATE OF NORTH CAROLINA
NO. HH 377223
MY COMMISSION EXPIRES MAR. 22, 2027

ANNEXATION PLAT-ORDINANCE NO. _____
OF PROPERTY OWNED BY: _____

**Melinda F. Greenfield, Trustee of the
Melinda F. Greenfield Living Trust**

PROPERTY LOCATED IN :
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY
NORTH CAROLINA

DEED REFERENCE : D.B. 1040, PAGE 127-128.

PLAT REFERENCE : P.F. 16, SLIDE 61.

DATE : MAY, 2023.

NOTES

- 1) This property is located in Zone X, and Zone AE, areas determined to be outside the 500-year floodplain per F.I.R.M. of this area dated October 02, 2009, except as noted.
- 2) This property is subject to matters found by a title examination and also subject to all restrictions, setback lines, roadways, zoning ordinances and right of ways appearing on this property and/or of record.
- 3) Area computed by coordinate method, including all right of ways.
- 4) This is a plat of an existing parcel or parcels of land and does not create a new street or change an existing street.
- 5) This map is not transferable, and may not be used by any person or entity without written authorization from E. Roger Raxter, PLS. This plat is provided for the use of the parties named hereon.
- 6) The building ties are to the structural walls, unless otherwise noted.
- 7) The owner is : Melinda F. Greenfield, Trustee at 218 Grand Palm Court, Ponte Verda Beach, FL, 32082.
- 8) The Tax Pin is : 8585-35-1388-000.
- 9) The location of the floodway and flood areas is approximate only, being scaled from the Transylvania County Tax Map.
- 10) This property is zoned GR 4.
- 11) This plat was prepared from the recorded plat referred to above. No actual survey was done in 2023.
- 12) This plat does not certify legal title to the land itself or to the boundaries shown. Users of this plat should obtain an accurate legal opinion as to the ownership within the boundaries of this plat.

Review Officer Certification.

State of North Carolina, County of Transylvania

I, _____, Review Officer of Transylvania County,
certify that the map or plat to which this certification is affixed meets all
the statutory requirements for recording.

Date

I, E. Roger Raxter, N.C. PLS certify that this a plat of an existing parcel or
parcels of land and does not create a new street or change an existing street.

E. ROGER RAXTER, NC PLS

May 24, 2023

DATE

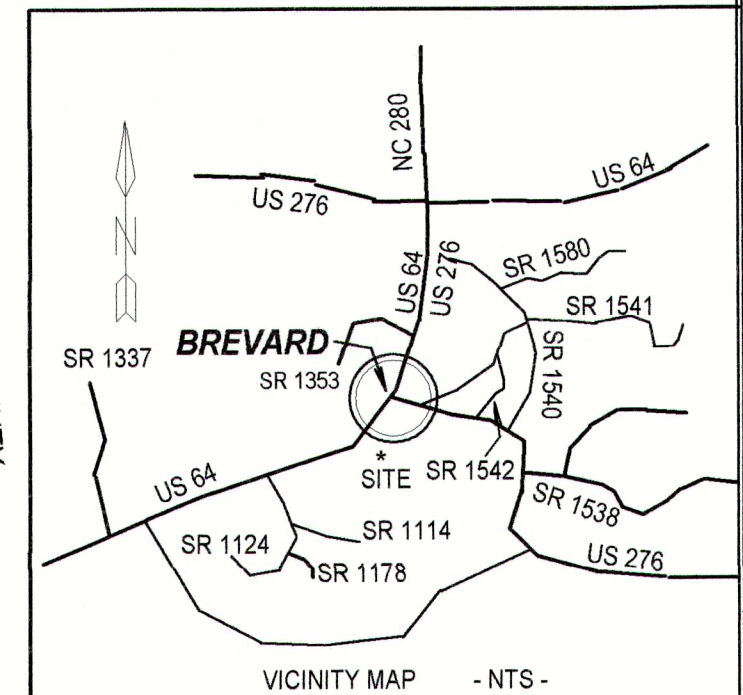
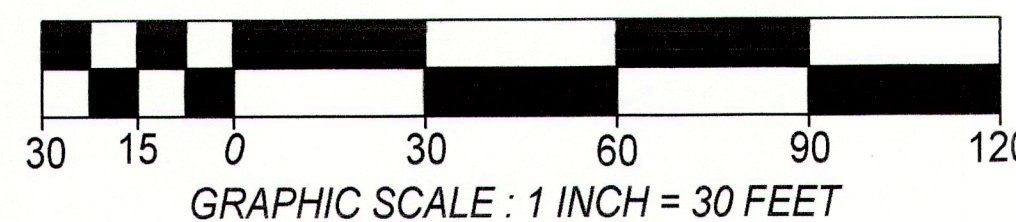
I, E. ROGER RAXTER, PROFESSIONAL LAND SURVEYOR,
CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPER-
VISION FROM RECORDED DOCUMENTS AND/OR OTHER
INFORMATION AND DOES NOT REPRESENT AN ACTUAL
FIELD SURVEY. THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH GS 47-30 AS AMENDED.

E. ROGER RAXTER
NC PLS L-2938

May 24, 2023
DATE

LEGEND

CMF CONCRETE MONUMENT FOUND
IRF IRON ROD FOUND
UP UNMARKED POINT
IRS 5/8" IRON ROD SET
IPF IRON PIPE FOUND
OUL OVERHEAD UTILITY LINES
N/A NOT APPLICABLE
RW RIGHT OF WAY
TR TRANSFORMER
T/P TELEPHONE PEDSTAL
WM WATER METER
SR STATE ROAD
O CULVERT +/-
S STREAM +/-
WV WATER VALVE
MH MAN HOLE
F FENCE +/-
D.B. DEED OR DOCUMENT BOOK
P.B. PLAT BOOK
P.F. PLAT FILE
NTS NOT TO SCALE
UB UTILITY BOXES



Plat Prepared By :
E. ROGER RAXTER, N.C. PLS L-2938
1101 SILVERSTEEN ROAD
LAKE TOXAWAY, N.C. 28747
PHONE : (828) 966-4399 OR
CELL : (828) 226-0251
E-MAIL : erraxter@gmail.com

DATE MAY 24, 2023 DRAWING NUMBER 14019B

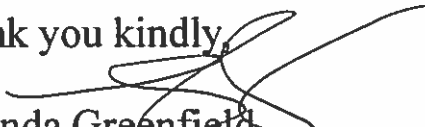
Denise Hodsdon
City Clerk
City of Brevard
95 W. Main Street
Brevard, NC 28712

Dear Denise,

I am submitting my application for a petition to annex my property to the City of Brevard. As you may recall, my drain field has failed and the septic system of the home is no longer functioning properly. We have managed a temporary fix for the functioning of the system but it will not last for long. Repairing the drain field is not an option.

I appreciate your help in reviewing my application and expediting the process.

Thank you kindly,



Melinda Greenfield

345 Forest Hill Road
Brevard, NC 28712

Mailing Address:
218 Grand Palm Ct
Ponte Vedra Beach, FL 32082

229-809-0504

GREENFIELD ANNEXATION, ANN-23-002**FINANCIAL SUMMARY****ONE (1) SINGLE FAMILY HOME**

REVENUE	GENERAL FUND	WATER & SEWER FUND	FIRE DEPT SPECIAL REVENUE FUND	TOTAL ALL FUNDS
ESTIMATED PROPERTY TAXES	\$1,510		\$153	\$1,663
TRASH AND RECYCLING FEES	\$240			\$240
WATER & SEWER UTILITY CHARGES		\$1,333		\$1,333
POWELL BILL	\$0			\$0
TOTAL REVENUE	\$1,750	\$1,333	\$153	\$3,236
EXPENDITURES				
ADMINISTRATION/FINANCE/HR	\$71			\$71
POLICE DEPT	\$160			\$160
FIRE DEPT			\$153	\$153
TRASH AND RECYCLING	\$240			\$240
STREET DEPT	\$186			\$186
PARKS & PROPERTY MANAGEMENT	\$125			\$125
PLANNING & ZONING	\$71			\$71
WATER DISTRIBUTION		\$145		\$145
WATER TREATMENT PLANT		\$207		\$207
SEWER COLLECTIONS		\$200		\$200
WASTERWATER TREATMENT PLANT		\$368		\$368
WATER & SEWER FUND DEBT		\$413		\$413
TOTAL EXPENDITURES	\$854	\$1,333	\$153	\$2,340
NET GAIN OR (LOSS)	\$896	\$0	\$0	\$896
ASSUMPTIONS: ONE (1) SINGLE FAMILY HOME; 5,000 GALLONS/MONTH; PER CAPITA CHARGE FOR PUBLIC SERVICES				
TAX VALUE OF HOME	\$326,050			

STAFF REPORT

Planning Board, Tuesday, August 22, 2023

Title: Proposed Expansion of the Downtown Development Overlay District

Speaker: Aaron Bland, Asst. Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

In February of 2020, City Council enacted the Downtown Development Overlay District (DDOD) via Ordinance 2020-04 (Attachment 1). The DDOD was created to establish a "build to" line for new construction in the main core of downtown Brevard (see Attachment 2), which is codified in Section 2.3.B.10 of the Unified Development Ordinance:

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.

It is also a requirement of the DDOD that for mixed-use residential units located in the overlay, the non-residential use shall be located on the ground floor with the residential unit or units above.

Discussion

Expansion of the DDOD would ensure that a greater area in downtown has buildings built close to the street. The placement and orientation of buildings downtown is critical to a community's character as well as promoting pedestrian activity. Build-to lines can help ensure that new development complements the existing character of the downtown, while allowing some flexibility for siting buildings on lots.

Ensuring buildings in the heart of downtown are built close to the sidewalk helps form a sense of enclosure. "Enclosure" is an urban design concept that refers to the degree to which public spaces like sidewalks are visually defined by vertical elements, such as buildings and trees. Spaces where the height of vertical elements is proportionate to the width of the space between them have a room-like quality and are naturally comfortable places for people. Enclosure is eroded by breaks in the continuity of the surrounding vertical elements. Large or out of proportion building setbacks are a source of continuity-breaking dead space, which erodes the feeling of the sidewalk as a social, public space.

Staff is proposing expanding the DDOD along Broad Street to the north as shown on Attachment 3.

Policy Analysis

The Building Brevard comprehensive land use plan speaks to the design standards of the DDOD and its importance for supporting growth in downtown Brevard. Specifically, LUH-7 states that "areas in the greater City Center area (areas outside the current DDOD) should also have defined maximum allowable setbacks and/or build-to lines."

Fiscal Impact

None.

Action

The Board's role is to make a recommendation to City Council. The Board has the following options in this role:

1. Recommend adoption of the map amendment as presented;
2. Recommend adoption of the map amendment as revised by the Board; or
3. Recommend rejection of the map amendment.
4. Table the map amendment for further consideration.

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review.

Attachments:

1. Ord 2020-04
2. DDOD Existing
3. DDOD Proposed
4. Consistency Statement

ORDINANCE NO. 2020-04

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2 AND 19 AND THE OFFICIAL ZONING MAP TO
ESTABLISH THE DOWNTOWN DEVELOPMENT OVERLAY DISTRICT**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2 and 19, be amended to establish the Downtown Development Overlay District; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Official Zoning Map of the City of Brevard, be amended to establish the Downtown Development Overlay District; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

ELEMENT 4: LIVABLE COMMUNITIES

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.

and,

WHEREAS, a public hearing was conducted on Monday, February 17, 2020, by 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, and the Official Zoning Map of the City of Brevard, 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 Chapters 2 and 19 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

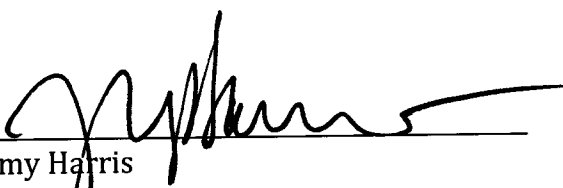
SECTION 02. The Official Zoning Map of the City of Brevard is hereby amended to establish the Downtown Development Overlay District as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 03. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 04. 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 05. 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 February, 2020.


Jimmy Harris
Mayor

ATTEST:



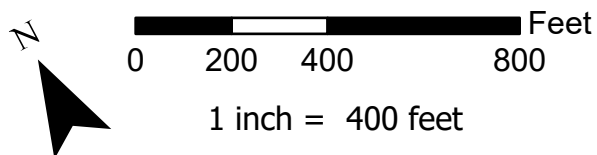
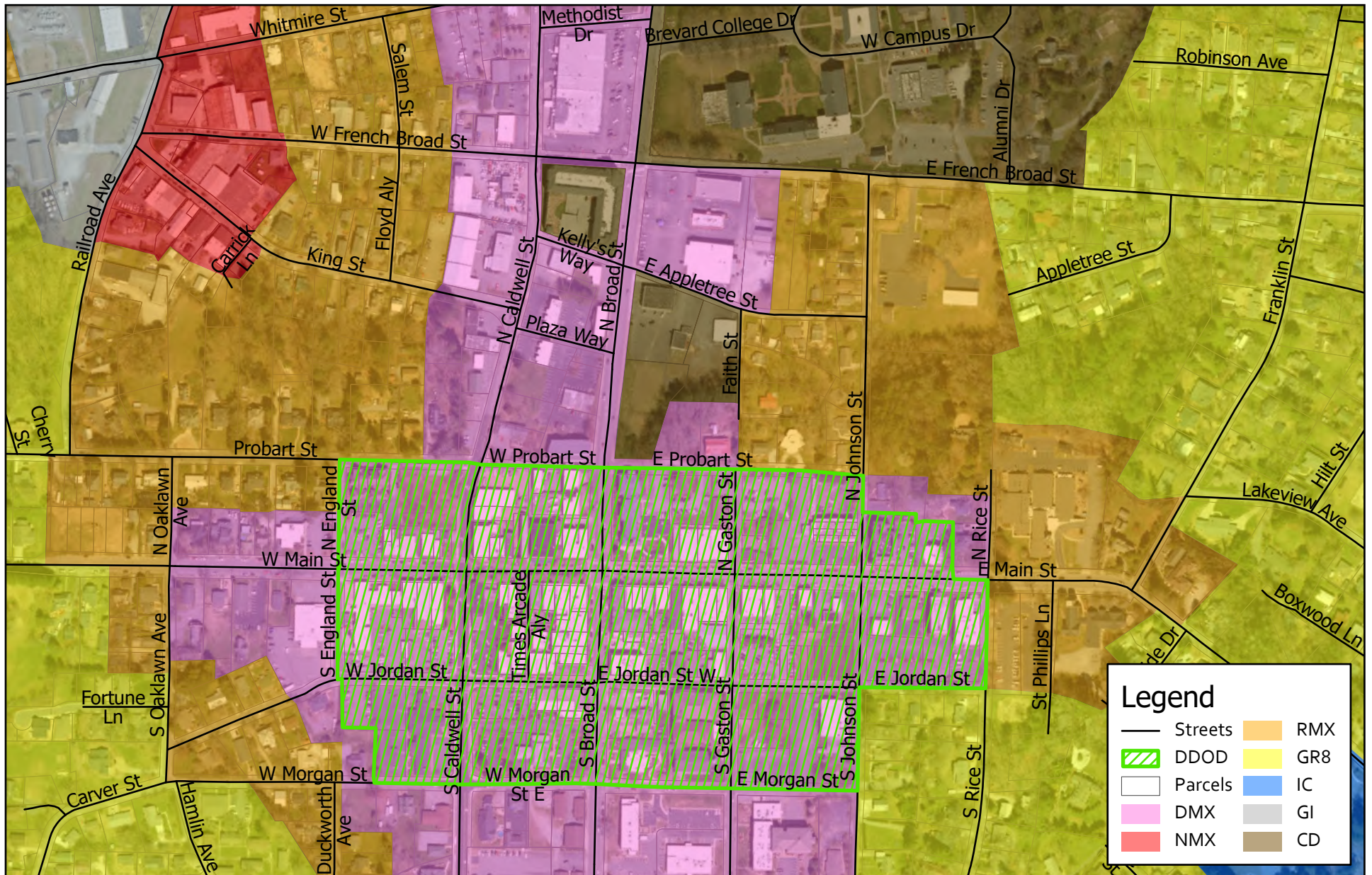
Jillo Murray, CMC
City Clerk

APPROVED AS TO FORM:



Michael K. Pratt
City Attorney

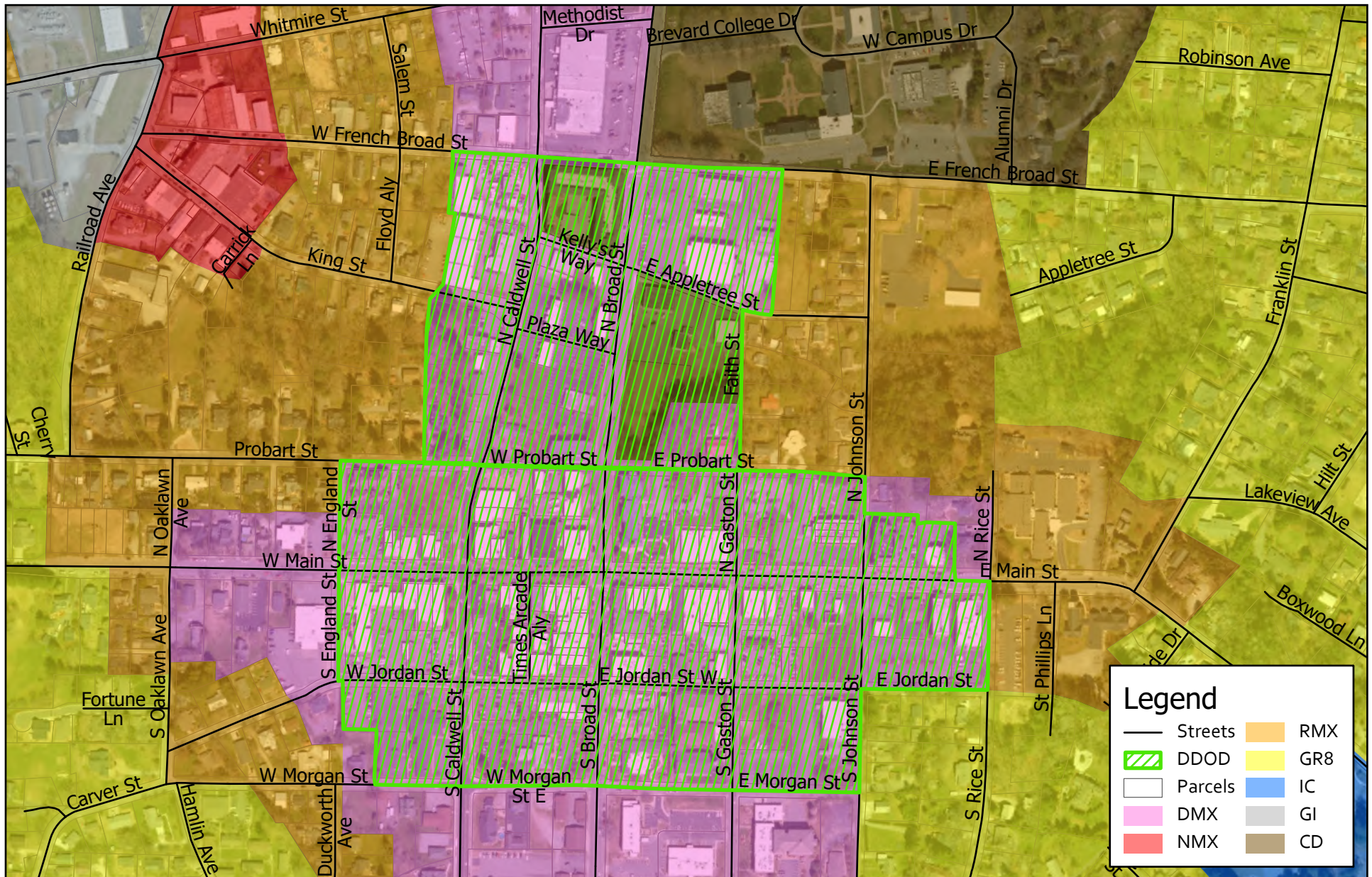
REZ-23-004 - Current Downtown Development Overlay District



This map was prepared by the City of Brevard Planning Department.

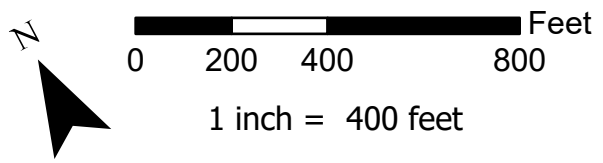
Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

REZ-23-004 - Proposed Downtown Development Overlay District



Legend

— Streets	RMX
▨ DDOD	GR8
□ Parcels	IC
■ DMX	GI
■ NMX	CD



This map was prepared by the City of Brevard Planning Department.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-23-004**

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 map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

Recommendation Land Use & Housing – 7: Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- The expansion of the Downtown Development Overlay District will help to ensure that as downtown is redeveloped and expands the design of the built environment will maintain a pedestrian-oriented character.
- The Plan is consistent with the above element of the Comprehensive Land Use Plan.

STAFF REPORT

Planning Board, Tuesday, August 22, 2023

Title: Continuation of Consideration of Text Amendment TXT-23-004 Parking

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Aaron Bland, Asst Planning Director, Paul Ray, Planning Director

Background & Discussion

Parking regulations in development ordinances are meant to ensure the provision of off-street parking is proportionate to the land use by establishing minimum and/or maximum amounts of parking. These regulations can also be used to incentivize and encourage development that prioritizes multimodal transit options and other adopted goals from the City's comprehensive plan.

This is a staff-initiated text amendment that consolidates and refines parking standards. Staff launched this project with the following priorities:

- Right-size parking requirements by land use and development context
- Incorporate safe and efficient parking area design
- Incentivize and encourage development that prioritizes multimodal transit options and other best practices in urban design
- Add parking lot maintenance requirement
- Manage the potential negative impacts of both too little and too much parking

At the Planning Board meeting on May 23, 2023, Staff lead the Board in a discussion on the opportunities and constraints related to the parking requirements for developments in Brevard. The SWOT analysis from this discussion is included as Attachment 4. At this meeting, Board members concurred with Staff's assessment that parking standards should be context-dependent and the requirements should vary by zoning district. More specifically, Staff shared the City of Charlotte's tiered parking model as an example of this.

At the Planning Board meeting on June 27, 2023, Staff prepared a revised Section 10.3 [Off-Street Vehicle Parking Requirements] for the Board's review and input. This was intended as the next step in developing a fully revised parking chapter, which is being presented tonight.

Proposed Amendments

The major changes are listed below along with Staff's reasoning for proposing the change.

1. Consolidation of Parking Standards and Reorganization of Parking Chapter

Parking standards are generally concentrated in Chapter 10 – Parking Standards, but other elements are dispersed throughout the Unified Development Ordinance. This text amendment consolidates the standards and adds clear references to the applicable sections.

For example, the parking area screening (Section 8.6) and parking area landscaping (Section 8.7) standards are included in Chapter 8 [Tree Protection and Landscaping]. Reference to these sections is added to Section 10.7 [Parking Area Design and Construction Standards] to ensure the public knows to review those requirements.

Another example is that bicycle parking was included in Section 5.16 [Standards for Large Structures] in addition to Chapter 10. These are now consolidated into Section 10.5 [Bicycle Parking Requirements]

2. Tiered Parking Model for Minimum and Maximum Number of Spaces (Section 10.3)

The single greatest change in the proposed amendments is the implementation of a tiered parking model that varies the parking requirements by land use and zoning district. In regards to land use, the current ordinance requires parking minimums for various land uses and exempts the Downtown Mixed-Use Zoning District and King Street / Lumberyard area from non-residential parking minimums. Exempting districts is a common practice in many other cities considering parking reform, such as Asheville, Black Mountain, Greensboro, Hickory, and Hendersonville. The proposed tiered parking model takes this idea one step further by implementing a middle-ground scenario where parking minimum and maximums are both applied. The three tiers, their descriptions, and the proposed zoning districts are outlined below:

Tier	Description	Parking Requirements	Proposed Zoning Districts
Tier 1	•Less walkable districts •Concentrated land uses •No available public parking / on-street parking	Parking minimums, but no parking maximums	General Residential (GR) General Industrial (GI)
Tier 2	•Mix of lower-density residential and commercial uses •Some off-street parking needed to preserve public rights-of-way •More amenable to alternative modes of transportation	Both parking minimums and maximums	Residential Mixed-Use (RMX) Neighborhood Mixed-Use (NMX) Institutional Campus (IC)
Tier 3	•Dense, heavily commercial development •Available public parking / on-street parking •Developers/owners are more	Parking maximums, but no parking minimums	Downtown Mixed-Use (DMX) Corridor Mixed-Use (CMX)

	likely to over-park (e.g., grocery stores, shopping centers)		
--	--	--	--

To develop the parking minimums and maximums, Staff reviewed other municipalities and assessed the parking capacity / needs of current developments. Additionally, staff structured the new matrix to align with the new categories and land uses implemented as part of the comprehensive use matrix amendments adopted by City Council in December 2022. Specific notes on these ratios can be found in the strikethrough version.

3. Exceptions to the Tiered Parking Matrix (Section 10.3)

The proposed text amendment provides a number of exceptions to the minimum and maximum off-street parking requirement. Many of these are included in the current ordinance, but others are added. These exceptions allow developers to either reduce their minimum parking requirement or increase their maximum parking allotment in exchange for:

- investing in alternative modes of transportation (e.g., bicycle racks and electric vehicle parking spaces),
- utilizing existing parking in the area (e.g., shared parking agreements and public parking credits),
- better utilizing land (e.g., underground or above-grade parking and higher level of stormwater management), and
- accounting for site constraints (e.g., tree preservation and upgrading preexisting non-conforming parking facilities).

5. Other Required Off-Street Parking Spaces (Sections 10.4, 10.5 and 10.6)

The proposed text amendment revises and expands other types of off-street parking requirements:

- *Loading spaces*: Loading spaces are currently required in the UDO, but the standards are not feasible as written. For example, it requires that each retail business (regardless if it is in a mixed-use building with multiple businesses) have at least one space and the space dimensions are large (12' by 40'). Staff built out this section to allow for more shared loading spaces that are placed in locations that do not impede the flow of traffic or impact the appearance of the street.
- *Bicycle racks*: Bicycle racks are required in the UDO, but there are very few standards. Staff developed standards for the type and placement of bike racks using guidance from the Association of Pedestrian and Bicycle Professionals (APBP) and the League of American Bicyclists Bicycle-Friendly Communities program.
- *Electric vehicle parking spaces*: EV parking spaces are not currently in Chapter 10. The proposed text amendment includes a requirement of two electric vehicle parking spaces for every 50 required vehicle parking space.

5. Parking Area Design and Construction Standards (Section 10.7)

The design and construction standards are consolidated into a new Section 10.7. This section includes numerous changes to improve the efficiency of parking areas and implement best practices in urban design, including:

- Allowing alternative hard surfaces, including porous or semi-porous monolithic or paver materials,
- Requiring the use of porous paving materials in certain circumstances,
- Providing dimensions for angled parking and one-way drive aisles, and
- Requiring barriers (wheel blocks, bollards, etc.) along the perimeter of parking lots and along pedestrian connections.

Notes for Board Review

The proposed amendments can be found in Attachment 1 (strikethrough version with comments) and Attachment 2 (clean version). Please note that in the strikethrough version blue text indicates new text and ~~red text~~ indicates removed language. Black underlined text means that the text is currently in our code.

Policy Analysis

The *Building Brevard 2030* Comprehensive Land Use Plan explicitly calls out parking requirement amendments as a critical action to better link land use with transportation:

- ***ATCH – 9: Right-size parking requirements and develop incentives for multimodal access and alternative approaches to meeting parking demand.***

Parking is a complex issue that affects virtually every aspect of a city's function, including land use, transportation, economic development, community health and wellness, and public safety. As such, this action step supports many of the Plan's overarching goals and objectives:

- ***GOAL 2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.***
- ***GOAL 4: Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.***
- ***GOAL 7: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.***
- ***GOAL 8: Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.***

Recommendation

The Board's role is to make a recommendation to City Council. The Board has the following options in this role:

1. Recommend adoption of the amendment as written;
2. Recommend adoption of the amendment as revised by the Board; or
3. Recommend rejection of the amendment.
4. Table the amendment for further consideration.

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review (Attachment 3).

Attachments:

1. Proposed Text Amendment - Strikethrough Version with Comments
2. Proposed Text Amendment - Clean Version
3. Parking SWOT Analysis
4. Consistency Statement



CHAPTER 2. DISTRICT PROVISIONS

2.2. Use categories and tables of permitted uses.

TABLE 2.2A: LAND USE MATRIX - EXCERPT									
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS						
			GR	RMX	NMX	DMX	CMX	IC	GI
Infrastructure									
Utilities	3.12.A	Utilities—Class 1	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	P
Telecommunications	3.12.B	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	SUP	—	PS
Transportation	3.12.C	Parking Lot	PS SUP	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	—	P
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.									



CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.5. Residential uses. [EXCERPT]

A. Household Living Use Category

8. Manufactured home park:

- a. Definition: The location of two or more manufactured homes or manufactured home spaces on a single parcel of land, or a grouping of two or more manufactured homes on at least two contiguous parcels when such parcels are under common ownership and/or management as a park for the rental of manufactured homes or manufactured home spaces.
- b. Additional Standards:
 - i. Manufactured home parks are permitted with standards in the Manufactured Home Overlay District.
 - ii. Preexisting manufactured home parks.
 - (A) Any manufactured home park, as defined by this chapter, existing on the effective date of this chapter or any subsequent amendment thereto may continue to operate without being subject to the requirements of this chapter except where explicitly set forth below.
 - (B) Expansions to a pre-existing manufactured home park shall occur in a manner that fully conforms to the requirements of this ordinance. Expansions shall not occur in districts within which manufactured home parks are not permitted.
 - iii. A manufactured home park space shall be considered preexisting if, on the effective date of this chapter, the space:
 - (A) Is defined on the ground by the presence of all of the following:
 - (1) A water supply system service connection;
 - (2) A connection to a septic system or sanitary sewer; and
 - (3) Electric service equipment.
 - (B) Or, contains an occupied manufactured home connected to each of the preceding utilities.
 - iv. Permitting.
 - (A) Each application for a manufactured home park shall be accompanied by development plans as required by [CHAPTER 17](#), including contoured site plans (five-foot intervals) using true elevations. Development plans shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements. Development plans shall also show that all improvements would meet the following standards.
 - (B) Prior to the placement, replacement, modification, or setup of a manufactured home within any manufactured home park or on an individual lot of record within the regulatory jurisdiction of the City of Brevard, the manufactured home or agent thereof shall procure a land development permit from the City of Brevard and a manufactured home setup permit from the Transylvania County Building Inspections Department.
 - v. Dimensional specifications.



Unified Development Ordinance Amendments

(A) Lot standards:

TABLE 3.5A: MANUFACTURED HOME PARK LOT STANDARDS	
Minimum Development Size	3 acres
Maximum Development Size	40 acres
Maximum Development Density	6 units/acre
Lot Width at Right-of-Way	50 ft.
Minimum Lot Depth	150 ft.

(B) Principal structure standards:

TABLE 3.5B: MANUFACTURED HOME PARK PRINCIPAL STRUCTURE STANDARDS	
Development setback on all boundaries	50 ft.
Unit setback from internal street centerline	25 ft.
Distance between homes-short side to short side	20 ft.
Distance between homes-long side to short side	20 ft.
Distance between homes-long side to long side	30 ft.
Setback from public right-of-way	50 ft.
Maximum Height	35 ft.

vi. General requirements (new and pre-existing).

- (A) All manufactured home park roads, spaces, and the manufactured homes therein shall fully comply with the road naming and property addressing ordinances of the City of Brevard or Transylvania County, as applicable.
- (B) The owner and/or operator of a manufactured home or manufactured home park shall not sell manufactured homes on or within a manufactured home park unless the manufactured home unit for sale is placed individually and separately upon an existing manufactured home space where all design standards and utilities have been completed as specified by this ordinance. This does not prohibit the manufactured home park owner and/or operator from owning or operating a retail sales business on adjoining property if such use is permitted within the underlying district.
- (C) All manufactured homes placed upon an individual lot of record or within a manufactured home park shall be built according to Housing and Urban Development standards, and shall bear a label or seal indicating compliance with this requirement. Any manufactured home unit that does not bear a label or seal of compliance of a recognized testing laboratory, such as Underwriters Laboratories or similar testing service, shall be subject to inspection by the building inspector.
- (D) Recreational vehicles (RV), park model RV's, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code shall not be permitted with any manufactured home park, nor shall such structures become occupied within any other property within the jurisdiction of the City of Brevard, except as otherwise provided for in this ordinance.



Unified Development Ordinance Amendments

- (E) At least ten percent of the total area of any manufactured home park containing 35 or more spaces and situated one-quarter of a mile or more from a public recreational facility shall be set aside for recreational purposes, except that open space as required in Chapters 6 and 7 of this ordinance may be applied to no more than 75 percent of such recreation space.
- vii. Manufactured home park streets.
- (A) Convenient access to each manufactured home space shall be provided by streets or drives that are properly graded, drained, and paved with a durable dustless surface, for automobile circulation.
- (B) Manufactured home parks containing ten or more units shall be serviced by a central drive that is constructed in accordance with the requirements for a new neighborhood street as set forth in **CHAPTER 13**. Streets entering branching from the central drive shall also be built according to neighborhood street dimensions. However, a sidewalk and curb/gutter shall not be required.
- (C) Any tract of land to be developed as a manufactured home park must either have frontage on a public (state or city-maintained) road or have a private right-of-way corridor to the property. The minimum required length of the public road frontage or width of the private right-of-way corridor (at its narrowest point) shall be 50 feet.
- (D) Off-site access shall have a minimum 20-foot cleared, unobstructed corridor, with a vertical clearance of at least 14 feet to allow passage of emergency vehicles.
- (E) The grade of any road, existing or proposed, within an off-site private right-of-way corridor used to access a manufactured home park shall not exceed 15 percent.
- (F) Publicly dedicated rights of way shall not be required, and maintenance of such streets shall be provided for by the owner and/or operator of the manufactured home park.
- (G) Culs-de-sac shall not exceed 250 feet in length and shall be provided with a turnaround of at least 60 feet in diameter. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a public street or road, the design standards of the North Carolina Department of Transportation shall apply.
- (H) Proposed streets shall be named, and addresses for manufactured home spaces along such streets assigned, by the Transylvania County Property Addressing Coordinator in accordance with the provisions set forth in the City of Brevard Property Addressing Ordinance or the Transylvania County Property Addressing Ordinance, as applicable.
- ~~(I) A minimum of two automobile parking spaces (paved with a durable, dustless surface) shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.~~
- ~~(J)~~ (I) All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed on each manufactured home space.
- viii. Manufactured home space.
- (A) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.
- (B) Each manufactured home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.



Unified Development Ordinance Amendments

- (C) The manufactured home space shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelets embedded in concrete foundations or runways, screen augers, arrowhead anchors, or other devices securing the stability of the manufactured home. Each manufactured home unit shall comply with the above standards or similar standards whichever are higher. Each manufactured home owner shall be responsible for securing his individual manufactured home to anchors provided by the manufactured home park operator.
- ix. Utility requirements.
 - (A) An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. All manufactured home parks within 300 feet of city water or sewer shall connect thereto. When a municipal or public water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the Sanitary Engineering Division of the North Carolina Division of Health Services and the Transylvania County Health Department. Evidence of the issuance of necessary county or state permits shall be a condition of approval of any permit for a manufactured home park.
 - (B) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Where a public sewage collection system is available, connection shall be made thereto, and the system and sewage treatment plants complying with the requirements of the North Carolina Department of Environmental Quality shall be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the North Carolina Department of Environmental Quality. Individual septic tank systems can be considered, if soil, topography, and groundwater conditions are favorable. If septic tanks are used, they will be subject to approval by the Transylvania County Health Department.
 - (C) All utilities within the proposed manufactured home park shall be located underground.
 - (D) Failure to maintain an operational sewage disposal system shall constitute grounds for the revocation of a category III land development permit and the application of all applicable penalties as set forth in this ordinance.
- x. Solid waste.
 - (A) The storage, collection, and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
 - (B) All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity of not more than 32 gallons, which shall be located not more than 150 feet from any manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The manufactured home park owner and/or operator shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the Transylvania County Health Department.
 - (C) Containers shall be installed in the ground or provided with stands. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 - (D) All solid waste garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park



Unified Development Ordinance Amendments

owner and/or operator shall dispose of the solid waste by collecting and transporting it in conformance with requirements and guidelines set forth by the North Carolina State Board of Health and the Transylvania County Health Department.

- xi. Grounds, buildings, and structures.
 - (A) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination and control methods shall conform to the requirements of the County Health Department and/or North Carolina Department of Agriculture.
 - (B) Parks shall be maintained free of accumulation of garbage, litter, or other debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests, or which may pose other health or sanitation hazards, or which may contribute to an otherwise unsightly or unpleasant environment.
 - (C) Storage areas shall be so maintained as to prevent rodent harborage and shall not pose a safety hazard to manufactured home park residents or guests. Lumber, pipe, and other building material shall be stored at least one foot above ground.
 - (D) All manufactured homes shall be properly skirted with non-opaque wood, aluminum, vinyl, or other appropriate material. Plastic, plywood, particle board, carpet, or other atypical skirting material shall not be used.
 - (E) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be screened with wire mesh or other suitable materials.
 - (F) Landscaping and vegetation in and around the manufactured home park shall at all times be maintained, and landscaping provisions of the park plan shall at all times be adhered to. The growth of bushes, weeds, and grass shall be controlled so as to prevent the harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open spaces and recreation areas shall be maintained free of heavy undergrowth of any description.
 - (G) No inoperable vehicle shall remain in a manufactured home park for a period longer than 60 days unless the vehicle is stored under a carport or within a garage.
 - (H) Manufactured and mobile homes shall not be abandoned or stored within the regulatory jurisdiction of the City of Brevard. Manufactured homes that have been disconnected from active electricity, water, and sewage for a period exceeding 90 days shall be removed and properly disposed of. Manufactured homes located outside of a manufactured home space for a period to exceed 45 days shall be removed and properly disposed of.
 - (I) Manufactured homes shall not be utilized for storage or other non-residential uses of any type.
- xii. Registration of occupant.
 - (A) Every manufactured home park owner or operator shall maintain an accurate register. The register shall be available for inspection at all times by authorized city representatives. The register shall contain the following information on forms provided by the planning department: (1) Name of owner and/or occupant; (2) manufactured home space number; (3) make, model, registration number of manufactured home; and



Unified Development Ordinance Amendments

- (4) date of arrival and departure of the occupants. Records shall be maintained for a period of three years.
- xiii. Inspection and enforcement.
- (A) The park owner and/or operator shall notify park occupants of all applicable provisions of the ordinance and inform them of their duties and responsibilities under this ordinance.
- (B) The owner and/or operator shall operate the park in compliance with this ordinance, Brevard City Code, Transylvania County Code (as applicable), and state and federal law, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (C) The City of Brevard Planning Department, the Transylvania County Health Department and the Transylvania County Building and Inspections Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners and/or operators or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection.
- (D) So long as a violation exists the administrator shall not issue permits that would authorize the placement, replacement, setup, or modification of a new or existing manufactured home within the subject park.

3.6. Lodging uses. [EXCERPT]

A. Overnight Accommodations Use Category

3. Short-term rental (STR)

- a. Purpose: The regulation of short-term rentals, as defined below, is intended to maintain the predominantly residential character of traditional neighborhoods in the City of Brevard and the extra-territorial jurisdiction thereof, and to encourage an increase in housing stock available within the City and its ETJ.
- b. Definition: A private residential property that is rented, either in whole, or part, for periods of less than 30 days for compensation. The following activities shall not be considered as a Short-Term Rental use for the purposes of this ordinance:
- Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached accessory dwelling units where the operator lives elsewhere on the property.
 - Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total number of nights rented does not exceed 14.
 - Rentals of property in any permitted hotel, motel, inn, rooming or boarding house, or bed and breakfast establishment.
- c. Existing STRs in GR Districts:
- Existing STRs in General Residential zoning districts in operation of the effective date of this ordinance shall be allowed to continue operations, in accordance with Section 14.2 – Nonconforming Uses.
- d. Additional Standards:

Commented [EB1]: Reflects STR Text Amendment
(Anticipated vote 8/21)



Unified Development Ordinance Amendments

- i. A typical zoning permit shall be required solely to verify notification and agreement to comply with the additional standards contained herein.
- ii. Overnight occupancy shall not exceed two persons per bedroom plus two additional persons. The number of "bedrooms" used in calculating occupancy limits shall be taken from the property tax records. For example: a two-bedroom rental would have an occupancy limit of 6 (2×2 bedrooms = 4 + 2 additional = 6 total).
- iii. Dwelling units used as short-term rentals in GR zoning districts shall maintain their residential character and outside appearance. No signs shall be permitted. All exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- ~~iv. Parking requirements shall be provided for the type of dwelling unit, per CHAPTER 10 of this ordinance.~~

B. Camping Use Category

1. Camping

- a. Definition: Commercial recreational facilities developed for temporary occupancy, with or without facilities, for the exclusive use of its occupants. Camping includes the following uses:
 - i. Campground / Recreational Vehicle Park;
 - ii. Rental Cottages / Cabins; and
 - iii. Seasonal Camps

2. Campground/Recreational Vehicle Park

- a. Definition: Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services may include washrooms and food services. The property shall be used for recreational purposes and retain an open air or natural character. This definition shall not include manufactured homes, manufactured home parks, or the storage of recreational equipment or vehicles.
- b. Additional Standards:
 - i. Individual campsites or recreational vehicle ~~parking~~ sites shall be set back a minimum of 100 feet from all lot lines.
 - ii. Recreational vehicles are permitted on campgrounds provided they are on site for fewer than 30 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).

3. Rental Cottages / Cabins

- a. Definition: A commercial lodging establishment in which multiple individual cabins or similar structures are rented for temporary lodging and recreation. This definition shall not include short-term rentals.
- b. Additional Standards:
 - i. Cottages / cabins shall be situated at least 20 feet from any side or rear property line, and screened from adjacent properties along all side and rear property lines by a Type B buffer yard. Front yard setbacks for accessory cottages shall be the same as a principal structure.
 - ii. Residential density calculations shall not be used in determining the maximum allowable number of cottages/cabins.



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- iii. Development regulations and standards, including stormwater runoff provisions, should be applied for the entire property or project, whichever is applicable, regardless of phasing.
- ~~iv. Parking requirements shall be provided per room or suite, per CHAPTER 10 of this ordinance.~~

3.7. Commercial uses. [EXCERPT]

B. Personal Services Use Category

2. Day care center:

- a. Definition: An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults. Day care centers are not an accessory to residential use.
- b. Additional Standards:
 - i. Child day care centers shall comply with the definitions and standards for child day care centers set forth in N.C.G.S. §110 (or any successors thereto).
 - ii. Adult day cares shall comply with the definitions and standards for adult day care programs as set forth in N.C.G.S. §131-D (or any successors thereto).
 - iii. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
 - ~~iv. Parking spaces shall not be located in front of the building except as permitted by Section 10.5-G of this ordinance.~~
 - ~~v.iv.~~ All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
 - ~~vi.v.~~ All equipment shall be stored in the side or rear yard.
 - ~~vii.vi.~~ Outdoor play space must be provided in accordance with the regulations of North Carolina Department of Health and Human Services Division of Child Development and Early Education.
 - ~~viii.vii.~~ No outdoor play shall be permitted after sundown.

3.8. Civic / institutional uses. [EXCERPT]

D. Places of Worship Use Category

2. Cemetery:

- a. Definition: A parcel of land used for interment of the dead in the ground or in mausoleums.
- b. Additional Standards:
 - i. There shall be no embalming or cremation facilities as either a principal or accessory use except where permitted by right.
 - ii. Setbacks from all street rights-of-way and adjacent properties to a wall or grave shall be a minimum of ten feet.
 - iii. Cemetery roads and parking areas shall be ~~made of asphalt or other durable dustless surfaces~~ constructed of hard surfaces, in accordance with Chapter 10 of this ordinance. The administrator may waive curb and gutter requirements for cemetery roads upon a determination that such will not result in erosion or uncontrolled stormwater runoff. Other



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- road and parking standards, stormwater management, and sedimentation/erosion standards shall apply.
- iv. Sidewalk requirements within cemeteries may be waived provided that safe pedestrian circulation can be assured. Sidewalk requirements shall apply along all public rights-of-way. Sidewalks shall connect any structure or gathering place within a cemetery to adjacent public and private sidewalks and to parking areas.
 - v. Mausoleums are permitted subject to the principal structure requirements of the district in which the cemetery is located.

3.11. Manufacturing / wholesale / storage uses. [EXCERPT]

C. Storage and Disposal Use Category

3. Solid waste disposal facility:

- a. Definition: Any facility meeting the definition of G.S. 130A-290(a)(35), as well as any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.
- b. Additional Standards:
 - i. Such facilities shall be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash (i.e., leaves, brush, etc.) only. All other types of materials are prohibited.
 - ii. No parking area or driveway shall be located within 50 feet of residentially zoned property.
 - iii. Access roads shall be paved, with a width of at least 12 feet per travel lane, and properly maintained at all times.
 - ~~iv.~~ ~~All unpaved roads, travel ways and/or parking areas must be treated to prevent dust from adversely affecting adjacent properties.~~
 - ~~v.~~ ~~iv.~~ Mud and debris shall be contained on site and shall not be deposited on off-site properties and streets. Tires shall be properly cleaned and loads shall be properly secured before leaving the property so as to prevent the discharge of mud and debris.
 - ~~vi.~~ ~~v.~~ Debris reduction methods such as chipping and mulching shall be utilized to reduce the amount of debris permanently withheld on-site. Application materials shall include a written description of proposed debris reduction methods.
 - ~~vii.~~ ~~vi.~~ Permanent control measures are required to retain all non-compacted soils on-site. An NCDEQ-approved sedimentation and erosion control permit, as well as other applicable permits, shall be presented to the administrator prior to permit approval.
 - ~~viii.~~ ~~vii.~~ Facilities shall not be located within the 100-year floodplain or the regulatory floodway.
 - ~~ix.~~ ~~viii.~~ Adequate suitable soils shall be available for cover, either from on or off site.
 - ~~x.~~ ~~ix.~~ Land clearing and inert debris landfills shall meet the following surface and ground water requirements:
 - (A) Facilities shall not cause a discharge of pollutants into waters of the state in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), Section 402 of the Clean Water Act, as amended;

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- (B) Facilities shall not cause a discharge of dredged materials or fill material into waters of the state in violation of the requirements of Section 404 of the Clean Water Act, as amended;
- (C) Facilities shall not cause non-point source pollution of waters of the state that violates assigned water quality standards; and
- (D) Waste shall be placed above the seasonal high water table.
- ~~xix.~~ x. The facility shall meet the following minimum site requirements:
 - (A) There shall be a buffer of 50 feet from the waste boundary to all surface waters.
 - (B) There shall be a buffer of 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 - (C) No structure shall be constructed within 50 feet of a debris deposit following the closure of a land clearing and inert debris landfill.
 - (D) A facility shall be bounded on all sides by a type C buffer yard.
 - (E) The minimum lot size for facilities shall be five acres and the total disposal area must be less than two acres in size.
 - (F) A facility shall be totally enclosed by a security fence or wall at least eight feet in height. All entrances and exits shall be secured and locked during non-operating hours.
- ~~xix.~~ xi. Operating hours are limited to from 7:00 a.m. to 7:00 p.m. (except where requested by the Transylvania County Emergency Management Coordinator or the City of Brevard Public Works Director in response to a period of inclement weather).
- ~~xix.~~ xii. Applicants shall submit operational plans as part of the application process. Approved operational plans shall be followed as specified for the facility.
- ~~xix.~~ xiii. The facility shall only accept such land clearing and inert debris as is specified in the permit for the facility.
- ~~xix.~~ xiv. Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
- ~~xix.~~ xv. One hundred twenty calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The administrator may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
- ~~xix.~~ xvi. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- ~~xix.~~ xvii. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 120 calendar days upon completion of any phase of landfill development.
- ~~xix.~~ xviii. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access during non-operating hours. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- ~~xix.~~ xix. Surface water shall be diverted from the working face and shall not be impounded over waste.
- ~~xix.~~ xx. Solid waste shall not be disposed of in water.



Unified Development Ordinance Amendments

- ~~xxi~~xxi. Open burning of solid waste is prohibited.
- ~~xxii~~xxii. A sign shall be posted at the facility entrance showing the contact name and telephone number in case of an emergency along with the permit number of the facility. The permit number requirement is not applicable for facilities not requiring an individual permit.
- ~~xxiii~~xxiii. Permits for land clearing and inert debris storage or disposal facilities shall expire after a period of five years, and permitted operations shall accept no more materials until a permit has been re-issued.
- ~~xxiv~~xxiv. In addition to all other application materials required by [CHAPTER 16](#) of this ordinance, the owner of a facility shall submit a certified survey depicting the property on which the landfill is to be located. Upon approval by the administrator, the owner shall file such survey with the Transylvania County Registrar of Deeds' Office.
- ~~xxv~~xxv. When the land on which the land clearing and inert debris landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a land clearing and inert debris landfill and a reference by book and page to the recordation of the notification.

4. *Junk Yard / Salvage yard:*

- a. Definition: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, including but not limited to vehicles, appliances and related machinery. The presence of any of the following shall constitute a junkyard and salvage operation and yard:
 - i. four or more abandoned, wrecked, scrapped, ruined, or dismantled motor vehicles - or the motors, bodies, chassis, or frames thereof;
 - ii. two or more abandoned, wrecked, scrapped, ruined, or dismantled recreational vehicles, mobile homes, or manufactured homes - or any portion of the body, frame, or shell thereof; or
 - iii. four or more abandoned, wrecked, scrapped, ruined, or dismantled units of furniture, appliances mechanical equipment - or the dismantled components thereof.
- b. Additional Standards:
 - i. Stored materials will not pose a danger to adjacent and surrounding properties, or residents, due to noise, runoff, animal or insect populations or other factors. Fluids within any vehicles or equipment are to be drained/removed and under no circumstances shall fluids or other contaminants or pollutants be leaked or discharged onto the earth or into surface or ground waters.
 - ii. The facility shall be completely enclosed by a fence and shall be screened from view on all sides by a type D buffer yard. The fence shall be eight feet high, measured from the lowest point of grade, and shall be maintained in good condition.
 - iii. No stored materials shall be visible from ground level immediately outside the fence.
 - iv. The facility, including the required fence, shall be located at least 50 feet from all surface waters.
 - v. The minimum lot size for any such facility is two acres.
 - vi. Facilities may not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m., Monday thru Saturday.



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- vii. Except when an operator is on duty, facilities shall be adequately secured and locked by means of gates, chains, berms, fences, etc., to prevent unauthorized access. An attendant shall be on duty at all times while the facility is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized materials.
- viii. The site shall not be located adjacent to residentially zoned property.
- ix. No parking area or driveway shall be located within 50 feet of residentially zoned property.
- x. Access roads shall be paved, with a width of at least 12 feet per travel lane, and shall be properly maintained at all times.
- ~~xi.~~ ~~All unpaved roads, travel ways and/or parking areas must be treated to prevent dust from adversely affecting adjacent properties.~~
- ~~xii.~~ xii. Mud and debris shall be contained on site and shall not be deposited on off site properties and streets. Tires shall be properly cleaned and loads shall be properly secured before leaving the property so as to prevent the discharge of mud and debris.
- ~~xiii.~~ xiii. Gasoline, oils, antifreeze, and other chemicals, pollutants, and potential contaminants shall be secured on-site and properly disposed of, and shall at no time be leaked, spilled, or discharged onto the earth or into surface or surface or ground water.
- ~~xiv.~~ xiii. A sign shall be posted at the facility entrance showing the permit number and a contact name and number in case of an emergency. The permit number requirement is not applicable for facilities not requiring an individual permit.
- ~~xv.~~ xiv. Violations:
 - (A) The following actions shall constitute a violation of this ordinance, shall constitute a class I misdemeanor, and shall be subject to the enforcement provisions of [CHAPTER 18](#) of this ordinance.
 - (1) Failure to comply with sections outlined herein;
 - (2) The unpermitted establishment of a new junkyard or salvage yard at any time;
 - (3) Any unpermitted expansion in the area of any junkyard or salvage yard at any time;
 - (4) Any violation of any requirement of these standards by any permitted junkyard or salvage yard at any time;
 - (B) In addition to the enforcement procedures of [CHAPTER 18](#), such violations shall invalidate any special use permit for the operation of a junkyard or salvage yard, and shall invalidate any pre-existing non-conforming status as established herein.
 - (C) The board of adjustment shall revoke any special use permit, in accordance with G.S. 160D-403(f), and shall order the cessation of operations of any junkyard or salvage yard found to be in violation of this ordinance, shall set forth a reasonable time frame for the owner or operator to remedy the violation, and may re-issue a special use permit only when such a junkyard or salvage yard is in full compliance with this ordinance. If the owner and operator do not remedy the violation within the required time frame, the administrator shall take action to cause the cessation of all operations and to cause the owner and operator to remove the junkyard from the property.

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3.12. Infrastructure uses. [EXCERPT]



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C. Transportation Use Category

1. Parking lot:

- a. Definition: Any public or private open area or facility used for parking automobiles and other vehicles as a principal use. The lot or facility may serve as remote parking for a principal use on a separate lot or as a principal use on the site. A fee may or may not be charged.
- b. Additional Standards:
 - i. All parking lots shall adhere to the applicable standards set forth in this ordinance, including [CHAPTER 10](#) – Parking Standards and [CHAPTER 8](#) – Tree Protection and Landscaping.
 - ii. Parking Lots as a Principal Use in General Residential zoning district
 - ~~(A)~~ ~~Satellite parking lots (as described in Section 10.3.F) within a GR zoning district shall only be provided for permitted uses in Section 2.2. Satellite parking lots shall otherwise comply with all requirements of Section 10.3.F.~~
 - ~~(B)~~ ~~Parking lots for uses not permitted within GR zoning districts may be permitted provided that said lot is located on the same parcel or lot as the use for which the parking is intended, or on a parcel or lot that is contiguous or adjacent to the parcel or lot containing the use for which the parking is intended, and provided that all other requirements of this section are satisfied.~~
 - ~~(C)~~(A) New parking lots shall be surrounded on all sides by a "Type A" buffer yard, as described in [CHAPTER 8](#) of this ordinance, which is primarily comprised of evergreen vegetation. Parking lot shall comply with all other applicable landscaping requirements of [CHAPTER 8](#) of this ordinance. Expansions to existing parking lots shall comply with this requirement to maximum extent practical given site conditions.
 - ~~(D)~~(B) All new parking lot lighting shall be integrated into landscaping wherever possible. Low-level lights such as bollard lights (waist-high, heavy-duty fixture posts), mushroom or step-lights (ground-level fixtures that are built in to the sides or surfaces of walkways and steps) shall be utilized in lieu of traditional pole-mounted parking lot lighting. Parking lot lighting shall comply with all applicable other lighting requirements of [CHAPTER 11](#).
 - ~~(E)~~(C) New parking lots shall be constructed with stormwater control measures designed to control the stormwater run-off generated by a 25-year, 24-hour rain event (9.2 inches), and shall otherwise comply with [Section 6.6](#).
 - ~~(F)~~ ~~Maximum parking spaces permitted:~~
 - ~~(1)~~ ~~The number of parking spaces provided shall be no greater than 110 percent of the minimum required number of spaces required for any use as set forth in Section 10.3.A.~~
 - ~~(2)~~ ~~Satellite parking lots and parking lots provided for uses not permitted GR zoning district shall not exceed the lesser of 50 parking spaces or 110 percent of the minimum required number of spaces required for any use as set forth in Section 10.3.A.~~
 - ~~(G)~~(D) The administrator may impose any other condition necessary to protect the residential character of the neighborhood in which the parking lot is located.

3.13. Accessory uses. [EXCERPT]



Unified Development Ordinance Amendments

A. Residential Accessory Uses

2. Day care home:

- a. Definition: Supervision or care provided on a regular basis, as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
- b. Additional Standards:
 - i. Child day care homes shall comply with the definitions and standards for family child care homes set forth in N.C.G.S. §110 (or any successors thereto).
 - ii. Adult day care homes shall comply with the definitions and standards for adult day care programs as set forth in N.C.G.S. §131-D (or any successors thereto).
 - iii. Child day care homes shall provide ample open area in the form of a rear yard with a minimum of 2,500 square feet suitable for children's play. Child day care homes located adjacent to parks are exempt from this provision.
 - iv. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
 - ~~v. Parking spaces shall not be located in front of the building except as permitted by Section 10.5.G of this ordinance.~~
 - ~~vi.~~ v. All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
 - ~~vii.~~ vi. All equipment shall be stored in the side or rear yard.
 - ~~viii.~~ vii. No structural or decorative alteration which would alter the single-family character of an existing or proposed residential structure or which would be incompatible with surrounding residences shall be permitted.

3. Dwelling— Accessory Unit (ADU):

- a. Definition: A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single-family or duplex residential.
- b. Additional Standards:
 - i. Accessory dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged and designed to meet housing needs. ADUs shall be secondary and subordinate in size to the primary living quarters.
 - ii. ADUs may be created as an independent structure (detached), as an addition to an existing primary structure (attached), conversion of existing space, such as a basement with an exterior entrance, or as a second story within detached garages.
 - (A) When built as a second story of a detached garage, the ground floor area of the garage shall not be considered part of the total square footage of the ADU.
 - iii. Structures for ADUs shall comply with the provisions of Section 4.8, except as provided below.
 - (A) Not more than one ADU is permitted on any lot.
 - (B) An ADU shall be located in the side or rear yard unless an existing structure is being converted to an ADU.
 - (C) The total area of an ADU shall not exceed 1,200 square feet or two-thirds of the primary structure, whichever is the lesser. The ground floor area of a detached garage shall not



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be considered as part of the total square footage of any ADU that is built as the second story of a detached garage; provided, however, such ground floor garage area shall not be subsequently converted to dwelling space.

- iv. ADUs shall not be considered additional dwelling units for the purpose of determining maximum density or other dimensional requirements as set forth in [CHAPTER 2](#) of this ordinance.
- v. ADUs shall be constructed according to North Carolina Building Code.
- ~~vi. At least one off-street parking space shall be provided per unit.~~
- ~~vii.~~ [vi.](#) The administrator may impose reasonable conditions regarding the height, bulk, orientation, or location of the structure in order to protect the privacy of existing dwelling units on adjacent parcels in accordance with G.S. 160D-702(b).

