



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, October 24, 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. August 22, 2023

VI. New Business

- a. Consideration of Text Amendment TXT-23-009 Building Line Revisions
- b. Consideration of Text Amendment TXT-23-013 Extraction Uses – UDO Chapters 2, 3, 10 and 19.
- c. Subdivision Chapter Introduction

VII. Unfinished Business

VIII. Public Comments

IX. Remarks

X. Adjourn

Agenda Posted, Website October 10, 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
AUGUST 22, 2023
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, August 22, 2023, at 5:30 PM, in Council Chambers at City Hall.

Members Present:

Greg Hunter, Chair
Reid Wood, Vice Chair
James Carli
Molly Jenkins
Alan Mercaldo

Members Absent:

Peter Chaveas
John Schommer

Staff Present:

Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Emily Brewer, Senior Planner
Janice H. Pinson, Board Clerk

I. Welcome

At 5:30 PM, Greg Hunter, Chair called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

Chair, Greg Hunter confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion to approve the agenda by M. Jenkins, second by J. Carli, unanimously carried.

V. Approval of Minutes

Motion to approve the July 25, 2023, minutes with revisions by A. Mercaldo, second by M. Jenkins, unanimously carried.

VI. New Business

a. 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.

Aaron Bland, Assistant Planning Director, presented his staff report a portion of which follows:

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.

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.

Recommendations

Staff recommends approval of the proposed annexation.

J. Carli made a motion to accept as presented, seconded by R. Wood, unanimously carried.

b. Proposed Expansion of the Downtown Development Overlay District.

Aaron Bland presented his staff report a portion of which follows:

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 EXHIBIT "A".

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

After a discussion by the Board, the decision was made to recommend a larger area including, College Shopping Center, N. Broad Street, PIN# 8586-52-8251-000 and to extend down South Broad Street and South Caldwell including the following properties identified by PIN#s: 8586-40-7338-000; 8586-40-6254-000; 8585-49-4924-000; 8585-49-3865-000; 8585-49-2890-000; 8585-49-2601-000; 8585-49-0784-000; 8586-40-6462-000; 8586-40-6406-000; 8586-40-5520-000; 8586-40-3282-000; 8586-40-3121-000; 8585-49-2924-000; 8585-49-1952-000. Motion by J. Carli to approve with recommended expanded area and with reference to the Consistency Statement (Labeled Exhibit "C"), seconded by R. Wood, unanimously carried.

VII. Unfinished Business

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

Emily Brewer, Senior Planner, presented her staff report a portion of which follows:

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 priorities 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 varies 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 amendable 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.

Emily Brewer answered questions and the board discussed the revisions in detail.

The Board recommended the following revisions: 10.6.C.2 to add language for future changes to non-petroleum charging options to keep the ordinance current, and to correct the Two-way aisle parking table on Page 77.

Motion by A. Mercaldo to approve with recommended revisions and with reference to the Consistency Statement (Labeled Exhibit "D"), seconded by J. Carli, unanimously carried.

IX. Remarks

J. Carli stated that he is consistently impressed with the work and decisions made by the Planning Department and that he is encouraged about the future of Brevard.

X. Public Comment – None

XI. Adjournment

There being no further business, M. Jenkins made a motion to adjourn seconded by A. Mercado, the motion carried unanimously, and the meeting adjourned 6:55 PM.

Greg Hunter, Chair

Janice H. Pinson, Board Clerk

STAFF REPORT

Planning Board, Tuesday, October 24, 2023

Title: Consideration of Text Amendment TXT-23-009 Building Line Revisions

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director

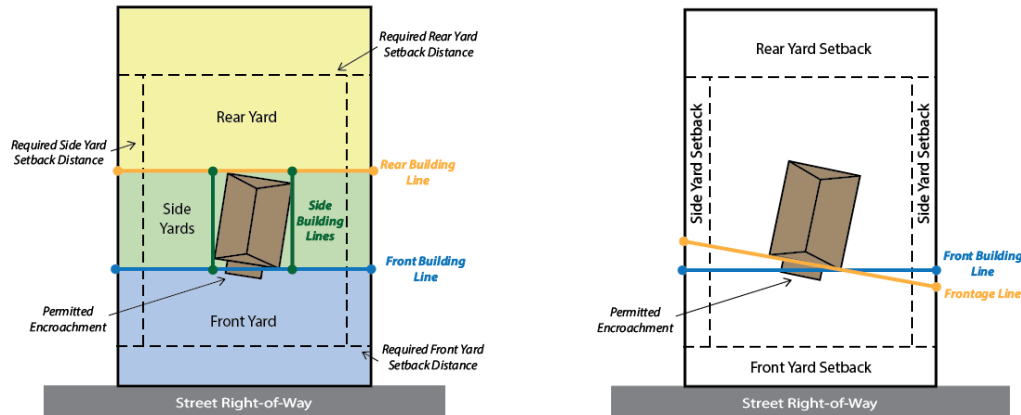
Background & Discussion

Building lines and yards are used as the measurement for multiple different standards in the Unified Development Ordinance, including fence height and accessory structure placement. This is a Staff-initiated text amendment that clarifies the definitions for these and other related items. The proposed text amendment is included as Attachment 1.

The major elements of the text amendment are below:

- **Building line:** A line measured parallel to the right-of-way line or property line touching that part of the building closest to the right-of-way line or property line. The building line shall not be measured from any encroachments permitted in Section 5.17 or any unenclosed structure (e.g., decks or patios).
- **Yard:** A space that lies between the principal building(s) and the nearest lot line or right-of-way line. The front yard and rear yard are defined by the respective building line, with the side yard(s) consisting of the remainder of the property not occupied by principal building(s).
- **Frontage Line:** A line measured across the façade of the portion of the building closest to the street. The frontage line shall not be measured from any encroachments permitted in Section 5.17 or any unenclosed structure (e.g., decks or patios). This line can be synonymous with the front building line when a building is oriented towards the street.

Staff also used this as an opportunity to improve the quality of the graphics and add additional graphics to illustrate key concepts.



Policy Analysis

According to North Carolina General Statute §160D, land use and development regulations should be objective standards that zoning administrators can apply in implementation, administration and enforcement actions (NCGS §160D-102). This text amendment continues to clarify the City's zoning regulations and improve the usability of planning documents.

Beyond implementing objective standards, the proposed text amendment is consistent with the following elements of *Building Brevard 2030* Comprehensive Land Use Plan:

- **GOAL 2:** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
- **LUH-19:** *Enhance communication of land use planning efforts, policy development, approvals, and processes.*

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 2).

Attachments:

1. Proposed Text Amendment - Strikethrough Version
2. Consistency Statement



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICT PROVISIONS

2.3. Density and dimensional requirements.

TABLE 2.3A: DENSITY AND DIMENSIONAL REQUIREMENTS				
District	Minimum Lot Size/Project Area	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density	Maximum Ground Floor Area Each Principal Structure
GR4	None	20 acres	4 du/ac	10,000 sq. ft.
GR8	None	20 acres	8 du/ac	8,000 sq. ft.
RMX—Single-family home and duplex	None	10 acres	15 du/ac	8,000 sq. ft.
RMX—Multi-family and nonresidential	None	10 acres	15 du/ac	25,000 sq. ft.
NMX	None	10 acres	25 du/ac	30,000 sq. ft.
DMX	None	10 acres	None	25,000 sq. ft.
CMX	None	10 acres	40 du/ac	50,000 sq. ft.
IC	None	None	15 du/ac	100,000 sq. ft.
GI	None	None	DU Not Permitted	100,000 sq. ft.

Note: Projects or developments that do not meet one or more of the above standards may apply for conditional zoning in accordance with Section 2.1.C.

A. Development intensity.

- The following development types are considered group developments that may be permitted by the administrator in accordance with the review procedures in [CHAPTER 16](#):
 - Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (examples include, but are not limited to, summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes);
 - Minor subdivisions, as defined in [CHAPTER 19](#), resulting in the establishment of condominium buildings, lots or spaces, townhomes, and other projects for which zero lot line development is proposed; or
 - Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.



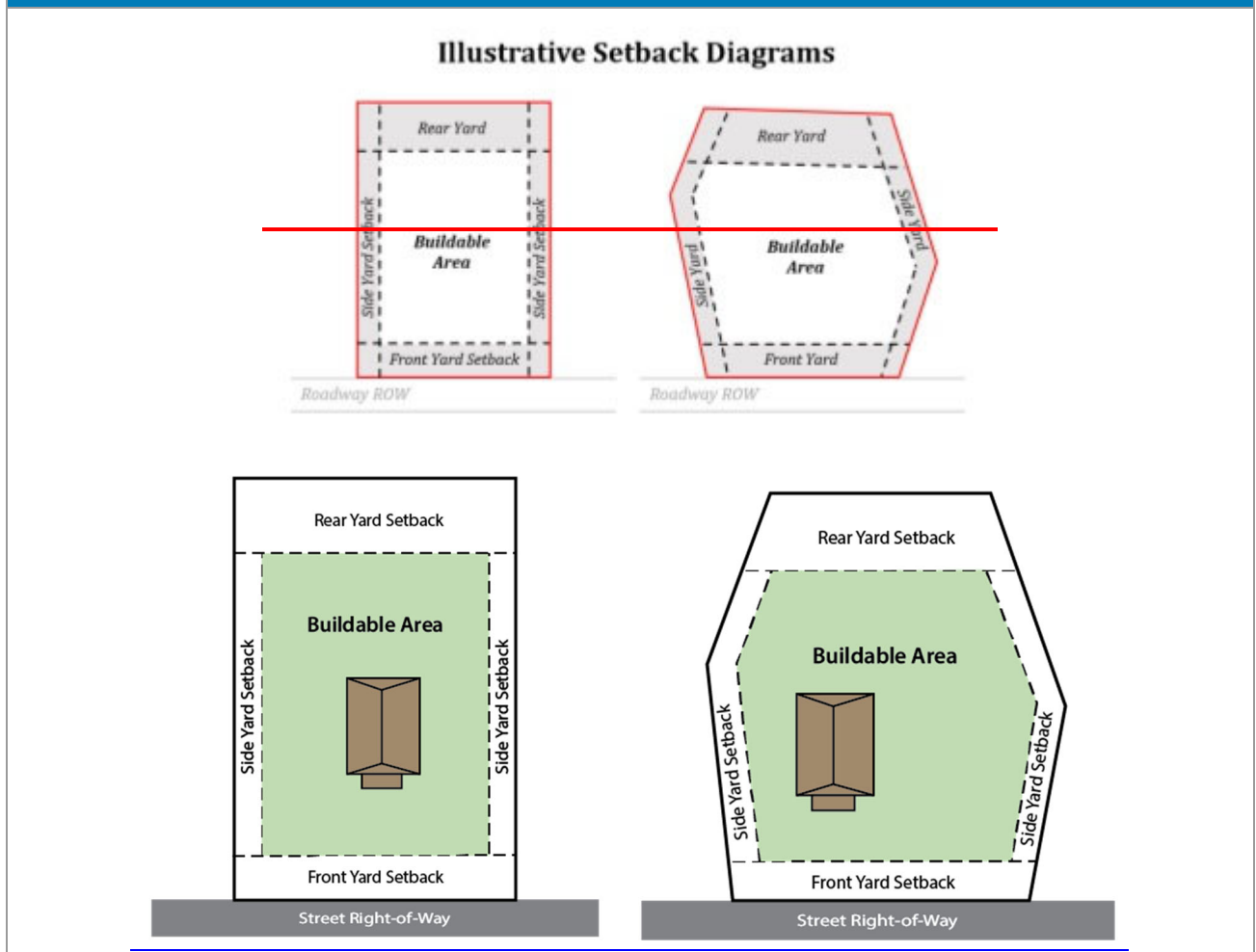
~~2. [Reserved.]~~

B. General standards for all setbacks and yards.

1. A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section 5.17.
 - a. Landscaping requirements set forth in CHAPTER 8 of this ordinance may supersede setbacks listed herein.
2. *Types of setbacks:*
 - a. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
 - b. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.
 - c. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