4. Home occupation:

- a. Definition: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home occupations are small and quiet non-retail businesses which generally cannot be discerned from the frontage, are seldom visited by clients, require little parking, little or no signage, have only one or two employees and provide services such as professional services, music instruction, and hair styling.
- b. Additional Standards:
 - i. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or the neighborhood.
 - ii. Home occupation activities shall be confined to the interior of an approved structure. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
 - iii. The use shall employ no more than two persons who are not residents of the dwelling.
 - iv. There shall be no business signage or visible display of stock in trade which is sold on the premises.
 - v. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
 - vi. The existence and operation of the home occupation shall not be visible and/or audible to neighboring residents from a street.
 - vii. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.
 - ~~viii. A minimum of two parking spaces shall be provided. Parking areas and driveways shall be paved.~~
 - ~~ix.~~ [viii.](#) Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be subject to all applicable water and sewer system development fees as per Brevard City Code, Chapter 70 Utilities.
 - ~~x.~~ [ix.](#) Home occupations shall comply with all applicable requirements of any federal, state, or local agency with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of approval by any relevant agency.



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~~xix~~.x. Responsibilities of the administrator and applicant(s):

- (A) The administrator may impose any necessary condition upon the operation of a home occupation, shall monitor home occupations and conduct site inspections to ensure compliance with this ordinance and any condition of approval, and shall revoke any permit for the operation of a home occupation and cause the use to be terminated in accordance with the procedures set forth in [CHAPTER 18](#) of this ordinance upon a determination that such use is in violation of this ordinance or any condition of approval.
- (B) The administrator shall have broad authority to deny any application for home occupation if in the opinion of the administrator, the proposed use would not be in keeping with the spirit and intent of this section. The burden of proving that a proposed home occupation would be in keeping with the spirit and intent of, and satisfy all requirements of this section as well as any condition of the administrator, shall lie with the applicant.
- (C) In reviewing any application for home occupation and in the monitoring and enforcement of any approved permit for home occupation the administrator shall strongly consider the expectation that the residential use and character of each residentially zoned neighborhood be preserved and shall take into consideration these unique characteristics of any proposed use and its relationship to the site and surrounding properties in considering whether such use would be suitable as a home occupation.

~~xix~~.xi. Uses permitted as home occupations:

- (A) Examples of uses that may be permitted as home occupations include but are not limited to professional services such as those provided by an architect, engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle cleaning; and may include other uses defined herein or listed upon the use matrix in [CHAPTER 2](#) of this ordinance when such uses can be performed in a manner that is strictly in keeping with the spirit and intent of, and satisfy all requirements of, this section.
- (B) Uses involving the fabrication of products may be permitted provided, however, the home occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or create any by-product or effect, which produces noise, electrical or magnetic interference, vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory structure housing the home occupation. Examples of such uses include but are not limited to baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other similar small scale craft production or fabrication. This provision shall not be construed to authorize industrial uses within residential zoning districts.
- (C) Home occupation shall not include any use that is primarily retail in nature. It is the intention of his section that goods and merchandise produced as part of any home occupation be sold off-site; any on-site retail activity must be incidental to the purpose of this home occupation.

~~xix~~.xii. Duration of permit:

- (A) Home occupation permits are temporary, and shall not establish a vested right to renewal. Home occupation permits shall be valid for a period of one year from the date upon which approval is granted.



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- (B) Applicants may apply for renewal of home occupation permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.
- (C) In approving renewal applications, the administrator may modify prior conditions of approval and may impose any necessary, additional conditions. The administrator may deny a request for permit renewal and require the applicant to terminate the home occupation or relocate the home occupation to an appropriate commercial or mixed-use zoning district upon determination that the home occupation operated in violation of a requirement of this section or other applicable condition or requirement; or, that the home occupation has generated unanticipated effects that are detrimental to the residential character of the neighborhood in which the home occupation is located.

3.14. Temporary uses. [EXCERPT]

A. Temporary Events and Structures Category

1. Temporary events and structures:

- a. Definition: An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event. Examples of these activities include, without limitation, the following:
 - i. carnivals or circuses;
 - ii. contractor's office and equipment sheds
 - iii. farmers markets;
 - iv. outdoor meetings;
 - v. satellite real estate sales office;
 - vi. seasonal structures; and
 - vii. special events
- b. Additional Standards:
 - i. In the consideration of any temporary use, structure or special event, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety and welfare of the public.
 - ii. The use shall clearly be of a temporary nature.
 - iii. The use shall be limited to a period not to exceed 90 days except as otherwise provided.
 - iv. The use shall not obstruct any public travel way except by specific approval by the city and will cause no traffic congestion;
 - v. The use shall not create a nuisance to surrounding uses.
 - vi. The use shall not create hazards or adverse impacts related to parking, drainage, fire protection, or other adverse impacts.
 - vii. The operator shall provide a plan for the management of waste generated by the use, and sanitary facilities if the administrator or health department deems it is necessary.
 - viii. The operator shall satisfy all other requirements of the director of public health, the building inspector or the fire marshal.



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- ix. The operator shall secure a business license, street closure permit, sidewalk closure permit, or parade permit if required.
- x. The applicant and/or operator shall promote the temporary use or special event as tobacco and nicotine free (including, but not limited to smoking, vaping, dipping, and chewing).
- ~~xi. A minimum of five parking spaces shall be designated for use by patrons of the temporary use, structure or special event. In all cases, the applicant shall demonstrate that there will be adequate parking for the existing uses as well as the temporary use, structure or special event.~~
- ~~xii. xi. Temporary use, structures, and special event may be permitted within developed parking lots that serve a principal structure(s), the hours of operation of which are the same as the use, structure or event, only when the number of existing parking spaces exceeds the minimum number of spaces that are required for the principal structure(s) by a minimum of five parking spaces, plus the number of parking spaces to be rendered unusable within the area of the use, structure, or event.~~
- ~~xiii. xii.~~ The total area of a temporary use or special event, including tents, display areas, and other appurtenances of the use, shall not exceed 2,000 square feet. This requirement shall not apply to the following categories of temporary uses or special events:
 - (A) Special events, upon approval by the administrator.
 - (B) Farmers markets.
 - (C) Carnivals and circuses.
- ~~xiv. xiii.~~ Tents and structures:
 - (A) Applicants shall provide flame retardancy certifications for all tents.
 - (B) Temporary structures shall not exceed 120 square feet. Tents, shipping containers, satellite offices and classrooms, and equipment sheds shall not be subject to this requirement.
 - (C) Seasonal greenhouses, tents, and other temporary structures may be permitted for a period not to exceed 90 days. These structures must be removed on the expiration date of the permit.
 - (D) A satellite office and equipment shed may be permitted in any district for a period covering the construction phase of a project, not to exceed one year, provided that such office be placed on the property on which the project is situated.
 - (E) The administrator may approve the temporary set-up and occupancy of recreational vehicles (or other temporary dwellings in consultation with the building inspector) when the principal residence of the occupant has been destroyed by wind, fire, movement of earth, or other manmade or natural disaster, and subsequent to such event having been declared a disaster by the Mayor of the City of Brevard, the County Manager of the County of Transylvania, the Governor of the State of North Carolina, or the President of the United States. In no case shall such a vehicle or temporary dwelling be set up or occupied for a period exceeding 180 days. The setup or occupancy of a recreational vehicle shall not be permitted within the City of Brevard for any other reason whatsoever, except as otherwise provided for in this ordinance.
 - (F) Shipping containers shall only be permitted to be used for temporary storage and must be in conjunction with a non-residential use.



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~~xiv~~. xiv. Site layout:

- (A) Temporary uses, structures and special events shall be arranged so as to maximize public safety, to minimize conflicts among vehicles and pedestrians, to minimize conflicts with existing, permanent uses.
- (B) Temporary uses, structures and special events shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.
- (C) Temporary uses, structures and events may obstruct travel ways within ~~parking lot~~parking areas only upon determination by the administrator that such obstruction will not impede commerce, hinder the flow of traffic or endanger the safety of motorists or pedestrians. Uses, structures or events shall be clearly delineated and separated from areas of active vehicle operation by means of traffic safety cones, signage, flagging, or other approved means.
- (D) Temporary uses, structures and special events shall be situated at least ten feet from points of ingress and egress, and shall not obstruct the sight triangle at any intersection. Ingresses and egresses to the temporary uses, structures and special events shall be designated.

~~xv~~. xv. The administrator shall require an operations and site plan for each temporary use, structure, or special event, and shall require written permission for the operation of the temporary use, structure or special event by the owner(s) of the subject property.

~~xvi~~. xvi. The administrator may require that the operator provide a performance bond in the amount of 125 percent of the cost of removal of the use and restoration of the site, as authorized by G.S. 160D-702.

~~xvii~~. xvii. The temporary use, structure or special event shall comply with all other applicable provisions of City Code.



CHAPTER 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.16. Additional requirements for large structures.

- A. *Applicability:* These standards shall apply to newly constructed structures or existing structures undergoing substantial improvement that meet the following criteria:
1. Any single structure with a gross floor area of 100,000 square feet or greater.
 2. Any single structure or grouping of two or more structures with a combined total gross floor area of 100,000 square feet or more when:
 - a. Such structures are joined by a fire wall or partiwall; and
 - b. Such structures are under the same ownership, or are undergoing improvement under a single land development permit, or have been approved under the same development authorization.
 - ~~3. Where indicated with an (I), such standards shall apply to industrial structures.~~
- B. *Additions to existing structures:*
1. These standards shall apply to additions to existing structures when such addition equals or exceeds ten percent of the ground floor area of the original structure.
 2. These standards shall apply to the original portion of the structure to which the addition is being made when:
 - a. Renovation is being made to the original structure; and,
 - b. Such renovation equals or exceeds 50 percent of the appraised value of the original structure.
 3. Modifications to or waiver of requirements:
 - a. The approving authority may modify a requirement of this section up to 25 percent upon determining the following:
 - i. Such requirement would serve no useful purpose.
 - ii. When applicable to pre-existing, non-conforming structures, compliance with such requirement would be impossible or unreasonably burdensome due to constraints imposed by the original design of the existing structure.
 - iii. Such requirements would impose an unreasonable hardship upon the applicant.
 - b. If the approving authority is city council, council may allow a modification of greater than 25 percent or waive the requirement.
 - c. When considering a request to modify or waive a requirement under this section, the approving authority shall verify, in consultation with the administrator and the city engineer, that no other reasonable options exist to achieve compliance with these standards.
 4. These requirements are expressed as performance standards. It shall be the responsibility of the applicant to provide engineer-certified documentation that these requirements have been or shall be met for any newly constructed structure to which these standards apply. The administrator may, in consultation with the city engineer, take steps to verify that these requirements have been or will be met.

Commented [EB4]: Deleted because there aren't any standards with an (I)



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5. Failure to comply with these standards shall constitute grounds for revocation of the special use permit.

C. Requirements:

1. Large structures shall require the submission of a traffic impact study in accordance with CHAPTER 17 of this ordinance. Any improvements recommended by a traffic impact study shall be constructed by the applicant as a condition of approval.

~~2. All buildings shall provide secure bicycle storage capable of serving building users. One bicycle space shall be provided for every 20 automobile parking spaces, with a minimum of one five-bicycle rack provided near each building entrance regardless of the number of parking spaces provided.~~

~~3. Provide preferred parking for carpools or vanpools capable of serving five percent of all building users (measured at peak periods).~~

4.2. Heat island effect: The performance standards contained herein are intended to reduce heat islands (thermal gradient differences between developed and undeveloped areas), thereby minimizing the impact on microclimate and human and wildlife habitat.

a. Non-roof areas:

- Provide shade (within five years of landscape installation), use light-colored/high-albedo materials with a solar reflectance index (SRI) of at least 29, and use open grid pavement for at least 50 percent of the site's non-roof impervious surfaces, including parking areas, walkways, plazas, fire lanes, etc.; or,
- Place a minimum of 50 percent of parking spaces underground or covered by structured parking; or,
- Use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the ~~parking lot~~ parking area;

b. Roof areas:

- Use roofing materials having a solar reflectance index (SRI) as required in the following table for a minimum of 75 percent of the roof surface; or,
- Install a "green" (vegetated) roof for at least 50 percent of the roof area.
- Combinations of high albedo and vegetated roof can be used if they meet, in combination, the following criteria:

$$\text{Total Roof Area} \leq (\text{Area of SRI Roof} * 1.33) + (\text{Area of green roof} * 2)$$

TABLE 5.16A: ROOF SLOPE AND SRI		
Roof Type	Slope	SRI
Low-Sloped Roof	≤ 2:12	78
Steep-Sloped Roof	> 2:12	29

3. CFC reduction in HVAC&R equipment required:

- The purpose of this provision is to reduce ozone depletion.
- There shall be no use of CFC-based refrigerants in new base building HVAC&R systems. When reusing existing base building HVAC equipment, complete a comprehensive CFC phase-out conversion.

4. Façade requirements: The requirements shall apply to all façades that face a public or private street (except alleys) and to façades that are oriented so as to be visible from a public or private street. Rear

Commented [EB5]: Incorporated into bicycle parking section of Chapter 10

Commented [EB6]: Removing this because it is hard to quantify and difficult to enforce.



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service areas shall be screened so as to not be visible from adjacent properties, and shall comply with these requirements if visible from any street with a classification greater than an alley or commercial service street.

- a. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth/projection of at least three percent of the length of the façade and extending horizontally for at least 20 percent of the length of the façade.
 - b. No portion of the façade shall extend more than 20 feet in length without incorporating a break as described in the preceding paragraph.
 - c. No less than 60 percent of the horizontal length of ground floor shall have arcades, display windows, entry areas, awnings, or other such features.
 - d. No less than 60 percent of the horizontal length of ground floor facades shall be transparent between the height of three feet and eight feet above the walkway grade.
5. Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be required which will complement the character of adjoining and nearby structures.



CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.3. Tree protection.

A. Applicability:

1. The provisions of the tree protection section of this chapter shall be applicable to any tree that falls within one or more of the following categories:
 - a. Any tree which has a trunk six inches or more in diameter at one foot above the ground; or is of a horticultural variety or is highly ornamental (such as a dogwood, redbud, crab apple, sourwood, flowering cherry, holly or any like or similar such plant) and has a trunk diameter of three inches or more at one foot above the ground.
 - b. Any tree that is noted as part of a development plan or that is required as part of a special use permit, group development, planned development, Conditional Zoning District, or other development approval.
 - c. Any tree located within a historic district or any property containing a historically designated structure.
 - d. Any tree subject to D, below.

B. Exemptions:

1. Trees located on properties developed for single family or duplex uses located within GR districts shall be exempt from the tree protection provisions of this chapter, except for those trees subject to A.1.b.—c., above, and trees and other vegetation in protection areas set forth in [CHAPTER 6](#) and listed as Tier 1 trees in Section 8.3.D, below.
2. The following trees are exempt from the provisions of this Chapter: Mimosa (*Albizia julibrissin*), Princess Tree (*Paulonia tomentosa*), Russian Olive (*Elaeagnus angustifolia*), Tree of Heaven (*Ailanthus altissima*), Bradford Pear (*Pyrus calleryana*), Japanese Privet (*Ligustrum japonicum*), Norway Maple (*Acer platanoides*), Paper Mulberry (*Broussonetia papyrifera*), Thorney Olive (*Elaeagnus pungens*), White Mulberry (*Morus alba*), White Poplar (*Populus alba*), Chinese Elm (*Ulmus parvifolia*), Silver Maple (*Acer saccharinum*), Lombardy Poplar (*Populus nigra*), Chinese Tallow (*Triadica sebiferum*), Chinaberry (*Melia azedarach*).
3. Pruning trees as normal maintenance provided such pruning does not result in the mutilation, death or destruction of the tree.
4. All trees which are grown by a licensed plant or tree nursery or tree farm, provided such trees are planted and grown on the licensee's premises for the sale or intended sale to the general public in the ordinary course of the licensee's business.
5. All trees which have been destroyed or harmed by a storm or similar act of nature or casualty loss; provided the administrator is notified of such intended removal, replacement or relocation at least two business days prior to removal, replacement or relocation of any tree. The administrator shall approve or deny the request within the two-day period, and may require replacement subject to the requirements of this ordinance. There shall be no fee for this inspection and review.
6. Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes.



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7. Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes.
 8. Installation and maintenance activities conducted by public utility providers within utility easements, public lands, or public rights-of-way.
- C. *Permit required:* It shall be unlawful for any person to remove, replace or relocate any tree within the city until an application for a permit has been submitted to the administrator. In determining whether a permit should be issued, the administrator shall consider the following criteria:
1. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services.
 2. The necessity to remove trees in order to construct proposed improvements to allow economic enjoyment of the property.
 3. Topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface waters, and coordination with the city's drainage plans and recommendations on drainage patterns.
 4. Number of trees existing in the neighborhood on improved property. Administrator shall be guided by the effect of tree removal upon property, as well as aesthetic values, in the area.
- In all cases, the administrator may require the relocation or replacement of the trees as a condition of issuing the permit, on a one-for-one basis, with replacement trees having a caliper of two-inches or more in diameter at one foot above the ground
- D. *Required tree protection areas:* Trees and existing vegetation shall be preserved in accordance with the table below. Exceptions to tree protection in Tier 2 and Tier 3 areas shall be reviewed by the board of adjustment on a case-by-case basis.



TABLE 8.3A: REQUIRED TREE PROTECTION AREAS

Tier	Priority Tree Protection Area	Required Protection
Tier 1	Special Flood Hazard Areas Required Surface Water Protection Area Required Buffer Yard Slope Areas 25 percent or greater Wetlands	All Vegetation and Soil to Remain Undisturbed In some cases, limited disturbance may occur within the areas to be protected provided all necessary approvals are obtained. Such activities include, but are not limited to the following: • Mitigation of development activities. • Restoration of previously disturb areas. • Stream restoration. • Utility installations and emergency public safety activities. • Construction of a trail or pedestrian walkway that will provide public access. • Required street or driveway connections.
Tier 2	Front Setback Areas Required Landscaping Areas Required Open Space Slope Areas of 15—25 percent	All Trees Greater than 12" DBH Replacement trees, if permitted, shall be planted at a rate of one tree per each 12" DBH
Tier 3	All Other Locations	All Trees Greater than 24" DBH Replacement trees, if permitted, shall be planted at a rate of 1 tree per each 12" DBH

~~E. Credits for preservation of existing trees in parking areas: Trees that are saved in a parking lot area (other than those in Tier 1 or Tier 2 Tree Save Areas in Section B above) can be used towards the interior tree landscape requirement in Section 8.7. Note that each tree preserved will require a minimum pervious area around it equal to its drip line.~~

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TABLE 8.3B: CREDITS FOR PRESERVATION OF EXISTING TREES IN PARKING AREAS

Size of Preserved Trees	Deduction from Required Plantings
For Each Tree 6—12" DBH	One Required Parking Lot Tree
For Each Tree 13—24" DBH	Two Required Parking Lot Trees
For Each Tree 25" DBH or Greater	Three Required Parking Lot Trees

F.E. Public tree care and protection:

1. *Responsibility for public tree care:*
 - a. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the city or state-owned rights-of-way or bounds of all streets, alleys, lanes, squares, and city-owned public grounds, or any that extend into the public right-of-way, or that harbors disease or insects in order to ensure public safety or to preserve or enhance the beauty of such public places.
 - b. The City of Brevard Public Works Department is hereby granted the responsibility of public tree care within the City of Brevard.
 - c. The parks, trails, and recreation committee shall assist and provide guidance to the public works department regarding care and protection of public trees as necessary.



2. *Public tree care:*
 - a. The city may remove or cause to be removed by the appropriate agency/contractor, any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is seriously affected with any injurious insect or disease.
 - b. Trees, vines, shrubbery, flowers, or other ornamental vegetation standing in or upon any lot or land adjacent to any public street, sidewalk, greenway, or other public place shall be kept trimmed by the owner or occupant of the property on which the plants are growing so as not to interfere with the free and safe passage along the public way by pedestrians, bicyclists, and vehicular traffic.
 - c. The public works department may, in the interest of public health and safety, prune any tree that overhangs into any street, sidewalk, greenway, or right-of-way within the city, so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the walkways, a clear space of 13½ feet above the surface of streets, and a clear space of at least 17 feet above highways. The public works department will notify, in writing or in person, any property owner whose trees will be pruned in accordance with this section, no later than 24 hours prior to pruning.
 - d. Pruning of public trees shall be done in conformance with pruning standards published by the International Society of Arboriculture, or similar professional organization.
3. *Public tree protection:* All public trees shall be protected during construction activities in accordance with the following:
 - a. A tree on any street or other publicly owned property whose crown is within five feet of any excavation or construction of any building, structure, or street work, shall be guarded with a substantial fence, frame, or box. The construction tree guard shall be not less than four feet high and at a distance in feet from the trunk equal to the diameter of the trunk at breast height (DBH) in inches. All building material, dirt, or other debris shall be kept outside the construction tree guard.
 - b. Land-disturbing activities within five feet of a public tree shall incorporate protection for tree root areas in accordance with generally accepted best practices.
4. *Prohibited activities:*
 - a. Abuse of public trees:
 - i. No person shall intentionally damage, cut, carve, transplant, or remove any public tree.
 - ii. No person shall attach any rope, wire, nails, advertisements, posters, banners, or other contrivance to any public tree.
 - iii. No person shall knowingly allow any gaseous, liquid, or solid substance which is harmful to trees to contact public trees.
 - iv. No person shall set fire to public trees nor permit any fire to burn when such fire or the heat thereof will injure any portion of a public tree.
 - b. Tree topping of public trees, per Section 8.2.J of this ordinance.

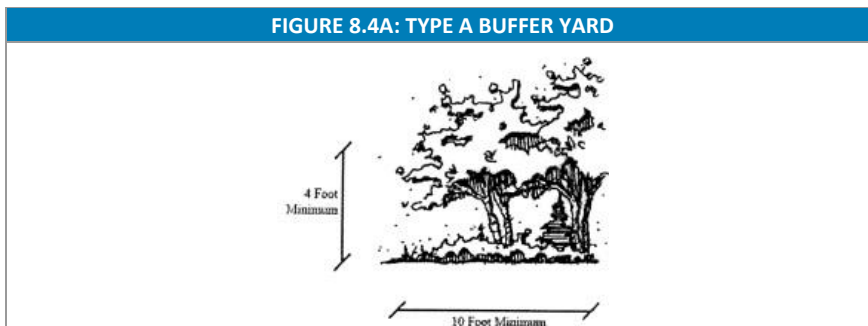
8.4. Buffers and screening.

A. *Applicability:*

1. These regulations shall apply to the following:



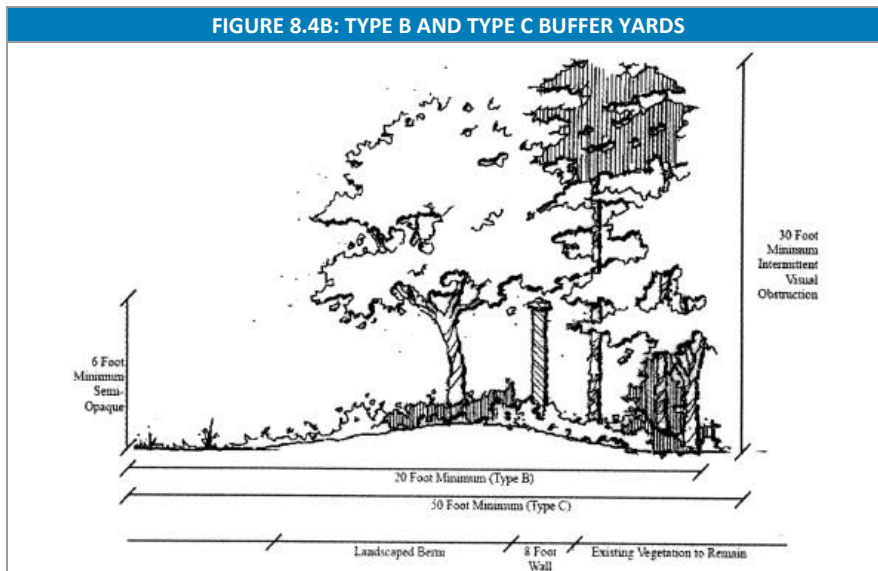
- i. All newly developed properties
 - ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined in [CHAPTER 19](#) of this ordinance, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
 - iii. When the zoning district classification changes for an existing use or parcel at the request of the property owner or representative thereof, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections ii and iii above.
 3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in [CHAPTER 6](#) of this ordinance.
- B. Buffer yard types:**
1. *Type A buffer yard:*
 - a. Minimum width: 10 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.
 - c. Maximum horizontal openings: 20 feet.
 - d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity.



2. *Type B buffer yard:*
 - a. Minimum width: 20 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
 - c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.



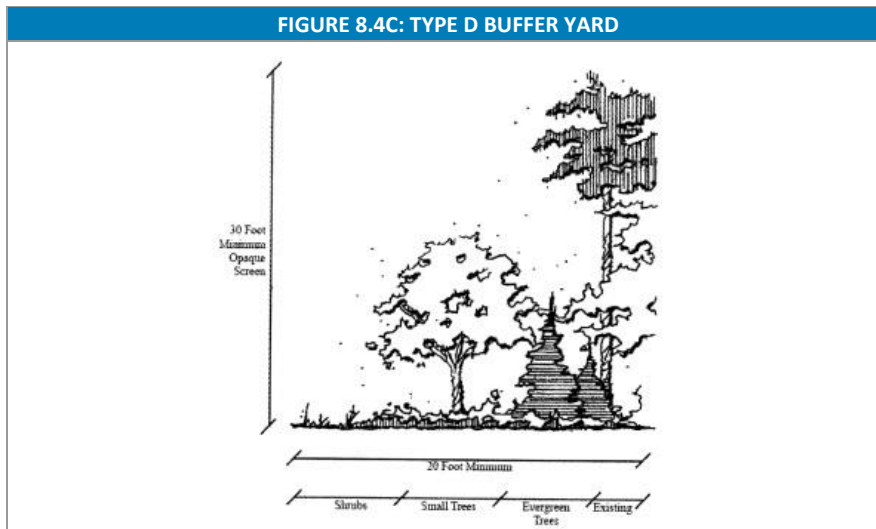
- d. Performance standard: A buffer which is 20 feet in width and contains screening materials which at maturity provide semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening materials within semi-opaque areas shall contain horizontal openings no greater than 15 feet in width upon the plants' maturity.
3. *Type C buffer yard:*
- a. Minimum width: 50 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
 - c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
 - d. Performance standard: A buffer which is 50 feet in width and contains screening materials which at maturity provides semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; Vegetative screening materials within semi-opaque areas shall contain no horizontal openings greater than 15 feet in width upon the plants' maturity.



4. *Type D buffer yard:*
- a. Minimum width: 30 feet.



- b. Minimum height and opacity: Ground to 30 feet—Opaque.
- c. Maximum horizontal openings: None permitted.
- d. Performance standard: A buffer which is 30 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plants' maturity.



5. *Type E buffer yard.*

- a. Minimum width: 25 feet.
- b. Minimum height and opacity: Ground to 30 feet—Opaque.
- c. Maximum horizontal openings: None permitted.
- d. Performance standard: A buffer which is 25 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screen materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

C. *Fences, walls, and berms:*

- 1. Fences, walls, or earthen berms may be substituted for all or a portion of the shrub requirement in all buffer types. In addition, existing vegetation within the buffer shall be maintained and may receive partial or total credit towards screening requirements. All berms, if provided, shall not exceed a slope with maximum rise of one foot to a run of two feet (a ratio of 1:2) and a maximum height of four feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. Berms taller than four feet shall be approved by the administrator on a case by case basis.

D. *Required buffer yards:*



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1. A buffer yard is intended to give spatial separation and to decrease visual contact between incompatible uses. Buffer yards shall be required in accordance with the tables below when any use is being established on a property that abuts an existing developed lot or less intense zoning district. More stringent buffer yard requirements may apply to certain specified uses as set forth in [CHAPTER 3](#) of this ordinance.
2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

TABLE 8.4A: REQUIRED BUFFER YARDS BY ZONING DISTRICT

		Adjacent District						
		GR	RMX	NMX	DMX	IC	CMX	GI
District in Which Development is Located	GR	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	D
	DMX	B	A	A	None	None	None	D
	IC	C	C	C	C	None	None	None
	CMX	D	D	D	D	None	None	None
	GI	E	E	E	E	None	None	None

3. In addition to the buffer yards required between districts as set forth above, buffer yards shall be required for certain types of development *within* certain zoning districts and associated conditional districts, as follows. This requirement applies regardless of the adjacent district. However, where conflicts occur between 8.4.D.2, above, and this section, the more restrictive requirement shall apply.

TABLE 8.4B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT

		New Multifamily (more than 4 units/bldg.) and Residential Group Development (a)	Mixed-Use/Non-Residential Subdivision and Non-Residential Group Development	Special Use Permit (b)
District in Which Development is Located	GR	B	B	B
	RMX	B	B	B
	NMX	B	B	A
	DMX	B	B	A
	CMX	B	D	B
	IC	B	C	B
	GI	NA	E	B

- (a) This requirement shall apply to any new residential project where a multifamily development contains more than four dwelling units per building, or residential group development.