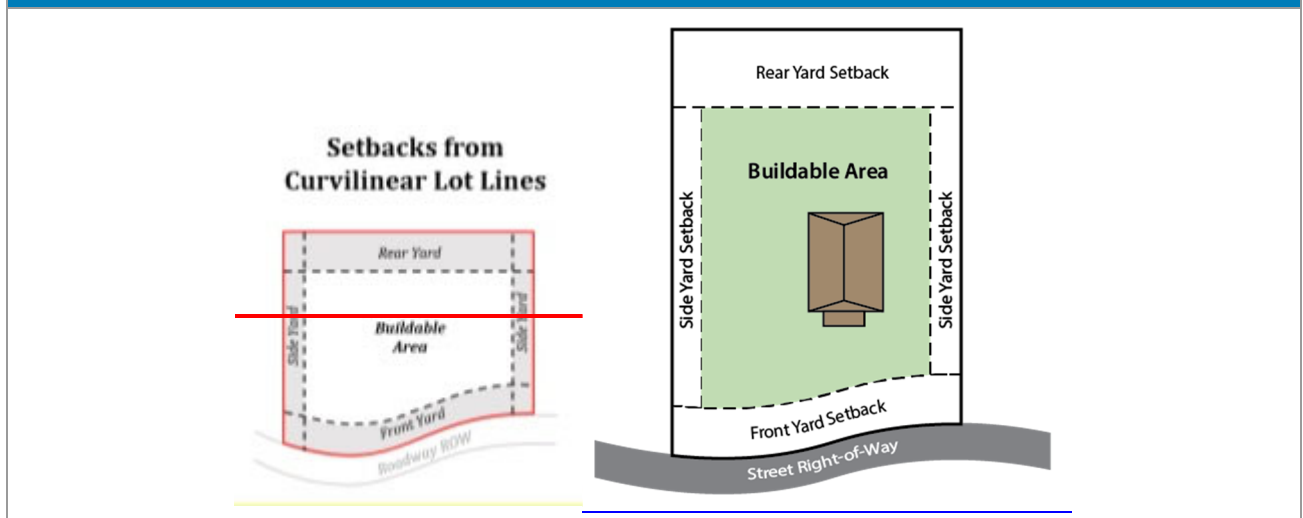


FIGURE 2.3A: ILLUSTRATIVE SETBACK DIAGRAMS

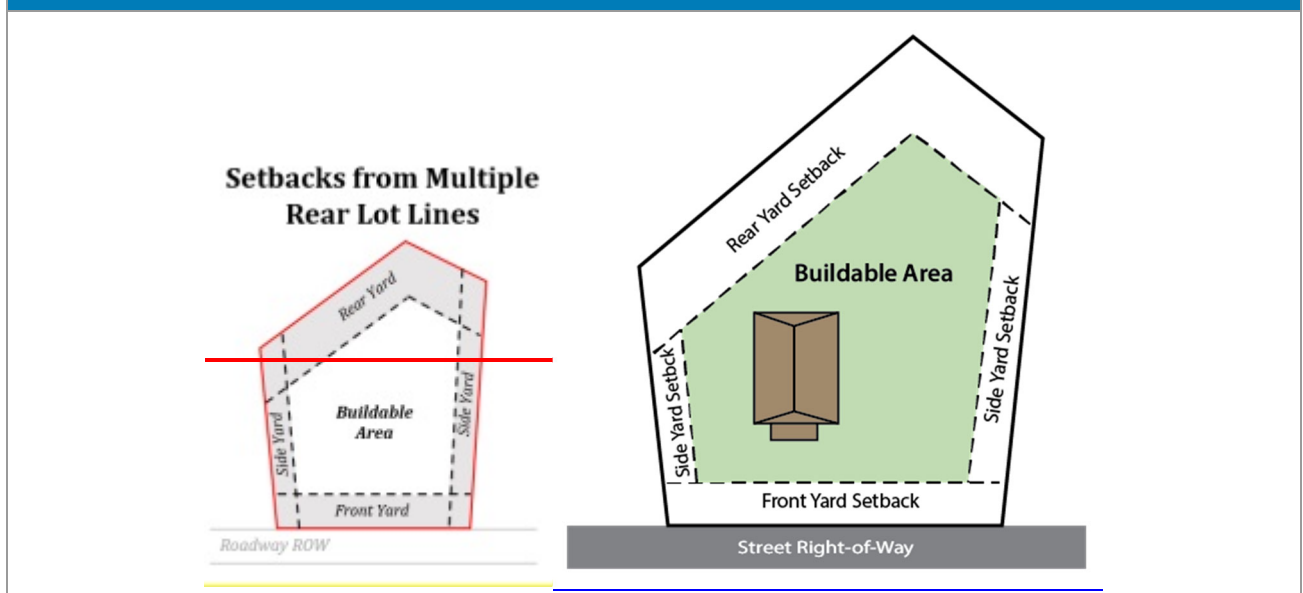


3. *Measurement of setbacks [and building lines](#):*

- a. Required yard setbacks [and building lines](#) are measured parallel to the applicable lot line or public right-of-way line.
 - i. Front yard setbacks [and building lines](#) shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
 - ii. Side yard and rear yard setbacks [and building lines](#) shall be measured from the property line(s).
- b. When lot lines are curvilinear, setbacks [and building lines](#) shall be measured parallel to the curvilinear lot line.

**FIGURE 2.3B: SETBACKS FROM CURVILINEAR LOT LINES**

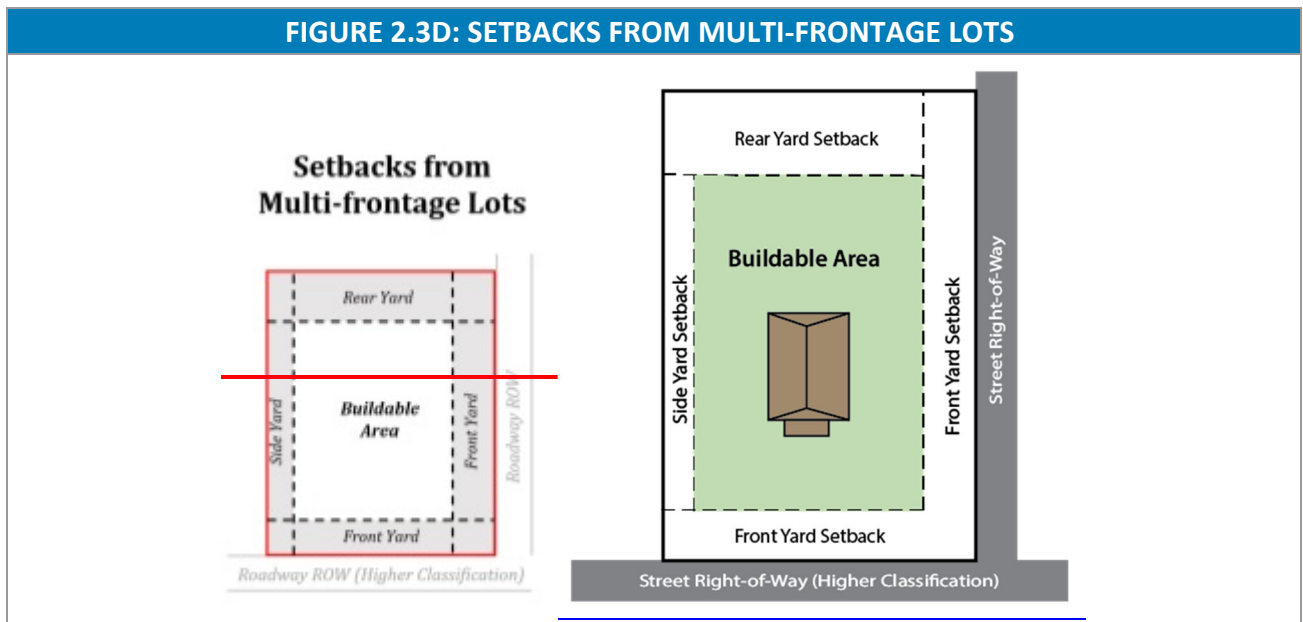
- c. When there are multiple rear lot lines, the rear [yard](#) setback [and building line](#) must be measured from each of the rear lot lines.

FIGURE 2.3C: SETBACKS FROM MULTIPLE REAR LOT LINES

4. *Administrative decisions for setbacks:*
- The administrator may impose additional setbacks based upon specific guidance from the City of Brevard Comprehensive Plan, the City of Brevard Downtown Master Plan and other district or small area/master plans, the City of Brevard Comprehensive Pedestrian Plan, the City of Brevard Street Schedule, or other plans or policies of the city.
 - For private streets, a right-of-way in accordance with [CHAPTER 13](#) shall be assumed by the administrator.