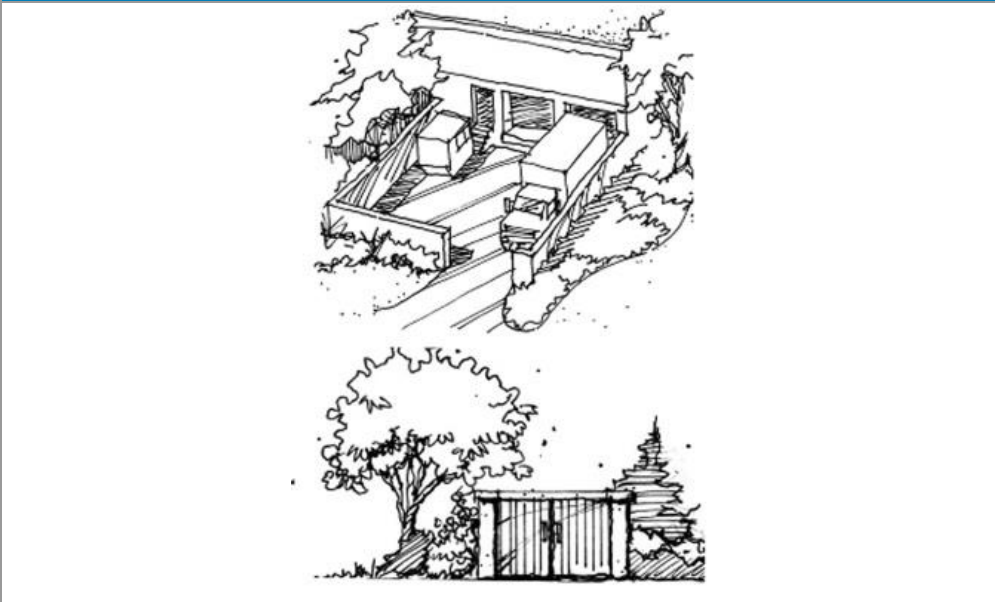
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- (b) This requirement shall apply to any project for which a Special Use Permit is issued for an individual use or structure on a distinct parcel of land as set forth above, unless a more restrictive buffer yard is otherwise required in [CHAPTER 3](#) of this ordinance. No individual buffer yard shall be required for a use or structure permitted within a group development, or conditional district, for which project-wide buffering and general landscaping is required, unless such individual buffer yard is specifically required in [CHAPTER 3](#) of this ordinance.
- 4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
- 5. Buffer yards are intended to be constructed along the perimeter of the property or project; however, when there are irregular topographic conditions (such as the perimeter of the property is at a lower grade than the use being screened) the approving authority may require the relocation of the required buffer yard in order to better serve its purpose.
- 6. Natural vegetation, vegetation required for tree protection, riparian buffer areas, and other forms of existing vegetation may be utilized to satisfy these requirements when such natural and existing vegetation clearly satisfies the purpose of this section.
- 7. Off-site vegetation:
 - a. Existing plant material on adjacent property may be credited toward buffer requirements, provided that such material is in a permanently protected area such as a conservation easement or similarly preserved area.
 - b. Plant material, existing or proposed, on an adjacent property may be credited toward buffer requirements through use of a landscape easement.
- 8. Buffer requirements may be reduced or waived by the approving authority in the following circumstances:
 - a. Such requirements would pose a safety hazard.
 - b. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon city trees, as recommended by the city horticulturalist.
 - c. Special use permits based solely upon building height or building ground floor square footage size, where such requirement would serve no useful purpose.
 - d. When projects to which these requirements apply exhibit unifying architectural and landscape design characteristics that integrate the project into surrounding development, and when the landscape design of such a project clearly meets and exceeds the goal of these requirements such that these requirements become unnecessary.
- 9. Fences, walls and berms in buffers
 - a. Where walls and berms are built within any required project boundary buffer, they shall meet the following requirements.
 - i. Walls and berms within a buffer may be used to permit a reduction in the buffer up to 25 percent of the required width.
 - ii. Walls and berms shall not be permitted within surface water protection areas, floodplains, and floodways.
 - iii. Walls and berms shall conform to other applicable requirements of this ordinance.
 - iv. All walls, when located within a buffer, shall be planted on the face towards the adjacent property with at least one upright shrub for every six feet of wall length.



- (v) Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
- vi. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
- vii. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall, berm, or fence structure at the time of landscape plan approval.
- viii. Chain link and concertina wire fences shall be buffered by a Type A buffer yard on all sides.

FIGURE 8.4D: ILLUSTRATIONS OF APPROPRIATE SCREENING OF DUMPSTERS AND LOADING AREAS



8.6. ~~Parking lot~~Parking area screening.

- A.** *Applicability:* Perimeter yard of all parking areas visible from the street, ~~except~~ ~~(Except one- and two-family homes)~~ residential developments with six or less off-street vehicle parking spaces.
- A.B.** *Minimum planting:* Semi-opaque screen from the ground to at least a height of three feet for screening of car lights and glare. (Minimum width: Ten feet).
- B.C.** *Performance standard:* This type functions as a semi-opaque screen around the parameter of a ~~parking lot~~parking area from the ground to at least three feet for the screening of car lights and glare. This shall only be required along the parking area that fronts the public right-of-way or any side of a ~~parking lot~~parking area that is not protected by a required buffer yard. The location of such yards shall be determined by the administrator upon review. Effective screening devices may include solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the required height within two years of planting, or any



combination of the above. Plantings which can achieve a mature height exceeding 30 inches shall not be planted in the sight triangle on each side of drives or streets.

- C.D. Screening of open storage, above ground utilities, and dumpsters:** Any open storage of merchandise, equipment, materials or goods other than those on display for retail sales, above ground utilities, and dumpsters areas shall be screened from view from any street right-of-way in accordance with the ratios (but not necessarily the minimum dimension) prescribed for type C buffer yards. Sub-grade dumpsters shall be exempt from the provisions of this section.

8.7. ~~Parking lot~~ Parking area landscaping.

- A. **Applicability:** Interiors of all parking areas with more than 16 parking spaces or more than 1/10 of an acre in size.
- B. **Stormwater management requirements:** Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in [CHAPTER 6](#) of this ordinance.
- C. **Minimum plantings:**
1. No parking space shall be more than 50 feet from the base of a canopy tree.
 2. One 15-to-18-inch minimum height evergreen or deciduous shrub shall be required per 250 square feet of required landscaped vehicular use area. This rate may be varied by the administrator considering alternate shrub heights, ground covers, or other factors.
- D. **Performance standard:** This type functions as a tree ceiling over a parking area providing shelter from sun and rain and minimizing the impact of runoff by providing "green" surface area on which to collect. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. All landscaped areas shall be separated from parking spaces. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.
- E. **Credits for preservation of existing trees in parking areas:** Trees that are saved in a parking ~~lot~~ area (other than those in Tier 1 or Tier 2 Tree Save Areas in Section 8.3B above) can be used towards the interior tree landscape requirement in Section 8.7. Note that each tree preserved will require a minimum pervious area around it equal to its drip line.

Commented [EB8]: Moved from Section 8.3 and removed the table

TABLE 8.3B: CREDITS FOR PRESERVATION OF EXISTING TREES IN PARKING AREAS	
Size of Preserved Trees	Deviation from Required Plantings
For Each Tree 6 – 12" DBH	One Required Parking Lot Tree
For Each Tree 13 – 24" DBH	Two Required Parking Lot Trees
For Each Tree 25" DBH or Greater	Three Required Parking Lot Trees



CHAPTER 9. CIRCULATION AND CONNECTIVITY

9.3. Access management.

Access management standards that regulate the connection of new driveways to the street system shall be as follows. NCDOT must approve the design and location for the connection of new driveways when located on state-maintained roadways.

- A. New driveways, on public streets with curbing, shall be limited in accordance with the following standards:

TABLE 9.3A: DRIVEWAY SEPARATION DISTANCES

Posted Speed Limit (mph)	Minimum Distance Between Driveways	Minimum Distance Between Driveways and Intersections*
15	20 feet	40 feet
20	40 feet	80 feet
25 to 35	60 feet	120 feet
40	120 feet	240 feet
45	140 feet	280 feet
50	160 feet	320 feet
55	180 feet	360 feet

Note: Access separation between driveways shall be measured from inside edge of curb cuts. Access separation between a driveways and intersecting streets shall be measured from the nearest inside edge of the driveway curb cut to the intersecting right-of-way lines.

- B. *Shared Private Drives*: Whenever feasible in the interests of access management the administrator shall encourage the establishment of shared private drives and entrances with adjacent properties, and may require that driveways and entrances be situated along property lines. The approving authority may require the establishment of access easements along property lines to be reserved for future use by adjacent properties as part of any development.
1. *Capacity* – No more than 3 properties or 6 dwelling units shall use the same driveway. At all times, the shared private drive shall be maintained in a good, safe and usable condition, in good repair, and in compliance with all applicable state, county and local ordinances.
 2. *Easement* – The minimum width of the easement for shared private drives shall be 30 feet.
 3. *Minimum Design and Construction* – The minimum design and construction standards which apply to a public street (Section 13.5) shall apply to a shared private drive except that:
 - a. All shared private drives are to be paved to City standards with a minimum width of 20 feet.
 - b. Street names shall not be allowed for shared private drives. The properties with ingress and egress on the shared private drive are required to have an address on the abutting public street.
 - c. Pedestrian and bicycle infrastructure shall not be required, but it is encouraged. This also includes multi-use paths and other similar types of infrastructure.



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3. *Plats* - All shared private drives must be shown as such on all affected plats.
4. *Through Streets* - Through streets connecting 2 public streets may not be designated as a shared private drive.
5. *Connections to Public Streets* - All shared private drives connecting with public streets require approved driveway applications from the city (or NCDOT, if applicable).

C. *Additional provisions:*

1. The administrator shall require the closure of any nonconforming driveway or curb cut as a condition of approval of any land development application.
2. Single-family, duplex, and secondary dwellings on existing lots of record and new infill development lots on roads 35 mph and under shall be exempt from the "Minimum distance between driveways" standards for the first driveway, but shall meet minimum separation requirements for additional driveways. Additionally, driveway separation distances on new dead-end streets posted 30 mph and under and with no on-street parking may also be exempted by the administrator. Further modification of these requirements shall be considered by the board of adjustment.

3. Parking lots with one-way aisle that are required to have at least two driveways, in accordance with Section 10.7 may be exempt from the "Minimum distance between driveways" standards. The exemption may be granted by the administrator for local and private roads and by NCDOT for state roads.

~~3.4.~~ The board of adjustment may modify these requirements only after the following are satisfactorily provided by an applicant:

- a. A transportation assessment performed by an engineer licensed in the State of North Carolina containing sufficient detail to demonstrate that the modification request does not adversely impact public safety or traffic operation; and
- b. Evidence that the modification request represents the minimum necessary to address existing site constraints or to improve site circulation stemming from urban infill and/or redevelopment.

~~4.5.~~ Appeals from any adverse decision by the administrator shall be made to the board of adjustment.



CHAPTER 10. PARKING STANDARDS

10.1. Purpose and intent.

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

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

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

10.2. Applicability.

~~A. Off-street parking and loading spaces shall be provided for all uses as well as for any expansion of such uses or change in use in accord with the requirements of this section. This chapter shall apply when any of the following occurs:~~

- ~~1. New construction of a principal building or buildings;~~
- ~~2. Expansion of an existing principal building resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or~~
- ~~3. Change of use or expansion of an existing use resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or~~

Commented [EB9]: Please note the new cut off for applicability. Current is 25%.

10.3. Off-street vehicle parking requirements.

~~A. General off-street parking requirements:~~

- ~~1. Off-street parking requirements are structured in a three-tier system as follows:~~
 - ~~a. **Tier 1:** A minimum number of off-street parking spaces are required. There are no off-street parking maximums. Generally, zoning districts in this tier are less walkable and do not have available public parking or space for on-street parking.~~
 - ~~b. **Tier 2:** A minimum number of off-street parking spaces are required. There are also off-street parking space maximums. Generally, zoning districts in this tier contain a mix of lower-density residential and commercial uses. Some off-street parking is necessary to preserve public rights-of-way, but many of these areas are more amenable to alternative modes of transportation.~~
 - ~~c. **Tier 3:** There is no required number of spaces for off-street parking, but there are off-street parking space maximums. Generally, zoning districts in this tier consist of dense, heavily commercial development.~~



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2. The tiered parking requirements applies based on the zoning district. In the case of Planned Development Districts or Conditional Zoning Districts, the tier applicable to the base zoning district shall apply, unless otherwise specified in the adopting ordinance.

TABLE 10.3A: TIERED PARKING REQUIREMENTS	
Parking Requirement Tier	Zoning Districts
Tier 1	General Residential (GR) and General Industrial (GI)
Tier 2	Residential Mixed-Use (RMX), Neighborhood Mixed-Use (NMX), and Institutional Campus (IC)
Tier 3	Downtown Mixed-Use (DMX) and Corridor Mixed-Use (CMX)

Commented [EB10]: Note that in our current regulations – NMX “in the Railroad Avenue/Lumberyard area” is exempt from non-residential minimum parking requirements.

Commented [EB11]: Note that DMX is currently exempt from non-residential minimum parking requirements.

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

B. Off-street minimum and maximum vehicle parking ratios:

TABLE 10.3B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
<u>Residential</u>	-	-	-	-	-	-	-
Household Living	<u>All household living uses, except as listed below</u>	<u>1.5 / dwelling unit</u>	-	<u>1 / dwelling unit</u>	<u>2 / dwelling unit</u>	-	<u>2 / dwelling unit</u>
	<u>Dwelling - Single-Family</u>	<u>2 / dwelling unit</u>	-	<u>1 / dwelling unit</u>	<u>2 / dwelling unit</u>	-	<u>2 / dwelling unit</u>
	<u>Manufactured Home (single unit)</u>	<u>2 / dwelling unit</u>	-	<u>1 / dwelling unit</u>	<u>2 / dwelling unit</u>	-	<u>2 / dwelling unit</u>
Group Living	<u>All group living uses, except as listed below</u>	<u>1 / dwelling unit or rooming unit</u>	-	<u>1 / dwelling unit or rooming unit</u>	<u>3 / dwelling unit or rooming unit</u>	-	<u>3 / dwelling unit or rooming unit</u>
	<u>Rooming or Boarding House</u>	<u>.5 / rooming unit</u>	-	<u>.5 / rooming unit</u>	<u>1.5 / rooming unit + 1 additional space</u>	-	<u>1.5 / rooming unit + 1 additional space</u>
Social Services	<u>Group Care Facility</u>	<u>1 / dwelling unit, rooming unit, or bed</u>	-	<u>1 / dwelling unit, rooming unit or bed</u>	<u>3 / dwelling unit, rooming unit or bed</u>	-	<u>3 / dwelling unit, rooming unit or bed</u>
	<u>Shelter</u>	<u>2 spaces</u>	-	<u>2 spaces</u>	<u>6 spaces</u>	-	<u>6 spaces</u>
<u>Lodging</u>	-	-	-	-	-	-	-
Overnight Accommodations	<u>All overnight accommodations, except as listed below</u>	<u>1 / room or suite</u>	-	<u>.5 / room or suite</u>	<u>1.5 / room or suite</u>	-	<u>1.5 / room or suite</u>
	<u>Short-term Rental</u>	<u>2 / rental unit</u>	-	<u>1 / rental unit</u>	<u>2 / rental unit</u>	-	<u>2 / rental unit</u>
Camping	<u>Campground / Recreational Vehicle Park</u>	<u>.25 / campsite or RV parking site</u>	-	<u>.2 / campsite or RV parking site</u>	<u>1 / campsite or RV parking site</u>	-	<u>1 / campsite or RV parking site</u>
	<u>Rental Cottage / Cabins</u>	<u>1 / room or suite</u>	-	<u>.5 / room or suite</u>	<u>1.5 / room or suite</u>	-	<u>1.5 / room or suite</u>
	<u>Seasonal Camp</u>	<u>Varies, See Section 10.3.D</u>	-	<u>Varies, See Section 10.3.D</u>	<u>Varies, See Section 10.3.D</u>	-	<u>Varies, See Section 10.3.D</u>

Commented [EB12]: Current Parking Minimums:
-Single Family Residential: 2/dwelling unit
-MF in DMX or NMX: 1/dwelling unit
-MF in all other districts: 1.5/dwelling unit

Commented [EB13]: Current parking minimum is 1 / room or suite

Commented [EB14]: Matches single-family dwelling

Commented [EB15]: Matches overnight accommodations



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TABLE 10.38: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Commercial							
Eating and Drinking Establishments	All restaurants and other eating and drinking establishments	1/ 750 SF	-	1/ 750 SF	1/ 200 SF	-	1/ 200 SF
	Personal Services	1/ 500 SF	-	1/ 600 SF	1/ 300 SF	-	1/ 300 SF
Professional Services	All professional services, except as listed below	1/ 500 SF	-	1/ 600 SF	1/ 300 SF	-	1/ 300 SF
	Funeral Homes and Services	1/ 4 seats in main assembly area + 1 / 500 SF of office space	-	1/ 4 seats in main assembly area + 1 / 600 SF of office space	1/ 2 seats in main assembly area + 1 / 300 SF of office space	-	1/ 2 seats in main assembly area + 1 / 300 SF of office space
Retail	All retail and sales establishments except as listed below	1/ 500 SF	-	1/ 600 SF	1/ 300 SF	-	1/ 300 SF
	Gas Station	1/ 500 SF of retail	-	1/ 500 SF of retail	1/ 400 SF of retail	-	1/ 400 SF of retail
Shopping Centers	All shopping centers	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D
Civic / Institutional							
Educational	All educational uses except as listed below	2 / classroom	-	2 / classroom	None	-	None
	Colleges/Universities	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D
	Schools— Vocational/Technical	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D
Governmental	All government uses	1/ 750 SF	-	1/ 1,000 SF	1/ 200 SF	-	1/ 200 SF
Medical	All medical offices and facilities except as listed below	1/ 500 SF	-	1/ 600 SF	1/ 300 SF	-	1/ 300 SF
	Hospital	2.5 / patient room	-	2 / patient room	5 / patient room	-	5 / patient room
Places of Worship	All religious institutions or places of worship	1/ 6 seats in main assembly area + 1 / 500 SF of office space	-	1/ 6 seats in main assembly area + 1 / 600 SF of office space	1/ 2 seats in main assembly area + 1 / 300 SF of office space	-	1/ 2 seats in main assembly area + 1 / 300 SF of office space
Entertainment / Recreation							
Indoor Recreation	All indoor recreation facilities, except as listed below	1/ 500 SF	-	1/ 750 SF	1/ 250 SF	-	1/ 250 SF
	Cultural or Community Facility	1/ 6 seats in main assembly area + 1 / 500 SF of office space	-	1/ 6 seats in main assembly area + 1 / 600 SF of office space	1/ 2 seats in main assembly area + 1 / 300 SF of office space	-	1/ 2 seats in main assembly area + 1 / 300 SF of office space
	Live Performance Theater	1/ 8 seats	-	1/ 10 seats	1/ 2 seats	-	1/ 2 seats
	Movie Theater	1/ 8 seats	-	1/ 10 seats	1/ 2 seats	-	1/ 2 seats
	Special Event Venue	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D

Commented [EB16]: Current parking minimum is 1/4 seats. This is changed to a square footage measurement to standardize with other commercial uses.

Commented [EB17]: Current parking minimum is 1 / 500 SF

Commented [EB18]: No maximum because there are a lot of variations between the parking needs of an elementary school, high school, or tutoring center. Most of those are currently found in IC (Tier 2).

Commented [EB19]: Same as professional services

Commented [EB20]: Current parking minimum is 1 / 4 seats or 1 / 6 feet of pews

Commented [EB21]: Same as places of worship

Commented [EB22]: Current parking minimum is 1 / 3 seats.



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TABLE 10.3B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Outdoor Recreation	All outdoor recreation facilities	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D	Varies, See Section 10.3.D	-	Varies, See Section 10.3.D
Agriculture	-	-	-	-	-	-	-
Agriculture	All agricultural uses	1 / 500 SF of retail or administrative area	-	1/ 750 SF of retail or administrative area	1 / 300 SF of retail or administrative area	-	1 / 300 SF of retail or administrative area
Manufacturing / Wholesale / Storage	-	-	-	-	-	-	-
Light Industrial and Manufacturing	All light industrial and manufacturing activities	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space	-	1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space	-	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space
Heavy Manufacturing	All heavy manufacturing activities	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space	-	1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space	-	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space
Storage and Disposal	All storage and disposal uses	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of storage/ disposal space	-	1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of storage/ disposal space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of storage/ disposal space	-	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of storage/ disposal space
Wholesaling and Distribution	All wholesaling and distribution activities	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of wholesale, distribution, or retail space	-	1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of wholesale, distribution, or retail space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of wholesale, distribution, or retail space	-	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of wholesale, distribution, or retail space
Infrastructure	-	-	-	-	-	-	-
Utilities	All utilities	N/A	-	N/A	N/A	-	N/A
Telecommunications	All wireless telecommunication facilities	N/A	-	N/A	N/A	-	N/A
Transportation	All transportation uses	N/A	-	N/A	N/A	-	N/A

Note: All square footage in gross square feet.

Commented [EB23]: Current parking minimum for all manufacturing/industrial uses is 0.25 / 1,000 SF of non-office space.

Changes account for the broad variations in industrial types (some have retail components, some have more office space and less warehouse, etc.)

C. Calculation of off-street vehicle parking spaces:

1. Vehicle parking spaces are calculated based on the principal use of the lot. When more than one principal use occupies the same lot, the number of spaces is the sum of separate requirements for each principal use.
2. When measurements of the number of required spaces result in a fractional number, the result is rounded to the nearest whole number.



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3. Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area.

D. Uses without minimum and maximum off-street vehicle parking spaces:

1. Some uses or combination of uses (group developments, mixed-use projects, etc.) have widely varying parking demand characteristics making it impossible to specify a single off-street parking standard. For these uses, the administrator shall determine the appropriate requirements with one of the following methods:
 - a. Apply the off-street parking requirement specified for the listed use that is deemed most similar to the proposed use; or
 - b. Establish off-street parking requirements based on a parking study prepared by a qualified professional and provided by the applicant.
 - i. Such a study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the administrator, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use.
 - ii. Comparability will be determined by density, scale, bulk, area, type of activity, and location.
2. In no circumstance may the total number of parking spaces exceed a ratio of exceed one space per 200 gross square feet of the building(s).

E. Minimum off-street parking exceptions:

1. Public parking credit:
 - a. Public parking facilities located within 1,760 feet (1/3-mile) walking distance of the development site may be credited toward the minimum parking requirement at a rate of 1 space for every 5 public parking spaces.
 - b. Signage shall be provided that indicates the location of the public use spaces.
 - c. Residential uses are not eligible for this exemption.

Commented [EB24]: Distance is derived from Depot parking lot to King Street businesses

2. Shared/combined parking:

- a. The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. The administrator may adjust the minimum parking requirements at a rate of 1 space for every 2 shared spaces.

3. Tree preservation:

- a. The minimum number of spaces required may be adjusted by the administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter) from being damage or removed, and where the site plan provides for the retention of said tree or trees.
- b. The reduction shall not exceed 25% of the total minimum parking spaces required.
- c. Invasive tree species as outlined in Section 8.2 of this ordinance are not eligible for this exemption.

4. Additional bicycle parking:

- ~~b.~~a. Additional bicycle parking spaces above the minimum required bicycle parking may reduce the number of required off-street parking spaces at a rate of 1 parking space for every 2 additional bicycle parking spaces.



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~~e.b.~~ The reduction of spaces granted with this exception shall not exceed 25% of the minimum off-street parking requirement.

5. Electric vehicle parking:

~~d.a.~~ Off-street vehicle parking with EVSE-installed vehicular charging stations shall count toward satisfying the minimum off-street vehicle parking requirements.

6. Payment in lieu of parking spaces:

a. The minimum number of parking spaces required may, at the administrator's discretion, be reduced by up to 50% with a fee paid to the city in lieu of developing the parking space(s).

b. Payments in lieu of parking spaces may be approved as part of the development plan.

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

d. All funds received for payment in lieu of parking spaces shall be used for the acquisition, improvement, development, or redevelopment of public parking spaces within the city.

7. Upgrading preexisting non-conforming parking facilities:

a. The minimum number of spaces required may be reduced by up to 25% to allow an existing development to retrofit parking to conform to the existing parking area design and landscaping regulations.

D.F. Maximum off-street vehicle parking exceptions parking allowed:

1. Spaces reserved for the following are not included in calculating off-street vehicle parking maximums:

a. Required accessible parking spaces in compliance with City, state, and federal standards

~~a.b.~~ Parking spaces with EVSE-installed electric vehicle charging stations

c. Loading / unloading spaces as required by this ordinance

2. Additional parking that exceeds ten percent of the required minimum (hereafter "excess parking") shall not be permitted, except as follows: The administrator may grant exceptions to the maximum off-street parking up to 25% when the following conditions are met:

~~b.a.~~ Parking spaces constructed with ~~durable and dustless pervious paving systems~~ porous monolithic pavers, or other pervious paving materials.

i. Pervious paving shall be considered surface improvements such as interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface.

ii. Sub-surface preparation to accommodate the water infiltration allowed through the surface material shall be required.

iii. Gravel shall not be considered a pervious paving surface.

~~e.b.~~ Parking spaces located in a parking area that is designed to control for stormwater run-off generated by a 25-year, 24-hour rain event, and in compliance with Section 6.6 of this ordinance.

~~d.~~ For manufacturing/warehousing/light assembly use types, excess parking shall be determined as additional parking that exceeds ten percent of parking calculated at 1 space per 500 square feet. Excess parking may be permitted in accordance with subsections (a), (b), (c), and (d) above.

3. Underground or above-grade parking:

Commented [EB25]: Requirements mimic the payment in lieu of open space dedication



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~~e.a.~~ The maximum off-street parking may be increased by up to 100% if the additional parking spaces are located ~~Excess parking may be provided within in an~~ underground, on a roof-top, or within a multi-story parking structure.

4. Satellite parking:

~~f.a.~~ Satellite parking may be permitted, subject to certification by the administrator that the following requirements have been met:

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

~~ii.i.~~ Satellite parking lots shall only be permitted in zoning districts where parking lots are permitted as a by-right primary use, as established in Chapter 2 and Chapter 3.

~~iii.ii.~~ The satellite parking spaces shall be located within ~~1,320-1,760~~ feet (~~¼~~1/3-mile) walking distance of a public entrance to the structure or lot containing the use for which such spaces are required.

~~iv.iii.~~ A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the satellite parking and the use being served;

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

Commented [EB26]: This would be any district except GR, which has a SUP.

G. Accessible parking:

1. Accessible parking shall be provided in accordance with the North Carolina State Accessibility Code.

H. Compact car parking spaces:

~~2.1.~~ For parking areas and structures with 20 or more off-street vehicle parking spaces, up to 25% of required vehicle parking spaces may be designed for compact vehicles and designated with the appropriate signage and/or markings.

~~E. Exemptions and adjustments:~~

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

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

~~b.~~ Developments which involve only a change of use and which will not increase the number of parking spaces required under this chapter by more than 25 percent.

~~2.~~ No development shall be exempted from bicycle parking requirements.

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

~~1.~~ Overflow parking: Off-street areas used to accommodate occasional (no more than once per month) overflow parking may be constructed of grass. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition.

10.4. Off-street loading requirements.

A. Off-street loading spaces shall be required for the following uses:



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1. Every lot on which a ~~A~~ retail or wholesale business that is expected to regularly receive or deliver goods;
2. A multi-use building with at least 3 different businesses and/or uses;
3. Manufacturing/Wholesale/Storage uses; ~~trade, industry, or~~
4. Multi-family housing development with 10 or more dwelling units; ~~or~~
- ~~4.5. Any other use that is expected to regularly receive or deliver goods, as determined by the administrator is hereafter established, shall provide space indicated herein for the loading and unloading of vehicles off the street.~~

- B. Off-street loading spaces shall be required based on the gross floor area of the primary structure or structures on the parcel, according to the following ratios: Required space shall be considered as follows:

Retail businesses: One space per business location.

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

TABLE 10.4A: OFF-STREET LOADING RATIOS ~~REQUIREMENTS FOR WHOLESALE, INDUSTRIAL, GOVERNMENTAL AND INSTITUTIONAL USES~~

Square Feet	Number of Spaces
0 – 24,999	1
25,000—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

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

D. Location:

1. Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure(s). The administrator may grant exceptions to this requirement if deemed impractical or impossible given the layout of the existing structures and vehicular access.
- ~~1.2.~~ Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
3. All off-street loading spaces shall be provided with adequate off-street maneuvering areas so that vehicles do not obstruct traffic during maneuvering.
4. Such space shall have access to an alley or commercial service street or, if there is no alley or service street, to a street.
5. No loading space or bay may intrude into any portion of a required setback, required parking space, parking area aisle, or driveway.

Commented [EB27]: If it is a building with multiple businesses, it would be required to measure it out for the entire building. Our current ordinance that says one per business.

Commented [EB28]: Moved from Section 10.3 – No content changes



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6. ~~For the purposes of this section, an~~ An off-street loading space shall have the minimum dimensions of 12 feet by ~~40-25~~ feet and be free and clear of obstruction at all times. ~~However, the minimum loading requirements shall meet the needs of each individual use.~~

C. Exceptions to loading space requirements: The administrator may adjust the minimum loading space requirements in the following instances:

1. The joint use of shared off-street loading spaces between up to 4 uses is made by contract between adjacent property owners.
2. On-street loading spaces are provided for public use within 1,760 feet (1/3-mile) walking distance.

10.5. Off-street bicycle parking requirements.

A. Applicability: Off-street bicycle parking for the secure storage of bicycles shall be required for the following uses:

1. Multifamily developments containing ~~3-8~~ or more dwelling units.
2. Group developments:
 1. ~~Planned developments;~~
 2. ~~Conditional zoning districts;~~
 3. ~~Special use permit development;~~
 3. All overnight accommodation uses, except short-term rentals;
 4. Any other development requiring ~~40~~20 or more off-street vehicle parking spaces.

B. Minimum amount of bicycle spaces:

- ~~5-1. One~~ Two bicycle spaces shall be provided for every 20 required vehicle parking spaces as determined by Section 10.3, with a minimum of one 4-bicycle rack.