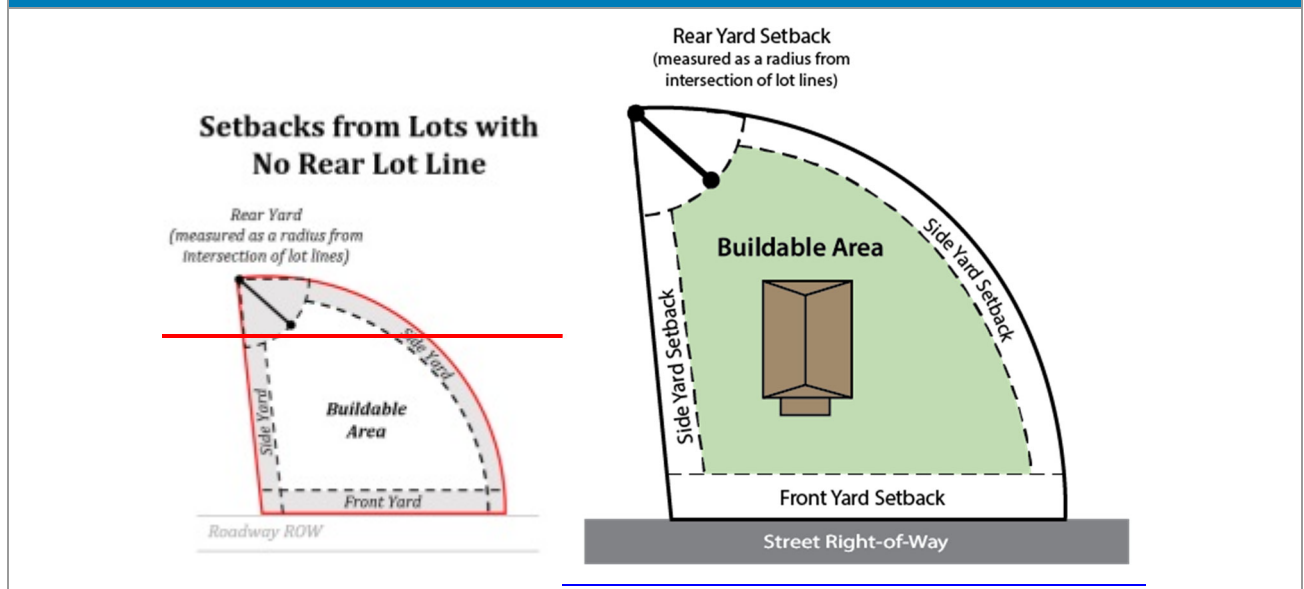
- ii. When determining the edge of the right-of-way, the administrator shall account for existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-street parking, and other improvements that deviate from a standard street cross-section.
 - b. The administrator may approve deviations from required setbacks by up to 20 percent of the required area in accordance with [CHAPTER 16](#) in order to:
 - i. protect existing or proposed rights-of-way and other infrastructure improvements
 - ii. ensure environmental protection of sensitive and/or conservation areas, including steep slope areas
 - iii. account for surface water protection and/or satisfy flood damage prevention requirements
 - c. For non-conforming lots without street frontage, the administrator shall designate a front yard for the purposes of setback measurement.
5. *Corner lots and multi-frontage lots setbacks:*
 - a. Any structure on any lot that fronts on more than one street shall comply with the minimum front yard setback requirement for each street upon which the lot fronts.
 - b. Alleys, rear lanes, and commercial service lanes are not classified as streets for the purpose of determining corner or multi-frontage lot setbacks.
 - c. The rear yard shall be determined as the portion of the lot on the opposite side of the lot from the front yard on the street with the higher classification.



6. *Triangle lots and other lots without a rear lot line:*
 - a. On properties where there is no rear lot line, the rear [yard](#) setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

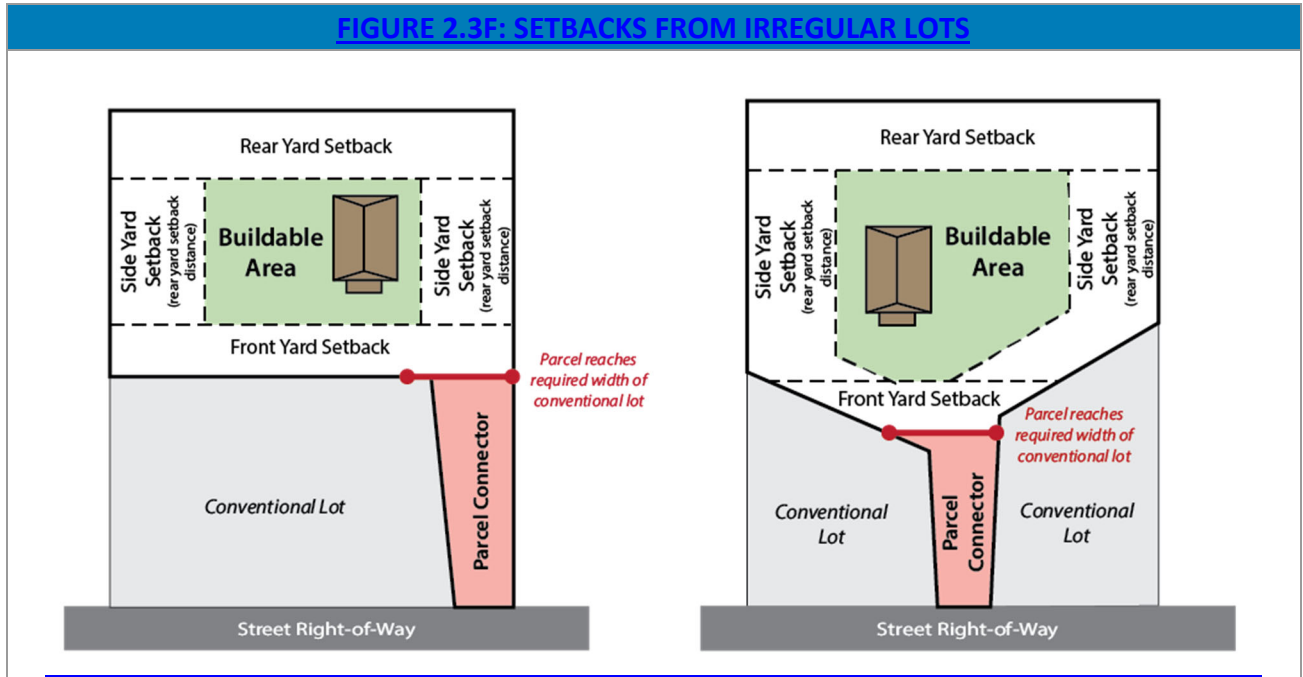


FIGURE 2.3E: SETBACKS FROM LOTS WITH NO REAR LOT LINE



7. *Irregular lot setbacks:*

- a. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the administrator. This determination shall be based on the spirit and intent of this ordinance to continue the appropriate spacing and location of buildings and structures on individual lots.
- b. For irregular lots, the Zoning Administrator will determine the termination of the "parcel connector" based on the definition and will measure front-yard setbacks from that point.
- ~~b.c. Lots that do not have an obvious visual relationship with the fronting street, such as "irregular lots," shall be evaluated on the basis of having one setback from neighboring properties. The setback amount~~ All other setback distances (rear and side yards) shall be equal to the minimum rear yard setback for the district, unless:
 - i. A newly-created irregular lot would convert an existing conforming secondary or accessory dwelling unit to a principal single-family structure. In this case, the setbacks for the principal structure may equal that of an accessory structure of that size in the zoning district.
- ~~c.a. For irregular lots, the Zoning Administrator will determine the termination of the "parcel connector" based on the definition and will measure front-yard setbacks from that point.~~

**FIGURE 2.3F: SETBACKS FROM IRREGULAR LOTS**

8. *Zero-lot line development setbacks:*

- a. Zero-lot line development (i.e., townhomes, condominiums and similar structures) and other structures using partiwalls are permitted subject to other requirements as set forth in this ordinance.

9. *Infill lot setbacks:*

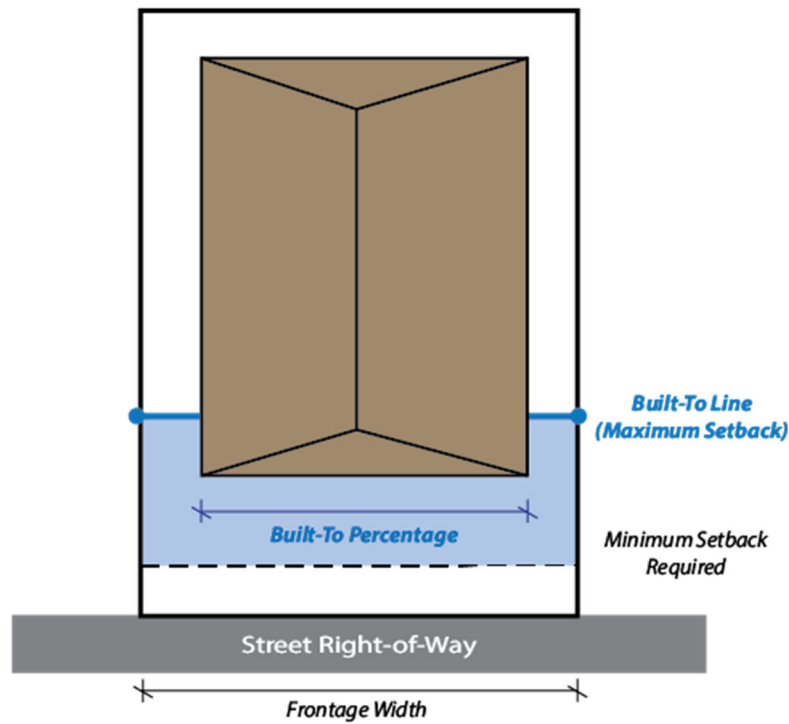
- a. The administrator may grant exceptions to the setback requirements of this ordinance for infill developments where the average setback on already-built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side [yard](#) setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.
- b. In established neighborhoods, the administrator may determine that the functional rear yard is not opposite the front yard based on the peculiar shape of the parcel or the development pattern. In these cases, the administrator may determine that another line shall be considered the rear lot line for setback purposes.

10. *Lots within the Downtown Development Overlay District:*

- a. New buildings in the Downtown Development Overlay District shall be subject to a front build-to line, or maximum setback, of 12 feet, as measured from the edge of the right-of-way, with a build-to percentage of 80 percent. The build-to percentage may be reduced to 50 percent if the new building includes a public courtyard or plaza space.



FIGURE 2.3G: BUILD-TO LINE AND BUILD-TO PERCENTAGE



C. Setbacks for zoning districts.

1. The minimum setback distance for principal structures varies by zoning district and shall be measured in accordance with this section.

TABLE 2.3B: SETBACKS FOR PRINCIPAL STRUCTURES

District	Front Yard Setback	Rear Yard Setback	Side Yard Setback
GR (4, 8)	15 feet	25 feet	6 feet
RMX	10 feet	25 feet	6 feet
NMX	Edge of right-of-way	10 feet	0 feet / 10 feet from residential district
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from residential district	0 feet / 10 feet from residential district
IC	40 feet	40 feet	40 feet
GI	15 feet	10 feet / 25 feet from residential district	10 feet / 25 feet from residential district
CZD	To be determined by approving authority		

D. Setbacks for accessory structures.



1. Setbacks for accessory structures vary based on the size of the structure and the zoning district.

TABLE 2.3C: SETBACKS FOR ACCESSORY STRUCTURES				
District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet
IC	40 feet along all external boundaries			
GI	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district
CZD	To be determined by approving authority			

2. Accessory structures to residential uses [located](#) within 6 feet of the principal structure are considered to be attached for the purpose of setbacks, and shall comply with the setback [requirements](#) of the principal structure.

E. Other structure and lot dimensional requirements.

TABLE 2.3D: OTHER STRUCTURE AND LOT DIMENSIONAL REQUIREMENTS					
District	Height By Right (1)	Min. Lot Width of Conventional Lot (2)	Min. Lot Width of Irregularly Shaped Lot (3)	Max. Parcel Connector Length of Irregular Lots (4)	Out-Parcels (5)
GR (4, 8)	35 feet	30 feet	20 feet	300 feet	-
RMX	35 feet	30 feet	20 feet	300 feet	-
NMX	35 feet	20 feet	-	-	-
DMX	50 feet	0 feet	-	-	P
CMX	50 feet	0 feet	-	-	P
IC	50 feet	60 feet	20 feet	300 feet	P
GI	50 feet	60 feet	20 feet	300 feet	P
CD	To be determined by approving authority				

1. Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in Section 5.14. See computation of building height as set forth in Section 5.18.
2. Minimum lot width for conventional lots shall be fulfilled at the right-of-way line.
- 3&4. Irregularly shaped lots are permitted to have the reduced minimum lot width at the right-of-way line if the lot width reaches the minimum lot width for a conventional lot within the maximum allowable parcel connector length. Additional standards are levied on these parcels (see Section 4.3.G).



5. In Zoning Districts where out-parcels are permitted, the minimum lot width at the right-of-way for irregular lots may be fulfilled by an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District.
 - a. "P" denotes out-parcels are permitted.
 - b. "-" denotes out-parcels are not permitted within the given district.
6. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this ordinance.



CHAPTER 4. GENERAL LOT AND STRUCTURE PROVISIONS

4.8. Accessory structures.

- A. *Principal buildings required.* The construction of an accessory structure or building is not permitted unless a principal building is located on the lot, except as set forth below or as otherwise provided in this ordinance. Accessory structures shall be incidental and subordinate to the principal structure(s). Accessory and principal buildings may be constructed concurrently.
1. Accessory structures utilized for agricultural purposes in association with bona-fide agricultural operations may be permitted in the absence of a principal structure.
 2. Garden sheds may be permitted in the absence of a principal structure subject to the following requirements:
 - a. Garden sheds shall be no larger than 120 square feet in size;
 - b. Garden sheds shall be single-story;
 - c. Garden shed shall not be connected to water, sewer, or electricity; and
 - d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and other implements necessary for the maintenance of gardens and grounds.
- B. Accessory structures shall meet the density and dimensional requirements set forth in Section 2.3 of this ordinance.
- C. Accessory structures shall not exceed two stories in height.
- D. *Accessory structures on lots with single-family dwellings and duplexes.*
1. Maximum number permitted. No more than two accessory structures shall be permitted per lot. Beehives and chicken coops shall not count toward the maximum number of accessory structures on a lot.
 2. Accessory structures shall be located only in the side or rear yards, except for gazebos, private garages, and carports. Such structures shall comply with the front yard setbacks [for primary structures](#) in Section 2.3-B. The administrator shall make a determination as to the side or rear yard for accessory structures proposed to be located on lots fronting more than one street.
 - ~~3. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except as otherwise provided in this ordinance.~~
 - ~~4.3.~~ Accessory structures with a footprint of more than 500 square feet shall be buffered from the adjacent residential development with a Type A buffer yard. Accessory structures located more than 24 feet from a property line shall be exempt from this buffering requirement.
 - ~~5.4.~~ Under no circumstances shall the use of a shipping container be permitted for the purpose of providing permanent storage as an accessory use.
- E. *Accessory structures on lots with non-residential uses, multi-family uses, and group developments.*



1. Maximum number permitted. No more than two accessory structures shall be permitted per lot, except in General Industrial (GI). In all other zoning districts, additional structures shall be considered as principal structures in a group development.
2. Accessory structures shall be located only in side or rear yards except for bona-fide agricultural enterprises.
3. Accessory structures shall comply with the applicable landscaping requirements of [CHAPTER 8](#) of this ordinance.
4. Accessory structures shall be clad in materials similar in appearance to the principal structure in accordance with [CHAPTER 5](#), except when such material is non-conforming with this ordinance.

F. Exempt structures.

1. Structures including but not limited to mailboxes, newspaper boxes, birdhouses, flagpoles, pump covers, garden boxes and planters, doghouses, and any other similar small or ornamental structures shall not be considered principal or accessory structures and shall not require a permit.

4.9. Fences and walls.

- A. All fences and walls shall be constructed so that the best face faces outward from the parcel upon which it is constructed and towards adjacent properties. The "best face" shall generally mean the side opposite to framing members.
- B. Fences and walls shall not be placed within public utility easements or public right-of-way without first securing an encroachment agreement from the City of Brevard, the North Carolina Department of Transportation, or other appropriate entity.
- C. Fence or wall height shall be measured from the side of the fence or wall that is exterior to the property as the vertical distance between the lowest adjacent ground level, natural or filled, and the top of the fence material. Fence heights are restricted as follows:
 1. In industrial districts, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height ~~before the front building line~~ in the front yard(s) and no greater than eight feet in height in the side ~~or~~ and rear yards.
 2. All other districts and uses. Fences or walls shall be no greater four feet in height in the front yard(s) and no more than eight feet in height in the side and rear yards. ~~than eight feet in height behind the front building line or four feet in height before the front building line.~~
 3. No closed fence or wall shall be greater than two-and-a-half feet in height when placed within the sight triangle of any intersection as specified in [Section 4.5](#) of this ordinance. Open fences are exempt from this provision.
- D. Fence and wall materials shall conform to the following requirements:
 1. *Residential districts:*
 - a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, except that chain link or woven wire may be used in the side and rear yards ~~behind the front building line.~~
 - b. All other wire fences, including barbed wire or concertina wire, are prohibited.



- c. Nothing in this chapter shall prevent the administrator from approving architecturally variant uses of material to allow creative fence design, such as the contemporary look of heavy-gauged welded wire panels framed in timber.
- d. The use of plastic plumbing pipe is a prohibited fence material.

2. *Commercial districts:*

- a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability.
- b. Chain link wire fences may be used as secure enclosures internal to the property or site subject to the following requirements:
 - i. Chain link fences shall not be visible from a public right-of-way,
 - ii. Chain link fences shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all sides, and then only in the side or rear yard behind the front building line.
- c. All other wire fences, including barbed wire or concertina wire, are prohibited.
- d. All walls and fences shall be materially similar to other walls and fences in the same block or general vicinity.

3. *Industrial districts, public safety facilities, and other critical facilities:*

- a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, and shall be materially similar to other walls and fences on the same block or general vicinity.
- b. Vinyl coated, chain link fencing may be approved by the administrator as perimeter fencing with additional filtering through openings using opaque or semi opaque slats or screening or by installing a type A landscaping buffer between incompatible uses, between different zoning districts or where visible from a public street.

4. *Barbed wire:* Barbed wire may be permitted within bona-fide agricultural operations within any zoning district.

E. Retaining walls shall also conform to the following requirements:

- 1. Retaining walls should minimize the impacts of cut and fill on a site.
- 2. The height of any retaining wall should not exceed five feet unless required to be higher for engineering reasons.
 - a. An increase in retaining wall height may be allowed if the proposed design minimizes the cut and fill impacts and enhances the existing landscape.
- 3. In areas where cuts are steeper, a stepped or terraced wall should be used. Large, unbroken retaining walls in a uniform plane should be avoided.



CHAPTER 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.4. General building design requirements.

Unless otherwise noted, the following standards apply to all buildings:

- A. *Architectural style*: The building design standards of this chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (e.g., Colonial, Victorian, Classical Revival) the details shall be consistent with that style unless the local architectural vernacular of Brevard provides an alternate precedent for a detail.
- B. *Frontage*: All buildings in the Downtown Development Overlay District, regardless of building type, shall be oriented towards the street so that the frontage line is equivalent to the front building line. ~~All buildings shall share a frontage line with a street or square. (Exception: Building that are interior to a site that has buildings that otherwise meet the frontage requirement.)~~
- C. *Termination of vistas*: Important street vistas, such as along city gateways and primary pedestrian streets, should terminate in a focal point such as a building or other architectural or natural feature.
- D. *Compatibility*: Adjacent buildings should relate in similarity of scale, height, architectural style, and/or configuration.
- E. *Proportions*: Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.

FIGURE 5.4A: EXAMPLE OF PROPORTIONAL FACADE ELEMENTS



- F. *Wall materials*: When two or more materials are used on a façade, the heavier material (e.g., brick) should be placed below the lighter material (e.g., siding) to give a sense of support and grounding.
- G. *Underground wiring*: To reduce the visual impact of overhead wiring, utility services shall be located underground.
- H. *Type of construction*: Manufactured, mobile, and metal units are prohibited, except as may be allowed in CHAPTER 3 for a temporary office or classrooms, site management, or storage uses during construction projects.
- I. *Roof pitch*: Roofs with pitches less than 3:12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six inches from the building face or with a gutter.



FIGURE 5.4B: EXAMPLE OF PITCHED ROOFS WITH EAVES



- J. *Public art:* Public art, such as statues, fountains, and other works of art are encouraged and may be placed in any required front setback area as well as in other appropriate areas.
- K. *Façade treatment:*
1. Architectural elements such as windows, doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details, shall be used on all facades facing public rights-of-way.

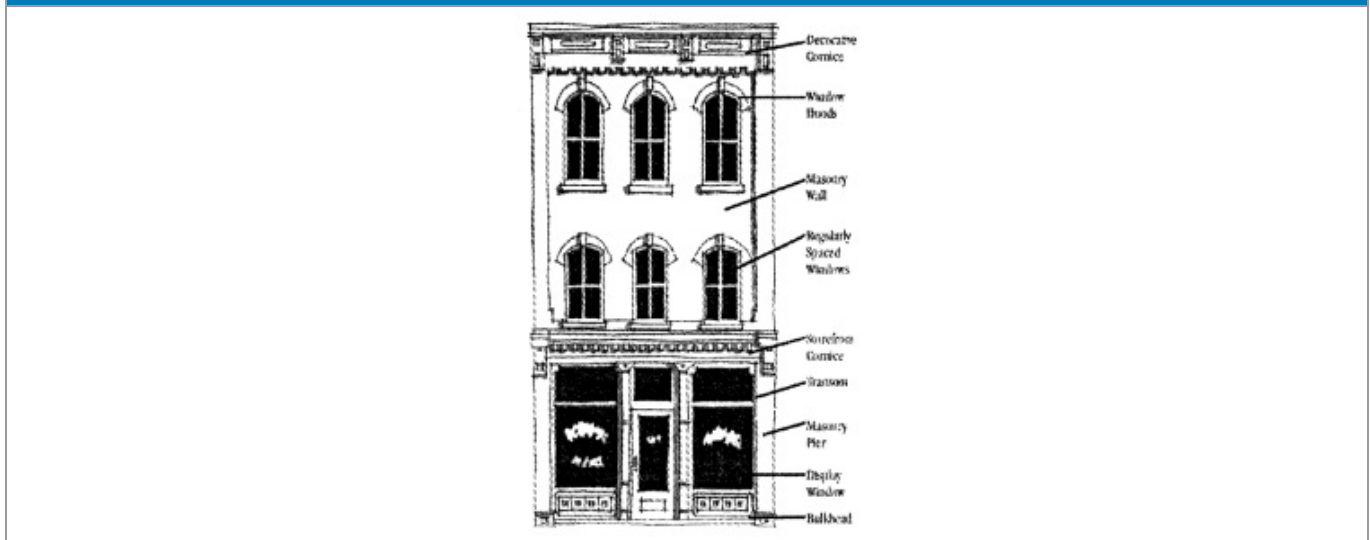
FIGURE 5.4C: EXAMPLE OF STOREFRONT WITH WINDOWS AND DOORS ALONG STREET FRONTAGE



2. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to:
 - a. Add architectural interest and variety; relieve the visual effect of a single, long wall;
 - b. Subdivide the wall into human size proportions. Similarly, roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
3. The ground level of buildings shall offer pedestrian interest along sidewalks and paths. This may be accomplished by means of windows, entrances, and architectural details. Incidental signage on buildings (in accordance with [CHAPTER 12](#)), awnings, and ornamentation is encouraged.