C. General provisions:

1. Bicycle parking may be provided through various types of facilities, so long as the facility meets the following requirements:
 - a. Bicycle racks are securely anchored, and easily usable with both U-locks and cable locks and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
 - b. Spacing of the racks shall provide clear and maneuverable access.
 - c. Where a bicycle can be locked on both sides without conflict, each side can be counted as a required space.
2. Bicycle parking shall remain accessible and not be rendered unusable by fixed or movable objects.

D. Location:

1. Bicycle racks are encouraged to be placed in well-lit, visible and convenient locations near building entrances and easily accessible from multi-use paths, if applicable.
2. Bicycle parking locations shall not impede pedestrian or motorized vehicle movement or circulation.
3. Bicycle racks may be located in the public right-of-way with approval from the City or the North Carolina Department of Transportation, as applicable, with an encroachment agreement.
4. The administrator may adjust bicycle parking requirements to account for shared parking, buildings located in close proximity to one another, or the presence of public bicycle racks in close proximity.

Commented [EB29]: Pulled from a bullet in Section 10.3 and adjusted/expanded

Commented [EB30]: Matches the trigger for street trees, open space, etc.



10.6. Off-street electric vehicle parking requirements.

- A. *Applicability:* Off-street electric vehicle parking spaces installed with electric vehicle supply equipment (EVSE) shall be required for developments requiring 50 or more off-street vehicle parking spaces.
1. Multifamily developments where at least 25% of the units meet the definition of affordable housing shall be exempt from all electric vehicle parking space requirements.
- B. *Minimum amount of electric vehicle parking spaces:*
1. Two electric vehicle parking spaces shall be provided for every 50 required vehicle parking spaces as determined by Section 10.3.
- C. *General provisions:*
1. Electric vehicle parking spaces shall be installed outside of the public right-of-way.
2. All required electric vehicle parking spaces shall be equipped with Level 2 or DC Fast Charging.
3. Electric vehicle parking spaces and all charging equipment shall be:
- a. Located outside of the public right-of-way;
- b. Placed outside of the critical root zone of any preserved tree; and
- c. Placed at least five feet from a newly planted tree.
4. Electric vehicle parking spaces shall be designated with the appropriate signage and/or markings.
5. Barriers, such as wheel blocks, bollards, and curbs, shall be placed between the electric vehicle parking space and the electric vehicle charging equipment.

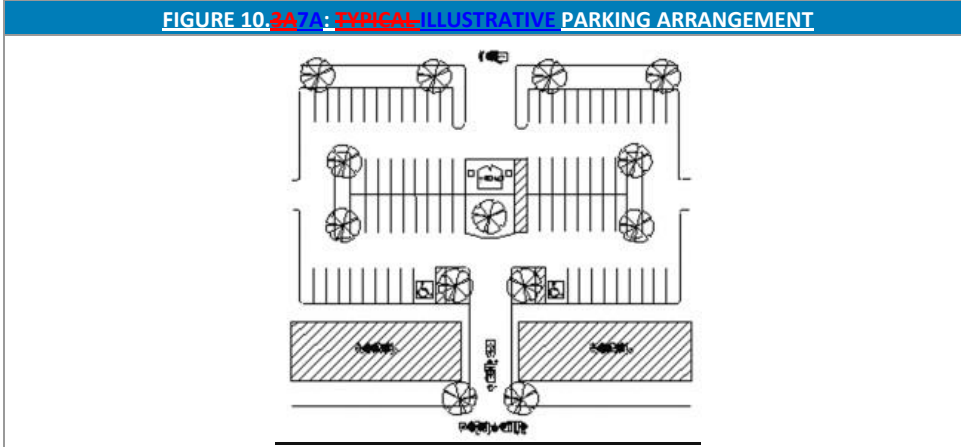
10.57. ~~General~~ Off-street parking area design and construction standards.

- A. *Applicability:* The following shall apply to surface off-street parking areas.
- ~~A-B.~~ *General:* Internal parking area design and circulation shall be subject to the review and approval of the approving authority, who may impose such conditions as are necessary in order to:
1. Ensure the safety of pedestrians and motorists;
2. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
3. Minimize delay and interference with traffic on streets and driveways;
4. Maximize sight distances from parking area exits and access driveways;
5. Facilitate safe and convenient movement of pedestrians from the parking spaces to the principal structure and/or other pedestrian facilities (e.g., sidewalks, multi-use paths, etc.).

Commented [EB31]: Merging the current Section 10.5 (design standards) and 10.6 (construction standards) into a single section.



FIGURE 10.3A7A: ~~EXPIRED~~ ILLUSTRATIVE PARKING ARRANGEMENT



B.C. Location of off-street parking:

1. ~~Off-street parking shall not be permitted within any public right-of-way.~~ Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
2. For non-residential uses and multi-family development with more than 4 dwelling units, access configurations which require backing directly onto a street from a required off-street vehicle parking space are prohibited. Alleys and commercial service lanes are not considered streets for the purposes of this requirement.
- ~~2.3.~~ Off-street parking shall not be permitted within any front yard setback area and shall not be permitted between any principal structure and the street upon which such structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.
 - a. The following uses and parking types shall be exempt from ~~Section 10.5.G.2~~this requirement above:
 - i. Single-family and duplex residential structures in ~~GR, RMX and NMX districts~~zoning districts with Tier 1 and Tier 2 off-street parking requirements, according to Section 10.3.
 - ii. Handicapped parking spaces as required by the North Carolina Accessibility Code or other federal, state, or local regulations.
 - iii. Bicycle parking spaces required by this ordinance.
 - iv. Existing non-residential and multi-family development undergoing significant improvement, substantial improvement or change of use ~~as defined in CHAPTER 19 of this ordinance~~, provided that all newly created parking spaces associated with such redevelopment shall conform with ~~Section 10.5.G.2~~this requirement unless the approving authority deems that compliance would be impractical due to existing site constraints.

C.D. Surfacing: All off-street vehicle ~~accommodation~~parking area surfacing shall be constructed in accordance with the following specifications:



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1. Hard surface required: All off-street parking areas including drives connecting such areas with the public street rights-of-way shall be ~~surfaced with a dust-free paving treatment including but not limited to asphalt, concrete, or unit pavers~~ constructed of permanent non-erodible surface treatment as follows:
 - a. Porous or semi-porous monolithic or paver materials;
 - b. Masonry or concrete pavers; or
 - ~~a-c. Poured concrete or asphalt.~~
2. Porous paving permitted: The administrator may ~~permit and/or require that the use of~~ porous paving materials ~~be substituted for conventional paved surfaces in some in all or a portion of a the vehicular surface area parking areas. Such instances may pertain to the following, without limitation:~~
 - a. ~~where it finds it is necessary~~ To protect the root system of an existing tree or trees from damage
 - b. ~~or~~ To reduce the amount of impervious surface for stormwater calculation purposes, or
 - ~~b-c. To protect environmentally sensitive areas.~~
- 2.3. Exceptions to paved parking hard surface requirement: The following situations are exempted from the hard surface requirement ~~requirements of this section.~~
 - a. Parking for a single-family or duplex dwelling in GR districts;
 - b. Parking for agricultural uses;
 - ~~a-c. A parking lot parking area used only for occasional (not more than once per month) use or is temporary in nature (not exceeding 24 months), as determined by the administrator as part of a permitted special event or temporary use permit;~~
 - ~~b-d. Public Outdoor recreational facilities that are open to the public; located in residential districts.~~
 - ~~e. Whenever a proposed development involves only one of the following:~~
 - ~~i. A non-occupied accessory structure, or,~~
 - ~~ii. A change in use which will not increase the number of required parking spaces by more than 25 percent, and provided that no significant or substantial improvements to the primary structure are proposed.~~
 - ~~d. The administrator may exempt up to 75 percent of the required employee parking spaces for industrial uses in industrial zoning districts from the paving requirements of the section. The exemption is based upon the following criteria: if the employee parking area is not visible, either by effective buffer screening or because of the grade of the site, from any public right of way or a residentially or commercially zoned property.~~
- 3.4. Non-paved areas: Whenever an off-street parking area is exempt from the paved parking hard surface requirements, the administrator shall require the following:
 - a. The non-paved parking areas shall be in compliance with the parking lot landscaping requirements in Chapter 8.
 - b. Landscape aisles, space markings, or other spatial separations shall be provided to ensure that the parking spaces will be readily identifiable to the users.
 - c. The perimeter of off-street parking areas encompassing the parking stalls and the side of any unpaved drive or aisle leading to said stalls, shall be edged with brick, pressure treated timbers, or cast in place concrete, and anchored into place. Alternate borders may be considered on a case-by-case basis.



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

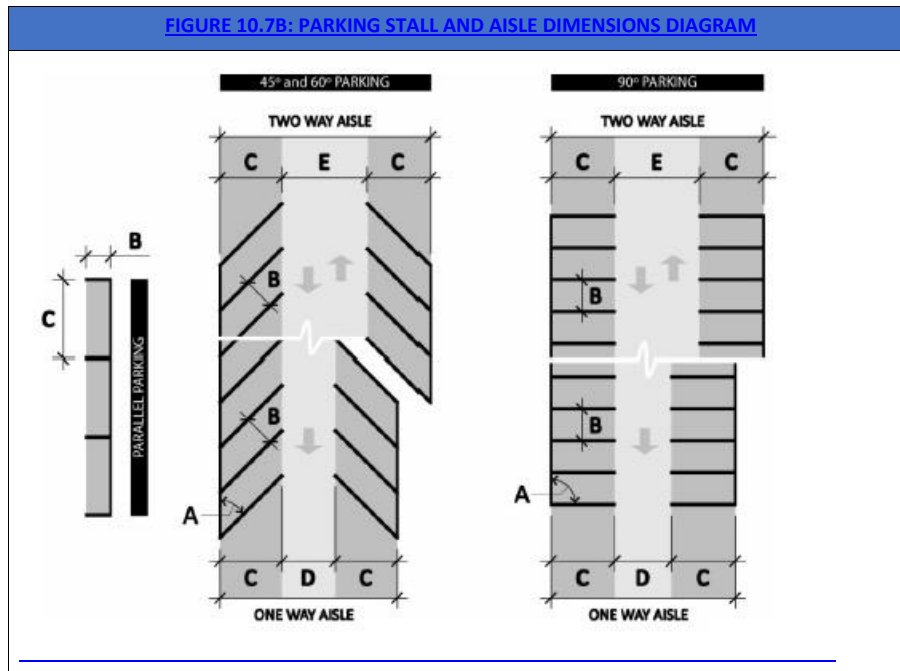
D-E. Parking ~~space~~ dimensions:

1. Parking areas shall meet the following minimum dimensional requirements:

TABLE 10.7A: MINIMUM PARKING STALL AND AISLE DIMENSIONS				
Parking Angle (A)	Stall Width (B)	Stall Depth (C)	One-Way Aisle Width (D)	Two-Way Aisle Width (E)
0 / Parallel	8'	22'	N/A	N/A
45	9' (Standard) 8' (Compact)	17'6" (Standard) 16' (Compact)	16'	22'
60	10' (Standard) 8' (Compact)	18' (Standard) 15' (Compact)	18'	22'
90	9' (Standard) 8' (Compact)	18'6" (Standard) 16' (Compact)	22'	24'

Note: Refer to Figure 10.7B below.

Commented [EB32]: Current regulations only provide regulations for 90-degree parking that is 9'x18' with 24' drive aisle.





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~~1. Standard parking spaces shall be 9' x 18' (width x length). Alternative parking space designs shall be dimensioned in accordance with Architectural Graphics Standards by Ramsey & Sleeper published by the American Institute of Architects, latest edition.~~

~~2. Parking aisles: Parking aisles shall be a minimum of 24 feet in width.~~

2. Other parking angles, aisle widths, and traffic flows will be considered on a case-by-case basis by the administrator and/or the Technical Review Committee.

3. All parking lots with one-way aisle are required to have the appropriate directional signage, permitted in accordance with Section 12.9 [Permanent Signage], and at least two driveways, permitted in accordance with Section 9.3 [Access Management].

4. Nothing in this section shall be construed as an exemption from local Fire Code access requirements.

5. All parking areas with a hard surface shall delineate parking spaces with paint or other permanent materials. Pavement markings shall be white, at least 4" wide, and maintained in clearly visible condition.

6. *Tandem parking space:* Two spaces stacked (i.e., tandem) may be permitted provided all of the following criteria are met:

a. The development is a Household Living Use and does not contain more than 4 dwelling units per building.

b. Both spaces are assigned to one dwelling unit.

c. The two vehicle parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.

d. The proposed layout is functional and will not create pedestrian or traffic hazards.

e. The spaces comply with all other standards in this ordinance.

E.F. *Curbing required:*

1. All parking areas and circulation drives shall be curbed using a vertical curb with a minimum width of 1'6". Landscape islands and areas shall be similarly curbed to protect vegetation.

2. This requirement may be waived to permit sheet flow drainage into pervious areas as part of an approved engineered stormwater retention system.

G. *Barriers:*

1. Barriers, such as wheel blocks, bollards, and curbs, shall be located along the perimeter of parking lots, internal sidewalks and pedestrian connections that abut parking spaces or driveways.

2. Such barriers shall be designed and located to prevent parked vehicles from extending beyond designated parking areas.

H. *Maintenance:* Parking lots shall be maintained to a reasonable drivable standard with visible pavement markings.

I. *Landscaping:* Parking lots shall be subject to the parking lot landscaping standards of Section 8.7.

J. *Lighting:* Parking lots shall be subject to the outdoor lighting standards of Section 11.2.

F.K. *Stormwater management:*

1. Parking areas are subject to stormwater management requirements set forth in CHAPTER 6 of this ordinance.



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2. It is strongly encouraged that parking area landscaping be incorporated into the approved stormwater management system for any project.

G.L. Connectivity:

1. Adjacent lots in group developments shall be interconnected. Exceptions may be granted by the administrator in the case of existing natural barriers such as steep slopes, surface water protection areas, etc. between the sites.
2. Each parking area that is interconnected may reduce their minimum parking requirement by 10% - five percent.

H.M. Circulation drives:

1. A circulation drive may be permitted around the front of the building but may not encroach into any required landscape area.
2. If provided, this drive shall be one-way and designed to be the minimal width required (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as unit pavers or stamped concrete.

FIGURE 10.5A7C: CIRCULATION DRIVES



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

I. ~~Primary entry drives:~~

- ~~1. Parking lots shall be served by a primary entrance drive that is constructed to the standards of a local boulevard. The approving authority may approve construction in accordance with the standards set forth for a local collector street when a local boulevard is not feasible due to dimensional limitations within the site.~~

J.N. Pedestrian ~~amenities~~ connections:

1. Off-street parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building. Barrier free access shall be provided across ~~parking lot~~ parking area and between adjacent pedestrian generators such as commercial or public buildings.
2. All structures (other than single-family and duplex structures) shall be connected to the street and, if available, an adjacent public sidewalk, by a sidewalk. Furthermore, all structures within a group development, planned development, or other project containing multiple principal structures shall be connected by a sidewalk. Sidewalks shall also connect other phases of the same development, and adjacent developments, as required by the administrator



3. In addition to any required sidewalk, barrier free access shall also include providing ramps at curbs, clear walkways between pre-cast wheel stops, and clearly delineated walkways on the ~~parking lot~~ [parking area](#) surface across travel lanes.
4. For lots of 36 spaces or greater, no parking space shall be more than 65 feet from a sidewalk that provide access to the entrance of the building or to other sidewalks connecting to the building. Sidewalk corridors a minimum of five feet in width shall be provided within the parking area or along the perimeter to provide safe building access for pedestrians.

FIGURE 10.78D: PEDESTRIAN AMENITIES CONNECTIONS



Note: Sidewalks must connect parking areas and streets to principal structures.

10.78. Structured parking.

- A. Applicability:** The following shall apply to any parking structure, whether it be above-grade, at-grade, below-grade, or a combination thereof.
- B. Location:** Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method of screening.
- C. Design:**
 1. Where an above-ground parking structure fronts a public street, the side(s) facing the street shall be screened in such a way that cars are not visible from the street.
 2. Along pedestrian-oriented streets, parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis compatible with the principal structure, if applicable. The façade shall be designed to visually screen cars.
 3. Parking structures must present a horizontal rather than sloped building line on all visible edges.
- D. Entries:** Pedestrian entries shall be clearly visible.
- E. Lighting:** Parking structures shall be subject to the outdoor lighting standards of Section 11.2.



CHAPTER 19. DEFINITIONS

19.3. Definitions.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electric vehicle parking space: A public or private parking space installed with electric vehicle supply equipment (EVSE) to charge electric vehicles.

Loading space, off-street: Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street parking spaces are filled.

Parking area: Any public or private open area or facility used for parking automobiles and other vehicles serving a primary use or uses.

Parking lot: Any public or private open area or facility used for parking automobiles and other vehicles as a principal use. The lot or facility may serve as remote parking for a principal use on a separate lot or as a principal use on the site. A fee may or may not be charged.

Public parking facilities: Facilities open to the public for off-street vehicle parking that are owned or operated by a government agency or municipal service district, or developed as a public-private partnerships.

Satellite parking: A parking lot that is located on a parcel or lot that is not adjacent to the parcel or lot containing the use for which the parking is intended.

Tandem Parking Space: A parking arrangement in which one space (the tandem parking space) is accessible only by passing through another parking space (the traditional space).



CHAPTER 2. DISTRICT PROVISIONS

2.2. Use categories and tables of permitted uses.

TABLE 2.2A: LAND USE MATRIX - EXCERPT									
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS						
			GR	RMX	NMX	DMX	CMX	IC	GI
Infrastructure									
Utilities	3.12.A	Utilities—Class 1	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	P
Telecommunications	3.12.B	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	SUP	—	PS
Transportation	3.12.C	Parking Lot	SUP	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	—	P
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.									



CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.5. Residential uses. [EXCERPT]

A. Household Living Use Category

8. *Manufactured home park:*

- a. Definition: The location of two or more manufactured homes or manufactured home spaces on a single parcel of land, or a grouping of two or more manufactured homes on at least two contiguous parcels when such parcels are under common ownership and/or management as a park for the rental of manufactured homes or manufactured home spaces.
- b. Additional Standards:
 - i. Manufactured home parks are permitted with standards in the Manufactured Home Overlay District.
 - ii. Preexisting manufactured home parks.
 - (A) Any manufactured home park, as defined by this chapter, existing on the effective date of this chapter or any subsequent amendment thereto may continue to operate without being subject to the requirements of this chapter except where explicitly set forth below.
 - (B) Expansions to a pre-existing manufactured home park shall occur in a manner that fully conforms to the requirements of this ordinance. Expansions shall not occur in districts within which manufactured home parks are not permitted.
 - iii. A manufactured home park space shall be considered preexisting if, on the effective date of this chapter, the space:
 - (A) Is defined on the ground by the presence of all of the following:
 - (1) A water supply system service connection;
 - (2) A connection to a septic system or sanitary sewer; and
 - (3) Electric service equipment.
 - (B) Or, contains an occupied manufactured home connected to each of the preceding utilities.
 - iv. Permitting.
 - (A) Each application for a manufactured home park shall be accompanied by development plans as required by [CHAPTER 17](#), including contoured site plans (five-foot intervals) using true elevations. Development plans shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements. Development plans shall also show that all improvements would meet the following standards.
 - (B) Prior to the placement, replacement, modification, or setup of a manufactured home within any manufactured home park or on an individual lot of record within the regulatory jurisdiction of the City of Brevard, the manufactured home or agent thereof shall procure a land development permit from the City of Brevard and a manufactured home setup permit from the Transylvania County Building Inspections Department.
 - v. Dimensional specifications.

(A) *Lot standards:*

TABLE 3.5A: MANUFACTURED HOME PARK LOT STANDARDS	
Minimum Development Size	3 acres
Maximum Development Size	40 acres
Maximum Development Density	6 units/acre
Lot Width at Right-of-Way	50 ft.
Minimum Lot Depth	150 ft.

(B) *Principal structure standards:*

TABLE 3.5B: MANUFACTURED HOME PARK PRINCIPAL STRUCTURE STANDARDS	
Development setback on all boundaries	50 ft.
Unit setback from internal street centerline	25 ft.
Distance between homes-short side to short side	20 ft.
Distance between homes-long side to short side	20 ft.
Distance between homes-long side to long side	30 ft.
Setback from public right-of-way	50 ft.
Maximum Height	35 ft.

vi. General requirements (new and pre-existing).

- (A) All manufactured home park roads, spaces, and the manufactured homes therein shall fully comply with the road naming and property addressing ordinances of the City of Brevard or Transylvania County, as applicable.
- (B) The owner and/or operator of a manufactured home or manufactured home park shall not sell manufactured homes on or within a manufactured home park unless the manufactured home unit for sale is placed individually and separately upon an existing manufactured home space where all design standards and utilities have been completed as specified by this ordinance. This does not prohibit the manufactured home park owner and/or operator from owning or operating a retail sales business on adjoining property if such use is permitted within the underlying district.
- (C) All manufactured homes placed upon an individual lot of record or within a manufactured home park shall be built according to Housing and Urban Development standards, and shall bear a label or seal indicating compliance with this requirement. Any manufactured home unit that does not bear a label or seal of compliance of a recognized testing laboratory, such as Underwriters Laboratories or similar testing service, shall be subject to inspection by the building inspector.
- (D) Recreational vehicles (RV), park model RV's, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code shall not be permitted with any manufactured home park, nor shall such structures become occupied within any other property within the jurisdiction of the City of Brevard, except as otherwise provided for in this ordinance.



- (E) At least ten percent of the total area of any manufactured home park containing 35 or more spaces and situated one-quarter of a mile or more from a public recreational facility shall be set aside for recreational purposes, except that open space as required in Chapters 6 and 7 of this ordinance may be applied to no more than 75 percent of such recreation space.
- vii. Manufactured home park streets.
 - (A) Convenient access to each manufactured home space shall be provided by streets or drives that are properly graded, drained, and paved with a durable dustless surface, for automobile circulation.
 - (B) Manufactured home parks containing ten or more units shall be serviced by a central drive that is constructed in accordance with the requirements for a new neighborhood street as set forth in [CHAPTER 13](#). Streets entering branching from the central drive shall also be built according to neighborhood street dimensions. However, a sidewalk and curb/gutter shall not be required.
 - (C) Any tract of land to be developed as a manufactured home park must either have frontage on a public (state or city-maintained) road or have a private right-of-way corridor to the property. The minimum required length of the public road frontage or width of the private right-of-way corridor (at its narrowest point) shall be 50 feet.
 - (D) Off-site access shall have a minimum 20-foot cleared, unobstructed corridor, with a vertical clearance of at least 14 feet to allow passage of emergency vehicles.
 - (E) The grade of any road, existing or proposed, within an off-site private right-of-way corridor used to access a manufactured home park shall not exceed 15 percent.
 - (F) Publicly dedicated rights of way shall not be required, and maintenance of such streets shall be provided for by the owner and/or operator of the manufactured home park.
 - (G) Culs-de-sac shall not exceed 250 feet in length and shall be provided with a turnaround of at least 60 feet in diameter. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a public street or road, the design standards of the North Carolina Department of Transportation shall apply.
 - (H) Proposed streets shall be named, and addresses for manufactured home spaces along such streets assigned, by the Transylvania County Property Addressing Coordinator in accordance with the provisions set forth in the City of Brevard Property Addressing Ordinance or the Transylvania County Property Addressing Ordinance, as applicable.
 - (I) All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed on each manufactured home space.
- viii. Manufactured home space.
 - (A) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.
 - (B) Each manufactured home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
 - (C) The manufactured home space shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelets embedded in concrete foundations or runways, screen augers, arrowhead anchors, or other devices securing the stability of the



manufactured home. Each manufactured home unit shall comply with the above standards or similar standards whichever are higher. Each manufactured home owner shall be responsible for securing his individual manufactured home to anchors provided by the manufactured home park operator.

ix. Utility requirements.

- (A) An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. All manufactured home parks within 300 feet of city water or sewer shall connect thereto. When a municipal or public water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the Sanitary Engineering Division of the North Carolina Division of Health Services and the Transylvania County Health Department. Evidence of the issuance of necessary county or state permits shall be a condition of approval of any permit for a manufactured home park.
- (B) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Where a public sewage collection system is available, connection shall be made thereto, and the system and sewage treatment plants complying with the requirements of the North Carolina Department of Environmental Quality shall be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the North Carolina Department of Environmental Quality. Individual septic tank systems can be considered, if soil, topography, and groundwater conditions are favorable. If septic tanks are used, they will be subject to approval by the Transylvania County Health Department.
- (C) All utilities within the proposed manufactured home park shall be located underground.
- (D) Failure to maintain an operational sewage disposal system shall constitute grounds for the revocation of a category III land development permit and the application of all applicable penalties as set forth in this ordinance.

x. Solid waste.

- (A) The storage, collection, and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
- (B) All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity of not more than 32 gallons, which shall be located not more than 150 feet from any manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The manufactured home park owner and/or operator shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the Transylvania County Health Department.
- (C) Containers shall be installed in the ground or provided with stands. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- (D) All solid waste garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park owner and/or operator shall dispose of the solid waste by collecting and transporting it in conformance with requirements and guidelines set forth by the North Carolina State Board of Health and the Transylvania County Health Department.



- xi. Grounds, buildings, and structures.
 - (A) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination and control methods shall conform to the requirements of the County Health Department and/or North Carolina Department of Agriculture.
 - (B) Parks shall be maintained free of accumulation of garbage, litter, or other debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests, or which may pose other health or sanitation hazards, or which may contribute to an otherwise unsightly or unpleasant environment.
 - (C) Storage areas shall be so maintained as to prevent rodent harborage and shall not pose a safety hazard to manufactured home park residents or guests. Lumber, pipe, and other building material shall be stored at least one foot above ground.
 - (D) All manufactured homes shall be properly skirted with non-opaque wood, aluminum, vinyl, or other appropriate material. Plastic, plywood, particle board, carpet, or other atypical skirting material shall not be used.
 - (E) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be screened with wire mesh or other suitable materials.
 - (F) Landscaping and vegetation in and around the manufactured home park shall at all times be maintained, and landscaping provisions of the park plan shall at all times be adhered to. The growth of bushes, weeds, and grass shall be controlled so as to prevent the harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open spaces and recreation areas shall be maintained free of heavy undergrowth of any description.
 - (G) No inoperable vehicle shall remain in a manufactured home park for a period longer than 60 days unless the vehicle is stored under a carport or within a garage.
 - (H) Manufactured and mobile homes shall not be abandoned or stored within the regulatory jurisdiction of the City of Brevard. Manufactured homes that have been disconnected from active electricity, water, and sewage for a period exceeding 90 days shall be removed and properly disposed of. Manufactured homes located outside of a manufactured home space for a period to exceed 45 days shall be removed and properly disposed of.
 - (I) Manufactured homes shall not be utilized for storage or other non-residential uses of any type.
- xii. Registration of occupant.
 - (A) Every manufactured home park owner or operator shall maintain an accurate register. The register shall be available for inspection at all times by authorized city representatives. The register shall contain the following information on forms provided by the planning department: (1) Name of owner and/or occupant; (2) manufactured home space number; (3) make, model, registration number of manufactured home; and (4) date of arrival and departure of the occupants. Records shall be maintained for a period of three years.
- xiii. Inspection and enforcement.



- (A) The park owner and/or operator shall notify park occupants of all applicable provisions of the ordinance and inform them of their duties and responsibilities under this ordinance.
- (B) The owner and/or operator shall operate the park in compliance with this ordinance, Brevard City Code, Transylvania County Code (as applicable), and state and federal law, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (C) The City of Brevard Planning Department, the Transylvania County Health Department and the Transylvania County Building and Inspections Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners and/or operators or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection.
- (D) So long as a violation exists the administrator shall not issue permits that would authorize the placement, replacement, setup, or modification of a new or existing manufactured home within the subject park.

3.6. Lodging uses. [EXCERPT]

A. *Overnight Accommodations Use Category*

3. *Short-term rental (STR) [REFLECTS PENDING TEXT AMENDMENT]*

- a. Purpose: The regulation of short-term rentals, as defined below, is intended to maintain the predominantly residential character of traditional neighborhoods in the City of Brevard and the extra-territorial jurisdiction thereof, and to encourage an increase in housing stock available within the City and its ETJ.
- b. Definition: A private residential property that is rented, either in whole, or part, for periods of less than 30 days for compensation. The following activities shall not be considered as a Short-Term Rental use for the purposes of this ordinance:
 - i. Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached accessory dwelling units where the operator lives elsewhere on the property.
 - ii. Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total number of nights rented does not exceed 14.
 - iii. Rentals of property in any permitted hotel, motel, inn, rooming or boarding house, or bed and breakfast establishment.
- c. Existing STRs in GR Districts:
 - i. Existing STRs in General Residential zoning districts in operation of the effective date of this ordinance shall be allowed to continue operations, in accordance with Section 14.2 – Nonconforming Uses.
- d. Additional Standards:
 - i. A typical zoning permit shall be required solely to verify notification and agreement to comply with the additional standards contained herein.
 - ii. Overnight occupancy shall not exceed two persons per bedroom plus two additional persons. The number of "bedrooms" used in calculating occupancy limits shall be taken from the



property tax records. For example: a two-bedroom rental would have an occupancy limit of 6 (2×2 bedrooms = 4 + 2 additional = 6 total).

- iii. Dwelling units used as short-term rentals in GR zoning districts shall maintain their residential character and outside appearance. No signs shall be permitted. All exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.