FIGURE 5.4D: EXAMPLE OF MULTISTORY BUILDING WITH PEDESTRIAN-ORIENTED GROUND LEVEL

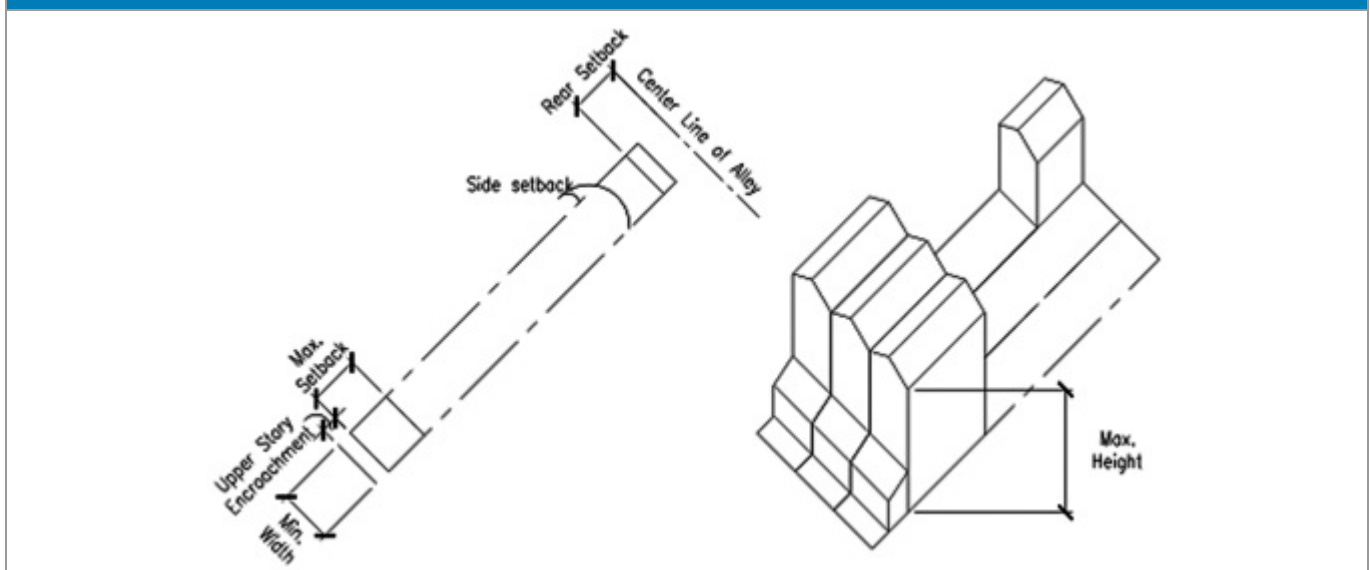


5.11. Building type: Townhouse.

The following restrictions only apply to regulation of townhouse buildings not subject to the N.C. Residential Code for One- and Two-Family Dwellings.

- A. *Description:* The townhome is a building with more than two residential units that are located side-by-side. When an entrance is provided at-grade, the townhome may be used as a live-work unit. The uses permitted within the building are determined by the regulations in place for the district in which it is located.

FIGURE 5.11A : ILLUSTRATION OF ATTACHED HOUSE



- ~~B. *Yards:* The townhome typically has one yard (rear) though variations include a small front setback often used for landscaping.~~



G.B. *General requirements:*

1. The bulk and scale of townhome infill development shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
2. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least eight feet deep and extend more than 30 percent of the facade.
3. Garage doors are not permitted on the front elevation of any townhome.
4. All building elevation visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces, and/or windows. This standard applies to each full and partial building story.
5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line) a minimum of 1½ feet.
6. All townhome buildings shall provide detailed design along all elevations. Detailed design shall be provided by using as many of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Dormers.
 - b. Gables.
 - c. Recessed entries.
 - d. Covered porch entries.
 - e. Cupolas or towers.
 - f. Pillars or posts.
 - g. Eaves (minimum ten-inch projections which may include gutter).
 - h. Off-sets in building face or roof (minimum 16 inches).
 - i. Window trim (minimum four inches wide).
 - j. Bay windows.
 - k. Balconies.
 - l. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features).
 - m. Decorative cornices and roof lines (for flat roofs).



FIGURE 5.11B: EXAMPLES OF TOWNHOUSE BUILDINGS

Multi-Family Townhomes with Alley	Multi-Family Townhomes with Alley
	
Multi-Family Townhomes with Driveways	Live-Work Units
	

D.C. Materials:

1. Residential building walls shall be one or more of the following: wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or vinyl.
2. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, and/or asphalt shingles.

E.D. Other requirements:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be pitched less than 4:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.
3. The undercroft of buildings shall be enclosed.
4. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
5. Overhanging eaves may expose rafters.
6. Flush eaves shall be finished by profiled molding or gutters.
7. All rooftop equipment shall be screened from view.



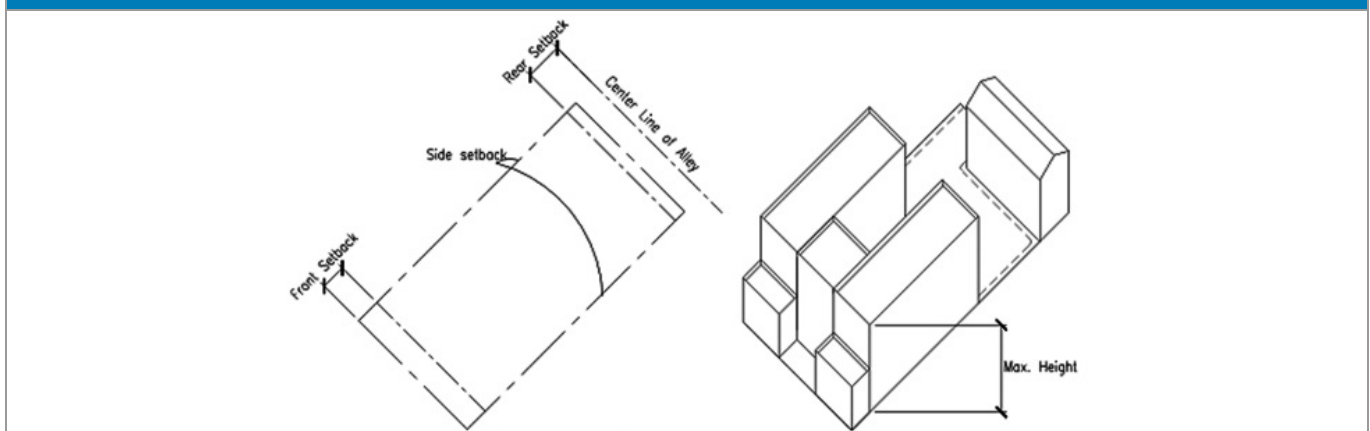
FIGURE 5.11C : ILLUSTRATION OF TOWNHOUSE BUILDING FACADE



5.12. Building type: Apartment.

- A. *Description:* A multiple unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be used for rent or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The use permitted within the building is determined by the district in which it is located.
- B. ~~*Yards:* An apartment building typically has one yard (rear) though variations include a small front setback often used for landscaping.~~

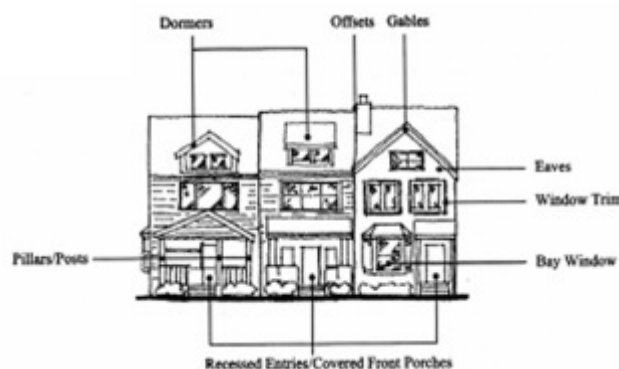
FIGURE 5.12A : ILLUSTRATION OF APARTMENT BUILDING



- C. *General requirements:*
1. The bulk and scale of apartment infill development shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
 2. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least eight feet deep and extend more than 30 percent of the facade.



3. Garage doors are not permitted on the front elevation of any apartment building.
4. All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (linear feet) containing doors, porches, balconies, terraces, and/or windows. This standard applies to each full and partial building story.
5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line) a minimum of 1½ feet.
6. Apartment buildings shall provide detailed design along all elevations. Detailed design shall be provided by using as many of the following architectural features on all elevations as appropriate for the proposed building type and style. Features may vary between rear, side and front elevations.
 - a. Dormers.
 - b. Gables.
 - c. Recessed entries.
 - d. Covered porch entries.
 - e. Cupolas or towers.
 - f. Pillars or posts.
 - g. Eaves (minimum ten-inch projection which may include gutter).
 - h. Off-sets in building face or roof (minimum 16 inches).
 - i. Window trim (minimum four inches wide).
 - j. Bay windows.
 - k. Balconies.
 - l. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features).
 - m. Decorative cornices and roof lines (for flat roofs).

FIGURE 5.12B : ILLUSTRATION OF APARTMENT BUILDING FACADE**D. Materials:**

1. Apartment building walls shall be wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or vinyl.



2. Apartment building roofs shall be clad in wood shingles, standing seam metal, terne, slate, or asphalt shingles.

E. Other requirements:

1. Main roofs on apartment buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be pitched less than 4:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.
3. The undercroft of buildings shall be enclosed.
4. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
5. Overhanging eaves may expose rafters.
6. Flush eaves shall be finished by profiled molding or gutters.
7. All rooftop equipment shall be screened from view.

FIGURE 5.12C: EXAMPLES OF APARTMENT BUILDINGS

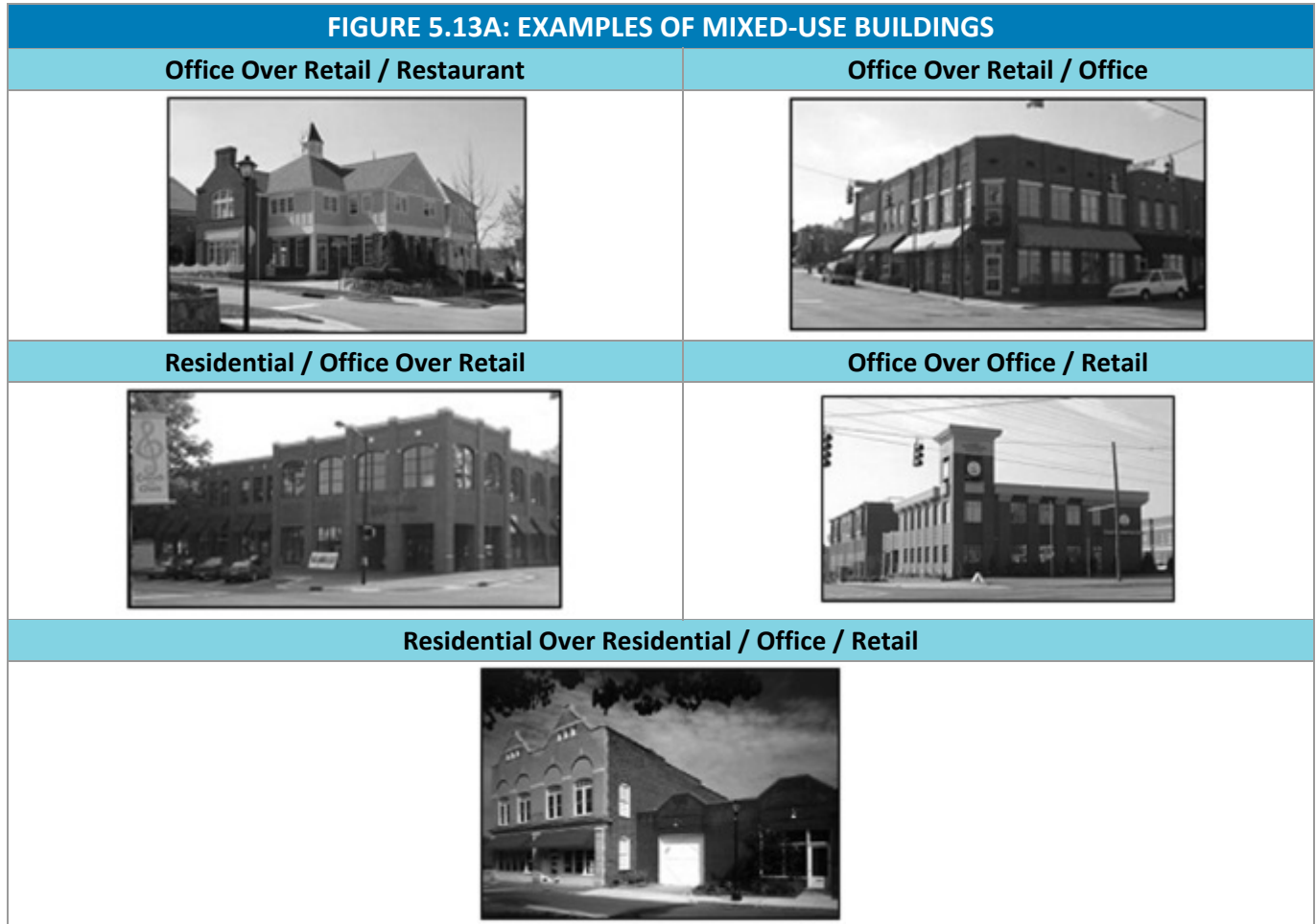
Multi-Family Development	Multi-Family Development
	
Eight-Plex	Multi-Family Development
	

5.13. Building type: Mixed-use.

- A. Description:** A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial services, such as a neighborhood store, in close proximity to homes.



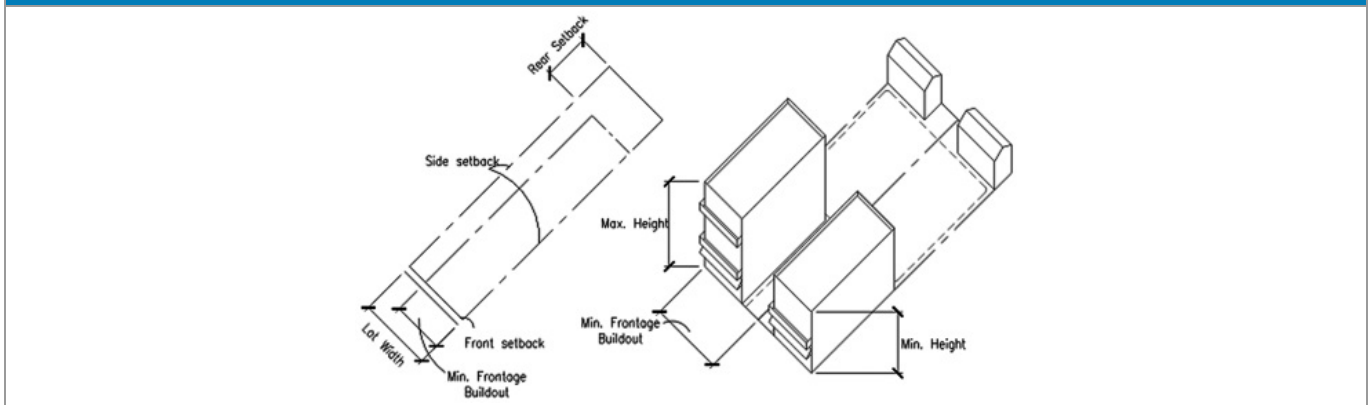
The uses permitted within the building are determined by the regulations for the zoning district in which it is located.



- B. Yards Public Space: A mixed-use building ~~typically has one yard (rear), although variations may~~ include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where parking is handled in a manner other than on-site surface parking.



FIGURE 5.13B: ILLUSTRATION OF MIXED-USE BUILDING



C. General requirements:

1. Mixed-use buildings shall have a minimum of two stories.
2. Street walls: The first floors of all mixed-use buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:
 - a. The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 40 percent of the length of the first floor building elevation.
 - b. Expanses of blank walls may not exceed 20 feet in length. (A "blank wall", in this context, is a facade that does not contain transparent windows or doors).
 - c. Window dimensions:
 - i. Maximum sill height (1st floor): 42 inches (as measured from the finished floor elevation).
 - ii. Minimum area: 16 square feet.
 - iii. Minimum width: 3 feet.
 - iv. Minimum height: 4 feet.
3. Ventilation grates and emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.
4. Building entrances: A primary entrance facade shall be oriented toward the street, designed for the pedestrians, and distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
5. A building canopy, awing, or similar weather protection may be provided and should project a minimum of three—five feet from the facade.

D. Materials:

1. Mixed-use building walls shall be brick, stone, cementitious fiber board, stucco, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, or asphalt shingles.



5.14. Building type: Commercial building.

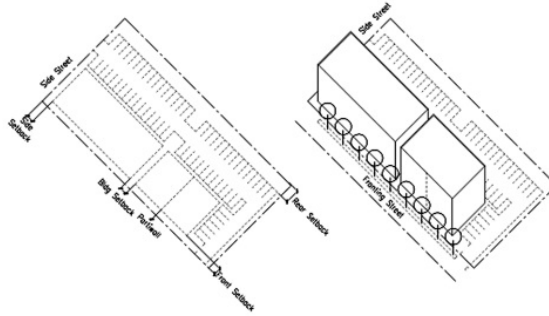
- A. *Description:* A single or multi-story medium to large structure which generally accommodates automobile-oriented commercial uses typically found along major thoroughfares. A group of commercial buildings can be combined to form a community center. This building type provides convenient automobile access from the fronting thoroughfare, while maintaining the negative impacts of parking lots on an active pedestrian realm. The uses permitted within the building are determined by the regulations for the zoning district in which it is located.

FIGURE 5.14A: EXAMPLES OF COMMERCIAL BUILDINGS	
Retail	Grocery Store
	
Retail along Thoroughfare	Pharmacy with Drive-Thru
	
Fast-food Restaurant	Gas Station
	

- B. ~~Yards~~Public Space: The commercial building ~~typically has one yard (rear) though variations may~~ include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where parking is handled in a manner other than on-site surface parking.



FIGURE 5.14B: ILLUSTRATION OF COMMERCIAL BUILDING

**C. General requirements:**

1. **Street walls:** The first floors of all commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:
 - a. The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 40 percent of the length of the first floor building elevation.
 - b. Expanses of blank walls may not exceed 20 feet in length. (A "blank wall", in this context, is a facade that does not contain transparent windows or doors.)
 - c. Window dimensions:
 - i. Maximum sill height (1st floor): 42 inches measured from the finished floor elevation
 - ii. Minimum area: 16 square feet.
 - iii. Minimum width: 3 feet.
 - iv. Minimum height: 4 feet.
 - d. Ventilation grates and emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.

D. Materials:

1. Commercial building walls shall be brick, stone, cementitious fiber board, stucco or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, or asphalt shingles.

5.17. Encroachments.

Certain [structural and](#) architectural features are permitted to encroach across parcel lines, into setback areas, and into rights-of-way. The following standards shall be established for encroachments:

- A. Awnings:** Awnings on structures within commercial and mixed-use zoning districts may encroach upon the front setback area and rights-of-way provided that the following conditions are met:



1. Awnings shall be supported by means of a frame attached directly to the structure receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way.
 2. Storefront awnings projecting the width of the sidewalk pedestrian zone must be attached to the building at 14 feet above the grade of the sidewalk. Awnings may only project two-thirds the width of the sidewalk pedestrian zone if attached lower than 14 feet above the grade of the sidewalk.
 3. Awnings shall not project into the furniture/landscape zone of any sidewalk, nor over a street or adjacent on-street parking, and, in no event, shall they project further than seven feet from the face of the building.
 4. The lowest point of any awning shall be at least nine feet above the grade of the sidewalk.
 5. All awnings in other zoning districts shall be considered a part of the structure for purposes of measuring and complying with area and setback regulations.
- B. *Handicapped ramps:*** The administrator may approve the installation of handicapped landings, ramps, and similar structures as additions to existing structures, even though such additions do not meet the minimum setback requirements of this ordinance, provided such additions meet the following criteria:
1. They are intended for the sole purpose of providing handicapped access to an existing structure.
 2. They fully conform to North Carolina Building Code and are designed to minimize setback deviations to the maximum extent possible.
 3. Prior to the issuance of any permit the administrator shall inspect the site of the proposed addition and may impose such conditions as are necessary to minimize any conflicts that may arise from the construction thereof, including the encroachment of such additions upon setback lines.
 4. No such addition shall encroach into a public or private right-of-way or easement, regulatory floodway, or surface water protection area.
- C. *Roof overhangs and gutters:***
1. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet.
- D. *Uncovered porches, stoops, and stairs:***
1. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third of the required setback dimension up to a height of four feet above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet.
- E. *Balconies and bay windows:***
1. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet into the required setback dimension. Balconies or bay windows may not exceed ten feet in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed 33 percent of the total width of each elevation.
- F. *Chimneys:***
1. Chimneys may encroach into front, rear, or side setbacks by up to two feet. Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
- G.** No such eve, bay window, balcony, stairs, stoop, porch, chimney shall encroach into a public or private right-of-way or easement, regulatory floodplain, or surface water protection area.



CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

17.7. Final plat requirements. [EXCERPT]

The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North Carolina and must be drawn to a scale no less than one inch = 100 feet, and shall meet the requirements of the Transylvania County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site, which the subdivider proposes to record, and develop at the time. The size and number of completed applications shall be set by the administrator.

No final plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this ordinance or has posted performance guarantees in accordance with [CHAPTER 11](#). The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- C. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- D. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building ~~line~~ and easement line. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- E. The lines and names of all streets, alley lines, lot lines, lot and block numbers, easements, reservations, protected areas or required open space (steep slope areas, surface water protection areas, floodways and non-encroachment areas, etc.), the special flood hazard area, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. The final plat shall contain the following statement:

"Areas delineated upon this plat or plan as a protection area or special flood hazard areas is subject to limitations upon development as set forth [CHAPTER 6](#) of the City of Brevard [UNIFIED DEVELOPMENT ORDINANCE](#), and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- F. The accurate locations and descriptions of all monuments, markers, and control points.
- G. Underground and aerial utility easements shall be shown.
- H. The name of the city in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- I. Submittal of payment in lieu of dedicated open space (if applicable).



CHAPTER 19. DEFINITIONS

19.3. Definitions.

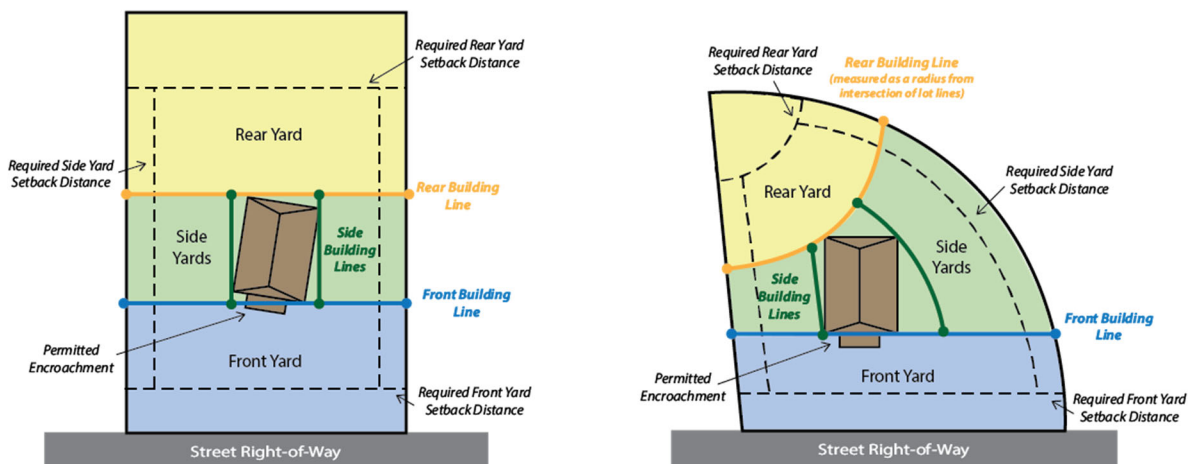
The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building: Any "structure" used or intended for supporting or sheltering any use or occupancy. See Structure.

Buildable area: ~~That~~ The portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard setbacks and open space requirements for the district have been subtracted from the total area. ~~The required front, side and rear yards shall be measured inward toward the center of said lot from all points along the respective property lines or street right-of-way as appropriate. Buildable area shall be computed by measuring the allotted distances, perpendicular from each property line.~~

Building line: A line measured parallel to the right-of-way line or property line touching that part of the building closest to the right-of-way line or property line. The building line shall not be measured from any encroachments permitted in Section 5.17 or any unenclosed structure (e.g., decks or patios). ~~That line determined by meeting respective front, side, and rear yard requirements. The required side and rear yards for individual lots shall be measured inward toward the center of the lot from all points along the respective property lines. The required front yard shall be measured inward toward the center of the lot from all points on the street right-of-way line.~~

FIGURE 19.3A: ILLUSTRATIVE DIAGRAMS OF BUILDING LINES AND YARDS



Build-to line: A build-to line is a set building line on a lot, measured parallel from the front and/or corner side lot line, where the structure must be located. The building façade must be located at or in front of the build-to line. Façade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall. The build-to line may also be referred to as a maximum setback.



Build-to percentage: The build-to percentage specifies the percentage of the building façade that must be located at the build-to line or within a build-to zone. Façade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.

Build-to zone: The area between the build-to line and the minimum setback line.

Encroachment: Any structural or architectural element that breaks the plane of a vertical or horizontal regulatory limit, such as extending into setback requirements or above a height limit.

For the purposes of flood management, this term shall mean ~~Means~~ the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain (including floodway) or surface water protection area (including floodway), which may impede or alter the storage capacity or flow capacity of a floodplain.

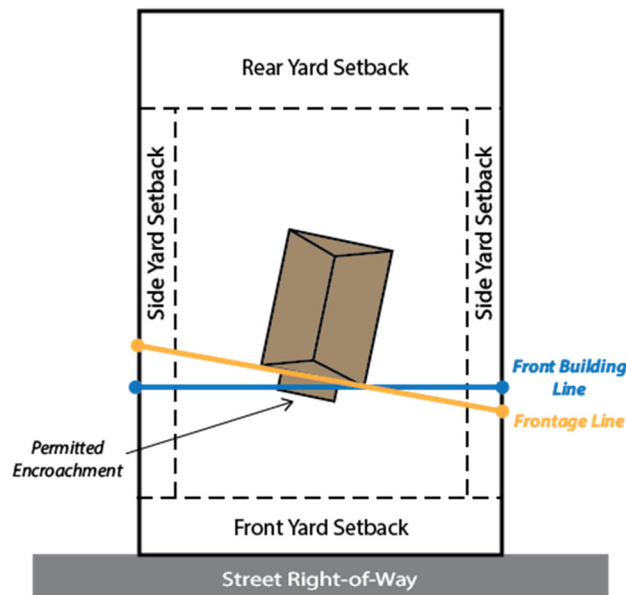
Fence: An enclosure or barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials intended to be used as a boundary, means of protection, privacy screening, area of confinement, or retaining wall.

Fence, closed: A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise 30 percent or less of the total side area of the fence.

Fence, open: A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise 70 percent or more of the total side area of the fence.

Frontage: The side of a lot abutting a street. Frontage is not determined by design features (including entrances) of any building(s) located on the lot.

Frontage line: A line measured across the façade of the portion of the building closest to the street. The frontage line shall not be measured from any encroachments permitted in Section 5.17 or any unenclosed structure (e.g., decks or patios). This line can be synonymous with the front building line when a building is oriented towards the street.

**FIGURE 19.3B: ILLUSTRATIVE DIAGRAMS OF FRONTAGE LINE AND BUILDING LINE**

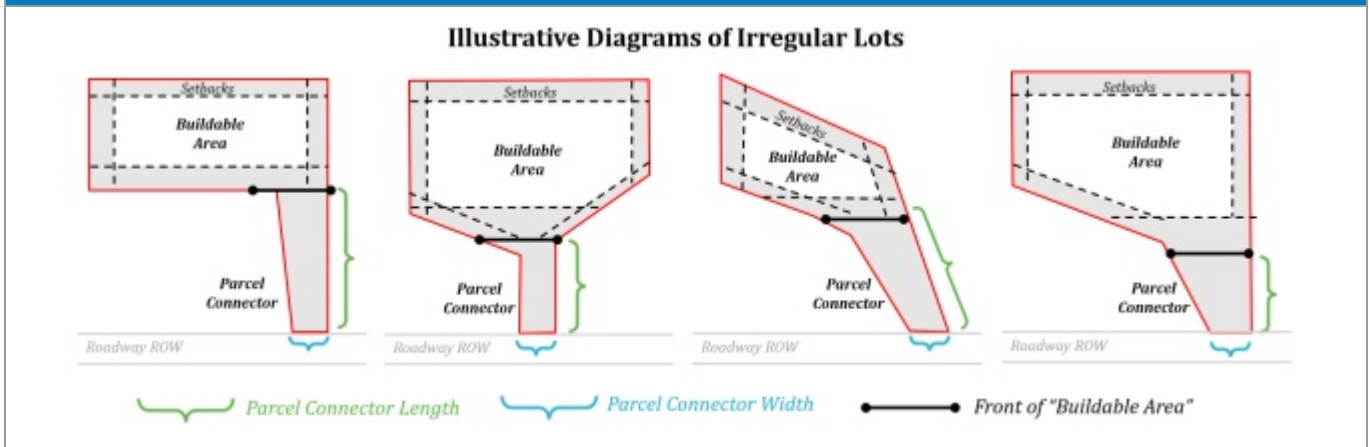
Lot, conventional: Conventional Lot shall refer to any lot where the minimum lot width for conventional lots (See Section 2.3) is met at the right-of-way line.

Lot, irregular: Irregular Lot shall refer to any lot where the functional access to a road is provided along a long narrow “parcel connector” and the “buildable area” is typically situated, at least in part, behind adjoining lots which front on a public street.

- A. **“Buildable Area”:** The largest portion of an irregular lot where development is intended.
- B. **“Parcel Connector”:** The long narrow strip of property that provides functional access for ingress, egress, and utilities.
 - 1. The width of the “parcel connector” is measured along the right-of-way line, and must be at least minimum lot width for irregular lots and does not exceed that for conventional lots (see Section 2.3).
 - 2. The length of the “parcel connector” is measured from the right-of-way until the property width reaches the minimum lot width for conventional lots and shall not exceed the maximum parcel connector length for irregular lots (see Section 2.3).