B. *Camping Use Category*

1. Camping

- a. Definition: Commercial recreational facilities developed for temporary occupancy, with or without facilities, for the exclusive use of its occupants. Camping includes the following uses:
 - i. Campground / Recreational Vehicle Park;
 - ii. Rental Cottages / Cabins; and
 - iii. Seasonal Camps

2. *Campground/Recreational Vehicle Park*

- a. Definition: Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services may include washrooms and food services. The property shall be used for recreational purposes and retain an open air or natural character. This definition shall not include manufactured homes, manufactured home parks, or the storage of recreational equipment or vehicles.
- b. Additional Standards:
 - i. Individual campsites or recreational vehicle sites shall be set back a minimum of 100 feet from all lot lines.
 - ii. Recreational vehicles are permitted on campgrounds provided they are on site for fewer than 30 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).

3. *Rental Cottages / Cabins*

- a. Definition: A commercial lodging establishment in which multiple individual cabins or similar structures are rented for temporary lodging and recreation. This definition shall not include short-term rentals.
- b. Additional Standards:
 - i. Cottages / cabins shall be situated at least 20 feet from any side or rear property line, and screened from adjacent properties along all side and rear property lines by a Type B buffer yard. Front yard setbacks for accessory cottages shall be the same as a principal structure.
 - ii. Residential density calculations shall not be used in determining the maximum allowable number of cottages/cabins.
 - iii. Development regulations and standards, including stormwater runoff provisions, should be applied for the entire property or project, whichever is applicable, regardless of phasing.

3.7. Commercial uses. [EXCERPT]

B. *Personal Services Use Category*

2. *Day care center*:



- a. Definition: An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults. Day care centers are not an accessory to residential use.
- b. Additional Standards:
 - i. Child day care centers shall comply with the definitions and standards for child day care centers set forth in N.C.G.S. §110 (or any successors thereto).
 - ii. Adult day cares shall comply with the definitions and standards for adult day care programs as set forth in N.C.G.S. §131-D (or any successors thereto).
 - iii. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
 - iv. All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
 - v. All equipment shall be stored in the side or rear yard.
 - vi. Outdoor play space must be provided in accordance with the regulations of North Carolina Department of Health and Human Services Division of Child Development and Early Education.
 - vii. No outdoor play shall be permitted after sundown.

3.8. Civic / institutional uses. [EXCERPT]

D. *Places of Worship Use Category*

2. *Cemetery*:

- a. Definition: A parcel of land used for interment of the dead in the ground or in mausoleums.
- b. Additional Standards:
 - i. There shall be no embalming or cremation facilities as either a principal or accessory use except where permitted by right.
 - ii. Setbacks from all street rights-of-way and adjacent properties to a wall or grave shall be a minimum of ten feet.
 - iii. Cemetery roads and parking areas shall be constructed of hard surfaces, in accordance with Chapter 10 of this ordinance. The administrator may waive curb and gutter requirements for cemetery roads upon a determination that such will not result in erosion or uncontrolled stormwater runoff. Other road and parking standards, stormwater management, and sedimentation/erosion standards shall apply.
 - iv. Sidewalk requirements within cemeteries may be waived provided that safe pedestrian circulation can be assured. Sidewalk requirements shall apply along all public rights-of-way. Sidewalks shall connect any structure or gathering place within a cemetery to adjacent public and private sidewalks and to parking areas.
 - v. Mausoleums are permitted subject to the principal structure requirements of the district in which the cemetery is located.

3.11. Manufacturing / wholesale / storage uses. [EXCERPT]

C. *Storage and Disposal Use Category*



3. *Solid waste disposal facility:*

- a. Definition: Any facility meeting the definition of G.S. 130A-290(a)(35), as well as any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.
- b. Additional Standards:
 - i. Such facilities shall be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash (i.e., leaves, brush, etc.) only. All other types of materials are prohibited.
 - ii. No parking area or driveway shall be located within 50 feet of residentially zoned property.
 - iii. Access roads shall be paved, with a width of at least 12 feet per travel lane, and properly maintained at all times.
 - iv. Mud and debris shall be contained on site and shall not be deposited on off-site properties and streets. Tires shall be properly cleaned and loads shall be properly secured before leaving the property so as to prevent the discharge of mud and debris.
 - v. Debris reduction methods such as chipping and mulching shall be utilized to reduce the amount of debris permanently withheld on-site. Application materials shall include a written description of proposed debris reduction methods.
 - vi. Permanent control measures are required to retain all non-compacted soils on-site. An NCDEQ-approved sedimentation and erosion control permit, as well as other applicable permits, shall be presented to the administrator prior to permit approval.
 - vii. Facilities shall not be located within the 100-year floodplain or the regulatory floodway.
 - viii. Adequate suitable soils shall be available for cover, either from on or off site.
 - ix. Land clearing and inert debris landfills shall meet the following surface and ground water requirements:
 - (A) Facilities shall not cause a discharge of pollutants into waters of the state in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), Section 402 of the Clean Water Act, as amended;
 - (B) Facilities shall not cause a discharge of dredged materials or fill material into waters of the state in violation of the requirements of Section 404 of the Clean Water Act, as amended;
 - (C) Facilities shall not cause non-point source pollution of waters of the state that violates assigned water quality standards; and
 - (D) Waste shall be placed above the seasonal high water table.
 - x. The facility shall meet the following minimum site requirements:
 - (A) There shall be a buffer of 50 feet from the waste boundary to all surface waters.
 - (B) There shall be a buffer of 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 - (C) No structure shall be constructed within 50 feet of a debris deposit following the closure of a land clearing and inert debris landfill.
 - (D) A facility shall be bounded on all sides by a type C buffer yard.



- (E) The minimum lot size for facilities shall be five acres and the total disposal area must be less than two acres in size.
- (F) A facility shall be totally enclosed by a security fence or wall at least eight feet in height. All entrances and exits shall be secured and locked during non-operating hours.
- xi. Operating hours are limited to from 7:00 a.m. to 7:00 p.m. (except where requested by the Transylvania County Emergency Management Coordinator or the City of Brevard Public Works Director in response to a period of inclement weather).
- xii. Applicants shall submit operational plans as part of the application process. Approved operational plans shall be followed as specified for the facility.
- xiii. The facility shall only accept such land clearing and inert debris as is specified in the permit for the facility.
- xiv. Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
- xv. One hundred twenty calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The administrator may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
- xvi. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- xvii. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 120 calendar days upon completion of any phase of landfill development.
- xviii. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access during non-operating hours. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- xix. Surface water shall be diverted from the working face and shall not be impounded over waste.
- xx. Solid waste shall not be disposed of in water.
- xxi. Open burning of solid waste is prohibited.
- xxii. A sign shall be posted at the facility entrance showing the contact name and telephone number in case of an emergency along with the permit number of the facility. The permit number requirement is not applicable for facilities not requiring an individual permit.
- xxiii. Permits for land clearing and inert debris storage or disposal facilities shall expire after a period of five years, and permitted operations shall accept no more materials until a permit has been re-issued.
- xxiv. In addition to all other application materials required by [CHAPTER 16](#) of this ordinance, the owner of a facility shall submit a certified survey depicting the property on which the landfill is to be located. Upon approval by the administrator, the owner shall file such survey with the Transylvania County Registrar of Deeds' Office.
- xxv. When the land on which the land clearing and inert debris landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a



statement that the property has been used as a land clearing and inert debris landfill and a reference by book and page to the recordation of the notification.

4. *Junk Yard / Salvage yard:*

- a. Definition: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, including but not limited to vehicles, appliances and related machinery. The presence of any of the following shall constitute a junkyard and salvage operation and yard:
 - i. four or more abandoned, wrecked, scrapped, ruined, or dismantled motor vehicles - or the motors, bodies, chassis, or frames thereof;
 - ii. two or more abandoned, wrecked, scrapped, ruined, or dismantled recreational vehicles, mobile homes, or manufactured homes - or any portion of the body, frame, or shell thereof; or
 - iii. four or more abandoned, wrecked, scrapped, ruined, or dismantled units of furniture, appliances mechanical equipment - or the dismantled components thereof.
- b. Additional Standards:
 - i. Stored materials will not pose a danger to adjacent and surrounding properties, or residents, due to noise, runoff, animal or insect populations or other factors. Fluids within any vehicles or equipment are to be drained/removed and under no circumstances shall fluids or other contaminants or pollutants be leaked or discharged onto the earth or into surface or ground waters.
 - ii. The facility shall be completely enclosed by a fence and shall be screened from view on all sides by a type D buffer yard. The fence shall be eight feet high, measured from the lowest point of grade, and shall be maintained in good condition.
 - iii. No stored materials shall be visible from ground level immediately outside the fence.
 - iv. The facility, including the required fence, shall be located at least 50 feet from all surface waters.
 - v. The minimum lot size for any such facility is two acres.
 - vi. Facilities may not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m., Monday thru Saturday.
 - vii. Except when an operator is on duty, facilities shall be adequately secured and locked by means of gates, chains, berms, fences, etc., to prevent unauthorized access. An attendant shall be on duty at all times while the facility is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized materials.
 - viii. The site shall not be located adjacent to residentially zoned property.
 - ix. No parking area or driveway shall be located within 50 feet of residentially zoned property.
 - x. Access roads shall be paved, with a width of at least 12 feet per travel lane, and shall be properly maintained at all times.
 - xi. Mud and debris shall be contained on site and shall not be deposited on off site properties and streets. Tires shall be properly cleaned and loads shall be properly secured before leaving the property so as to prevent the discharge of mud and debris.
 - xii. Gasoline, oils, antifreeze, and other chemicals, pollutants, and potential contaminants shall be secured on-site and properly disposed of, and shall at no time be leaked, spilled, or discharged onto the earth or into surface or surface or ground water.



- xiii. A sign shall be posted at the facility entrance showing the permit number and a contact name and number in case of an emergency. The permit number requirement is not applicable for facilities not requiring an individual permit.
- xiv. Violations:
 - (A) The following actions shall constitute a violation of this ordinance, shall constitute a class I misdemeanor, and shall be subject to the enforcement provisions of [CHAPTER 18](#) of this ordinance.
 - (1) Failure to comply with sections outlined herein;
 - (2) The unpermitted establishment of a new junkyard or salvage yard at any time;
 - (3) Any unpermitted expansion in the area of any junkyard or salvage yard at any time;
 - (4) Any violation of any requirement of these standards by any permitted junkyard or salvage yard at any time;
 - (B) In addition to the enforcement procedures of [CHAPTER 18](#), such violations shall invalidate any special use permit for the operation of a junkyard or salvage yard, and shall invalidate any pre-existing non-conforming status as established herein.
 - (C) The board of adjustment shall revoke any special use permit, in accordance with G.S. 160D-403(f), and shall order the cessation of operations of any junkyard or salvage yard found to be in violation of this ordinance, shall set forth a reasonable time frame for the owner or operator to remedy the violation, and may re-issue a special use permit only when such a junkyard or salvage yard is in full compliance with this ordinance. If the owner and operator do not remedy the violation within the required time frame, the administrator shall take action to cause the cessation of all operations and to cause the owner and operator to remove the junkyard from the property.

3.12. Infrastructure uses. [EXCERPT]

C. Transportation Use Category

1. Parking lot:

- a. Definition: Any public or private open area or facility used for parking automobiles and other vehicles as a principal use. The lot or facility may serve as remote parking for a principal use on a separate lot or as a principal use on the site. A fee may or may not be charged.
- b. Additional Standards:
 - i. All parking lots shall adhere to the applicable standards set forth in this ordinance, including [CHAPTER 10](#) – Parking Standards and [CHAPTER 8](#) – Tree Protection and Landscaping.
 - ii. Parking Lots as a Principal Use in General Residential zoning district
 - (A) New parking lots shall be surrounded on all sides by a "Type A" buffer yard, as described in [CHAPTER 8](#) of this ordinance, which is primarily comprised of evergreen vegetation. Parking lot shall comply with all other applicable landscaping requirements of [CHAPTER 8](#) of this ordinance. Expansions to existing parking lots shall comply with this requirement to maximum extent practical given site conditions.
 - (B) All new parking lot lighting shall be integrated into landscaping wherever possible. Low-level lights such as bollard lights (waist-high, heavy-duty fixture posts), mushroom or



step-lights (ground-level fixtures that are built in to the sides or surfaces of walkways and steps) shall be utilized in lieu of traditional pole-mounted parking lot lighting. Parking lot lighting shall comply with all applicable other lighting requirements of [CHAPTER 11](#).

- (C) New parking lots shall be constructed with stormwater control measures designed to control the stormwater run-off generated by a 25-year, 24-hour rain event (9.2 inches), and shall otherwise comply with Section [6.6](#).
- (D) The administrator may impose any other condition necessary to protect the residential character of the neighborhood in which the parking lot is located.

3.13. Accessory uses. [EXCERPT]

A. *Residential Accessory Uses*

2. *Day care home:*

- a. Definition: Supervision or care provided on a regular basis, as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
- b. Additional Standards:
 - i. Child day care homes shall comply with the definitions and standards for family child care homes set forth in N.C.G.S. §110 (or any successors thereto).
 - ii. Adult day care homes shall comply with the definitions and standards for adult day care programs as set forth in N.C.G.S. §131-D (or any successors thereto).
 - iii. Child day care homes shall provide ample open area in the form of a rear yard with a minimum of 2,500 square feet suitable for children's play. Child day care homes located adjacent to parks are exempt from this provision.
 - iv. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
 - v. All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
 - vi. All equipment shall be stored in the side or rear yard.
 - vii. No structural or decorative alteration which would alter the single-family character of an existing or proposed residential structure or which would be incompatible with surrounding residences shall be permitted.

3. *Dwelling— Accessory Unit (ADU):*

- a. Definition: A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single-family or duplex residential.
- b. Additional Standards:
 - i. Accessory dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged and designed to meet housing needs. ADUs shall be secondary and subordinate in size to the primary living quarters.
 - ii. ADUs may be created as an independent structure (detached), as an addition to an existing primary structure (attached), conversion of existing space, such as a basement with an exterior entrance, or as a second story within detached garages.



- (A) When built as a second story of a detached garage, the ground floor area of the garage shall not be considered part of the total square footage of the ADU.
 - iii. Structures for ADUs shall comply with the provisions of Section 4.8, except as provided below.
 - (A) Not more than one ADU is permitted on any lot.
 - (B) An ADU shall be located in the side or rear yard unless an existing structure is being converted to an ADU.
 - (C) The total area of an ADU shall not exceed 1,200 square feet or two-thirds of the primary structure, whichever is the lesser. The ground floor area of a detached garage shall not be considered as part of the total square footage of any ADU that is built as the second story of a detached garage; provided, however, such ground floor garage area shall not be subsequently converted to dwelling space.
 - iv. ADUs shall not be considered additional dwelling units for the purpose of determining maximum density or other dimensional requirements as set forth in CHAPTER 2 of this ordinance.
 - v. ADUs shall be constructed according to North Carolina Building Code.
 - vi. The administrator may impose reasonable conditions regarding the height, bulk, orientation, or location of the structure in order to protect the privacy of existing dwelling units on adjacent parcels in accordance with G.S. 160D-702(b).
4. *Home occupation:*
- a. Definition: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home occupations are small and quiet non-retail businesses which generally cannot be discerned from the frontage, are seldom visited by clients, require little parking, little or no signage, have only one or two employees and provide services such as professional services, music instruction, and hair styling.
 - b. Additional Standards:
 - i. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or the neighborhood.
 - ii. Home occupation activities shall be confined to the interior of an approved structure. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
 - iii. The use shall employ no more than two persons who are not residents of the dwelling.
 - iv. There shall be no business signage or visible display of stock in trade which is sold on the premises.
 - v. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
 - vi. The existence and operation of the home occupation shall not be visible and/or audible to neighboring residents from a street.
 - vii. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.



- viii. Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be subject to all applicable water and sewer system development fees as per Brevard City Code, Chapter 70 Utilities.
- ix. Home occupations shall comply with all applicable requirements of any federal, state, or local agency with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of approval by any relevant agency.
- x. Responsibilities of the administrator and applicant(s):
 - (A) The administrator may impose any necessary condition upon the operation of a home occupation, shall monitor home occupations and conduct site inspections to ensure compliance with this ordinance and any condition of approval, and shall revoke any permit for the operation of a home occupation and cause the use to be terminated in accordance with the procedures set forth in [CHAPTER 18](#) of this ordinance upon a determination that such use is in violation of this ordinance or any condition of approval.
 - (B) The administrator shall have broad authority to deny any application for home occupation if in the opinion of the administrator, the proposed use would not be in keeping with the spirit and intent of this section. The burden of proving that a proposed home occupation would be in keeping with the spirit and intent of, and satisfy all requirements of this section as well as any condition of the administrator, shall lie with the applicant.
 - (C) In reviewing any application for home occupation and in the monitoring and enforcement of any approved permit for home occupation the administrator shall strongly consider the expectation that the residential use and character of each residentially zoned neighborhood be preserved and shall take into consideration these unique characteristics of any proposed use and its relationship to the site and surrounding properties in considering whether such use would be suitable as a home occupation.
- xi. Uses permitted as home occupations:
 - (A) Examples of uses that may be permitted as home occupations include but are not limited to professional services such as those provided by an architect, engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle cleaning; and may include other uses defined herein or listed upon the use matrix in [CHAPTER 2](#) of this ordinance when such uses can be performed in a manner that is strictly in keeping with the spirit and intent of, and satisfy all requirements of, this section.
 - (B) Uses involving the fabrication of products may be permitted provided, however, the home occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or create any by-product or effect, which produces noise, electrical or magnetic interference, vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory structure housing the home occupation. Examples of such uses include but are not limited to baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other similar small scale craft production or fabrication. This provision shall not be construed to authorize industrial uses within residential zoning districts.
 - (C) Home occupation shall not include any use that is primarily retail in nature. It is the intention of his section that goods and merchandise produced as part of any home occupation be sold off-site; any on-site retail activity must be incidental to the purpose of this home occupation.



- xii. Duration of permit:
- (A) Home occupation permits are temporary, and shall not establish a vested right to renewal. Home occupation permits shall be valid for a period of one year from the date upon which approval is granted.
 - (B) Applicants may apply for renewal of home occupation permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.
 - (C) In approving renewal applications, the administrator may modify prior conditions of approval and may impose any necessary, additional conditions. The administrator may deny a request for permit renewal and require the applicant to terminate the home occupation or relocate the home occupation to an appropriate commercial or mixed-use zoning district upon determination that the home occupation operated in violation of a requirement of this section or other applicable condition or requirement; or, that the home occupation has generated unanticipated effects that are detrimental to the residential character of the neighborhood in which the home occupation is located.

3.14. Temporary uses. [EXCERPT]

A. *Temporary Events and Structures Category*

1. *Temporary events and structures:*

- a. Definition: An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event. Examples of these activities include, without limitation, the following:
 - i. carnivals or circuses;
 - ii. contractor's office and equipment sheds
 - iii. farmers markets;
 - iv. outdoor meetings;
 - v. satellite real estate sales office;
 - vi. seasonal structures; and
 - vii. special events
- b. Additional Standards:
 - i. In the consideration of any temporary use, structure or special event, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety and welfare of the public.
 - ii. The use shall clearly be of a temporary nature.
 - iii. The use shall be limited to a period not to exceed 90 days except as otherwise provided.
 - iv. The use shall not obstruct any public travel way except by specific approval by the city and will cause no traffic congestion;
 - v. The use shall not create a nuisance to surrounding uses.
 - vi. The use shall not create hazards or adverse impacts related to parking, drainage, fire protection, or other adverse impacts.



- vii. The operator shall provide a plan for the management of waste generated by the use, and sanitary facilities if the administrator or health department deems it is necessary.
- viii. The operator shall satisfy all other requirements of the director of public health, the building inspector or the fire marshal.
- ix. The operator shall secure a business license, street closure permit, sidewalk closure permit, or parade permit if required.
- x. The applicant and/or operator shall promote the temporary use or special event as tobacco and nicotine free (including, but not limited to smoking, vaping, dipping, and chewing).
- xi.
- xii. The total area of a temporary use or special event, including tents, display areas, and other appurtenances of the use, shall not exceed 2,000 square feet. This requirement shall not apply to the following categories of temporary uses or special events:
 - (A) Special events, upon approval by the administrator.
 - (B) Farmers markets.
 - (C) Carnivals and circuses.
- xiii. Tents and structures:
 - (A) Applicants shall provide flame retardancy certifications for all tents.
 - (B) Temporary structures shall not exceed 120 square feet. Tents, shipping containers, satellite offices and classrooms, and equipment sheds shall not be subject to this requirement.
 - (C) Seasonal greenhouses, tents, and other temporary structures may be permitted for a period not to exceed 90 days. These structures must be removed on the expiration date of the permit.
 - (D) A satellite office and equipment shed may be permitted in any district for a period covering the construction phase of a project, not to exceed one year, provided that such office be placed on the property on which the project is situated.
 - (E) The administrator may approve the temporary set-up and occupancy of recreational vehicles (or other temporary dwellings in consultation with the building inspector) when the principal residence of the occupant has been destroyed by wind, fire, movement of earth, or other manmade or natural disaster, and subsequent to such event having been declared a disaster by the Mayor of the City of Brevard, the County Manager of the County of Transylvania, the Governor of the State of North Carolina, or the President of the United States. In no case shall such a vehicle or temporary dwelling be set up or occupied for a period exceeding 180 days. The setup or occupancy of a recreational vehicle shall not be permitted within the City of Brevard for any other reason whatsoever, except as otherwise provided for in this ordinance.
 - (F) Shipping containers shall only be permitted to be used for temporary storage and must be in conjunction with a non-residential use.
- xiv. Site layout:
 - (A) Temporary uses, structures and special events shall be arranged so as to maximize public safety, to minimize conflicts among vehicles and pedestrians, to minimize conflicts with existing, permanent uses.



- (B) Temporary uses, structures and special events shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.
 - (C) Temporary uses, structures and events may obstruct travel ways within parking areas only upon determination by the administrator that such obstruction will not impede commerce, hinder the flow of traffic or endanger the safety of motorists or pedestrians. Uses, structures or events shall be clearly delineated and separated from areas of active vehicle operation by means of traffic safety cones, signage, flagging, or other approved means.
 - (D) Temporary uses, structures and special events shall be situated at least ten feet from points of ingress and egress, and shall not obstruct the sight triangle at any intersection. Ingresses and egresses to the temporary uses, structures and special events shall be designated.
- xv. The administrator shall require an operations and site plan for each temporary use, structure, or special event, and shall require written permission for the operation of the temporary use, structure or special event by the owner(s) of the subject property.
 - xvi. The administrator may require that the operator provide a performance bond in the amount of 125 percent of the cost of removal of the use and restoration of the site, as authorized by G.S. 160D-702.
 - xvii. The temporary use, structure or special event shall comply with all other applicable provisions of City Code.



CHAPTER 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.16. Additional requirements for large structures.

- A. *Applicability:*** These standards shall apply to newly constructed structures or existing structures undergoing substantial improvement that meet the following criteria:
1. Any single structure with a gross floor area of 100,000 square feet or greater.
 2. Any single structure or grouping of two or more structures with a combined total gross floor area of 100,000 square feet or more when:
 - a. Such structures are joined by a fire wall or partiwall; and
 - b. Such structures are under the same ownership, or are undergoing improvement under a single land development permit, or have been approved under the same development authorization.
- B. *Additions to existing structures:***
1. These standards shall apply to additions to existing structures when such addition equals or exceeds ten percent of the ground floor area of the original structure.
 2. These standards shall apply to the original portion of the structure to which the addition is being made when:
 - a. Renovation is being made to the original structure; and,
 - b. Such renovation equals or exceeds 50 percent of the appraised value of the original structure.
 3. Modifications to or waiver of requirements:
 - a. The approving authority may modify a requirement of this section up to 25 percent upon determining the following:
 - i. Such requirement would serve no useful purpose.
 - ii. When applicable to pre-existing, non-conforming structures, compliance with such requirement would be impossible or unreasonably burdensome due to constraints imposed by the original design of the existing structure.
 - iii. Such requirements would impose an unreasonable hardship upon the applicant.
 - b. If the approving authority is city council, council may allow a modification of greater than 25 percent or waive the requirement.
 - c. When considering a request to modify or waive a requirement under this section, the approving authority shall verify, in consultation with the administrator and the city engineer, that no other reasonable options exist to achieve compliance with these standards.
 4. These requirements are expressed as performance standards. It shall be the responsibility of the applicant to provide engineer-certified documentation that these requirements have been or shall be met for any newly constructed structure to which these standards apply. The administrator may, in consultation with the city engineer, take steps to verify that these requirements have been or will be met.
 5. Failure to comply with these standards shall constitute grounds for revocation of the special use permit.

**C. Requirements:**

1. Large structures shall require the submission of a traffic impact study in accordance with [CHAPTER 17](#) of this ordinance. Any improvements recommended by a traffic impact study shall be constructed by the applicant as a condition of approval.
2. Heat island effect: The performance standards contained herein are intended to reduce heat islands (thermal gradient differences between developed and undeveloped areas), thereby minimizing the impact on microclimate and human and wildlife habitat.
 - a. *Non-roof areas:*
 - i. Provide shade (within five years of landscape installation), use light-colored/high-albedo materials with a solar reflectance index (SRI) of at least 29, and use open grid pavement for at least 50 percent of the site's non-roof impervious surfaces, including parking areas, walkways, plazas, fire lanes, etc.; or,
 - ii. Place a minimum of 50 percent of parking spaces underground or covered by structured parking; or,
 - iii. Use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking area;
 - b. *Roof areas:*
 - i. Use roofing materials having a solar reflectance index (SRI) as required in the following table for a minimum of 75 percent of the roof surface; or,
 - ii. Install a "green" (vegetated) roof for at least 50 percent of the roof area.
 - iii. Combinations of high albedo and vegetated roof can be used if they meet, in combination, the following criteria:

$$\text{Total Roof Area} \leq (\text{Area of SRI Roof} * 1.33) + (\text{Area of green roof} * 2)$$

TABLE 5.16A: ROOF SLOPE AND SRI		
Roof Type	Slope	SRI
Low-Sloped Roof	$\leq 2:12$	78
Steep-Sloped Roof	$> 2:12$	29

3. CFC reduction in HVAC&R equipment required:
 - a. The purpose of this provision is to reduce ozone depletion.
 - b. There shall be no use of CFC-based refrigerants in new base building HVAC&R systems. When reusing existing base building HVAC equipment, complete a comprehensive CFC phase-out conversion.
4. Façade requirements: The requirements shall apply to all façades that face a public or private street (except alleys) and to façades that are oriented so as to be visible from a public or private street. Rear service areas shall be screened so as to not be visible from adjacent properties, and shall comply with these requirements if visible from any street with a classification greater than an alley or commercial service street.
 - a. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth/projection of at least three percent of the length of the façade and extending horizontally for at least 20 percent of the length of the façade.



- b. No portion of the façade shall extend more than 20 feet in length without incorporating a break as described in the preceding paragraph.
 - c. No less than 60 percent of the horizontal length of ground floor shall have arcades, display windows, entry areas, awnings, or other such features.
 - d. No less than 60 percent of the horizontal length of ground floor facades shall be transparent between the height of three feet and eight feet above the walkway grade.
5. Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be required which will complement the character of adjoining and nearby structures.



CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.3. Tree protection.

A. *Applicability:*

1. The provisions of the tree protection section of this chapter shall be applicable to any tree that falls within one or more of the following categories:
 - a. Any tree which has a trunk six inches or more in diameter at one foot above the ground; or is of a horticultural variety or is highly ornamental (such as a dogwood, redbud, crab apple, sourwood, flowering cherry, holly or any like or similar such plant) and has a trunk diameter of three inches or more at one foot above the ground.
 - b. Any tree that is noted as part of a development plan or that is required as part of a special use permit, group development, planned development, Conditional Zoning District, or other development approval.
 - c. Any tree located within a historic district or any property containing a historically designated structure.
 - d. Any tree subject to D, below.

B. *Exemptions:*

1. Trees located on properties developed for single family or duplex uses located within GR districts shall be exempt from the tree protection provisions of this chapter, except for those trees subject to A.1.b.—c., above, and trees and other vegetation in protection areas set forth in [CHAPTER 6](#) and listed as Tier 1 trees in Section 8.3.D, below.
2. The following trees are exempt from the provisions of this Chapter: Mimosa (*Albizia julibrissin*), Princess Tree (*Paulonia tomentosa*), Russian Olive (*Elaeagnus angustifolia*), Tree of Heaven (*Ailanthus altissima*), Bradford Pear (*Pyrus calleryana*), Japanese Privet (*Ligustrum japonicum*), Norway Maple (*Acer platanoides*), Paper Mulberry (*Broussonetia papyrifera*), Thorney Olive (*Elaeagnus pungens*), White Mulberry (*Morus alba*), White Poplar (*Populus alba*), Chinese Elm (*Ulmus parvifolia*), Silver Maple (*Acer saccharinum*), Lombardy Poplar (*Populus nigra*), Chinese Tallow (*Triadica sebiferum*), Chinaberry (*Melia azedarach*).
3. Pruning trees as normal maintenance provided such pruning does not result in the mutilation, death or destruction of the tree.
4. All trees which are grown by a licensed plant or tree nursery or tree farm, provided such trees are planted and grown on the licensee's premises for the sale or intended sale to the general public in the ordinary course of the licensee's business.
5. All trees which have been destroyed or harmed by a storm or similar act of nature or casualty loss; provided the administrator is notified of such intended removal, replacement or relocation at least two business days prior to removal, replacement or relocation of any tree. The administrator shall approve or deny the request within the two-day period, and may require replacement subject to the requirements of this ordinance. There shall be no fee for this inspection and review.
6. Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes.



7. Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes.
 8. Installation and maintenance activities conducted by public utility providers within utility easements, public lands, or public rights-of-way.
- C. *Permit required:* It shall be unlawful for any person to remove, replace or relocate any tree within the city until an application for a permit has been submitted to the administrator. In determining whether a permit should be issued, the administrator shall consider the following criteria:
1. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services.
 2. The necessity to remove trees in order to construct proposed improvements to allow economic enjoyment of the property.
 3. Topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface waters, and coordination with the city's drainage plans and recommendations on drainage patterns.
 4. Number of trees existing in the neighborhood on improved property. Administrator shall be guided by the effect of tree removal upon property, as well as aesthetic values, in the area.
- In all cases, the administrator may require the relocation or replacement of the trees as a condition of issuing the permit, on a one-for-one basis, with replacement trees having a caliper of two-inches or more in diameter at one foot above the ground
- D. *Required tree protection areas:* Trees and existing vegetation shall be preserved in accordance with the table below. Exceptions to tree protection in Tier 2 and Tier 3 areas shall be reviewed by the board of adjustment on a case-by-case basis.



TABLE 8.3A: REQUIRED TREE PROTECTION AREAS

Tier	Priority Tree Protection Area	Required Protection
Tier 1	Special Flood Hazard Areas Required Surface Water Protection Area Required Buffer Yard Slope Areas 25 percent or greater Wetlands	All Vegetation and Soil to Remain Undisturbed In some cases, limited disturbance may occur within the areas to be protected provided all necessary approvals are obtained. Such activities include, but are not limited to the following: • Mitigation of development activities. • Restoration of previously disturb areas. • Stream restoration. • Utility installations and emergency public safety activities. • Construction of a trail or pedestrian walkway that will provide public access. • Required street or driveway connections.
Tier 2	Front Setback Areas Required Landscaping Areas Required Open Space Slope Areas of 15—25 percent	All Trees Greater than 12" DBH Replacement trees, if permitted, shall be planted at a rate of one tree per each 12" DBH
Tier 3	All Other Locations	All Trees Greater than 24" DBH Replacement trees, if permitted, shall be planted at a rate of 1 tree per each 12" DBH

E. Public tree care and protection:

1. Responsibility for public tree care:

- a. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the city or state-owned rights-of-way or bounds of all streets, alleys, lanes, squares, and city-owned public grounds, or any that extend into the public right-of-way, or that harbors disease or insects in order to ensure public safety or to preserve or enhance the beauty of such public places.
- b. The City of Brevard Public Works Department is hereby granted the responsibility of public tree care within the City of Brevard.
- c. The parks, trails, and recreation committee shall assist and provide guidance to the public works department regarding care and protection of public trees as necessary.

2. Public tree care:

- a. The city may remove or cause to be removed by the appropriate agency/contractor, any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is seriously affected with any injurious insect or disease.
- b. Trees, vines, shrubbery, flowers, or other ornamental vegetation standing in or upon any lot or land adjacent to any public street, sidewalk, greenway, or other public place shall be kept trimmed by the owner or occupant of the property on which the plants are growing so as not to interfere with the free and safe passage along the public way by pedestrians, bicyclists, and vehicular traffic.
- c. The public works department may, in the interest of public health and safety, prune any tree that overhangs into any street, sidewalk, greenway, or right-of-way within the city, so that such branches



shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the walkways, a clear space of 13½ feet above the surface of streets, and a clear space of at least 17 feet above highways. The public works department will notify, in writing or in person, any property owner whose trees will be pruned in accordance with this section, no later than 24 hours prior to pruning.

- d. Pruning of public trees shall be done in conformance with pruning standards published by the International Society of Arboriculture, or similar professional organization.
3. *Public tree protection:* All public trees shall be protected during construction activities in accordance with the following:
 - a. A tree on any street or other publicly owned property whose crown is within five feet of any excavation or construction of any building, structure, or street work, shall be guarded with a substantial fence, frame, or box. The construction tree guard shall be not less than four feet high and at a distance in feet from the trunk equal to the diameter of the trunk at breast height (DBH) in inches. All building material, dirt, or other debris shall be kept outside the construction tree guard.
 - b. Land-disturbing activities within five feet of a public tree shall incorporate protection for tree root areas in accordance with generally accepted best practices.
4. *Prohibited activities:*
 - a. Abuse of public trees:
 - i. No person shall intentionally damage, cut, carve, transplant, or remove any public tree.
 - ii. No person shall attach any rope, wire, nails, advertisements, posters, banners, or other contrivance to any public tree.
 - iii. No person shall knowingly allow any gaseous, liquid, or solid substance which is harmful to trees to contact public trees.
 - iv. No person shall set fire to public trees nor permit any fire to burn when such fire or the heat thereof will injure any portion of a public tree.
 - b. Tree topping of public trees, per Section 8.2.J of this ordinance.

8.4. Buffers and screening.

A. *Applicability:*

1. These regulations shall apply to the following:
 - i. All newly developed properties
 - ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined in [CHAPTER 19](#) of this ordinance, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
 - iii. When the zoning district classification changes for an existing use or parcel at the request of the property owner or representative thereof, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections ii and iii above.

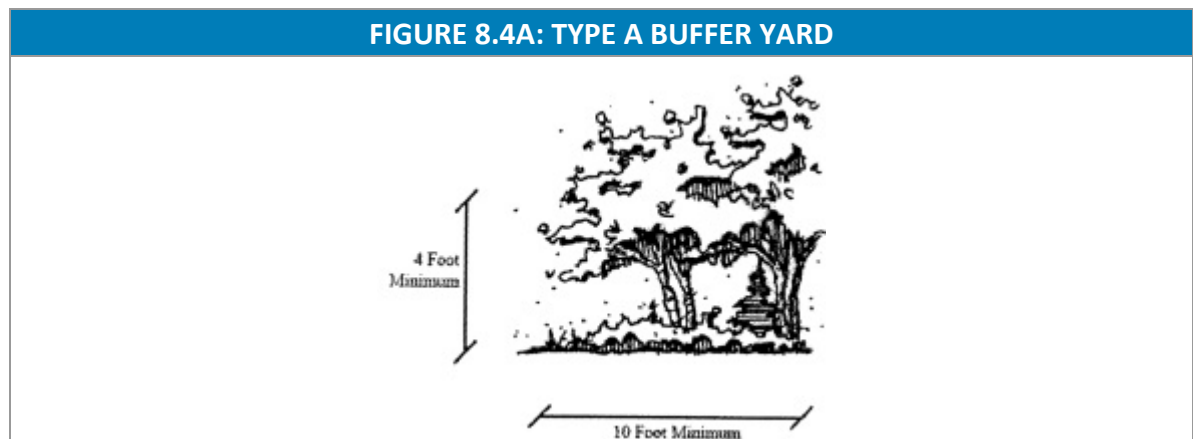


3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in [CHAPTER 6](#) of this ordinance.

B. Buffer yard types:

1. *Type A buffer yard:*

- a. Minimum width: 10 feet.
- b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.
- c. Maximum horizontal openings: 20 feet.
- d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity.



2. *Type B buffer yard:*

- a. Minimum width: 20 feet.
- b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
- c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
- d. Performance standard: A buffer which is 20 feet in width and contains screening materials which at maturity provide semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening materials within semi-opaque areas shall contain horizontal openings no greater than 15 feet in width upon the plants' maturity.

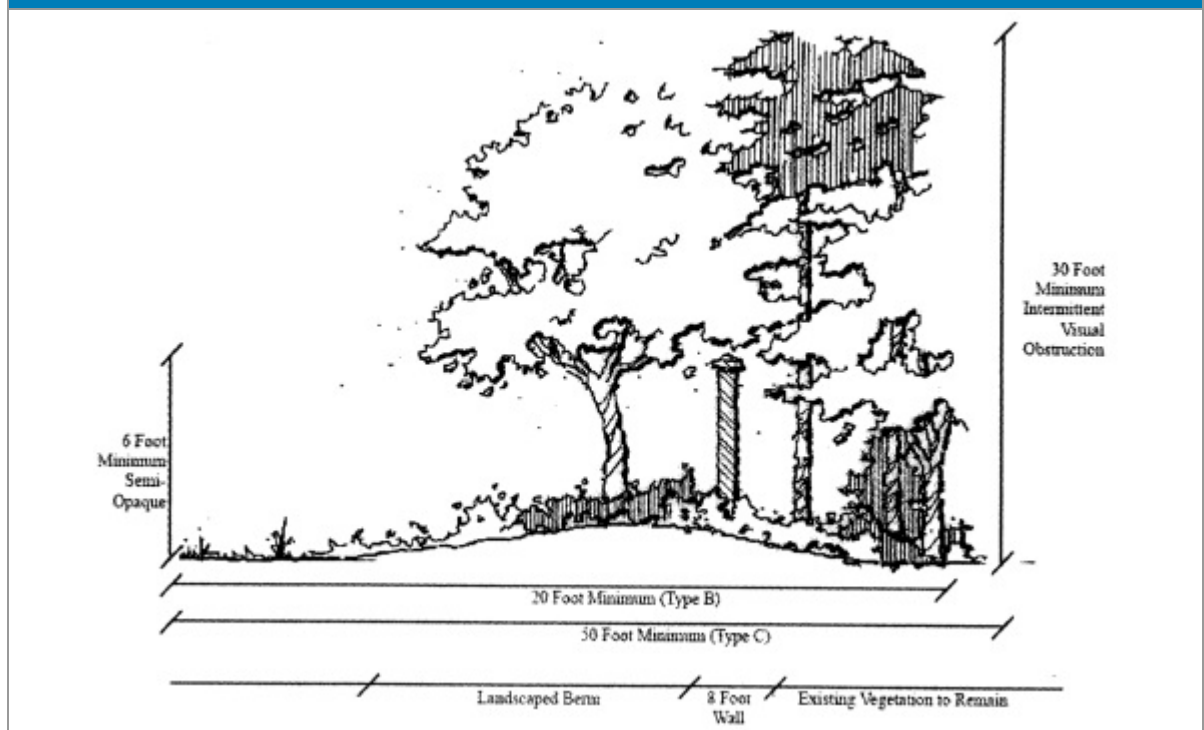
3. *Type C buffer yard:*

- a. Minimum width: 50 feet.
- b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.

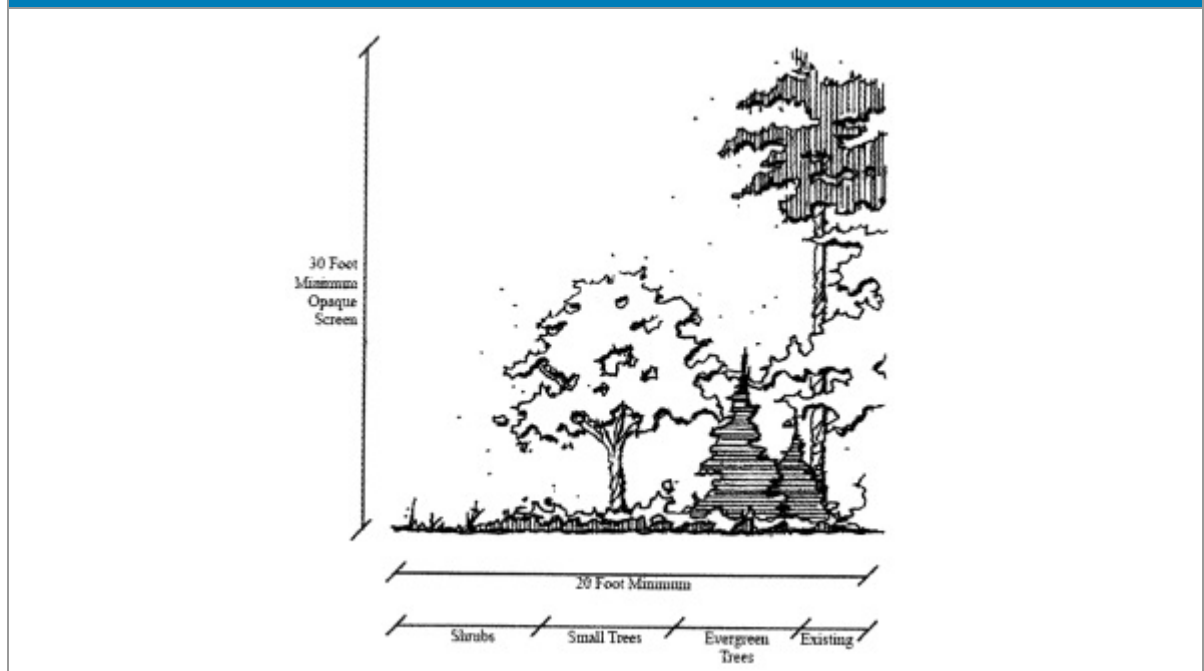


- c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
- d. Performance standard: A buffer which is 50 feet in width and contains screening materials which at maturity provides semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; Vegetative screening materials within semi-opaque areas shall contain no horizontal openings greater than 15 feet in width upon the plants' maturity.

FIGURE 8.4B: TYPE B AND TYPE C BUFFER YARDS



- 4. *Type D buffer yard:*
 - a. Minimum width: 30 feet.
 - b. Minimum height and opacity: Ground to 30 feet—Opaque.
 - c. Maximum horizontal openings: None permitted.
 - d. Performance standard: A buffer which is 30 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

**FIGURE 8.4C: TYPE D BUFFER YARD**

5. *Type E buffer yard.*

- a. Minimum width: 25 feet.
- b. Minimum height and opacity: Ground to 30 feet—Opaque.
- c. Maximum horizontal openings: None permitted.
- d. Performance standard: A buffer which is 25 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screen materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

C. *Fences, walls, and berms:*

1. Fences, walls, or earthen berms may be substituted for all or a portion of the shrub requirement in all buffer types. In addition, existing vegetation within the buffer shall be maintained and may receive partial or total credit towards screening requirements. All berms, if provided, shall not exceed a slope with maximum rise of one foot to a run of two feet (a ratio of 1:2) and a maximum height of four feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. Berms taller than four feet shall be approved by the administrator on a case by case basis.

D. *Required buffer yards:*

1. A buffer yard is intended to give spatial separation and to decrease visual contact between incompatible uses. Buffer yards shall be required in accordance with the tables below when any use is being established on a property that abuts an existing developed lot or less intense zoning district. More stringent buffer yard requirements may apply to certain specified uses as set forth in [CHAPTER 3](#) of this ordinance.



2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

TABLE 8.4A: REQUIRED BUFFER YARDS BY ZONING DISTRICT

		Adjacent District						
		GR	RMX	NMX	DMX	IC	CMX	GI
District in Which Development is Located	GR	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	D
	DMX	B	A	A	None	None	None	D
	IC	C	C	C	C	None	None	None
	CMX	D	D	D	D	None	None	None
	GI	E	E	E	E	None	None	None

3. In addition to the buffer yards required between districts as set forth above, buffer yards shall be required for certain types of development *within* certain zoning districts and associated conditional districts, as follows. This requirement applies regardless of the adjacent district. However, where conflicts occur between 8.4.D.2, above, and this section, the more restrictive requirement shall apply.

TABLE 8.4B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT

		New Multifamily (more than 4 units/bldg.) and Residential Group Development (a)	Mixed-Use/Non-Residential Subdivision and Non-Residential Group Development	Special Use Permit (b)
District in Which Development is Located	GR	B	B	B
	RMX	B	B	B
	NMX	B	B	A
	DMX	B	B	A
	CMX	B	D	B
	IC	B	C	B
	GI	NA	E	B

- (a) This requirement shall apply to any new residential project where a multifamily development contains more than four dwelling units per building, or residential group development.
- (b) This requirement shall apply to any project for which a Special Use Permit is issued for an individual use or structure on a distinct parcel of land as set forth above, unless a more restrictive buffer yard is otherwise required in [CHAPTER 3](#) of this ordinance. No individual buffer yard shall be required for a use or structure permitted within a group development, or conditional district, for which project-wide buffering and general landscaping is required, unless such individual buffer yard is specifically required in [CHAPTER 3](#) of this ordinance.

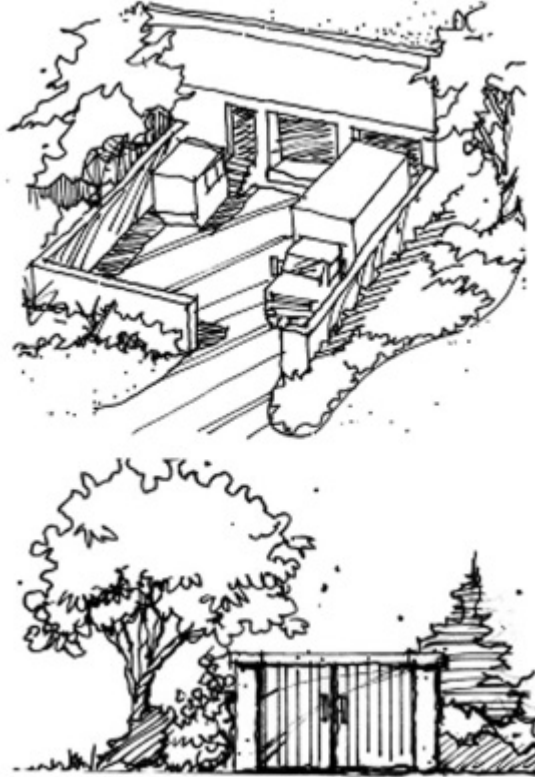


4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed along the perimeter of the property or project; however, when there are irregular topographic conditions (such as the perimeter of the property is at a lower grade than the use being screened) the approving authority may require the relocation of the required buffer yard in order to better serve its purpose.
6. Natural vegetation, vegetation required for tree protection, riparian buffer areas, and other forms of existing vegetation may be utilized to satisfy these requirements when such natural and existing vegetation clearly satisfies the purpose of this section.
7. Off-site vegetation:
 - a. Existing plant material on adjacent property may be credited toward buffer requirements, provided that such material is in a permanently protected area such as a conservation easement or similarly preserved area.
 - b. Plant material, existing or proposed, on an adjacent property may be credited toward buffer requirements through use of a landscape easement.
8. Buffer requirements may be reduced or waived by the approving authority in the following circumstances:
 - a. Such requirements would pose a safety hazard.
 - b. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon city trees, as recommended by the city horticulturalist.
 - c. Special use permits based solely upon building height or building ground floor square footage size, where such requirement would serve no useful purpose.
 - d. When projects to which these requirements apply exhibit unifying architectural and landscape design characteristics that integrate the project into surrounding development, and when the landscape design of such a project clearly meets and exceeds the goal of these requirements such that these requirements become unnecessary.
9. Fences, walls and berms in buffers
 - a. Where walls and berms are built within any required project boundary buffer, they shall meet the following requirements.
 - i. Walls and berms within a buffer may be used to permit a reduction in the buffer up to 25 percent of the required width.
 - ii. Walls and berms shall not be permitted within surface water protection areas, floodplains, and floodways.
 - iii. Walls and berms shall conform to other applicable requirements of this ordinance.
 - iv. All walls, when located within a buffer, shall be planted on the face towards the adjacent property with at least one upright shrub for every six feet of wall length.
 - (v) Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
 - vi. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
 - vii. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall, berm, or fence structure at the time of landscape plan approval.



- viii. Chain link and concertina wire fences shall be buffered by a Type A buffer yard on all sides.

FIGURE 8.4D: ILLUSTRATIONS OF APPROPRIATE SCREENING OF DUMPSTERS AND LOADING AREAS



8.6. Parking area screening.

- A. *Applicability:* Perimeter yard of all parking areas visible from the street, except residential developments with six or less off-street vehicle parking spaces.
- B. *Minimum planting:* Semi-opaque screen from the ground to at least a height of three feet for screening of car lights and glare. (Minimum width: Ten feet).
- C. *Performance standard:* This type functions as a semi-opaque screen around the parameter of a parking area from the ground to at least three feet for the screening of car lights and glare. This shall only be required along the parking area that fronts the public right-of-way or any side of a parking area that is not protected by a required buffer yard. The location of such yards shall be determined by the administrator upon review. Effective screening devices may include solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the required height within two years of planting, or any combination of the above. Plantings which can achieve a mature height exceeding 30 inches shall not be planted in the sight triangle on each side of drives or streets.
- D. *Screening of open storage, above ground utilities, and dumpsters:* Any open storage of merchandise, equipment, materials or goods other than those on display for retail sales, above ground utilities, and dumpsters areas shall be screened from view from any street right-of-way in accordance with the ratios (but



not necessarily the minimum dimension) prescribed for type C buffer yards. Sub-grade dumpsters shall be exempt from the provisions of this section.

8.7. Parking area landscaping.

- A. *Applicability:* Interiors of all parking areas with more than 16 parking spaces or more than 1/10 of an acre in size.
- B. *Stormwater management requirements:* Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in [CHAPTER 6](#) of this ordinance.
- C. *Minimum plantings:*
 - 1. No parking space shall be more than 50 feet from the base of a canopy tree.
 - 2. One 15-to-18-inch minimum height evergreen or deciduous shrub shall be required per 250 square feet of required landscaped vehicular use area. This rate may be varied by the administrator considering alternate shrub heights, ground covers, or other factors.
- D. *Performance standard:* This type functions as a tree ceiling over a parking area providing shelter from sun and rain and minimizing the impact of runoff by providing "green" surface area on which to collect. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. All landscaped areas shall be separated from parking spaces. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.
- E. *Credits for preservation of existing trees in parking areas:* Trees that are saved in a parking area (other than those in Tier 1 or Tier 2 Tree Save Areas in Section 8.3) can be used towards the interior tree landscape requirement. Note that each tree preserved will require a minimum pervious area around it equal to its drip line.



CHAPTER 9. CIRCULATION AND CONNECTIVITY

9.3. Access management.

Access management standards that regulate the connection of new driveways to the street system shall be as follows. NCDOT must approve the design and location for the connection of new driveways when located on state-maintained roadways.

- A. New driveways, on public streets with curbing, shall be limited in accordance with the following standards:

TABLE 9.3A: DRIVEWAY SEPARATION DISTANCES		
Posted Speed Limit (mph)	Minimum Distance Between Driveways	Minimum Distance Between Driveways and Intersections*
15	20 feet	40 feet
20	40 feet	80 feet
25 to 35	60 feet	120 feet
40	120 feet	240 feet
45	140 feet	280 feet
50	160 feet	320 feet
55	180 feet	360 feet

Note: Access separation between driveways shall be measured from inside edge of curb cuts. Access separation between a driveways and intersecting streets shall be measured from the nearest inside edge of the driveway curb cut to the intersecting right-of-way lines.

- B. *Shared Private Drives*: Whenever feasible in the interests of access management the administrator shall encourage the establishment of shared private drives and entrances with adjacent properties, and may require that driveways and entrances be situated along property lines. The approving authority may require the establishment of access easements along property lines to be reserved for future use by adjacent properties as part of any development.
1. *Capacity* – No more than 3 properties or 6 dwelling units shall use the same driveway. At all times, the shared private drive shall be maintained in a good, safe and usable condition, in good repair, and in compliance with all applicable state, county and local ordinances.
 2. *Easement* – The minimum width of the easement for shared private drives shall be 30 feet.
 3. *Minimum Design and Construction* – The minimum design and construction standards which apply to a public street (Section 13.5) shall apply to a shared private drive except that:
 - a. All shared private drives are to be paved to City standards with a minimum width of 20 feet.
 - b. Street names shall not be allowed for shared private drives. The properties with ingress and egress on the shared private drive are required to have an address on the abutting public street.
 - c. Pedestrian and bicycle infrastructure shall not be required, but it is encouraged. This also includes multi-use paths and other similar types of infrastructure.



3. *Plats* - All shared private drives must be shown as such on all affected plats.
4. *Through Streets* - Through streets connecting 2 public streets may not be designated as a shared private drive.
5. *Connections to Public Streets* - All shared private drives connecting with public streets require approved driveway applications from the city (or NCDOT, if applicable).

C. Additional provisions:

1. The administrator shall require the closure of any nonconforming driveway or curb cut as a condition of approval of any land development application.
2. Single-family, duplex, and secondary dwellings on existing lots of record and new infill development lots on roads 35 mph and under shall be exempt from the "Minimum distance between driveways" standards for the first driveway, but shall meet minimum separation requirements for additional driveways. Additionally, driveway separation distances on new dead-end streets posted 30 mph and under and with no on-street parking may also be exempted by the administrator. Further modification of these requirements shall be considered by the board of adjustment.
3. Parking lots with one-way aisle that are required to have at least two driveways, in accordance with Section 10.7 may be exempt from the "Minimum distance between driveways" standards. The exemption may be granted by the administrator for local and private roads and by NCDOT for state roads.
4. The board of adjustment may modify these requirements only after the following are satisfactorily provided by an applicant:
 - a. A transportation assessment performed by an engineer licensed in the State of North Carolina containing sufficient detail to demonstrate that the modification request does not adversely impact public safety or traffic operation; and
 - b. Evidence that the modification request represents the minimum necessary to address existing site constraints or to improve site circulation stemming from urban infill and/or redevelopment.
5. Appeals from any adverse decision by the administrator shall be made to the board of adjustment.



CHAPTER 10. PARKING STANDARDS

10.1. Purpose and intent.

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

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

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

10.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
 - 1. New construction of a principal building or buildings;
 - 2. Expansion of an existing principal building resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or
 - 3. Change of use or expansion of an existing use resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or

10.3. Off-street vehicle parking requirements.

- A. *General off-street parking requirements:*
 - 1. Off-street parking requirements are structured in a three-tier system as follows:
 - a. **Tier 1:** A minimum number of off-street parking spaces are required. There are no off-street parking maximums. Generally, zoning districts in this tier are less walkable and do not have available public parking or space for on-street parking.
 - b. **Tier 2:** A minimum number of off-street parking spaces are required. There are also off-street parking space maximums. Generally, zoning districts in this tier contain a mix of lower-density residential and commercial uses. Some off-street parking is necessary to preserve public rights-of-way, but many of these areas are more amenable to alternative modes of transportation.
 - c. **Tier 3:** There is no required number of spaces for off-street parking, but there are off-street parking space maximums. Generally, zoning districts in this tier consist of dense, heavily commercial development.
 - 2. The tiered parking requirements applies based on the zoning district. In the case of Planned Development Districts or Conditional Zoning Districts, the tier applicable to the base zoning district shall apply, unless otherwise specified in the adopting ordinance.


TABLE 10.3A: TIERED PARKING REQUIREMENTS

Parking Requirement Tier	Zoning Districts
Tier 1	General Residential (GR) and General Industrial (GI)
Tier 2	Residential Mixed-Use (RMX), Neighborhood Mixed-Use (NMX), and Institutional Campus (IC)
Tier 3	Downtown Mixed-Use (DMX) and Corridor Mixed-Use (CMX)

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

B. Off-street minimum and maximum vehicle parking ratios:

TABLE 10.3B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Residential							
Household Living	All household living uses, except as listed below	1.5 / dwelling unit		1 / dwelling unit	2 / dwelling unit		2 / dwelling unit
	Dwelling - Single-Family	2 / dwelling unit		1 / dwelling unit	2 / dwelling unit		2 / dwelling unit
	Manufactured Home (single unit)	2 / dwelling unit		1 / dwelling unit	2 / dwelling unit		2 / dwelling unit
Group Living	All group living uses, except as listed below	1 / dwelling unit or rooming unit		1 / dwelling unit or rooming unit	3 / dwelling unit or rooming unit		3 / dwelling unit or rooming unit
	Rooming or Boarding House	.5 / rooming unit		.5 / rooming unit	1.5 / rooming unit + 1 additional space		1.5 / rooming unit + 1 additional space
Social Services	Group Care Facility	1 / dwelling unit, rooming unit, or bed		1 / dwelling unit, rooming unit or bed	3 / dwelling unit, rooming unit or bed		3 / dwelling unit, rooming unit or bed
	Shelter	2 spaces		2 spaces	6 spaces		6 spaces
Lodging							
Overnight Accommodations	All overnight accommodations, except as listed below	1 / room or suite		.5 / room or suite	1.5 / room or suite		1.5 / room or suite
	Short-term Rental	2 / rental unit		1 / rental unit	2 / rental unit		2 / rental unit
Camping	Campground / Recreational Vehicle Park	.25 / campsite or RV parking site		.2 / campsite or RV parking site	1 / campsite or RV parking site		1 / campsite or RV parking site
	Rental Cottage / Cabins	1 / room or suite		.5 / room or suite	1.5 / room or suite		1.5 / room or suite
	Seasonal Camp	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Commercial							
Eating and Drinking Establishments	All restaurants and other eating and drinking establishments	1/ 750 SF		1 / 750 SF	1/ 200 SF		1/ 200 SF


TABLE 10.3B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Personal Services	All personal services	1/ 500 SF		1/ 600 SF	1 / 300 SF		1/ 300 SF
Professional Services	All professional services, except as listed below	1/ 500 SF		1/ 600 SF	1 / 300 SF		1/ 300 SF
	Funeral Homes and Services	1/ 4 seats in main assembly area + 1 / 500 SF of office space		1 / 4 seats in main assembly area + 1 / 600 SF of office space	1 / 2 seats in main assembly area + 1 / 300 SF of office space		1 / 2 seats in main assembly area + 1 / 300 SF of office space
Retail	All retail and sales establishments except as listed below	1/ 500 SF		1/ 600 SF	1 / 300 SF		1/ 300 SF
	Gas Station	1 / 500 SF of retail		1 / 500 SF of retail	1 / 400 SF of retail		1 / 400 SF of retail
Shopping Centers	All shopping centers	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Civic / Institutional							
Educational	All educational uses except as listed below	2 / classroom		2 / classroom	None		None
	Colleges/Universities	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
	Schools— Vocational/Technical	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Governmental	All government uses	1 / 750 SF		1 / 1,000 SF	1 / 200 SF		1 / 200 SF
Medical	All medical offices and facilities except as listed below	1/ 500 SF		1/ 600 SF	1 / 300 SF		1/ 300 SF
	Hospital	2.5 / patient room		2 / patient room	5 / patient room		5 / patient room
Places of Worship	All religious institutions or places of worship	1/ 6 seats in main assembly area + 1 / 500 SF of office space		1 / 6 seats in main assembly area + 1 / 600 SF of office space	1 / 2 seats in main assembly area + 1 / 300 SF of office space		1 / 2 seats in main assembly area + 1 / 300 SF of office space
Entertainment / Recreation							
Indoor Recreation	All indoor recreation facilities, except as listed below	1 / 500 SF		1 / 750 SF	1 / 250 SF		1/ 250 SF
	Cultural or Community Facility	1/ 6 seats in main assembly area + 1 / 500 SF of office space		1 / 6 seats in main assembly area + 1 / 600 SF of office space	1 / 2 seats in main assembly area + 1 / 300 SF of office space		1 / 2 seats in main assembly area + 1 / 300 SF of office space
	Live Performance Theater	1 / 8 seats		1 / 10 seats	1 / 2 seats		1 / 2 seats
	Movie Theater	1 / 8 seats		1 / 10 seats	1 / 2 seats		1 / 2 seats
	Special Event Venue	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Outdoor Recreation	All outdoor recreation facilities	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Agriculture							


TABLE 10.3B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Agriculture	All agricultural uses	1 / 500 SF of retail or administrative area		1/ 750 SF of retail or administrative area	1 / 300 SF of retail or administrative area		1 / 300 SF of retail or administrative area
Manufacturing / Wholesale / Storage							
Light Industrial and Manufacturing	All light industrial and manufacturing activities	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space		1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space		1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space
Heavy Manufacturing	All heavy manufacturing activities	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space		1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space		1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of industrial space
Storage and Disposal	All storage and disposal uses	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of storage/ disposal space		1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of storage/ disposal space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of storage/ disposal space		1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of storage/ disposal space
Wholesaling and Distribution	All wholesaling and distribution activities	1 / 750 SF of office, retail or administrative area + 1 / 4,000 SF of wholesale, distribution, or retail space		1/ 750 SF of office, retail or administrative area + 1 / 4,000 SF of wholesale, distribution, or retail space	1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of wholesale, distribution, or retail space		1 / 300 SF of office, retail or administrative area + 1 / 2,000 SF of wholesale, distribution, or retail space
Infrastructure							
Utilities	All utilities	N/A		N/A	N/A		N/A
Telecommunications	All wireless telecommunication facilities	N/A		N/A	N/A		N/A
Transportation	All transportation uses	N/A		N/A	N/A		N/A

Note: All square footage in gross square feet.

C. Calculation of off-street vehicle parking spaces:

- Vehicle parking spaces are calculated based on the principal use of the lot. When more than one principal use occupies the same lot, the number of spaces is the sum of separate requirements for each principal use.
- When measurements of the number of required spaces result in a fractional number, the result is rounded to the nearest whole number.
- Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area.

D. Uses without minimum and maximum off-street vehicle parking spaces:



1. Some uses or combination of uses (group developments, mixed-use projects, etc.) have widely varying parking demand characteristics making it impossible to specify a single off-street parking standard. For these uses, the administrator shall determine the appropriate requirements with one of the following methods:
 - a. Apply the off-street parking requirement specified for the listed use that is deemed most similar to the proposed use; or
 - b. Establish off-street parking requirements based on a parking study prepared by a qualified professional and provided by the applicant.
 - i. Such a study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the administrator, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use.
 - ii. Comparability will be determined by density, scale, bulk, area, type of activity, and location.
2. In no circumstance may the total number of parking spaces exceed a ratio of exceed one space per 200 gross square feet of the building(s).

E. *Minimum off-street parking exceptions:*

1. Public parking credit:
 - a. Public parking facilities located within 1,760 feet (1/3-mile) walking distance of the development site may be credited toward the minimum parking requirement at a rate of 1 space for every 5 public parking spaces.
 - b. Signage shall be provided that indicates the location of the public use spaces.
 - c. Residential uses are not eligible for this exemption.
2. Shared/combined parking:
 - a. The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. The administrator may adjust the minimum parking requirements at a rate of 1 space for every 2 shared spaces.
3. Tree preservation:
 - a. The minimum number of spaces required may be adjusted by the administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter) from being damage or removed, and where the site plan provides for the retention of said tree or trees.
 - b. The reduction shall not exceed 25% of the total minimum parking spaces required.
 - c. Invasive tree species as outlined in Section 8.2 of this ordinance are not eligible for this exemption.
4. Additional bicycle parking:
 - a. Additional bicycle parking spaces above the minimum required bicycle parking may reduce the number of required off-street parking spaces at a rate of 1 parking space for every 2 additional bicycle parking spaces.
 - b. The reduction of spaces granted with this exception shall not exceed 25% of the minimum off-street parking requirement.
5. Electric vehicle parking:



- a. Off-street vehicle parking with EVSE-installed vehicular charging stations shall count toward satisfying the minimum off-street vehicle parking requirements.
6. Payment in lieu of parking spaces:
 - a. The minimum number of parking spaces required may, at the administrator's discretion, be reduced by up to 50% with a fee paid to the city in lieu of developing the parking space(s).
 - b. Payments in lieu of parking spaces may be approved as part of the development plan.
 - c. All payments made in lieu of parking spaces shall be made at the time of construction document approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered.
 - d. All funds received for payment in lieu of parking spaces shall be used for the acquisition, improvement, development, or redevelopment of public parking spaces within the city.
7. Upgrading preexisting non-conforming parking facilities:
 - a. The minimum number of spaces required may be reduced by up to 25% to allow an existing development to retrofit parking to conform to the existing parking area design and landscaping regulations.

F. *Maximum off-street vehicle parking exceptions:*

1. Spaces reserved for the following are not included in calculating off-street vehicle parking maximums:
 - a. Required accessible parking spaces in compliance with City, state, and federal standards
 - b. Parking spaces with EVSE-installed electric vehicle charging stations
 - c. Loading / unloading spaces as required by this ordinance
2. The administrator may grant exceptions to the maximum off-street parking up to 25% when the following conditions are met:
 - a. Parking spaces constructed with porous monolithic, pavers, or other pervious paving materials.
 - i. Pervious paving shall be considered surface improvements such as interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface.
 - ii. Sub-surface preparation to accommodate the water infiltration allowed through the surface material shall be required.
 - iii. Gravel shall not be considered a pervious paving surface.
 - b. Parking spaces located in a parking area that is designed to control for stormwater run-off generated by a 25-year, 24-hour rain event, and in compliance with Section 6.6 of this ordinance.
3. Underground or above-grade parking:
 - a. The maximum off-street parking may be increased by up to 100% if the additional parking spaces are located underground, on a roof-top, or within a multi-story parking structure.
4. Satellite parking:
 - a. Satellite parking may be permitted, subject to certification by the administrator that the following requirements have been met:
 - i. Satellite parking lots shall only be permitted in zoning districts where parking lots are permitted as a by-right primary use, as established in Chapter 2 and Chapter 3.



- ii. The satellite parking spaces shall be located within 1,760 feet (1/3-mile) walking distance of a public entrance to the structure or lot containing the use for which such spaces are required.
- iii. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the satellite parking and the use being served;
- iv. The continued availability of satellite parking spaces necessary to meet the requirements of this section shall be ensured by an appropriate condition that the continued validity of the zoning compliance or special use permit shall be dependent upon the permit holder's continued ability to provide the requisite number of parking spaces.

G. Accessible parking:

1. Accessible parking shall be provided in accordance with the North Carolina State Accessibility Code.

H. Compact car parking spaces:

1. For parking areas and structures with 20 or more off-street vehicle parking spaces, up to 25% of required vehicle parking spaces may be designed for compact vehicles and designated with the appropriate signage and/or markings.

10.4. Off-street loading requirements.

A. Off-street loading spaces shall be required for the following uses:

1. A business that is expected to regularly receive or deliver goods;
2. A multi-use building with at least 3 different businesses and/or uses;
3. Manufacturing/Wholesale/Storage uses;
4. Multi-family housing development with 10 or more dwelling units; or
5. Any other use that is expected to regularly receive or deliver goods, as determined by the administrator.

B. Off-street loading spaces shall be required based on the gross floor area of the primary structure or structures on the parcel, according to the following ratios:

TABLE 10.4A: OFF-STREET LOADING RATIOS	
Square Feet	Number of Spaces
0 – 24,999	1
25,000—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

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

D. Location:



1. Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure(s). The administrator may grant exceptions to this requirement if deemed impractical or impossible given the layout of the existing structures and vehicular access.
 2. Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
 3. All off-street loading spaces shall be provided with adequate off-street maneuvering areas so that vehicles do not obstruct traffic during maneuvering.
 4. Such space shall have access to an alley or commercial service street or, if there is no alley or service street, to a street.
 5. No loading space or bay may intrude into any portion of a required setback, required parking space, parking area aisle, or driveway.
 6. An off-street loading space shall have the minimum dimensions of 12 feet by 25 feet and be free and clear of obstruction at all times.
- C. *Exceptions to loading space requirements:* The administrator may adjust the minimum loading space requirements in the following instances:
1. The joint use of shared off-street loading spaces between up to 4 uses is made by contract between adjacent property owners.
 2. On-street loading spaces are provided for public use within 1,760 feet (1/3-mile) walking distance.

10.5. Off-street bicycle parking requirements.

- A. *Applicability:* Off-street bicycle parking for the secure storage of bicycles shall be required for the following uses:
1. Multifamily developments containing 8 or more dwelling units;
 2. Group developments;
 3. All overnight accommodation uses, except short-term rentals;
 4. Any other development requiring 20 or more off-street vehicle parking spaces.
- B. *Minimum amount of bicycle spaces:*
1. Two bicycle spaces shall be provided for every 20 required vehicle parking spaces as determined by Section 10.3, with a minimum of one 4-bicycle rack.
- C. *General provisions:*
1. Bicycle parking may be provided through various types of facilities, so long as the facility meets the following requirements:
 - a. Bicycle racks are securely anchored, and easily usable with both U-locks and cable locks and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
 - b. Spacing of the racks shall provide clear and maneuverable access.
 - c. Where a bicycle can be locked on both sides without conflict, each side can be counted as a required space.
 2. Bicycle parking shall remain accessible and not be rendered unusable by fixed or movable objects.
- D. *Location:*



1. Bicycle racks are encouraged to be placed in well-lit, visible and convenient locations near building entrances and easily accessible from multi-use paths, if applicable.
2. Bicycle parking locations shall not impede pedestrian or motorized vehicle movement or circulation.
3. Bicycle racks may be located in the public right-of-way with approval from the City or the North Carolina Department of Transportation, as applicable, with an encroachment agreement.
4. The administrator may adjust bicycle parking requirements to account for shared parking, buildings located in close proximity to one another, or the presence of public bicycle racks in close proximity.

10.6. Off-street electric vehicle parking requirements.

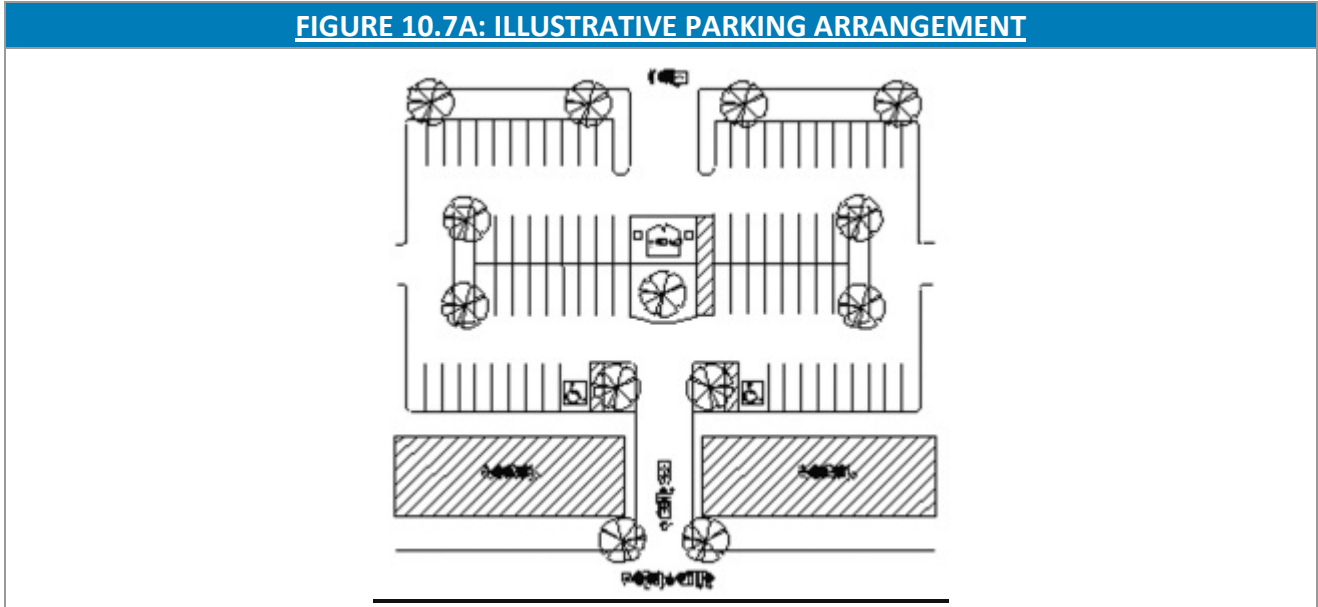
- A. *Applicability:*** Off-street electric vehicle parking spaces installed with electric vehicle supply equipment (EVSE) shall be required for developments requiring 50 or more off-street vehicle parking spaces.
1. Multifamily developments where at least 25% of the units meet the definition of affordable housing shall be exempt from all electric vehicle parking space requirements.
- B. *Minimum amount of electric vehicle parking spaces:***
1. Two electric vehicle parking spaces shall be provided for every 50 required vehicle parking spaces as determined by Section 10.3.
- C. *General provisions:***
1. Electric vehicle parking spaces shall be installed outside of the public right-of-way.
 2. All required electric vehicle parking spaces shall be equipped with Level 2 or DC Fast Charging.
 3. Electric vehicle parking spaces and all charging equipment shall be:
 - a. Located outside of the public right-of-way;
 - b. Placed outside of the critical root zone of any preserved tree; and
 - c. Placed at least five feet from a newly planted tree.
 4. Electric vehicle parking spaces shall be designated with the appropriate signage and/or markings.
 5. Barriers, such as wheel blocks, bollards, and curbs, shall be placed between the electric vehicle parking space and the electric vehicle charging equipment.

10.7. Off-street parking area design and construction standards.

- A. *Applicability:*** The following shall apply to surface off-street parking areas.
- B. *General:*** Internal parking area design and circulation shall be subject to the review and approval of the approving authority, who may impose such conditions as are necessary in order to:
1. Ensure the safety of pedestrians and motorists;
 2. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
 3. Minimize delay and interference with traffic on streets and driveways;
 4. Maximize sight distances from parking area exits and access driveways;
 5. Facilitate safe and convenient movement of pedestrians from the parking spaces to the principal structure and/or other pedestrian facilities (e.g., sidewalks, multi-use paths, etc.).



FIGURE 10.7A: ILLUSTRATIVE PARKING ARRANGEMENT



C. Location of off-street parking:

1. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
2. For non-residential uses and multi-family development with more than 4 dwelling units, access configurations which require backing directly onto a street from a required off-street vehicle parking space are prohibited. Alleys and commercial service lanes are not considered streets for the purposes of this requirement.
3. Off-street parking shall not be permitted within any front yard setback area and shall not be permitted between any principal structure and the street upon which such structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.
 - a. The following uses and parking types shall be exempt from this requirement above:
 - i. Single-family and duplex residential structures in zoning districts with Tier 1 and Tier 2 off-street parking requirements, according to Section 10.3.
 - ii. Handicapped parking spaces as required by the North Carolina Accessibility Code or other federal, state, or local regulations.
 - iii. Bicycle parking spaces required by this ordinance.
 - iv. Existing non-residential and multi-family development undergoing significant improvement, substantial improvement or change of use, provided that all newly created parking spaces associated with such redevelopment shall conform with this requirement unless the approving authority deems that compliance would be impractical due to existing site constraints.

D. Surfacing: All off-street vehicle parking area surfacing shall be constructed in accordance with the following specifications:



1. *Hard surface required:* All off-street parking areas including drives connecting such areas with the public street rights-of-way shall be constructed of permanent non-erodible surface treatment as follows:
 - a. Porous or semi-porous monolithic or paver materials;
 - b. Masonry or concrete pavers; or
 - c. Poured concrete or asphalt.
2. The administrator may require the use of porous paving materials in all or a portion of the parking areas. Such instances may pertain to the following, without limitation:
 - a. To protect the root system of an existing tree or trees from damage
 - b. To reduce the amount of impervious surface for stormwater calculation purposes, or
 - c. To protect environmentally sensitive areas.
3. *Exceptions to hard surface requirement:* The following situations are exempted from the hard surface requirement.
 - a. Parking for a single-family or duplex dwelling in GR districts;
 - b. Parking for agricultural uses;
 - c. A parking area used only as part of a permitted special event or temporary use permit;
 - d. Outdoor recreational facilities that are open to the public;
4. *Non-paved areas:* Whenever an off-street parking area is exempt from the hard surface requirements, the administrator shall require the following:
 - a. The non-paved parking areas shall be in compliance with the parking lot landscaping requirements in Chapter 8.
 - b. Landscape aisles, space markings, or other spatial separations shall be provided to ensure that the parking spaces will be readily identifiable to the users.
 - c. The perimeter of off-street parking areas encompassing the parking stalls and the side of any unpaved drive or aisle leading to said stalls, shall be edged with brick, pressure treated timbers, or cast in place concrete, and anchored into place. Alternate borders may be considered on a case-by-case basis.
 - d. Landscaping or other measures shall be utilized to prevent the discharge of sediment off-site or into any body of water from an unpaved parking area.

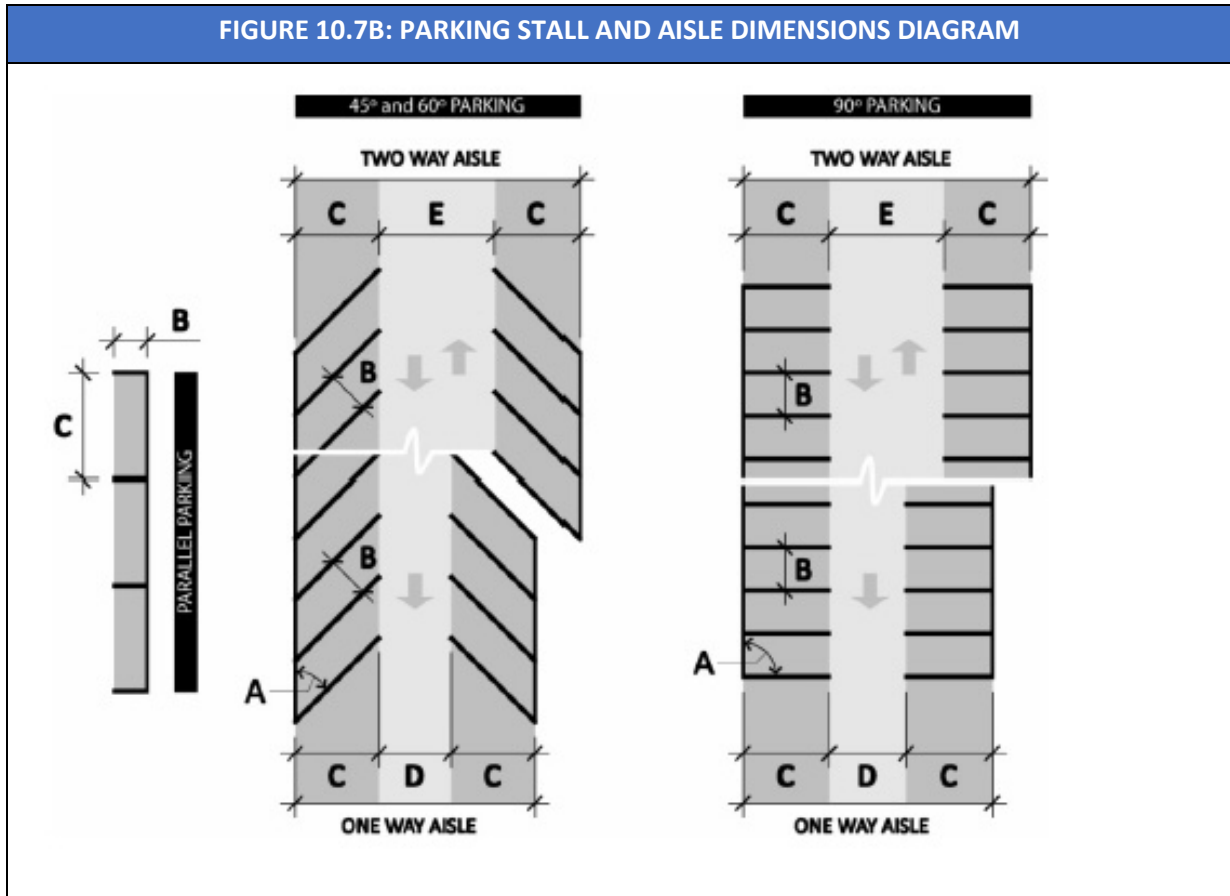
E. Parking dimensions:

1. Parking areas shall meet the following minimum dimensional requirements:

TABLE 10.7A: MINIMUM PARKING STALL AND AISLE DIMENSIONS				
Parking Angle (A)	Stall Width (B)	Stall Depth (C)	One-Way Aisle Width (D)	Two-Way Aisle Width (E)
0 / Parallel	8'	22'	N/A	N/A
45	9' (Standard) 8' (Compact)	17'6" (Standard) 16' (Compact)	16'	22'
60	10' (Standard) 8' (Compact)	18' (Standard) 15' (Compact)	18'	22'
90	9' (Standard)	18'6" (Standard)	22'	24'



	8' (Compact)	16' (Compact)		
<i>Note: Refer to Figure 10.7B below.</i>				



2. Other parking angles, aisle widths, and traffic flows will be considered on a case-by-case basis by the administrator and/or the Technical Review Committee.
3. All parking lots with one-way aisle are required to have the appropriate directional signage, permitted in accordance with Section 12.9 [Permanent Signage], and at least two driveways, permitted in accordance with Section 9.3 [Access Management].
4. Nothing in this section shall be construed as an exemption from local Fire Code access requirements.
5. All parking areas with a hard surface shall delineate parking spaces with paint or other permanent materials. Pavement markings shall be white, at least 4" wide, and maintained in clearly visible condition.
6. *Tandem parking space:* Two spaces stacked (i.e., tandem) may be permitted provided all of the following criteria are met:
 - a. The development is a Household Living Use and does not contain more than 4 dwelling units per building.



- b. Both spaces are assigned to one dwelling unit.
- c. The two vehicle parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.
- d. The proposed layout is functional and will not create pedestrian or traffic hazards.
- e. The spaces comply with all other standards in this ordinance.

F. *Curbing required:*

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

G. *Barriers:*

- 1. Barriers, such as wheel blocks, bollards, and curbs, shall be located along the perimeter of parking lots, internal sidewalks and pedestrian connections that abut parking spaces or driveways.
- 2. Such barriers shall be designed and located to prevent parked vehicles from extending beyond designated parking areas.

H. *Maintenance:* Parking lots shall be maintained to a reasonable drivable standard with visible pavement markings.

I. *Landscaping:* Parking lots shall be subject to the parking lot landscaping standards of Section 8.7.

J. *Lighting:* Parking lots shall be subject to the outdoor lighting standards of Section 11.2.

K. *Stormwater management:*

- 1. Parking areas are subject to stormwater management requirements set forth in [CHAPTER 6](#) of this ordinance.
- 2. It is strongly encouraged that parking area landscaping be incorporated into the approved stormwater management system for any project.

L. *Connectivity:*

- 1. Adjacent lots in group developments shall be interconnected. Exceptions may be granted by the administrator in the case of existing natural barriers such as steep slopes, surface water protection areas, etc. between the sites.
- 2. Each parking area that is interconnected may reduce their minimum parking requirement by 10%.

M. *Circulation drives:*

- 1. A circulation drive may be permitted around the front of the building but may not encroach into any required landscape area.
- 2. If provided, this drive shall be one-way and designed to be the minimal width required (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as unit pavers or stamped concrete.

**FIGURE 10.7C: CIRCULATION DRIVES**

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

N. Pedestrian connections:

1. Off-street parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building. Barrier free access shall be provided across parking areas and between adjacent pedestrian generators such as commercial or public buildings.
2. All structures (other than single-family and duplex structures) shall be connected to the street and, if available, an adjacent public sidewalk, by a sidewalk. Furthermore, all structures within a group development, planned development, or other project containing multiple principal structures shall be connected by a sidewalk. Sidewalks shall also connect other phases of the same development, and adjacent developments, as required by the administrator
3. In addition to any required sidewalk, barrier free access shall also include providing ramps at curbs, clear walkways between pre-cast wheel stops, and clearly delineated walkways on the parking area surface across travel lanes.
4. For lots of 36 spaces or greater, no parking space shall be more than 65 feet from a sidewalk that provide access to the entrance of the building or to other sidewalks connecting to the building. Sidewalk corridors a minimum of five feet in width shall be provided within the parking area or along the perimeter to provide safe building access for pedestrians.

FIGURE 10.7D: PEDESTRIAN CONNECTIONS

Note: Sidewalks must connect parking areas and streets to principal structures.

10.8. Structured parking.



- A. *Applicability:* The following shall apply to any parking structure, whether it be above-grade, at-grade, below-grade, or a combination thereof.
- B. *Location:* Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method of screening.
- C. *Design:*
 - 1. Where an above-ground parking structure fronts a public street, the side(s) facing the street shall be screened in such a way that cars are not visible from the street.
 - 2. Along pedestrian-oriented streets, parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis compatible with the principal structure, if applicable. The façade shall be designed to visually screen cars.
 - 3. Parking structures must present a horizontal rather than sloped building line on all visible edges.
- D. *Entries:* Pedestrian entries shall be clearly visible.
- E. *Lighting:* Parking structures shall be subject to the outdoor lighting standards of Section 11.2.



CHAPTER 19. DEFINITIONS

19.3. Definitions.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electric vehicle parking space: A public or private parking space installed with electric vehicle supply equipment (EVSE) to charge electric vehicles.

Loading space, off-street: Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street parking spaces are filled.

Parking area: Any public or private open area or facility used for parking automobiles and other vehicles serving a primary use or uses.

Parking lot: Any public or private open area or facility used for parking automobiles and other vehicles as a principal use. The lot or facility may serve as remote parking for a principal use on a separate lot or as a principal use on the site. A fee may or may not be charged.

Public parking facilities: Facilities open to the public for off-street vehicle parking that are owned or operated by a government agency or municipal service district, or developed as a public-private partnerships.

Satellite parking: A parking lot that is located on a parcel or lot that is not adjacent to the parcel or lot containing the use for which the parking is intended.

Tandem Parking Space: A parking arrangement in which one space (the tandem parking space) is accessible only by passing through another parking space (the traditional space).

SWOT ANALYSIS OF CURRENT PARKING SITUATION

	INTERNAL FACTORS	EXTERNAL FACTORS
POSITIVE	STRENGTHS • Ongoing investment in multimodal infrastructure (bike paths, sidewalks, etc.) • Public parking lots around Downtown and at the Depot • No parking minimums for non-residential uses in DMX and in King Street/Lumberyard area • Bike parking requirements	OPPORTUNITIES • Reducing required parking frees up land for additional infill development (housing, businesses, etc.) • Shared parking agreements can encourage better use of existing parking lots • Multimodal transportation reduces traffic congestion, improves air quality and supports community health
NEGATIVE	WEAKNESSES • Lacking infrastructure and narrow roads make on-street parking unsafe and lead to traffic congestion • Multimodal paths traverse the city, but will not support key “last mile” connections to some areas • No public transit system, so driving is a necessity for most (if not all) residents • Ordinance is over-simplified and doesn’t align with the new use matrix	THREATS • Businesses and residents have extreme emotional attachment to free, proximal parking • Paid parking in key areas can increase cost of living • Increasing constructions costs (concrete, asphalt, etc.) make parking more expensive for developers – either pass the added cost to tenants or abandon the project • Parking lots do not generate much tax revenue • Expansive parking areas facilitate sprawl

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:

Building Brevard 2030 Comprehensive Land Use Plan Goals

- **GOAL 2:** *Encourage a **development pattern** that respects Brevard's sense of place and prioritizes **livable communities**.*
- **GOAL 4:** *Create a built environment that prioritizes a **safe, active, multi-modal transportation system** and community health and wellness.*
- **GOAL 7:** *Support economic vitality and **grow the tax base**, cultivate local businesses, and attract sustainable industry.*
- **GOAL 8:** *Plan for **efficient, equitable, and resilient infrastructure** and services that maintain and improve quality of life throughout the city.*

Building Brevard 2030 Comprehensive Land Use Plan Actions

- **Active Transportation and Community Health - 9:** *Right-size parking requirements and develop incentives for multimodal access and alternative approaches to meeting parking demand.*