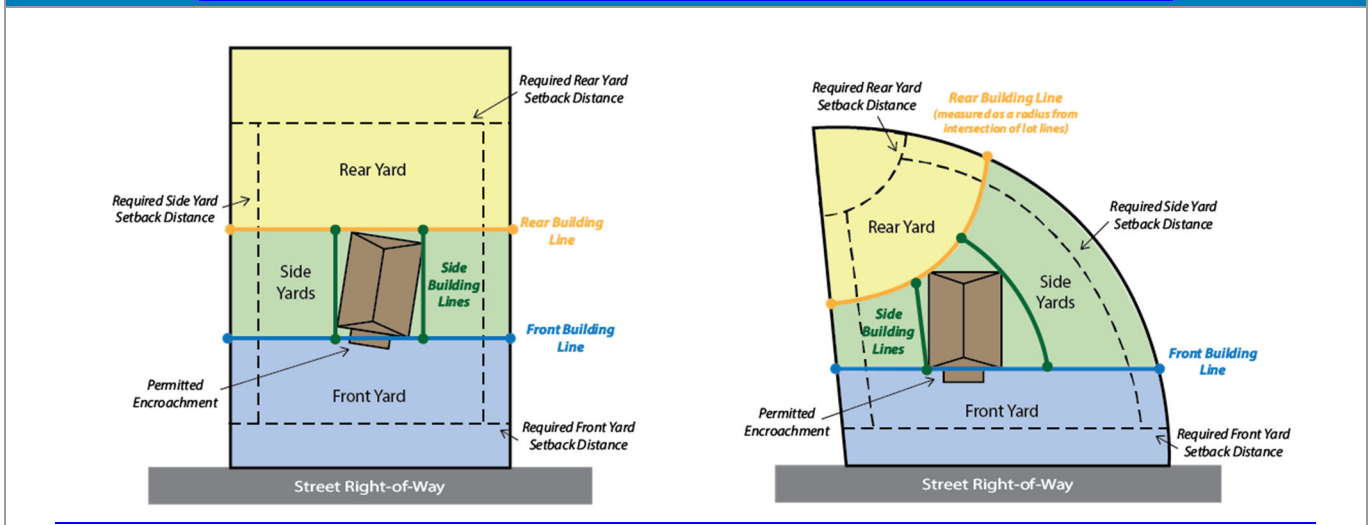
FIGURE 19.3A3C: ILLUSTRATIVE DIAGRAMS OF IRREGULAR LOTS



Setback: The minimum distance a structure may be located from a ~~curb line~~, lot line, or right-of-way line along frontages and side and rear lot lines.

Yard: A space that lies between the principal building(s) and the nearest lot line or right-of-way line. The front yard and rear yard are defined by the respective building line, with the side yard(s) consisting of the remainder of the property not occupied by principal building(s). ~~on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.~~

FIGURE 19.3D: ILLUSTRATIVE DIAGRAMS OF BUILDING LINES AND YARDS



Yard, front: A yard situated between the front building line and the front lot line or right-of-way line extending the full width of the lot. See Yard.

Yard, rear: A yard situated between the rear building line and the rear lot line extending the full width of the lot. In the case of multi-frontage lots or other type of lot, the front yard shall supersede the rear yard. See Yard.



Yard, side: A yard situated between a ~~side-building line~~ and side lot line(s) and extending from the required front yard, as determined by the front building line, to the required rear yard, as determined by the rear building line. See Yard. ~~In determining the situation of accessory structures, the side yard shall be assumed to extend through the rear yard to the rear lot line.~~

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS**

NCGS 160D-605 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:

Building Brevard Comprehensive Land Use Plan:

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

LUH-19: Enhance communication of land use planning efforts, policy development, approvals, and processes.

STAFF REPORT

Planning Board, Tuesday, October 24, 2023

Title: Consideration of Text Amendment TXT-23-013 Extraction Uses – UDO Chapters 2, 3, 10 and 19.

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

In fielding inquiries during day-to-day administration of the Unified Development Ordinance (UDO) Planning Staff realized that there is no land use in the use matrix of Section 2.2 for mines, quarries, or other such uses. These types of land use are collectively referred to as "Extractive Industries" and include businesses that excavate and remove rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface. These are intensive uses that are capable of generating large amounts of truck traffic, noise, and dust. Much of the activity of these uses occurs outdoors and the result can be an unaesthetic sight of pits, machinery, and piles of materials. Because of these potentially severe detrimental impacts Staff has initiated this text amendment to specifically add these uses to the UDO.

Discussion

This amendment adds extractive uses to the UDO in several places: the use matrix in Chapter 2; the uses standards in Chapter 3; the parking standards in Chapter 10; and establishes the use definitions in Chapter 19. The details of these additions are outlined below and the full proposed amendments are included as Attachment 1.

Chapter 2 - Use Matrix

Staff is proposing to add "Extractive Industries" as a category under the "Manufacturing/Wholesale/Storage" header. There would be two sub-uses: "Extractive uses which involve blasting" and a more general "All other extractive industries, except as listed below," following the standard set by the recent use matrix overhaul adopted earlier this year. Staff is proposing that the general use be permitted by right in the General Industrial zoning district and that the blasting version be allowed only with a special use permit in General Industrial.

Chapter 3 - Use Standards

The use standards for the general use include hours of operation set at 7:00 AM to 7:00 PM. This matches other limited hours of operation found in the UDO and City Code. The blasting use includes these hours of overall operation and also additional limits on the blasting, which is proposed to not be allowed between 5:00 PM and 9:00 AM and not at any time on Sundays. Additionally, extraction uses involving blasting also must comply with any and all public safety provisions prescribed by the Brevard Police Chief, Brevard Fire

Chief, and/or Transylvania County Emergency Management Director.

Chapter 10 - Parking Standards

Staff is proposing that this use be one of the uses that does not have specific parking ratios listed in the off-street minimum and maximum vehicle parking ratios table. Rather, Staff recommends this be one of the uses that is referred to Section 10.3.D, which is for land uses which have "widely varying parking demand characteristics making it impossible to specify a single off-street parking standard."

Staff is presenting this amendment using the new tiered model of parking standards currently being considered, but not yet adopted, by City Council. Staff is asking the Board make their recommendation under the assumption that the parking chapter amendments are adopted and the UDO moves to the tiered model prior to this amendment being considered by Council. Should the new chapter fail to be adopted, then the parking standards for this use would go by the still-current table of minimum parking ratios requirement for the "Manufacturing/Warehousing/Light Assembly" use, which is 0.25 parking spaces per 1,000 square feet of non-office space.

Chapter 19 - Definitions

Two definitions will be established, one for "Extractive uses" in general and another for "Extractive uses involving blasting." These can be found in Attachment 1.

Policy Analysis

Ensuring the use matrix is robust and does not have missing land uses is a general best practice for zoning ordinances. Additionally, the Building Brevard Comprehensive Land Use Plan action item LUH-19 speaks to maintaining clear and understandable planning documents, stating that the City should "Strive to make planning documents and UDO more approachable and user friendly to empower citizens to understand and advocate for their neighborhoods."

Fiscal Impact

None.

Action

The Planning Board shall make one of the following recommendations with regard to a petition to amend the text of a development regulation:

- Adoption of the amendment as written;
- Adoption of the amendment as revised by the Board; or
- Rejection of the amendment.

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency 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 as Attachment 2.

Attachments:

1. Draft Amendments
2. Consistency Statement

Section 2.2.C – Use Matrix

CATEGORY	SECTION	USE	ZONING DISTRICTS						
			GR	RMX	NMX	DMX	CMX	IC	GI
Manufacturing/Wholesale/Storage									
Light Industrial and Manufacturing	3.11.A	All light industrial and manufacturing activities, except as listed below	—	—	—	—	SUP	—	P
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	—	P	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	—	PS
		Laboratory	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	—	P	P	P
		Media Production	—	—	P	P	P	P	P
Heavy Manufacturing	3.11.B	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	SUP
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	P	—	P
Storage and Disposal	3.11.C	All storage and disposal uses, except as listed below	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.D	All wholesaling and distribution activities, except as listed below	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	PS	—	PS
Extractive Industries	3.11.E	All extractive industries, except as listed below	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	SUP

Section 3.11.E (new)

E. Extractive Industries Use Category

1. Extractive industries:

a. Definition: Enterprises that excavate and remove rock, stone, ore, soil, gravel, sand, minerals, and similar natural materials from the surface and/or subsurface. This definition shall include, but is not limited to, quarries, sand and gravel pits, mines, and soil removal operations. This definition shall not include any such uses that involve blasting or other use of explosives.

b. Additional Standards:

i. Hours of Operation: Operating hours are limited to from 7:00 AM to 7:00 PM.

2. Extractive industries involving blasting:

a. Definition: Enterprises that utilize the use of blasting or other explosives in order to excavate and remove rock, stone, ore, soil, gravel, sand, minerals, and similar natural materials from the surface and/or subsurface. This definition shall include, but is not limited to, any quarries, sand and gravel pits, mines, and soil removal operations that involve blasting at any point in the extraction process.

b. Additional Standards:

i. Hours of Operation: Operating hours are limited to from 7:00 AM to 7:00 PM.

ii. Hours of Blasting: No blasting shall occur between 5:00 PM and 9:00 AM, nor at any time on Sunday.

iii. Compliance with Emergency Services: All special and general provisions in the interest of public safety relating to the process of blasting prescribed by the Brevard Police Chief, Brevard Fire Chief, and/or Transylvania County Emergency Management Director shall be strictly complied with.

Section 10.3.B

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
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
Extractive Industries	All extractive industries	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Note: All square footage in gross square feet.							

Section 19.3 – Definitions

Extractive industries: Enterprises that excavate and remove rock, stone, ore, soil, gravel, sand, minerals, and similar natural materials from the surface and/or subsurface. This definition shall include, but is not limited to, quarries, sand and gravel pits, mines, and soil removal operations. This definition shall not include any such uses that involve blasting or other use of explosives.

Extractive industries involving blasting: Enterprises that utilize the use of blasting or other explosives in order to excavate and remove rock, stone, ore, soil, gravel, sand, minerals, and similar natural materials from the surface and/or subsurface. This definition shall include, but is not limited to, any quarries, sand and gravel pits, mines, and soil removal operations that involve blasting at any point in the extraction process.

DRAFT

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-23-013**

NCGS 160D-605 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:

Building Brevard Comprehensive Land Use Plan:

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

STAFF REPORT

Planning Board, Tuesday, October 24, 2023

Title: Subdivision Chapter Introduction

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director

Background & Discussion

Under North Carolina General Statutes, a “subdivision” is the division of a “tract or parcel of land into two or more lots, building sites, or other divisions.” The City of Brevard Unified Development Ordinance establishes procedures and standards for the subdivision of land within its corporate limits and extra-territorial jurisdiction. Subdivision regulations govern how property may be divided in order to:

- Provide for the orderly growth and development of the City and its extra-territorial jurisdiction;
- Protect and enhance property ownership and land values;
- Maintain conditions essential to the public's health, safety, and general welfare;
- Facilitate adequate provision of public services; and
- Facilitate the further re-subdivision of larger tracts into smaller parcels of land for development.

Planning department staff are responsible for reviewing plats to verify compliance with the City’s subdivision regulations and North Carolina General Statutes related to subdivisions. This includes standards for other types of plats, such as lot line adjustments, recombination of previously subdivided parcels, dedication of public infrastructure and establishment of conservation easements.

Staff will lead a discussion with Planning Board to introduce the challenges in regulating the subdivision regulations and opportunities for improvement.

Policy Analysis

The *Building Brevard 2030* Comprehensive Land Use Plan includes goals and actions related to how a city can grow and support development that is appropriate within the development context:

Goals

- **GOAL 2:** Encourage a **development pattern** that respects Brevard’s sense of place and prioritizes **livable communities**.
- **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.*

Actions

- **LUH-4:** *Identify areas across the city that are best positioned to accommodate future growth.*
- **LUH-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- **LUH-19:** *Enhance communication of land use planning efforts, policy development, approvals and processes.*

Action

No action requested at this time, as this is intended to be an informal work session.

Attachments: