



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

A. Welcome and Call to Order

B. Invocation

Pastor Brian Land, Grace Brevard Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. October 2, 2023 Regular Meeting
2. October 16, 2023 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed Text Amendment to the City of Brevard Code of Ordinances, Chapter 34
- Floodplain Development Revisions

K. Consent and Information

1. Replacing Double Bollards with Single Bollards Along Multi-Use Path in Railroad District
2. Property Tax Releases - October, 2023
3. Whitmire Street Waterline Project Closeout
4. Rosenwald Community Advisory Board Minutes - August 17, 2023

5. Council Finance, Human Resources, and Citizen Appointment Committee Minutes - August 28, 2023
6. Council Parks, Trails, and Recreation Committee Minutes - September 20, 2023
7. Council Downtown Master Plan Committee Minutes - September 21, 2023
8. Council Public Safety Committee Minutes - September 25, 2023

L. Unfinished Business

1. Proposed Expansion of the Downtown Development Overlay District
2. Proposed Amendments to UDO Chapters 2, 3, 5, 8, 9, 10, and 19 - Parking Standards
3. Proposed Amendment to City of Brevard Traffic Schedule

M. New Business

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Personnel and/or Employment: GS § 143-318.11. (a)(3) (5)(6)

P. Adjourn

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

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

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 2, 2023 – 5:30 PM**

The Brevard City Council met in regular session on Monday, October 2, 2023, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Alex Shepherd, Planning Director Paul Ray, Senior Planner Emily Brewer, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Fire Captain Adam Hughey, Community Center Director Tyree Griffin, Acting Public Works Director Wesley Shook, ORC Water Treatment Plant Dennis Richardson, and ORC Wastewater Treatment Plant Emory Owen

Press – Jon Rich, Transylvania Times

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

B. Invocation – Norm Bossert of the Brevard Jewish Community offered an invocation.

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

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

E. Approval of Agenda – Attorney McKeller informed Council that the Closed Session regarding Economic Development could be removed from the agenda. Mr. Morrow moved, seconded by Ms. Dinkins to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. September 5, 2023 Regular Meeting – Mr. Jones moved, seconded by Ms. Dinkins, to approve the minutes of the September 5, 2023 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Jane Mallwitz said I think that we can all agree that there is animosity and division in our community. I believe that providing open, honest transparency is a start and I would like to thank you for your efforts in doing your video on YouTube for the agenda for tonight's meeting and also livestreaming the City Council meetings on YouTube. I am concerned about the potential reappointment you will be considering later this evening for a member of the Planning Board. The member being suggested by the committee has made comments such as "Brevard is about to get lit" and most recently on his Planning Board application he wants to guide the City of Brevard towards maximizing its potential, especially as we are on the cusp of a breakout moment. Is this representative of the changes we want in Brevard? I thought we were looking to preserve the charm and what makes Brevard special, not another Asheville. This Planning Board member has also displayed questionable moral values, posting vulgar images online. They have posted several divisive hateful rhetoric against people in our community and went so far as to post a video mocking people from Appalachia and the native people in our area. Is the lack of decorum really what the City of Brevard

wants representing them? I would urge the City Council to reconsider the other qualified applicants and help move towards unity in our community.

Andy Honer informed Council that Habitat for Humanity recently won the Chamber of Commerce award of Non-Profit of the Year. On October 1st Jimmy Carter turned 99 and I am sure he was looking down on everybody with the Habitat. He said “We have become small players in exciting global effort to alleviate homelessness.” Rosalyn said “If you could see the expressions on the faces of the people when we give them a Bible and then give them the keys to their houses, it’s just so inspiring and emotional.” I started volunteering at the Habitat 10 years ago and my friend 17 years ago. I am so proud that they got this award and they deserve one at least every year. I want to give you a few statistics – over 257 adults and children have been served since 1984; 77 Habitat homes have been built in Transylvania County; \$55,898 has been paid in property taxes by Habitat homeowners in 2020; \$10M invested in the Transylvania County homes to date. This one I am very proud of – we have 28 volunteers at the Habitat for Humanity, and for any organization to get 5 volunteers, you’re lucky. We had 8500 average number of annual volunteer hours and we have done 600 annual average tons of landfill diversion from the ReStore donations. I am so proud to be a part of it. Jimmy Carter has 35 years with the Habitat and I hope to do 35 years also.

James Carli said I want to express gratitude for the leadership this Council has shown in the times that we have that are very divided and exchanges are surging around our country, our world and this community. I want to thank the community for taking an active interest in participating in local meetings. Planning, as you know, is the art and the science of examining data about long-term trends far into the future in order to understand what, if any, policies and plans should be adjusted today to ensure that those trends help and not hurt the community. Effective planning puts people first and at the center of the plans and it is a collaborative effort among residents, old and new, old and young, and native and from the outside. This is why I always love seeing an engaged enthused public who takes the interest in engaging officials because it shows that you care; and good cities thrive when people care. I have enjoyed my participation on the Planning Board so far. Working on the Comprehensive Land Use Plan was a very hands-on exercise that I believe we have developed a very optimistic plan and vision for the future of the City of Brevard. I am excited about taking an active role in helping to move the components of that plan forward. I don’t see why it is a bad thing to maximize this town’s potential because we have a lot of wonderful assets and promise in this community and there are lots of changes that are coming through the pipelines in the next 10, 20, 30 years because of very big macro trends. I want to thank you for your consideration for this reappointment and if you have any questions about anything that I do that is not related to city government, by all means I am an open book and I am happy to answer any questions. I fully support our indigenous communities; I have spoken in international fora on the rights of the indigenous and their roles in stewarding the rights of nature. Sure, the inside jokes about whether you pronounce it “Appalatchuh” or “Appalayshuh”...I went to App State and my grandfather and great-grandfather from Knoxville, TN, descendants of the Scots-Irish settlers for these parts, I’ve got deep roots in this community. I love it very passionately so if I make comments about “Appalatchuh” or “Appalayshuh”, that is just because I spent time in the cold Yankee north where everybody says “Appalayshuh” and then I hear a bunch of southerners come down here and say that’s not how you say it. That’s all that stuff. I am very excited to stay engaged in City government and to really help the City of Brevard maximize its potential and navigate the challenges ahead. Thank you for your consideration.

Sam Edney said I am here to thank City Staff. On September 23rd we held our second annual Freedom Festival at Silversteen Park and we served 300 plates of barbeque and 291 servings of ice cream, so we had about 300 people attend that. There was a lot of concern because the restoration on Norton Creek was underway and there was concern about safety, accessibility and the appearance, but because of the coordination of Wesley Shook at Public Works everything worked out well. Thank you to Wesley for coordinating with the stabilization contractor. Things went swimmingly well with Janice Pinson guiding us through site and signage permits and she

coordinated with other departments to help us out. Thanks to Tyree Griffin who helped us coordinate with site information and guidance about process. Thanks to Steve Woodson, who has retired, and then Captain Aaron Thompson of the Police Department. We felt very safe; we had the full cooperation of the Police Department closing off the street for safety. And also to Bobby Cooper of the Fire Department; we had a fire truck there for the kids' enjoyment. We understand that any group that wants to utilize city facilities is going to have that same level of cooperation and support. Please pass on our thank-yous to staff.

H. Certificates/Awards/Recognition

H-1. Proclamation No. 2023-17 Fire Prevention Month – Mayor Copelof read the proclamation aloud and presented it to Captain Adam Hughey of the Brevard Fire Department.

PROCLAMATION NO. 2023-17 FIRE PREVENTION MONTH October 2023

WHEREAS, the City of Brevard has been committed to ensuring the safety and security of all those living in and visiting Brevard; and

WHEREAS, the **2023 Fire Prevention Week theme, "Cooking safety starts with YOU. Pay attention to fire prevention™,"** effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, the Brevard Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, do hereby proclaim October 2023 as Fire Prevention Month throughout this community. We urge all citizens to check their kitchens for fire hazards and use safe cooking practices and to support the many public safety activities and efforts of Brevard's fire and emergency services.

ADOPTED and approved this the 2nd day of October, 2023.

H-2. Proclamation No. 2023-18 Breast Cancer Awareness Month – Mayor Copelof read the proclamation aloud.

PROCLAMATION NO. 2023-18 BREAST CANCER AWARENESS MONTH October 2023

WHEREAS, the City of Brevard joins our nation in recognizing October as Breast Cancer Awareness Month; and

WHEREAS, breast cancer is the most commonly diagnosed cancer among women in the United States, and is the second-leading cause of cancer deaths among women in North Carolina and our nation; and

WHEREAS, early detection can be an effective tool in combating breast cancer, with regular screenings preventing 15 to 30 percent of all deaths from breast cancer in women over 40; when diagnosed while still confined to the breast, the 5-year relative survival rate is 99 percent; and

WHEREAS, on average, every 2 minutes a woman is diagnosed with breast cancer in the United States; and

WHEREAS, 1 in 8 women in the United States will be diagnosed with breast cancer in her lifetime and although rare, men get breast cancer too; and

WHEREAS, in 2023 an estimated 297,790 new cases of invasive breast cancer are expected to be diagnosed in women in the U.S.; and

WHEREAS, in 2023 an estimated 2,800 new cases of invasive breast cancer are expected to be diagnosed in men in the U.S.; and

WHEREAS, in 2023 an estimated 43,700 women and 530 men will die from breast cancer in the U.S.; and

WHEREAS, the City of Brevard encourages citizens to talk with their health care providers about regular screenings, examinations and mammograms, and to practice self-examination.

NOW, THEREFORE, I, Mayor Maureen Copelof and Brevard City Council, do hereby proclaim **October 2023**, as “**Breast Cancer Awareness Month**” in the City of Brevard, North Carolina, and call on all citizens to join us in recognizing and commend this observance to all citizens.

Adopted and approved this the 2nd day of October, 2023.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Pathways to Removing Obstacles to Housing (PRO Housing) Federal Grant Application – Emily Brewer explained that in July 2023 the White House announced \$85M in federal grant funding for communities across the country to identify and remove barriers to affordable housing production and preservation. The Pathways to Removing Obstacles to Housing (PRO Housing) grant will be administered through US Department of Housing and Urban Development (HUD) as a component of the Community Development Block Group (CDBG) program. The grant is intended to highlight the efforts of communities that have shown commitment to addressing the housing crisis and support projects that create long-term affordable housing. Priority is given to communities that have shown commitment to affordable housing and addressing this crisis, to projects that support long-term affordable housing, and communities that have an acute demand for affordable housing. HUD has already identified those priority geographies for us and Transylvania County was identified as a priority geography for this program. The grant awards are anticipated to be between \$1M and \$10M with no local match required. The City of Brevard is requesting \$6M as part of the PRO Housing grant program to preserve safe and affordable housing. The project is comprised of two components: \$4.9M to extend sewer to the Azalea / Rhododendron Neighborhood and \$1.1M to endow the Housing Trust Fund for housing preservations programs. Ms. Brewer presented a PowerPoint presentation (copy attached) providing more information about the PRO Housing grant opportunity and the proposed projects. She explained that no action is requested of City Council, but all comments received from the public hearing, as well as all comments received until the public comment period ends on October 18th, will be documented and incorporated into the grant application.

Mayor Copelof opened the public hearing at 6:10 PM.

Public Hearing Public Participation – Doug Powell said I recently purchased a home on Oakdale Road which is in the sewer line extension project area in question. I recently had a septic tank inspection and received a recommendation to replace the failing tank at a significant expense. Despite the fact that I may directly benefit from a brand new sewer line on Oakdale, I am here to speak against the grant application. Why? Because, so-called free money is never free. It always comes with strings attached and in my review of the documentation of this particular federal program, it is not clear what those strings are and there are always strings. I hope you can enlighten us tonight of what those may be, if you have had time to read the fine print. In any case, I trust the City knows exactly what they are signing up for. I have seen first-hand the

detrimental effects of what an influx of federal money can do to small towns and cities. It is often received with the best of intentions to solve one problem and more often than not doesn't, and at the same time creates three more problems that you or another council will have to deal with in the future. I'm not questioning the motives or intent of the City, Planning Department, or the Council. I understand you are trying to solve a problem of housing affordability and this seems like a possible answer. But what is the long-term trade-off for the City of Brevard? Some low and moderate-income persons in the neighborhood might benefit and yet others will not. So which citizens are more important? Once a sewer line is in place, that is one step into incorporating this area into the City of Brevard and new city taxes. I would imagine that many in the neighborhood with a working septic system and on a fixed income will not be able to afford additional taxation. For them, the end result will be, instead of a pathway to removing obstacles to affordable housing, it's actually a pathway to having to move out of the area because it is no longer affordable. As I have mentioned before, when the federal government is handing out free money, no matter which party is in the White House, that money comes with stipulations that can transform a community for the worse. In the past 2½ years I have been fortunate enough to travel 50,000 miles and visit 25 states. As a real-time example I have seen how federal dollars distributed to towns and cities with a plan to fix some roads have led to most of that money going to infrastructure that I assure you the quaint City of Brevard does not need or want, which includes non-filtered high-intensity LED street lights, facial recognition cameras on every traffic light, and roundabouts in remote areas where they are not needed or wanted by its citizens. One of the reasons I stand before you tonight is because Brevard and Transylvania County is uniquely different than much of the rest of the United States. Its charm, quietness and dark mountain skies are hard to find these days. It has remained largely untouched by questionable ideas implemented primarily because of federal funding and its many strings attached. But just recently I have noticed a disturbing trend towards that which made it unique and desirable since I first visited a few years ago. With this grant application and any others please read the fine print and make sure you know what you are signing up for. The sole of Brevard is precious and hopefully not easily sold.

Jeff Adams said I am here speaking to you tonight, not in an official capacity. Just for disclosure, I am the Transylvania County Community Development Director, but I am here tonight as a citizen, and when I think of the hundreds or thousands of meetings that I have had the opportunity to be a participant of, this is the first time I have ever spoke as a citizen. I am speaking on behalf of the PRO Housing and in support of the fine work that the Planning Department has done with this application, and the Land of Sky. I like to joke that I come from the future, having spent thirty years working in planning, mainly in resort destination communities; mountain west, along the coast; and affordable housing is the number one issue and has been for 30 to 50 years in many of these communities that I have worked in. It's just starting here and is going to get worse. You will need all the tools that you can muster and all the coordination you can get regionally. It is a regional problem. I live in Etowah because I couldn't afford to live in Brevard. I understand the concern and definitely sympathize and empathize with all those feelings. Always read the fine print of any grant. I have worked with many through the years, but I can't emphasize enough that you're at the beginning of the inflection point of affordable housing. I have worked in Sun Valley, Idaho and Cannon Beach, Oregon; areas that have had to face this since the 70's and 80's. There are various tools you will need. The market does not solve this problem. You're going to have to do alternate strategies on this and you will have to use every support that you can find, whether it is regional collaboration, working across jurisdictions, because we travel from Asheville and all over to work here, so why limit us to just this jurisdiction? I really support the work that you do as an elected body. Affordable housing needs to go where the infrastructure is. I am the Director of the Transportation Department and transportation needs will be one of those three growing needs. Climate change, affordable housing and transportation all go hand-in-hand and if we don't solve these together, we don't tie them together, we've got a more difficult future for all of us. Thank you for the work that you do. Thanks Emily, thanks Paul, and Mary at the Land of Sky. Keep up the good work and I thank you all.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:18 PM

J-2. Proposed Amendment to the City of Brevard Code of Ordinances Chapter 2 – Utility Extension Outside Corporate Limits – Mr. Hooper explained that in order to make the PRO Housing grant work, we need to amend the language of our Code of Ordinances, which currently requires annexation to tap onto utilities in all cases. Staff is recommending revisions to that language to waive the annexation requirement in certain economic development and housing situations, with conditions as set by the Council. The conditions an applicant must meet to receive an exception would be listed in a separate "Utility Connection Policy".

Mayor Copelof opened the public hearing at 6:20 PM.

Public Hearing Public Participation – Angie Hunter said I am the Executive Director of Transylvania Habitat for Humanity and a founding member of the Brevard/Transylvania Housing Coalition. I am here tonight on behalf of both organizations and we respectfully ask the City Council to include specific language in the proposed amendment to the City of Brevard Code of Ordinances Chapter 2-Utility Extension Outside Corporate Limits. Transylvania Habitat for Humanity is under contract to purchase 8.28 acres at 388 Woodland Terrace that currently has city water, but no city sewer service. The parcel is zoned GR-4 so the maximum allowable density is 33 units. Habitat would like to build to the maximum allowable density, but needs the City's help to accomplish this goal. Under Chapter 2, Article 5, Division 3, Section 2-292-General Principals and Requirements, Item #3(b), the proposed amendment states "Waste water collection service may be provided to residential customers outside the corporate limits of the City of Brevard in order to resolve an immediate danger to the public health and safety, upon recommendation by the Transylvania County Health Department and approval by the city manager." We ask that the Council include specific language that includes all new affordable housing development that guarantees affordability for 15 years or longer in Item #3(b). Guaranteeing affordability can be accomplished through deed restrictions, and Habitat for Humanity currently includes such language in all deeds. This language will help to address the acute housing demand and facilitate affordable housing production as described in the PRO Housing grant application.

Roy Hill and Richard Lindgren had signed up to comment, but both yielded their time as Angie Hunter had already covered their comments.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:23 PM.

J-3. Proposed Amendment to the City of Brevard Code of Ordinances Chapter 66 – Parking Enforcement – Police Chief Tom Jordan explained that the City's parking system was antiquated and lacked accountability. Council included funds in the FY23/24 budget to purchase a new parking enforcement system. In order to implement the system, a number of provisions of the code of ordinances must be updated. The amendments to the code are intended to bring it up to date and create a more enforceable parking enforcement program. Changes include accountability, including late fees for unpaid fines. The revisions give the Police Department the ability to impound a vehicle with three or more unpaid citations, and allows for towing. The amended code also makes attempts to remove a vehicle from impoundment (e.g. "remove the boot") by anyone other than an authorized party a Class 2 misdemeanor. The deadline to pay a citation is extended from 10 to 15 days and an appeals process is included in the amendment.

Mayor Copelof opened the public hearing at 6:28 PM.

Public Hearing Public Participation – None

Public Hearing Closed – Mayor Copelof closed the hearing at 6:28 PM.

J-4. Proposed Amendment to City of Brevard Code of Ordinances, Chapter 2 – Duties of Mayor – Mr. Hooper explained that this proposed amendment would now endow the City Council with the ability to appoint members to policy and advisory committees, a power that currently is endowed to the Mayor. It would update both the Code of Ordinances and the establishing resolutions for our committees to clarify that the appointment authority lies with the Council, with the Mayor creating a slate of recommendations for the Council to vote on.

Mayor Copelof opened the public hearing at 6:30 PM.

Public Hearing Public Participation – None

Public Hearing Closed – Mayor Copelof closed the hearing at 6:30 PM

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

K-1. Property Tax Releases – September 2023

RESOLUTION 2023-47 A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

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

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

2023: \$ 314.23

Adopted this the 2nd day of October, 2023.

K-2. Award Contract for Engineer Selection Services to AECOM

RESOLUTION NO. 2023-48 AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH AECOM FOR ASSISTANCE WITH WASTEWATER TREATMENT PLANT RFQ

WHEREAS, on October 2, 2023 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a contract between City of Brevard and AECOM for the professional services related to the creation of a comprehensive Request for Qualifications for a professional engineering firm;

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

The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with AECOM for the purposes described in the above referenced staff report.

Approved and adopted this 2nd day of October, 2023.

K-3. Council Parks, Trails & Recreation Committee Minutes – August 16, 2023

K-4. Council Public Safety Committee Minutes – August 28, 2023

L. Unfinished Business

L-1. Mary C. Jenkins Community Center and Parking Lot Project Closeout – Dean Luebbe explained that this was originally brought before Council on August 21st

and Mayor Pro Tem Daniel had expressed some issues with the work done at the Center. Those issues have been completed and we are satisfied that it was not a structural problem. Mr. Luebbe noted that the total project budget was \$2,660,000 and the project came in approximately \$5,000 under that total. Mr. Morrow moved, seconded by Mr. Daniel to approve the Mary C. Jenkins Community Center and Parking Lot Project closeout. The motion carried unanimously.

ORDINANCE NO. 2023-46
CAPITAL PROJECT ORDINANCE TO CLOSE ORDINANCE NO. 2019-25,
MARY C JENKINS COMMUNITY CENTER AND PARKING LOT PROJECT

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby closed:

Section 1: The project involved the construction of the Mary C Jenkins Community Center and Parking Lot. The project was funded by debt proceeds in the amount of \$2,350,000 and \$310,000 in contributions from the General Fund. The debt has a fifteen year term and an interest rate of 1.99%.

Section 2: The project will be closed with actual expenditures of \$2,653,096, which was \$6,904 under budget. Actual and budgeted revenues and expenditures will be reversed on the City financial software, and no further expenditures will be required on the project.

Section 3: The following amounts were appropriated for the project:

Account Number	Account Name	Budget Amount
82-4100-2910	Mary C Jenkins	\$2,660,000
TOTAL PROJECT APPROPRIATION		\$2,660,000

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
82-3920-0040	Mary C Jenkins loan	\$2,350,000
82-3250-0100	Transfer from General Fund	\$310,000
TOTAL PROJECT REVENUE		\$2,660,000

Section 5: The Finance Director will maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: The Finance Director will maintain a detailed analysis of all revenues and expenses associated with the project since its inception.

Section 9: Copies of this capital project close out shall be furnished to the City Clerk, Finance Director and City Manager.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 2nd day of October, 2023.

M. New Business.

M-1. Planning Board Appointment – Mr. Baker reported that the Finance, Human Resources and Citizen Appointment Committee reviewed and considered applications for the Planning Board. The committee unanimously recommended the reappointment of James Carli. Mr. Baker moved, seconded by Ms. Dinkins to reappoint James Carli to the Planning Board. The motion carried unanimously.

RESOLUTION NO. 2023-49
RESOLUTION APPOINTING A MEMBER TO THE
BREVARD PLANNING BOARD

WHEREAS, in Fall 2022 the City of Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, committees were designated into one of three categories: policy committees, statutory committees, and advisory committees; and

WHEREAS, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee was charged with reviewing applicants for the various committees/advisory groups and making appointment recommendations to the full Council; and

WHEREAS, City staff conducted an open recruitment for citizens interested in serving on the Brevard Planning Board; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee considered applications at their September 25, 2023 meeting and recommended appointment to the Brevard Planning Board to the full City Council; and

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

- 1) The Brevard City Council does hereby reappoint James Carli to the Brevard Planning Board effective immediately and expiring on September 30, 2026.

Adopted and approved this 2nd day of October, 2023.

N. Remarks/Future Agenda Considerations.

Mr. Jones thanked the City for its assistance with a lot of events that have been taking place, mostly in the Rosenwald Community. He said I personally appreciate that extension of assistance. This is my last month sitting up here with you and I want to thank you for the time I share; we may not always agree on everything, but we do take the opportunity and time to listen to each other and we hash things out. I think as a community, that's what we're supposed to do. We're representing all of those in our community, and in our community we all don't agree but we like to be heard. I think that is one of the things that we've been able to do. There were a couple of times where it was a little bumpy but I think we have worked through it well and I wanted to thank you for allowing me to sit up here with you and kind of guide the City of Brevard and its citizens to a brighter future.

Ms. Dinkins said I rarely complement staff, and I'm aware of that, because I believe that is not necessarily my role sitting up here, but I do want to highlight my excitement for the work that Becky McCann has put in a very short amount of time. I am now no longer cringing when I go to our website, which for a very long time featured a flooded parking lot as the main picture. It has become so much more friendly and inviting and representative of who we are. I have not been able yet to make time to see the 3-minute intro to the agenda, but I'm really excited about that too. That was part of my work when I was a community reporter. You would make sure that people knew what was on the agenda the day before the meeting so that you could decide whether you wanted to attend a meeting or pay attention to a meeting, or pay attention to stories in the newspaper afterward. I think that is really wonderful. Thank you Becky.

Mr. Daniel said I would like to repeat something that was said during the public hearing about the PRO Housing grant. Yes, we have to use every tool that we can get. Our needs are dire, as we have said many times, and I think that point is well-taken and I think we should keep that in mind. I would also agree with the other comment that you have to look at grants carefully. You have to know what strings are attached, if there are any, but that does not mean that we should not move forward with this grant by any means in my mind.

Mr. Baker said I echo some of that and remark that I'm proud that this city is not just laying back and complaining about the problem of housing, but we're actively trying to work on it. Personally, I sometimes can get frustrated about the size of the issue and how daunting a task it is to try to put a dent in it, but I think it is important to

remember that every little thing we do is going to help us. It is much better than the alternative of just sitting back and letting the problem get bigger. I want thank everybody up here for setting that priority, and staff for taking it seriously and just know that it doesn't go unnoticed that these things are coming before us almost every meeting now, which I think is great progress. One quick request of the City Manager – we've had a couple of our boards that need to cancel meetings, sometimes a couple months in a row, and when that happens the minutes for the previous meeting sometime go a long time without getting posted. I understand the minutes need to be approved, but I'm wondering if there is a way that we can post draft minutes before they get approved, just for the benefit of citizens. I've had a couple of people reach out to me on this that there was a meeting a few months back and subsequent meetings were canceled so those minutes were never approved and never posted. In the interest of more transparency, I would like to look into getting those posted even if it's clear that they are draft minutes. Lastly, I want to mention a couple of candidate forums that are coming up. We've got an exciting group of six candidates running for three seats, which I think is pretty great for the City. The NAACP is holding a forum at the Mary C. Jenkins Community Center this Saturday at 7:00 pm; the Brevard Bike Alliance is holding a forum at 185 King Street on Monday at 6:00 pm; and the Chamber of Commerce is having their forum on October 18th at 5:30 in the Rogow Room at the Library. Those are great opportunities. Sometimes it's a struggle in a small town in a small media market landscape that these races are kind of hard to cover so citizens don't get the benefit of that coverage. It sometimes takes a little bit more of an active role on the part of citizens to get educated. I want to thank the candidates for being willing to participate in those forums, so hopefully you'll go and check it out.

Mr. Hooper said a couple of you have asked me about the conclusion of the Main Street repaving project and some punch list items that are still yet to be performed. The Mayor has actually reached out to Wanda Austin of Division 14 with a question of her own. I hope that Wanda responds with us expeditiously, and when she does, I will share her information and the information I have with you all.

Mayor Copelof said Wanda Austin has acknowledged the issue and has sent it on to her construction staff to get us some answers. I am very optimistic that I'll have an answer soon on some of the issues about the street paving. I want to congratulate our Chamber of Commerce. They celebrated their 100th anniversary last Friday at the Gala. It was a wonderful event and that says something about the strength of our business community and how it works together. We have over 400 members in the Chamber and it's amazing in this small community. It was wonderful to be there with our business community to celebrate how we support one another, how we work for the economic well-being of our businesses, our community, and our residents; it's that teamwork and that collaboration. Congratulations to the Brevard Transylvania Chamber of Commerce on your 100th Anniversary and I look forward to working with you on many other future anniversaries. I do want to single out one of our staff members who got an award – congratulations to Tyree Griffin who received the Upcoming Young Leader Award. Last week I had the privilege of representing our City at a four-county forum of mayors that Land of Sky put together. It brings to mind how regionalization and working together was so important. We had five mayors from the region and we all have the same issues. We all brought up housing as the most critical issue. We brought up infrastructure, which is a critical component of being able to have housing. And we brought up economic development, because the three go hand-in-hand and are so interrelated. What struck me was the real need to have that greater collaboration, that greater regional working together, sharing information and speaking with the power of the region's voice when we want to get things changed, when we want to go to Raleigh, when we want to deal with policy issues. We come up with a lot of great initiatives. I absolutely commend our staff for the PRO Housing grant, for approaching that, for looking at our Code, looking at how we can make some modifications that will help us with these issues. But, we often need to go beyond what we can do as a city, what we have the intrinsic power to change, so that type of collaboration is something that I think we do need to concentrate on. It is something I have been working on as Mayor and I'm happy to say that all the other mayors and the Land of Sky leadership agreed and they are looking at how to create forums so we can

do this better and to come up with actionable items so that we can harness the power of all of us and deal with some of these issues that transcend each and every individual city.

N. Closed Sessions

Closed Session #1 – At 6:50 p.m. Mr. Jones moved, seconded by Mr. Daniel to enter into closed session to discuss a property acquisition matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, Planning Director Paul Ray and Police Chief Tom Jordan.

~~ At 6:50 PM Council took a ten minute break prior to entering closed session ~~

Council Returned to Regular Session – at 7:05 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

Closed Session #2 – At 7:05 p.m. Ms. Dinkins moved, seconded by Mr. Jones to enter into closed session to discuss potential litigation matters. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, Planning Director Paul Ray, and Police Chief Tom Jordan.

Council Returned to Regular Session – at 7:20 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

Closed Session #3 – At 7:21 p.m. Mr. Daniel moved, seconded by Ms. Dinkins to enter into closed session to discuss a personnel matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney was City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:32 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

O. Adjourn – There being no further business, at 7:32 p.m. Ms. Dinkins moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

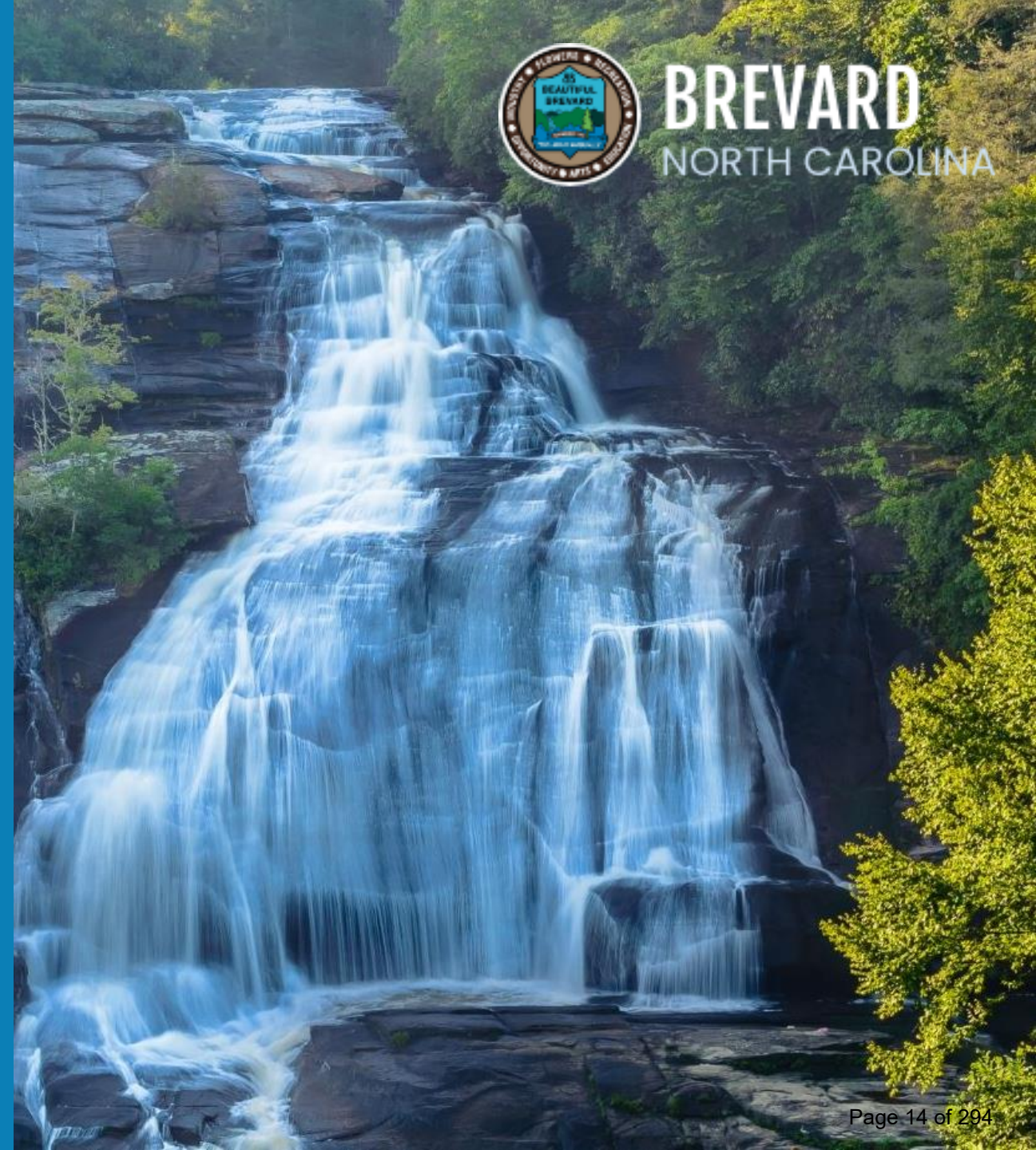
Minutes Approved: November 6, 2023



BREVARD
NORTH CAROLINA

PRO Housing Grant Application

City Council Public Hearing
October 2, 2023



PRO Housing Federal Grant

Pathways to Removing Obstacles to Housing (PRO Housing)

- \$85 million in federal grant funding for communities across the country to **identify and remove barriers** to housing production and preservation
- Administered through HUD, as a component of the Community Development Block Grant (CDBG) program
- Priority is given to:
 - Communities that have **shown commitment** to addressing the housing crisis
 - Projects that create **long-term** affordable housing
 - Communities with an **acute demand** for affordable housing → *Transylvania County*
- Grant awards will range between \$1 million and \$10 million
 - Local match is not required, but Staff time / City investment counts as leverage

PRO Housing Federal Grant

What kinds of barriers does PRO Housing seek to remove?

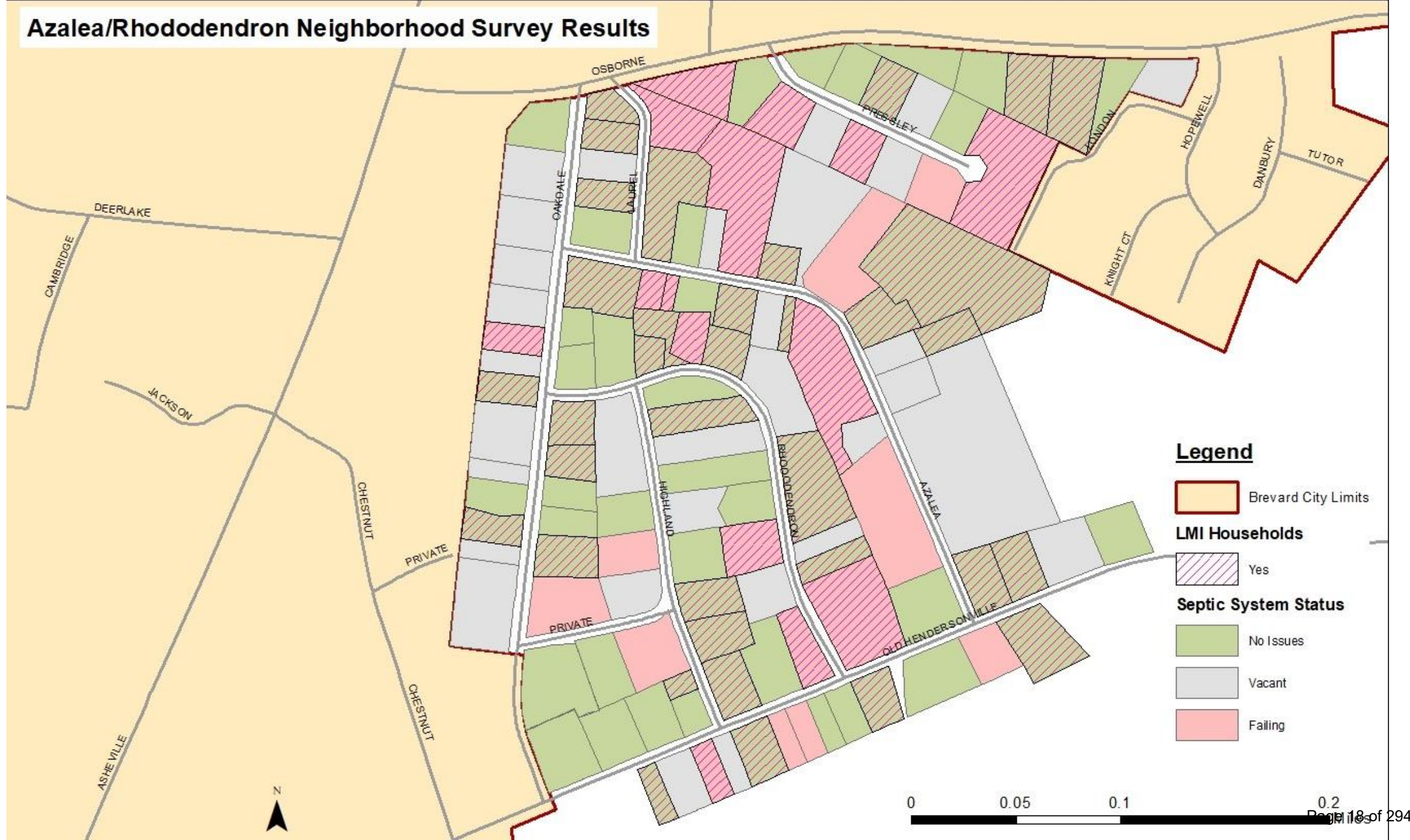
- Restrictive regulatory, zoning, or land use policies
- Outdated procedures or permitting processes
- Inadequate or deteriorating infrastructure
- Lack of financial resources, capacity, or economic investment
- Threats from environmental or natural hazards
- Other impediments to affordable housing

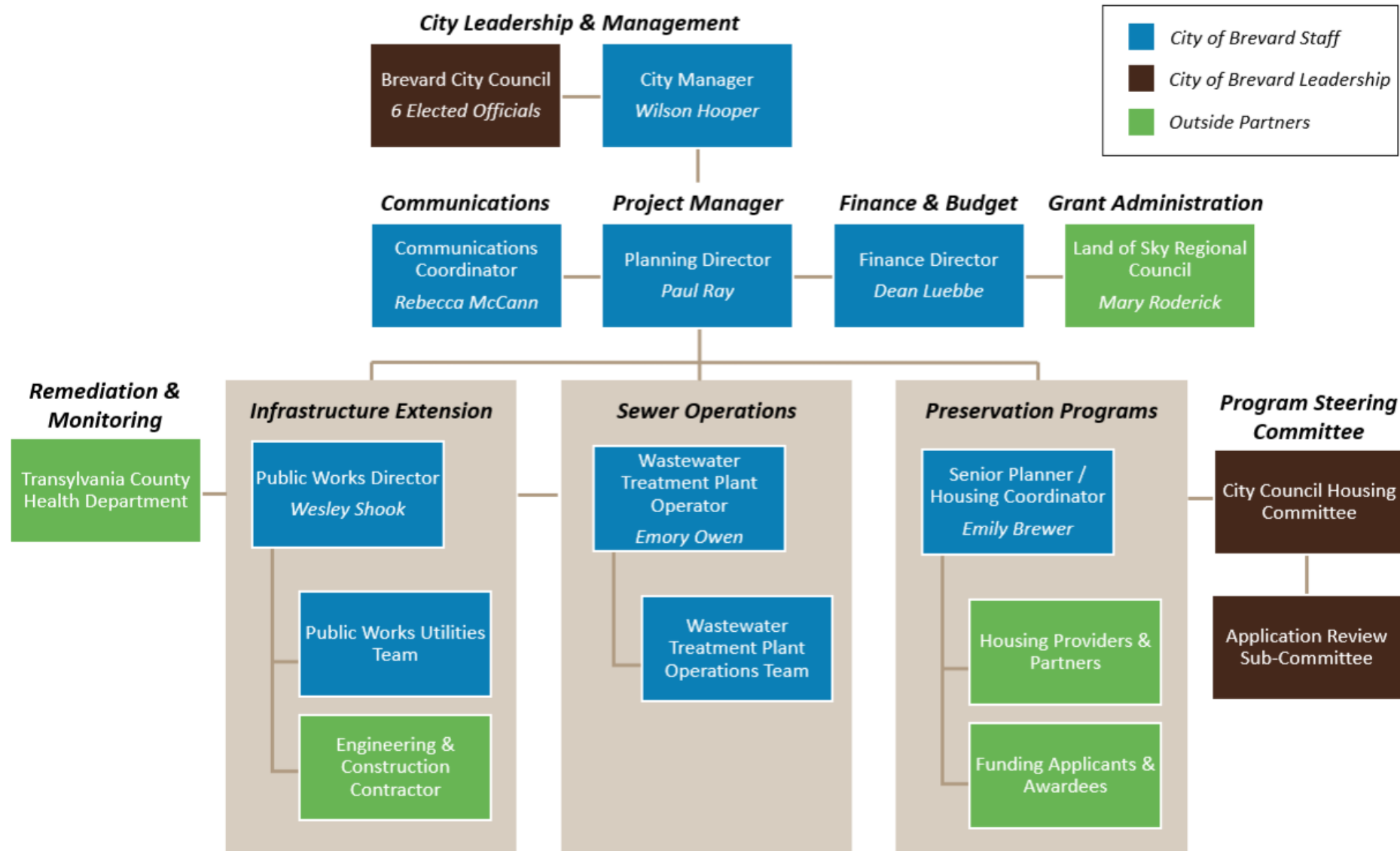
Project Proposal

- Extend sewer to Azalea / Rhododendron neighborhood → **~\$4.9 million**
 - 125 residential parcels connected to sewer
 - 50 LMI households
- Endow the Housing Trust Fund for preservation programs → **~\$1.1 million**
 - 75 – 200 LMI households (depending on level of investment)



Azalea/Rhododendron Neighborhood Survey Results





PRO Housing Review Criteria

- **NEED (35 Points)**

- Demonstrated Commitment and Previous Efforts (12 points)
- Priority Geography (10 points)
- Acute Demand for Housing (3 points)
- Identification of Key Barriers (10 points)

- **SOUNDNESS OF APPROACH (35 Points)**

- Project Vision (15 points)
- Geographic Scope (5 points)
- Stakeholder Engagement (5 points)
- Affirmatively Furthering Fair Housing (5 pts)
- Budget and Timeline (5 points)

- **CAPACITY (10 Points)**

- Staffing Plan / Partners (10 points)

- **LEVERAGE (10 Points)**

- Amount of Other Funding or Non-Financial Contributions (10 points)

- **LONG-TERM EFFECT (10 Points)**

- Expected Impact and Outcomes (10 points)

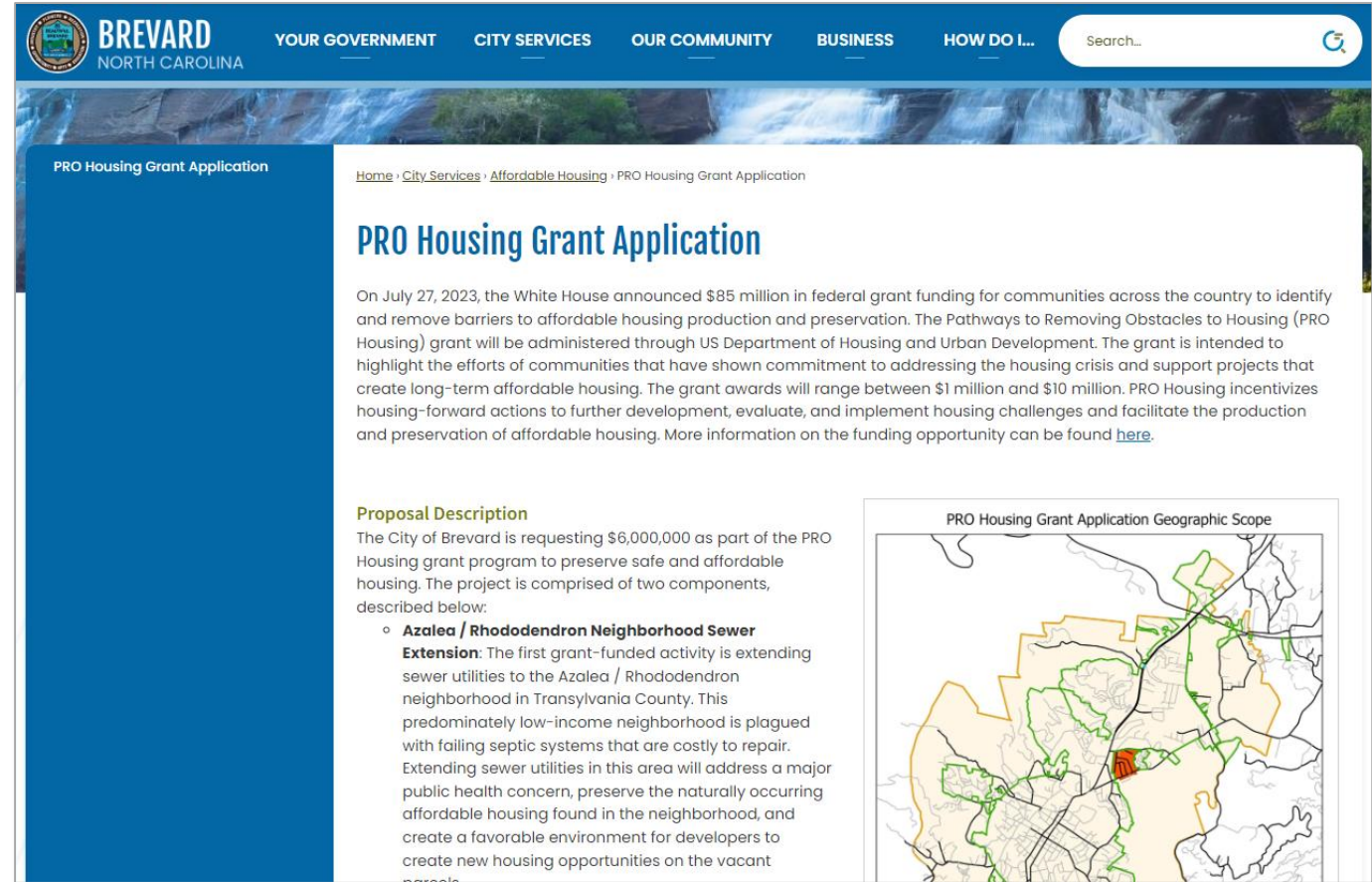
TOTAL = 100 POINTS

Timeline

- ✓ **September 7th** – Funding Opportunity Released by US HUD
- ✓ **October 2nd** – City Council Meeting Public Hearing on Grant Application
- **October 16th** – City Council Vote on Sewer Connection without Annexation to resolve health/safety hazard
- **October 18th** – Public Comment Period Ends
- **October 30th** – PRO Housing Application Due
- ***November / December*** – *Anticipated Award Announcements*
- ***January 31st*** – *Anticipated Project Start Date*

Public Comment and Information

- Speaking at the public hearing (tonight)
- Filling out the comment form at www.cityofbrevard.com/prohousing
- Emailing Emily Brewer at emily.brewer@cityofbrevard.com with written comments
- Contacting the Planning Department at 828-885-5630 to provide verbal comments



The screenshot displays the City of Brevard website's 'PRO Housing Grant Application' page. The header includes the city logo, navigation links (YOUR GOVERNMENT, CITY SERVICES, OUR COMMUNITY, BUSINESS, HOW DO I...), and a search bar. The main content area features a blue sidebar with the title 'PRO Housing Grant Application' and a main white section with the same title. The text describes a \$85 million federal grant for affordable housing, awarded on July 27, 2023. It details the grant's purpose and the city's request for \$6,000,000. A 'Proposal Description' section explains the project's components, including the 'Azalea / Rhododendron Neighborhood Sewer Extension' project. A map titled 'PRO Housing Grant Application Geographic Scope' shows the project area in Transylvania County, North Carolina.

BREVARD
NORTH CAROLINA

YOUR GOVERNMENT CITY SERVICES OUR COMMUNITY BUSINESS HOW DO I... Search...

PRO Housing Grant Application

Home » City Services » Affordable Housing » PRO Housing Grant Application

PRO Housing Grant Application

On July 27, 2023, the White House announced \$85 million in federal grant funding for communities across the country to identify and remove barriers to affordable housing production and preservation. The Pathways to Removing Obstacles to Housing (PRO Housing) grant will be administered through US Department of Housing and Urban Development. The grant is intended to highlight the efforts of communities that have shown commitment to addressing the housing crisis and support projects that create long-term affordable housing. The grant awards will range between \$1 million and \$10 million. PRO Housing incentivizes housing-forward actions to further development, evaluate, and implement housing challenges and facilitate the production and preservation of affordable housing. More information on the funding opportunity can be found [here](#).

Proposal Description

The City of Brevard is requesting \$6,000,000 as part of the PRO Housing grant program to preserve safe and affordable housing. The project is comprised of two components, described below:

- **Azalea / Rhododendron Neighborhood Sewer Extension:** The first grant-funded activity is extending sewer utilities to the Azalea / Rhododendron neighborhood in Transylvania County. This predominately low-income neighborhood is plagued with failing septic systems that are costly to repair. Extending sewer utilities in this area will address a major public health concern, preserve the naturally occurring affordable housing found in the neighborhood, and create a favorable environment for developers to create new housing opportunities on the vacant parcels.

PRO Housing Grant Application Geographic Scope

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 16, 2023 – 5:30 PM**

The Brevard City Council met in regular session on Monday, October 16, 2023, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

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

Press – Jon Rich, Transylvania Times and Dan DeWitt, Brevard NewsBeat

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

B. Invocation – Mayor Copelof offered an invocation.

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

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

E. Approval of Agenda – Mayor Copelof asked to add a proclamation for Veterans Day. Mr. Hooper noted that the Closed Session regarding Economic Development could be removed from the agenda. Mr. Jones moved, seconded by Ms. Dinkins to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. September 18, 2023 Regular Meeting – Mr. Morrow moved, seconded by Ms. Dinkins, to approve the minutes of the September 5, 2023 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Rodney Locks said I am asking you to postpone your public hearings because when you get around to voting some of you will be gone. I think it is worthwhile to have the new council people understand what you're about to do, so my suggestion is not to have the public hearings and let the new council hear it.

H. Certificates/Awards/Recognition

H-1. Proclamation No. 2023-19 Filipino American History Month – Mayor Copelof read the proclamation aloud and presented it to Florence Allbaugh and members of the Filipino-American Community of Western North Carolina.

PROCLAMATION NO. 2023-19
FILIPINO AMERICAN HISTORY MONTH
October 2023

WHEREAS, October is designated Filipino American History Month to commemorate the arrival of Filipinos in America on October 18, 1587, landing in Moro Bay, off the coast of California as part of the Manila Galleon trade from Manila to Acapulco that began in 1565.

WHEREAS, *Filipino American History Month* honors the history and experiences of Filipinos in the United States. In October 2009 the US congress recognized October as Filipino American History Month. Various states, counties and cities have established proclamations and resolutions declaring observance of Filipino American History Month including the state of Georgia in 2021.

WHEREAS, Filipino Americans have made significant contributions in the areas of civil rights, education, politics, entertainment, the armed forces and in many other endeavors. The Filipino American community is the second largest Asian American group in the nation.

WHEREAS, the numbers of Filipino Americans have been historically large on the west coast, there are growing communities of Filipino Americans in North Carolina, South Carolina, Virginia, and Georgia. There are growing numbers of Filipinos in Brevard & Hendersonville.

WHEREAS, there is a rich Filipino American history that is being discovered. We encourage people to learn more about this growing community by visiting the website of the Filipino American National Historical Society at www.fanhs-national.org

NOW, THEREFORE, I, Mayor Maureen Copelof and Brevard City Council, do hereby proclaim **October 2023**, as “**FILIPINO AMERICAN HISTORY MONTH**” in the City of Brevard, North Carolina, and call on all citizens to join us in recognizing and commend this observance to all citizens.

Proclaimed this the 16th day of October, 2023.

H-2. Proclamation No. 2023-20 Veterans Day – Mayor Copelof read the proclamation aloud.

Proclamation 2023-20
Commemorating Veterans Day
November 11, 2023

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Proclaimed this 16th day of October, 2023.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Expansion of the Downtown Development Overlay District –
Aaron Bland presented a PowerPoint presentation (copy attached) explaining what the

Downtown Development Overlay District (DDOD) is and its required standards, the proposed expansion area, and the timeline moving forward. Mr. Bland explained that the DDOD was established in February, 2020 to establish a “build to” line for new construction in the main core of downtown. The current DDOD encompasses the area from England Street on the west, Probart Street on the north, Johnson and Rice Streets on the east and Morgan Street on the south. An expansion of this district is proposed in the Comprehensive Land Use Plan that was recently adopted and supports implementing “build to” lines beyond the current overlay district. Staff proposed expanding the DDOD northward along Caldwell and Broad Streets up to French Broad, incorporating all of the Downtown Mixed-Use Zoning between Probart and French Broad and including the two conditional districts – the City Camper site and French Broad Place. This area has several large parcels of relatively under-utilized land, and if and when they are ever developed, that could have a major impact on the feel of downtown and we need to plan today for how we want the development of this area to look and feel in the future. The Planning Board heard this matter at their August meeting and recommended an area significantly larger than Staff’s recommendation. They wanted to also include the College Plaza Shopping Center to the north and also suggested going southward along Caldwell and Broad Streets to one parcel beyond Oakdale Street. The thinking there was that if we are concerned about how downtown looks as you approach from the north, perhaps we should be just as concerned about that as we approach from the south. Mr. Bland said however, Staff still recommends the original proposal and would like to take a slightly more methodical approach to expanding this district, targeting the areas that are most ripe for redevelopment as part of our downtown core.

Mayor Copelof opened the public hearing at 5:56 PM.

Public Hearing Public Participation – Linda Locks said I am interested in that area because my family lived there for about 81 years and right now it is heirs’ property and we are in the process of trying to figure what we are planning to do. For me, I wanted to know why you want to extend the City of Brevard. I know you’re landlocked and there’s not much possibility to make the town bigger unless you expand out. And what are your plans? I was particularly interested that you included Faith Street on there. Faith Street only has three houses on that street and City Camper is planning to build a hotel. One thing that stands out is that it also has a terrible rainstorm runoff as well. Any information you can give me? What are your plans for that area? How do you plan to use Faith Street? Those are the questions I have.

Carole Stone said I operate a business on South Caldwell Street across from Moody-Connelly Funeral Home; it is the Gladstone House. On January 28th of this year at approximately 5:10 in the evening, I was actually out of town, it was a Saturday night, and on Sunday a lot of my friends had called me to ask if I was okay. Apparently a driver travelling at a high rate of speed swerved off the road and knocked my entire fence down. What stopped him was the power pole which actually broke in half on his car. When I talked to the officers on the phone that were on the scene, I asked how fast they were going. Since there was no police there they thought that because of the high rate of speed and the damage to the power pole that he was going at least 60. There wasn’t any loss of life, so that was a good thing. My fence sits just right off of the sidewalk. The bad thing about it was that I had been working on this property for years getting it ready and presentable to be an event center, working in the garden. The insurance company’s adjusters adjusted it, so they did depreciation and he only damaged 80 feet of my fence, so that’s all they would pay to replace. They wouldn’t take into consideration all the hours that I spent and all the plants that I spent, nor would they replace the other side of the fence to make it match. So I am out about \$3,000, but that’s okay. My point is, is that at a high-rate of speed drivers drive down South Caldwell Street so fast that these accidents happen. There was no alcohol involved in this incident, but two of my other neighbors further down the street have had vehicles land in their front yards and destroy their property on the other side of the sidewalk. I have a picture of two cars that were merging at the end of South Caldwell Street that one was flipped over because he wanted to get there first. About two years ago somebody travelling at a high rate of speed down Morgan Street knocked down a Duke

power pole, so it took the power out of our neighborhood. My point is, is that putting the outlay further out of the actual downtown area it's not going to be a safe area, I don't think, because of the people that travel at high rates of speed. Adding additional police...you could add a hundred police officers to the police force and that is not going to stop people from speeding down South Caldwell Street unless they have somebody on there 24/7 and that is not realistic. Also we know about the accidents that have happened on Broad Street recently. There was that vehicle that was travelling with a modular home, knocked down some power lines and power poles, and that was just outside of the overlay district. Yesterday another power pole on Broad Street was hit and these aren't hit by somebody that is travelling at a safe rate of speed and they are hitting off the side of the sidewalk. I feel stretching the Downtown District wider or longer on South Caldwell and Broad Street is a danger to pedestrians.

Doug Harris said I live here in town; we've lived here for 28 years within walking distance of downtown. We also own a building on West Probart between Broad and Caldwell Street where we had our office for over 20 years. It's in the Downtown Overlay District currently and immediately adjacent to the proposed expansion. Overall I think it is a wonderful idea. I fully support it and would recommend that you adopt the more extensive proposal with some modifications that I will get into in a minute. I think the idea of having the parts of downtown that we all like when we have friends come to town, we walk a 6 to 8-block portion of downtown. The idea of that being twice as large, or more, with more stores, more restaurants, that sort of thing, I think is a fabulous idea. As I understand it, that's the intention of this proposal. The one thing I would recommend is that where those lines are located be looked at. As it is currently drawn, I think the focus is on where the building lines will be, and that the focus should be on the streets as the primary design element. Aaron mentioned the street as the area where all the activity is and that is absolutely true. If you look at the recommendation for South Broad Street, the line will go down the middle of the street, which means that you'll have that close-to-the-sidewalk two or three story extending across most of the width of the lot pattern on one side of the street, but on the other side of the street you're going to have the large setback, more of that open-space feeling. If you think about walking downtown and having the buildings on both sides of you and a sense of enclosure at the street is really defined by two walls established by those buildings. Personally from an architect's standpoint, from an urban design standpoint, I feel that's very important and that the intentions and goals of this proposal will be more successfully met with that wall effect applying to both sides. In essence what that would require is that the line going up and down Probart Street and up and down Caldwell Street would be moved over either east or west to the center of the block. I also would like to touch on some concerns I have and that really has to do with the process that's been sort of followed here. We did not get any notice that this was even being considered. There was a written notice that was mailed out and we were not on that list. We own property immediately across. These are your rules to establish public hearings, not mine, so I wonder how many other people that are affected, that should have gotten notice, did not get notice and don't know that this is being proposed or that there is a hearing, and aren't here this evening. And that, in terms of the public's engagement/involvement in the public process is obviously critical. You all represent us so I think that's important. It was probably simply an oversight, and that happens, but it is a concern.

Michael Eubanks said I live several blocks down from the new proposed area that would come down South Caldwell and Broad Street from West Morgan, which is the current ending of the city DDOD section. I'm just not clear why that's been proposed because if you go up and down that street and look at what you've got, it is pretty much a series of different businesses; there's a funeral home, a bank, and as you come down Carole Stone's business is on the left, and there's just one thing after the other. There isn't a lot of space for building new buildings that the proposal would require them to build within either 12 or 10 feet, depending on what the understanding is, so I just don't see this. The only thing I can think of is that the person who purchased the property that was sold by the McNeely firm when they moved over to the newer and bigger location. In the newspaper several weeks back, there was a printed map of what his expectation is for how he is going to handle that property and the big parking

area that has been used by people coming downtown for years when the roads were closed off, they could park there and walk into downtown. The newspaper article suggested and showed that that was going to be a well-finished out parking area, not a place that new buildings would be built. So there is no information available to me at this point in time that speaks to that and if nothing is eligible to be built or is not intended to be built there, there is really no point to bring in this rule and apply it to this area of South Caldwell and Broad Street. It's just not going to practically apply to it. If there is a reason for extending it, I'd like to know what that reason is in regard to that piece of property and I think the City Council might want to know the answer to that also.

James Carli said downtown overlay districts are probably my second favorite thing about urban planning after comprehensive plans, which we did in the spring. I am a skier and I like to go skiing in New England and Colorado and I love the feeling of great little mountain towns where the storefronts are right on the sidewalk and you can walk right into them after a night on the slopes and relax with your friends and then get around everywhere you like to go on foot. One of the things I am excited about expanding our beautiful downtown is that it doesn't in fact make the town bigger, it just makes it more Brevard. One thing I would like to highlight is that this does not change anything affecting existing buildings. If this gets passed, however district you choose, what it means is new buildings that get constructed, whether there are some older buildings that get torn down and then there's a new project, they would have to be subject to this new one. But it's not like existing property owners would need to change anything with any existing buildings. This is looking forward 10, 20, 30 years about what kind of feel we want to have in the areas that we anticipate increased foot traffic and increased demand for both shops and restaurants, and even residential units in the mixed-use arrangements. In our Planning Board meeting where we discussed this, we added the College Plaza that is on the north end because that is an older building that we anticipate may come up for redevelopment probably sometime in the next 20 years is safe to say. Then when that happens we were thinking if we could have that district included in a downtown feel, then when you're coming into town from the north, you would pass the Methodist Church on the right, have the college on your left and then as you crested that hill you have a gateway effect that you have arrived in downtown Brevard. That was the logic; instead of seeing the parking lot with the large College Plaza Shopping Center that is kind of like, to borrow a term of a friend, a "ubiqua" building where it is just like every strip mall kind of thing in America looks like that. Instead, if we have an opportunity to change a strip mall into a really cute mountain downtown that creates a gateway effect for people coming over the hill, that could really add a lot to our charm, character and brand as a mountain...not just as the nation, but as a place to live. Towards the southern end, we had a really lengthy conversation about this because there are some buildings there that already conform to this proposal, like the Oak and Platt Centers that suffered in the fire recently, that have the parking spots that are in the front. I will leave it to the Planning Department to specify how that would be changed, but with those in mind, that is kind of an example of what it would look like as new buildings replaced the aging buildings on the southern stretch and this would encourage densification that likewise creates a gateway effect for folks coming in from Rosman, Cashiers, and further to the south and west. We stopped right at the parcel where the former Safe's Attic is for two reasons. If you are coming up from the south, that's the first area after the curve. There was discussion we want to extend it even further south, but no, let's get around the curve first. So you come around the curve, there's the Cardinal Drive-in and then you've got a downtown gateway effect as well, and also the building where that Safe's Attic location is I believe there is also a bar there as well. That's also one large parking lot that creates a kind of unsafe expansive view. I'll just leave you with this...concerns about traffic; it's really a cool effect that creating a channel feeling actually induces drivers to go a little bit slower. Drivers will drive faster when they have a wider view shed and they feel like they can more safely get up to speed, but if you bring the buildings closer to the streets, generally you will actually reduce the psychological feel of a driver's ability to go fast, and you can add relatively inexpensive designs and infrastructure like bollards and all kinds of traffic-calming measures that can also mitigate high speeds in densified areas. I'm excited about this. At the very least, I would encourage you to include the College Plaza

Shopping Center that's across from the college on the north end because that would definitely incentivize a really charming gateway effect as people are coming into our town.

Henry McDonald said I was born and raised in this town. I have six brothers and sisters and a long history here. My address is 1607 Valleymede Road in Greensboro, NC, but I do spend quite a bit of time here managing our family's businesses that front both North Broad Street and North Caldwell Street. There is a total of three acres there and the property first started back in, I believe it was '59 by my father and my uncle and grew from there. It's not even a question for me whether or not this is a good proposal, because we were not included in the process and we're one of the largest land owners in Brevard, NC in terms of contiguous parcels. The reason I was given by the Planning Department that they wanted to move north with this new addition to the downtown district was that they felt like our property, and others close by, were going to be the first to be redeveloped. That was the only reason. After questioning at the Planning Department the very nice staff there was able to provide me with a copy of the Planning agenda for August 23rd, which included this information, but did not include the proposal to go south or, if I'm remembering correctly, it did not include the parcel across the street from the college. Representing 22 shareholders that are owners of these properties, they're going to ask "why are they doing this?" and safety of pedestrians is not a good answer. It is a good goal, but to my knowledge there has never been anyone killed on North Broad Street walking down those sidewalks. Ms. Stone, we've seen that too, a couple of different occasions where traffic has knocked down power poles. I was in town one time and that was a dangerous situation and putting the buildings closer to the property lines, of which we front the two major streets in Brevard, is not very safe. We have some setbacks right now and I don't believe 12 feet is a big enough setback. There's just a lot of questions that we don't have answers to because we were not included in the process at all and that's just not acceptable; not the property taxes we pay, not the size of development that we hope to sometime plan out and do. It would be great to be able to be part of the process and understand what everybody wants and stakeholders want, but it's just not happening for us. At this time I have to agree with Mr. Locks; you've got the cart way before the horse and should not do this.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:21 PM.

J-2. Proposed Amendments to UDO Chapters 2, 3, 5, 8, 9, 10, and 19 – Parking Standards – Emily Brewer explained that the proposed amendments are for off-street parking regulations. She presented a PowerPoint presentation (copy attached) and noted that 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, and there no "one-size-fits-all" solution. As part of the Building Brevard 2030 Comprehensive Land Use Plan there was a lot of discussion about how we balance the need for parking with other City goals, like the creation of housing, multimodal accessibility, and stormwater management. The adopted plan explicitly calls for revisions to the parking requirements in order to better link land use with transportation and develop incentives for multimodal access and alternative approaches to meeting the parking demand. The major changes included in the proposed amendments are as follows:

1. Consolidation of parking standards and reorganization of parking chapter
2. Tiered parking model for minimum and maximum number of spaces to vary requirements by development context / zoning district
3. Exceptions to minimum and maximum parking requirements in exchange for urban design best practices / site improvements
4. Revision of other types of off-street parking requirements
5. Parking area design and construction standards

Mayor Copelof opened the public hearing at 6:50 PM.

Public Hearing Public Participation – Doug Harris said I will admit with a bit of embarrassment that I misread some of the proposals that were being made by staff so some of my comments that I prepared are not relevant. I would like to, however, address a general concern related to this proposal, but I think in general it applies to a lot of what comes out of the Planning Department. I think they do a great job of keeping up with the UDO. If I compare the ordinance that was adopted however many years ago and all the changes they have implemented, the fine-tuning and debugging of that document to make it much more usable and applicable, they deserve a lot of credit towards that. I haven't used it extensively since retiring, but I know from watching the paper and seeing what's being done that it is a much better document now than it was originally. My concern has to do with the involvement of stakeholders in a broad sense that are used or that come into the process. The first case that we heard about, I don't believe that the Heart of Brevard was notified extensively in terms of the specifics and the details of what are being proposed. I don't know that the Downtown Master Plan Committee was involved. I don't believe that any of the property owners, even though they were notified that this was coming up, they weren't part of the conversations from the inception. I would suggest that, although it muddies the process, and for Planning Staff it makes a slower process and more complicated going through it, that you end up at the end with a much better product, one that reflects the concerns of the people who will be affected and that you're more likely to be successful at the end of that process because you have implemented that impact, considered input at the front end, rather than waiting until the middle or the end of this process to consider that, at which point the stakeholders that are being affected are sort of backed up against a deadline and are going to respond much more negatively. In my case I found out about these changes five days ago. There's a chance that they're going to be implemented, approved and be policy two weeks from now. That's 20 days of notice when I would argue that it was originally talked about months ago and that as the person who is affected, who has to bear the effect of those changes, that our concerns should be considered and factored into the process much earlier. If that could be taken into consideration as you move forward with other changes, I think that would serve the city, the community much more than it is currently.

James Carli congratulated Mr. Morrow and Planning Staff on their recent awards at the planning conference in Durham. He said I am very excited, this is probably my third favorite thing about urban planning. This is a very well-thought-out plan that has been the result of many months of engagement with research by the Planning Staff and Planning Board and analysis of what a lot of other cities are doing. This does really actually modernize the parking regulations and it economizes the town's land use. It does continue to develop the city over the long-term for increased transportation options so that cars don't always have to continue to be peoples' only option. It is a dynamic parking model. It allows property owners increased flexibility to build what they need while ensuring more efficient land use in the public's interest. These shared use agreements are really cool because it will actually open up more parking without having to build more parking. The permeable paver stipulations will help increase stormwater management and I just love the aesthetics of permeable pavers with the grass coming through. This plan also does help promote the long-term electrification of our transportation infrastructure and that will have the positive effects mitigating increased noise pollution and also mitigating increased fumes and exhaust emissions. The tiers, instead of having a one-size-fits-all that people have to fit even if it's not the best land use, this kind of helps make it a more fine-grained, more context-applicable parking model for the town and I think it will be a really good thing over the long-term.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:57 PM.

~~ At 6:57 PM Mayor Copelof called for a ten minute break ~~

J-3. Proposed Amendment to City of Brevard Traffic Schedule – Aaron Bland explained that in doing research for the recent Bicycle Friendly Communities application that was submitted in August, he noticed several inaccuracies and discrepancies in the Traffic Schedule sections that establish speed limits for streets in town. This is a Staff-initiated amendment to clarify these sections and remove

duplicative and erroneous descriptions of streets in the eight sections that establish speed limits. He noted that where there were any discrepancies, he used what was signed on the ground. The only substantive changes are those regarding the new Maple Grove Lane, which is the new road dedicated to the City as part of the Ecusta View Commons apartments. The speed limit is being set at 15 MPH with the entirety of the road designated as a no parking area, and includes a requirement to stop before entering Asheville Highway.

Mayor Copelof opened the public hearing at 7:10 PM.

Public Hearing Public Participation – None

Public Hearing Closed – Mayor Copelof closed the hearing at 7:10 PM.

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

K-1. Tax Settlement Report – September 2023

K-2. Franchise Agreement/Ordinance for Gas Utility System – Public Service Company of North Carolina, Inc. d/b/a Dominion Energy North Carolina

ORDINANCE NO. 2023-47

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE PUBLIC WAYS OF THE CITY OF BREVARD, NORTH CAROLINA, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS UTILITY SYSTEM AND ALL NECESSARY MEANS FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN SAID CITY FOR A PERIOD OF 30 YEARS.

WHEREAS, Public Service Company of North Carolina, Incorporated proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the City of Brevard, North Carolina, (the “City”) and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brevard, North Carolina as follows:

SECTION 1. DEFINITIONS

Whenever and wherever used in this Ordinance the following words and names shall have the following meanings:

- (a) **CITY COUNCIL** shall mean the governing body of the City of Brevard, North Carolina, as now or hereafter constituted.
- (b) **COMPANY** shall mean Public Service Company of North Carolina, Incorporated, d/b/a Dominion Energy North Carolina, its successors, and assigns.
- (c) **CITY** shall mean the City of Brevard, North Carolina, including its present and future boundaries.
- (d) **DEPARTMENT OF TRANSPORTATION** shall mean the North Carolina Department of Transportation or its successor.
- (e) **GAS** shall mean natural gas, mixed gas and substitute fuels carried over the Company’s facilities as authorized by the North Carolina Utilities Commission.
- (f) **GAS UTILITY SYSTEM** shall mean all facilities of the Company in the City used for the transmission or distribution of Gas within the City.
- (g) **FERC** shall mean any reference made to the Federal Energy Regulatory Commission or its successor.
- (h) **COMMISSION** shall mean the North Carolina Utilities Commission, or any successor body lawfully constituted.
- (i) **PUBLIC WAY OR WAYS** shall mean any public street, avenue, road, alley, lane, bridge, or other public right-of-way within the City over which the City has jurisdiction or exercises control.
- (j) **GOOD UTILITY PRACTICES** shall mean the practices, methods and acts engaged in or approved by a significant portion of the gas industry during the relevant time period or other practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result consistent with reliability, safety, expedition, requirements of governmental agencies having jurisdiction, and at the lowest reasonable cost. The term Good Utility Practices is not intended to be limited to the optimum practices, methods or acts to the exclusion of all others, but rather to constitute a spectrum of acceptable practices, methods, or acts.

SECTION 2. Grant of Authority

The right, power and authority is hereby granted to and vested in the Company to construct, install, replace, repair, maintain and operate transmission mains, gas mains, pipes, equipment, service lines, communications lines, facilities and other appurtenant apparatus of the gas system, for the purpose of operating a natural gas system along, across, and under the streets, alleys, bridges, rights-of-way, and other public places of the City together with any necessary rights of access thereto; and to use that natural gas system to conduct a gas business. This granting of authority is provided that the City as of the applicable time, has jurisdiction or exercises control of the public ways. This Franchise Agreement shall also permit the Company to exercise the rights granted herein without the need for additional permit(s) from the City.

SECTION 3. Conditions on Use of Public Ways

(a) No street, alley, bridge, right-of-way, or other public place used by the Company shall be obstructed longer than reasonably necessary during its work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. However, should any such damage occur due to the Company's failure to use due care, the Company shall repair the same as promptly as possible, and, in default thereof, the City, after written notice and opportunity for the Company to repair, may make such repairs and charge the reasonable cost thereof and collect the same from the Company.

(b) All work upon the streets and public places of the City shall be done subject to reasonable inspection of the City Manager or designee (or other legally constituted governing body) of the City, all sidewalks or street pavements or street surfaces which may be displaced by reason of such work shall be properly replaced by the Company, its successors, and assigns, to the reasonable requirements of the City.

SECTION 4. Annexation Notification

The City shall mail to the Company areas annexed into the City. Said notices shall include pertinent maps and/or tax map numbers, so that newly annexed customers may be identified. Any written notice to the Company shall be sent to Public Service Company of North Carolina, GIS Services-Annexations, 800-A Gaston Road, Gastonia, NC 28056.

SECTION 5. Service

(a) The Company may supply any form of gas containing approximately one thousand (1,000) BTU's per cubic foot, and its obligation in respect thereto shall continue only so long as it is able to reasonably obtain an adequate supply of such gas hereunder, provided, however, that in the supply of such gas the customers within the City shall enjoy equal rights with respect to other similar customers served by the Company consistent with Commission rules and regulations.

(b) The Company shall, as to all other conditions and elements of service not fixed herein, be and remain subject to the rules and regulations of the Commission, Department of Transportation, and FERC or its successors, applicable to gas service in the City.

SECTION 6. Nonexclusive Grant and Term

(a) The gas franchise granted by this Ordinance is not exclusive. The City may grant the same or similar rights and privileges to other certified persons or companies at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

(b) Upon ratification and acceptance, this franchise shall constitute a contract between the City and the Company and shall be in force and effect for an initial term of 30 years and shall continue in force and effect year-to-year thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial term or its anniversary date any year thereafter, by giving written notice of its intention to do so no less than one (1) year before the proposed date of termination.

SECTION 7. Franchise Not Waiver of Law

This franchise is subject to the constitution and laws of the State of North Carolina and is not a waiver of any present or future law or regulation. This franchise is not a limitation of the authority of the City to enact any ordinance or policy that does not diminish, conflict, or impair the rights and authority granted to the Company in this franchise or otherwise impose additional obligations on the Company in order to exercise the rights granted herein.

SECTION 8. Regulations, Safety and Customer Service

(a) Gas utility service is not guaranteed to be free from interruptions, supply failure or outages.

(b) The Company will restore gas utility service using Good Utility practices.

(c) The Company shall maintain and operate its Gas Utility System in compliance with applicable State and Federal maintenance and safety regulations.

(d) Company vehicles, responding to natural gas emergencies, may park as close to the location of the emergency as is practicable.

SECTION 9. Commission Rules and Rates

The Company may from time to time declare, make, and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the City. The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 10. Plat of Gas Utility System

The Company shall maintain maps or plats of its Gas Utility System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the City may review the same during any regular business hours of the Company.

SECTION 11. Bankruptcy, Successors, Assigns

In the event the Company is adjudged bankrupt or its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, then the interest, rights and remedies of the City in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance. Likewise, if the Company reorganizes, merges, or consolidates with any other company, then the City is bound by this Ordinance.

SECTION 12. Revocation

In the event the Company fails to comply with the provisions of this Ordinance and, within thirty (30) days after receipt of written notice from the City, the Company fails to cure or remedy such default, or to have begun reasonable measures to do so, then the City may cause the Company to appear at a hearing before the City upon thirty (30) days prior written notice. Any written notice to the Company shall be sent to Dominion Energy North Carolina, DBA Public Service Company of North Carolina, PO Box 1398, Gastonia, NC 28056-6519. Attention: Economic Development & External Affairs Manager. If at such hearing the City should determine that the Company's failure or default has been substantial, repeated or flagrant, then upon such determination the City may revoke and terminate this franchise; provided, however, that the Company may file with the City within ten (10) days after such determination the Company's election to appeal to the proper North Carolina court, during the pendency of which the Ordinance shall remain in full force and effect. In that event the City and Company agree that such court shall hear and determine *de novo* whether there has been substantial, repeated, or flagrant failure or default by the Company of the terms, conditions, or obligations of this Ordinance. Failure or default which cannot be corrected by the Company shall not be grounds for revocation or termination unless such failure or default shall be determined to be material and continuing.

SECTION 13. Indemnification

The Company shall indemnify and hold harmless the City, its officers, and employees from any losses, costs, expenses, claims, judgments, suits, or demands resulting or in any manner arising from the action or inaction of the Company in constructing, operating, or maintaining a gas system, in carrying on the business of selling, transmitting or distributing gas, or in exercising or failure to exercise any right or privilege granted by this franchise and save and except for any such losses, costs, expenses, claims, judgments, suits, or demands resulting or in any manner arising from, or contributed to, by the negligent action or inaction of the City or any of its officers, agents, or employees. Provided, however, the Company's indemnification at any time is conditioned on the City having notified the Company in writing of any such claim, demand, or suit within such time as to give the Company reasonable opportunity to resolve or defend the same on behalf of the City. In the event of such notification, the Company shall have the sole and full responsibility for the resolution and defense of any such claim, demand, or suit on behalf of the City, and the City shall cooperate fully with the Company in any such undertaking. If after proper notification, the Company fails to undertake any such responsibility, the City shall have the right to resolve or defend any such claim, demand, or suit at the expense of the Company.

SECTION 14. Severability, Third Party Rights

(a) If any provision in this contract is determined to be invalid, void, or unenforceable by any court or regulatory body having jurisdiction, such determination shall not invalidate, void, or make unenforceable any other provision, agreement, or covenant of this Contract. This Contract and all provisions herein will be subject to all applicable and valid statutes, rules, orders, and regulations of any governmental authority having jurisdiction over the parties, their facilities, or gas supply, this Contract or transaction or any provisions thereof.

(b) The rights hereunder in this Ordinance accrue exclusively to the parties, their successors, and assigns. It is the express intent of the parties that this franchise shall not create any rights in third parties.

SECTION 15. Effective Date, Term, Adoption, and Ratification

(a) This Ordinance shall be effective from and after the 16th day of October, 2023, provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist in force for a period of 30 years hereafter, and continue in force year to year thereafter until cancelled upon written notice of either party at least one year in advance.

(b) All other Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Adopted and approved by the City of Brevard this 16th day of October, 2023, and hereby ratified.

K-3. Council Downtown Master Plan Committee Minutes – August 9, 2023

K-4. Council Public Works & Utilities Committee Minutes – September 6, 2023

K-5. Council Housing Committee Minutes – September 12, 2023

K-6. Council Public Works & Utilities Committee Minutes – September 13, 2023

L. Unfinished Business

L-1. Proposed Amendment to the City of Brevard Code of Ordinances Chapter 2 – Utility Extension Outside Corporate Limits – Mr. Hooper summarized that the purpose of the requested change is to permit connections to city utilities by properties that are outside the city limits under certain circumstances to support economic development and housing projects. The terms under which we permit an exception will come back at a later date, and those discussions have been started in committee and elsewhere. He noted that some examples of some of the terms under which we would grant an exception are included in the council packet. The economic development terms are not included in the packet because we are in negotiation regarding a possible exception. The first thing we need to do is update the Code to even allow exceptions to be made to this requirement. Mr. Daniel moved, seconded by Mr. Baker to approve the amendments.

During discussion, Mr. Baker said the one thing causing slight hesitation for him is that the provisions as set by Council language carries a lot of weight but there is not a lot of detail yet. He noted that current councilmembers won't always be here and future Councils will have to make those decisions, so passing along clear guidelines at this moment in time when we are actually discussing these exceptions is a very smart thing to do and he looks forward to those discussions. Mr. Hooper explained that Council would have to vote up or down for every exception and he hopes to finalize and publish those publicly soon. Mr. Jones and Mr. Morrow agreed that the provisions need to be clear and concise for future policy. Ms. Dinkins said I am feeling conflicted as a lame duck to make something that feels like a relatively big decision when somebody else is going to be sitting in my seat within a matter of weeks and I am having a hard time approving something that I feel we haven't unpacked yet. She said I do understand the greater picture of affordable housing, but why do we have to do this right now? Ms. Brewer explained that in order for us to be competitive in the PRO Housing grant, and not to create displacement and not add additional housing cost burden onto these low-income households that have failing septic systems, this is the way that they will be able to connect on and resolve that immediate public and health safety issue without having an undue burden on them. We are trying to preserve the housing in that neighborhood in particular as it is right next to downtown and close to a lot of amenities and recreation and employment centers, so it is an important neighborhood in the development and the future of the town. By allowing this exemption for health and safety as a tool for affordable housing specifically for this neighborhood, it opens the door for a lot of additional support for that neighborhood and makes us much more competitive in the grant application. Ms. Brewer added that she is in the midst of collecting public comments on the grant application and she has heard from numerous people that they would not be able to participate if they had the added burden of property taxes in addition to the fact that they have the failing septic systems. This is a way for us to address that neighborhood and becomes an important piece for us to be able to get this grant and be able to make a big difference in the lives of those community members. Mr. Hooper noted that the housing provisions of the utility connection policy are ready for public consumption because we are not in the middle of a negotiation with an applicant right now, but even these will need more committee input. But, as for the economic development terms, we talked about terms for our current negotiation in closed session a couple weeks ago and that negotiation is still ongoing, but if it is successful then we would make those currently private terms public in a policy later on and they will be the foundation for our future policy.

Vote on the motion was unanimously in favor. The motion carried.

ORDINANCE NO. 2023-48
AN ORDINANCE AMENDING SECTION 2-292
OF THE CITY OF BREVARD CODE OF ORDINANCE

WHEREAS, the City of Brevard wishes to update its Code of Ordinances to allow utility connection service outside of the corporate limits of the city in certain circumstances;

WHEREAS, a public hearing was conducted on October 2, 2023, 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 Section 2-292 of the City Code of Ordinance be amended as outlined below.

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

SECTION 01. The City of Brevard Code of Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinance to reflect the change as set forth in the aforementioned Exhibit A.

SECTION 03. The City Manager of the City of Brevard is hereby authorized and directed to prepare a policy document to accompany these code changes to inform requests for connection without annexation.

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 on the 16th day of October 2023.

L-2. Proposed Amendment to the City of Brevard Code of Ordinances
Chapter 66 – Parking Enforcement – Mr. Hooper noted that there is one addition to the information that was submitted for the public hearing at the last meeting. He explained that if Council adopts the Code amendment, we will need to amend our Fee Schedule and that is not subject to the public hearing. The proposed Fee Schedule amendments increase the fee for a parking ticket from \$30 to \$50, increase the late fee to \$25, and add a \$75 violation for parking in designated handicap spaces. Chief Jordan recalled that the proposed Code amendments are intended to bring it up to date and create a more enforceable parking enforcement program. Mr. Jones moved, seconded by Ms. Dinkins to approve the amendment to the Code of Ordinances and the amendment to the Fee Schedule. The motion carried unanimously.

ORDINANCE NO. 2023-49
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF
ORDINANCES, CHAPTER 66 – TRAFFIC: SPECIFICALLY
AMENDING REGULATIONS REGARDING PARKING ENFORCEMENT

WHEREAS, the City of Brevard wishes to strengthen its parking enforcement practices; and

WHEREAS, certain provisions of the Code of Ordinances must be updated to legally enable enhanced parking enforcement; and

WHEREAS, a public hearing was conducted on October 2, 2023, 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 Brevard City Council that the City Code of Ordinances be amended as outlined below.

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

SECTION 01. The City of Brevard Code of Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinances to reflect the changes as set forth in the aforementioned Exhibit A.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 16th day of October 2023.

**ORDINANCE NO. 2023-50
AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2023-2024 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2024 budget on June 5, 2023, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2023-49 amending Chapter 66 of the Code of Ordinances to strengthen parking enforcement; and,

WHEREAS, the City Council further wishes to deter parking violators by increasing the parking violation fine from \$30 to \$50 per violation; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2024 budget fee schedule be amended as outlined below.

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

SECTION 01. The City of Brevard FY 2024 fee schedule is hereby amended as described below:

SECTION 02. Amend “Traffic Violation Fees” section to read:

Parking Ticket	\$50 per violation
Late Fee	\$25 per violation
Fire Hydrant, Fire Lane Obstruction, and designated handicap spaces	\$75 per violation

SECTION 03. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2024 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 16th day of October, 2023.

L-3. Proposed Amendment to City of Brevard Code of Ordinances, Chapter 2 – Duties of Mayor – Mr. Hooper recalled that the proposed amendment updates the City Code of Ordinances and all of the corresponding establishing resolutions for our committees, to clarify that all appointments of Council members to committees must be approved by Council after a recommendation by the Mayor. Mr. Daniel moved, seconded by Ms. Dinkins to approve the amendment. The motion carried unanimously.

**ORDINANCE NO. 2023-51
AN ORDINANCE AMENDING CHAPTER 2 SECTION 34 OF THE
BREVARD CODE OF ORDINANCES**

WHEREAS, Chapter 2, Section 34, “Duties of Mayor” endows the mayor with certain duties as permitted by City Charter and NC General Statutes; and

WHEREAS, subpart E reads “Appoint such committees as approved by the Council”; and

WHEREAS, the City Council of the City of Brevard wishes to have the ability to approve such appointments, and codify that ability in ordinance.

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

The following amendment is made to Chapter 2, Section 34, of the Code of Ordinances of the City of Brevard:

“It shall be the duty of the mayor to:

- a.) Preside over all meetings of the council.
- b.) Vote in the case of an equal division of the council.
- c.) Keep himself informed as to all matters affecting the government of the city.
- d.) Sign all ordinances enacted by the council.
- e.) Recommend appointment of council members to serve on committees and boards, subject to approval by vote of City Council.
- f.) Perform such other duties as the laws of the state, the city Charter, the ordinances of the city and nature of the office may require.”

The change shall take effect immediately upon its ratification.

Approved and adopted this 16th day of October, 2023.

**RESOLUTION NO. 2023-50
RESOLUTION UPDATING THE APPOINTMENT PROCEDURE FOR
BREVARD CITY COUNCIL COMMITTEES AND OTHER BODIES ON WHICH CITY
COUNCIL MEMBERS SERVE**

WHEREAS, in Fall 2022 the City of Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, the reforms were memorialized in Resolution 2022-40 which took effect in December 2022; and

WHEREAS, the provisions of the Resolution 2022-40 superseded the related provisions of the resolutions listed below:

- a. Public Works and Utilities, Resolution 2015-12
- b. Public Safety, Resolution 2015-13
- c. Parks, Trails, and Recreation, Resolutions 2015-14, 2015-21
- d. Finance and Human Resources, Resolution 2015-15
- e. Downtown Master Plan, Resolutions 2015-16, 2015-21, 2017-04
- f. Housing Trust Fund Selection Committee, Ordinance 2012-02, and Resolutions 2016-19, 2019-03, 2021-07
- g. Rosenwald Community Advisory Board, Resolution 2021-23; and

WHEREAS, in August 2023 the City Council asked to revisit Section 5 of Resolution 2022-40 that read the Public Works and Utilities, Public Safety, Finance and Human Resources, and Housing Trust Fund Selection committees “are reconstituted to have three voting members: two members of City Council as appointed by the Mayor in consultation with the full Council, and one citizen member appointed by the City Council.”

WHEREAS, the City Council also asked to revisit and clarify the procedures for appointing City Council members the Parks, Trails, and Recreation; Downtown Master Plan; and Rosenwald Community Advisory Board committees; and

WHEREAS, the City Council also asked to revisit and/or clarify the procedures for appointing City Council members and other city representatives to the Transylvania County Tourism Development Authority, the Transylvania County Chamber of Commerce, the Transylvania Economic Alliance, the Heart of Brevard, the Land of Sky Regional Council, the Transylvania County Transportation Advisory Committee, and the Community Relations Board; and

WHEREAS, the City Council wishes to amend the appointment procedures so that it has final appointment authority over all aforementioned committees; and

WHEREAS, in conjunction with this resolution the City Council has approved changes to the Brevard Code of Ordinances removing appointment authority from the “Duties of Mayor” article.

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

- 1.) Section 5 of Resolution 2022-40 is hereby amended to read:

“Policy Committees are reconstituted to have three voting members: two members of City Council as recommended by the Mayor and approved by vote of the full City Council, and one citizen member appointed by vote of full City Council. The citizen member shall be a resident of Brevard.”

2.) Unaffected provisions of the below resolutions remain in effect:

- a. Resolution updating the structure of Brevard City Council Committees (2022-40)
- b. Public Works & Utilities (2015-12)
- c. Public Safety (2015-13)
- d. Parks, Trails & Recreation (2015-14, 2015-21)
- e. Finance and Human Resource (2015-15)
- f. Downtown Master Plan (2015-16, 2015-21, 2017-04)
- g. Housing Trust Fund Selection Committee (2016-19, 2019-03, 2021-07, and Ordinance 2012-02)
- h. Rosenwald Community Advisory Board (2021-23)

Approved and adopted this 16th day of October, 2023.

M. New Business.

M-1. Revise Council Meeting Calendar–Cancel November 6, 2023 Meeting –

Mr. Hooper explained that Staff wished to offer Council the opportunity to cancel the first meeting in November so as not to conflict with municipal election activities, but it is purely optional. If Council wishes to hold the meeting, we have enough agenda items to do so, but none of them are urgent or time sensitive and could be postponed until November 20th. Mr. Morrow moved, seconded by Mr. Jones to cancel the November 6th meeting. Following discussion vote on the motion was 2 in favor (Morrow, Jones) and 3 opposed (Daniel, Baker, Dinkins); motion failed.

N. Remarks/Future Agenda Considerations.

Mr. Jones reminded everyone that the Moms Mabley historical marker dedication ceremony is this Friday, October 20th starting at 5:00 pm. We'll start at Clemson Plaza with speakers and unveiling of the actual sign, then we'll move on to the Mary C. Jenkins Community & Cultural Center for a short film about Moms, with refreshments and socializing. This has been a long time in the making so we hope all of you will show up and be a part of this celebration for an individual who is a home person who made it big and we want to celebrate that.

Mr. Baker said I want to thank the Planning Staff. I think both the Downtown Overlay District and parking changes are really important first steps after the Comprehensive Land Use Plan that we passed. They seem like pretty substantial steps forward after that very general plan was passed, but now we are able to see some specific changes to the UDO, which I think are positive. Just to respond a little bit generally to some of the comments that were made earlier, I want to ask people to try to picture where they like to spend time in Brevard and how often do you love visiting Asheville Highway? Do you feel safe down there? Is it where you want to take people when you have guests from out of town? Where do you spend the most time and the most money in Brevard? Also an important thing to think about is how much taxpayer money it takes to maintain different areas of the city, and I'm talking about state money and city money. Asheville Highway is an incredibly expensive bit of infrastructure to maintain and some of those changes to the Downtown Overlay District in the long run actually end up saving the City money because it means that the areas where we're concentrating financial impact and the buildings that we have are also connected by infrastructure that's cheaper to maintain. These are over very long periods of time obviously, but there is a financial consideration as well. Again, thanks to the Planning Staff for bringing those forward. I talk about the Estatoe Trail a lot and we are making a lot of great progress. I want to thank Public Works for all the work they are doing. I love waking up at 7:00 in the morning and get some coffee and by 8:00 I can start to hear the beeps of the tractors and trucks behind my house and it's a beautiful sound; I love it. We've got Tannery South almost ready to be paved and completed. We've got Tannery North, the grant that recently came through that is going to help us build that. Really we have two remaining sections – a short one that would connect Main Street to the Mary C. Jenkins Community Center and then a relatively long one across Rosman

Highway, which will go from Rosman Highway to the high school. I know we're still working on the sections we've got, but I want to just go ahead and push us to prepare the easements and get some design plans for those next two sections. I was a loud person in the audience complaining about lack of progress a few years ago and I will admit that one of the things I have learned while sitting up here is the importance of having easements and design plans ready to go because they do allow you to get grants. So I want us, even while we're building the current sections, preparing to go out and look for grants by getting the easements we need and the design plans. Another thing we need to look at that I've brought up before is the section of the existing path that is already built, which is going to connect us to the Ecusta Trail eventually. I was commuting to work from my house and I was going down right in front of the gas station by Deer Lake Road where the bike path sort of doesn't exist and is a sidewalk, and there was an older couple on eBikes. They were pulled over to the side and looking at their phones and they were confused because they thought the bike path was ahead of them, but it disappeared into a sidewalk and they didn't have the experience to know that just on the other side of that gas station the bike path continues to the Ecusta Trail. I stopped to talk to them and got them going again, but that is a very real example of why even where we consider the bike path to be done, we have improvements to make so that the connection to the Ecusta Trail is what I think we all believe it should be to fully take advantage of that great thing. That presentation we got two meeting ago about the Ecusta Trail and I know the early timeline is the end of 2026 and that could change, but I think that would be a great goal to set for the conclusion of the Estatoe Trail as well, so that when both of those are completed, we are ready to go. I hope we can discuss that at some upcoming budget meetings or committee meetings at the Parks, Trails and Recreation Committee.

Mr. Daniel said I would like to address the Downtown Overlay as well. I think Mr. Harris had some good points about the street being the focus of the overlay rather than the block. If we're going to have a proximity to the street on one side, it seems a little odd that it wouldn't be on the other side. It seems incomplete, so I would like that to be considered, how we could work that out, because I think that that will actually encourage development. Once you start having that sort of development in those areas, it makes it more attractive I believe. I am really happy with parking enforcement. As one of the folks in the room who is up for reelection and parking is a discussion, it seems to me that parking enforcement will return quite a few of the parking spaces that we've lost due to our downtown improvements. I look forward to that for many of those reasons, so thank you. Aaron reminded me of something that I have been thinking about somewhat lately and that is that at one time we were discussing the plan of getting easements at the Enmark section of the Estatoe Trail to go behind those buildings. I know we got some of those easements, but has that faded back a bit? As I've heard comments before that if we get that section of the Estatoe Trail off of the highway and behind the buildings, it would feel and be safer. I'm just bringing that back from several years back.

Mayor Copelof said I want to congratulate our Planning Department. I went with them last week to Durham to the North Carolina Planners Conference and for a small town, it was obvious that we are doing so much. I went there and listened to briefings by Durham, Raleigh, Charlotte, and Winston-Salem; all of these big towns and I thought I would be getting ideas on things I could take back and we could do here. Instead I sat through these briefings saying we've already done that and after two days of meetings, there was just one idea that they already had in the works that I could bring back to the manager. It was a great takeaway that we are already doing as much as gigantic cities with ten times the staff that we have. We are ahead of them in so many ways and I have to compliment our staff. They gave a presentation at the conference and they did a great job. The room was full and it went extremely well. Their talk was on how to make big changes with a small staff and we saw that continue today with additional modifications to our UDO that just make it easier for people to use and that's a real tribute to the staff. The Planning Department also got an Honorable Mention award for their multimodal transportation planning. I have to congratulate Councilman Mac Morrow who also went to Durham and got an award for planning advocacy for the many years of advocacy that he has done for the Bracken Preserve. I don't think we all

realize just how long Mac has worked on that and how instrumental he has been in the initial creation of the Preserve as well as the expansion with the additional 34 acres. It was such a pleasure to see him getting recognized in this forum. We have a number of things going on this week that I want to make everyone aware of:

- The Independent Monitor overlooking HCA’s performance at Transylvania Regional Hospital and Mission Hospital is holding a public Healthcare Town Hall meeting tomorrow at 5:30 pm at Thomas Hall at Brevard Music Center
- Chamber of Commerce Candidate Forum on Wednesday at 6:00 pm in the Rogow Room at the Library
- On Thursday at 3:00 pm the community is holding an interfaith prayer service at the Lutheran Church for the people of Israel and Gaza
- Moms Mabley Historical Marker unveiling

On Saturday we had a wonderful ceremony with the Girl Scouts celebrating their 75 years in the Girl Scout Hut. That is a partnership between the City and the Girl Scouts. It is on City land and Public Works does a lot of the maintenance there and the place looks great for a 75 year old building. It gives our youth a place to meet for something that teaches them the values that we all cherish. A big thank you to Public Works; the Girl Scouts were absolutely thrilled. I want to thank The Haven and Sharing House because the City partnered with them last week and we held a World Homeless Awareness Day ceremony. It is something we need to keep in our mind that there are people who are less fortunate, people who do not have a home to go to, and people who are not safe every night when they are out camping. It was good to remember that, it was good to come together in community and to talk about what we are doing and hopefully continue to work together with all of our partners. Meet the Mayor will be held on October 26th from 2-4 pm here at City Hall and Veterans Day is November 11th. A lot of things going on; we are such a dynamic community and so many partner organizations that make us so strong and so diversified.

N. Closed Session

Closed Session #1 – At 8:00 p.m. Mr. Baker moved, seconded by Ms. Dinkins Daniel to enter into closed session to discuss a personnel matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney was City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 9:08 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

O. Adjourn – There being no further business, at 9:08 p.m. Mr. Morrow moved, seconded by Mr. Jones, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: November 6, 2023

Downtown Development Overlay District Expansion

City Council Public Hearing
October 16, 2023



BREVARD
NORTH CAROLINA

Agenda

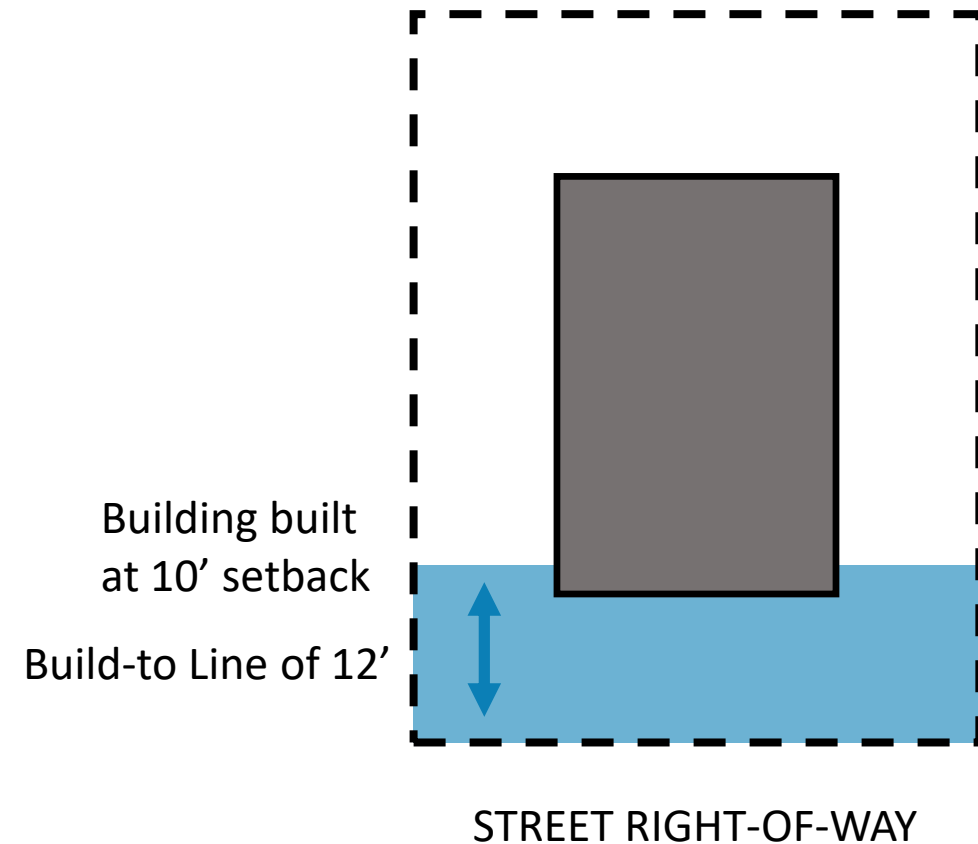
- What is the Downtown Development Overlay District?
 - What regulations does it have?
 - Why do we have it?
- Proposed DDOD expansion
 - Staff's initial proposal
 - Planning Board's recommendation
- Timeline moving forward

Image Source: David Oppenheimer, via Pixels.com



What is the Downtown Development Overlay District?

- Overlay districts sit “on top” of the base zoning district (DMX)
- An extra set of requirements for new construction applied only to the downtown area
- Requires a “build to line” or maximum setback to ensure new construction is built close to the ROW/sidewalk



DDOD Requirements

Section 2.3.B.10

Standards for Setbacks

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.

Section 3.5.A.10

Mixed-Use Residential Units

b. Additional Standards:

i. *Location of residential unit:*

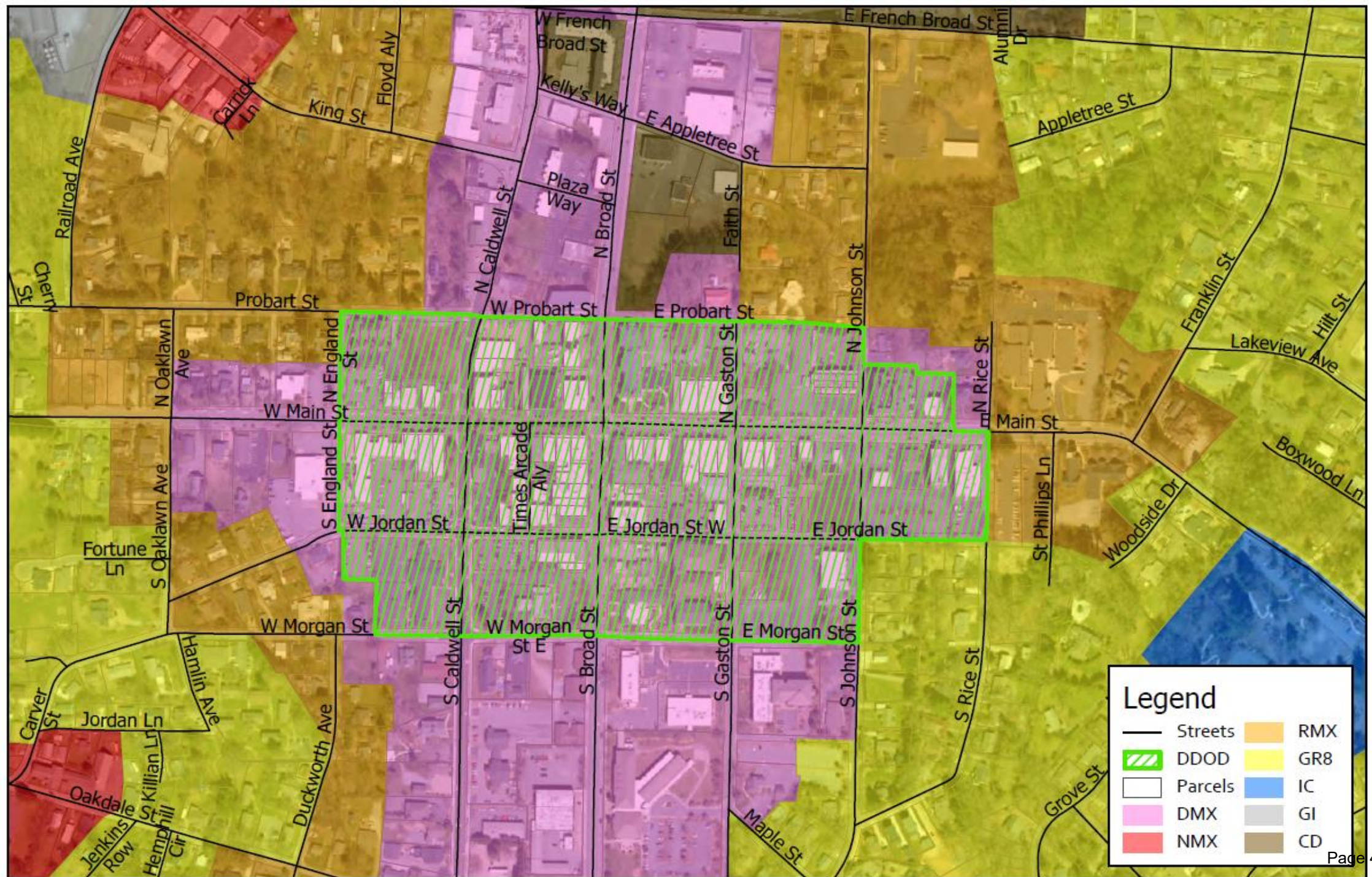
(A) In the Downtown Development Overlay District, the non-residential use shall be located on the ground floor with the residential unit or units above.

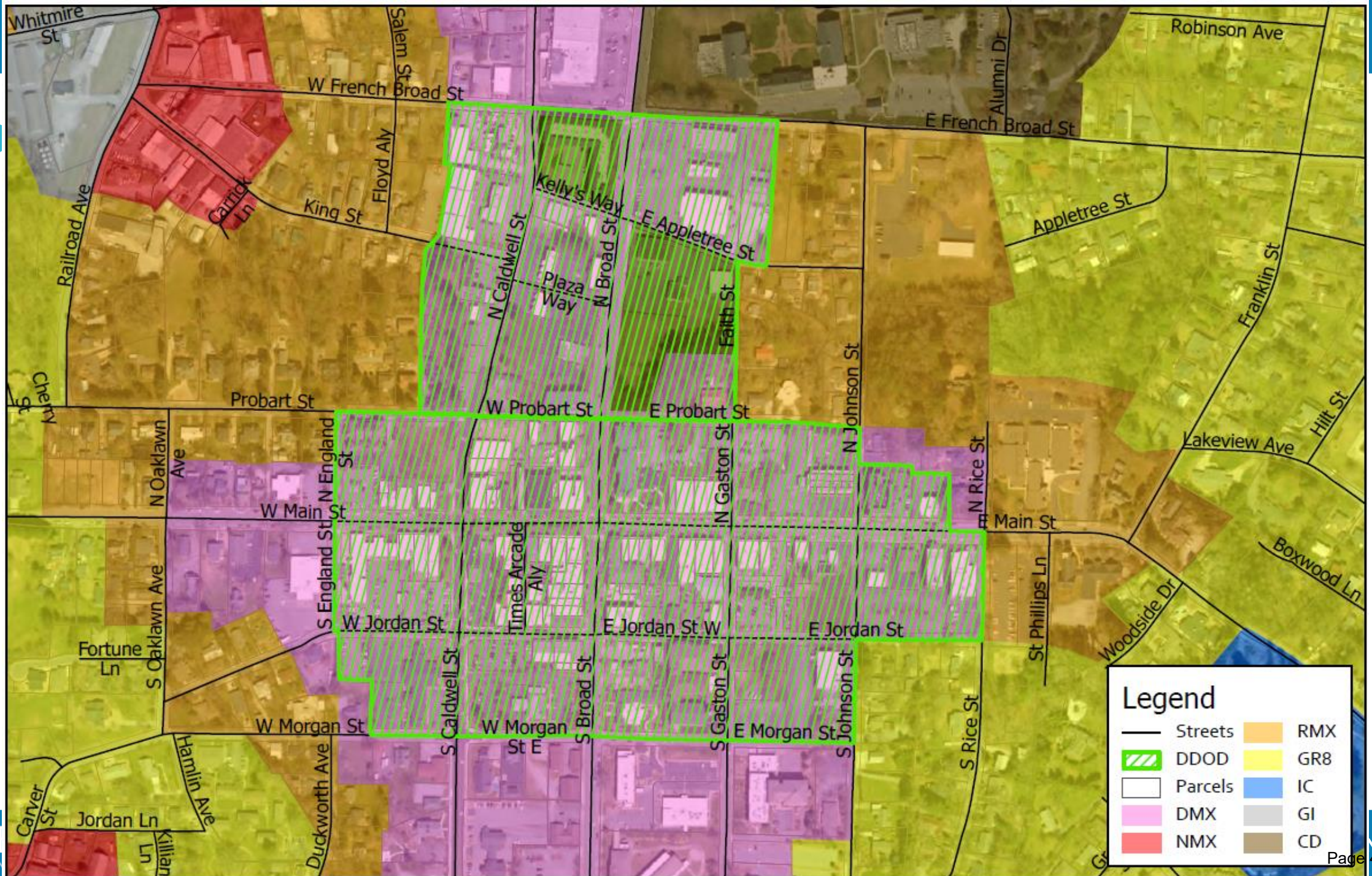
Why Have a Build-To Line?

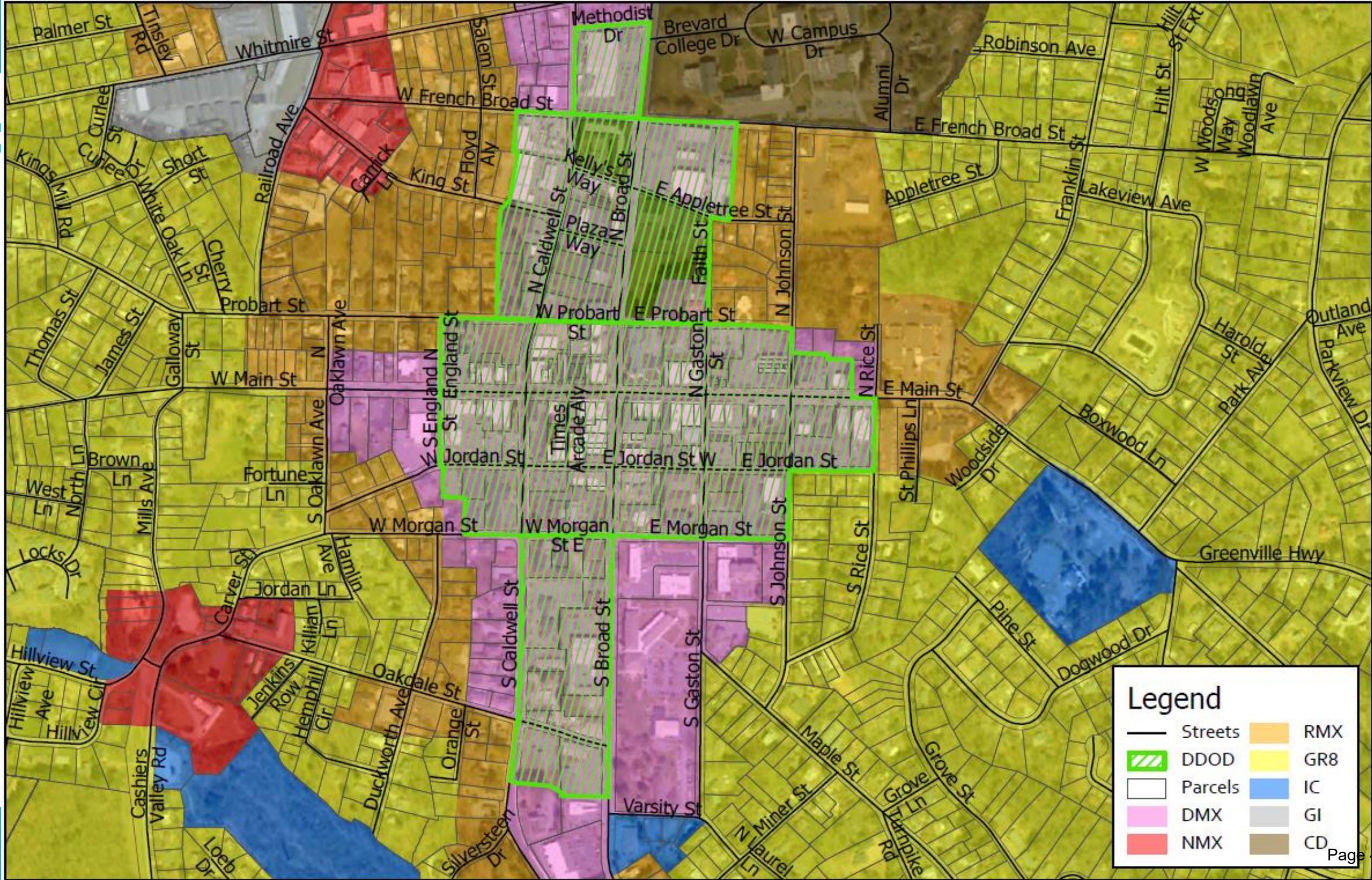
- The intent of the DDOD was to ensure new buildings in downtown are built close to the sidewalk.
- Preserves a feeling of walkability promoting pedestrian activity.
- The sense of enclosure makes the pedestrian realm more comfortable.
- Large or out of proportion building setbacks are a source of continuity-breaking dead space, which erodes the feeling of the sidewalk as a social, public space.



Source: Planetizen







Timeline

- ✓ Planning Board Review – *unanimously recommended an expanded area August 22, 2023*
- City Council Public Hearing – *Tonight*
- City Council Vote – *November*
 - Options include either Staff or Planning Board proposal, or any combination of properties of the two
 - Cannot apply the overlay district to areas beyond the two proposals

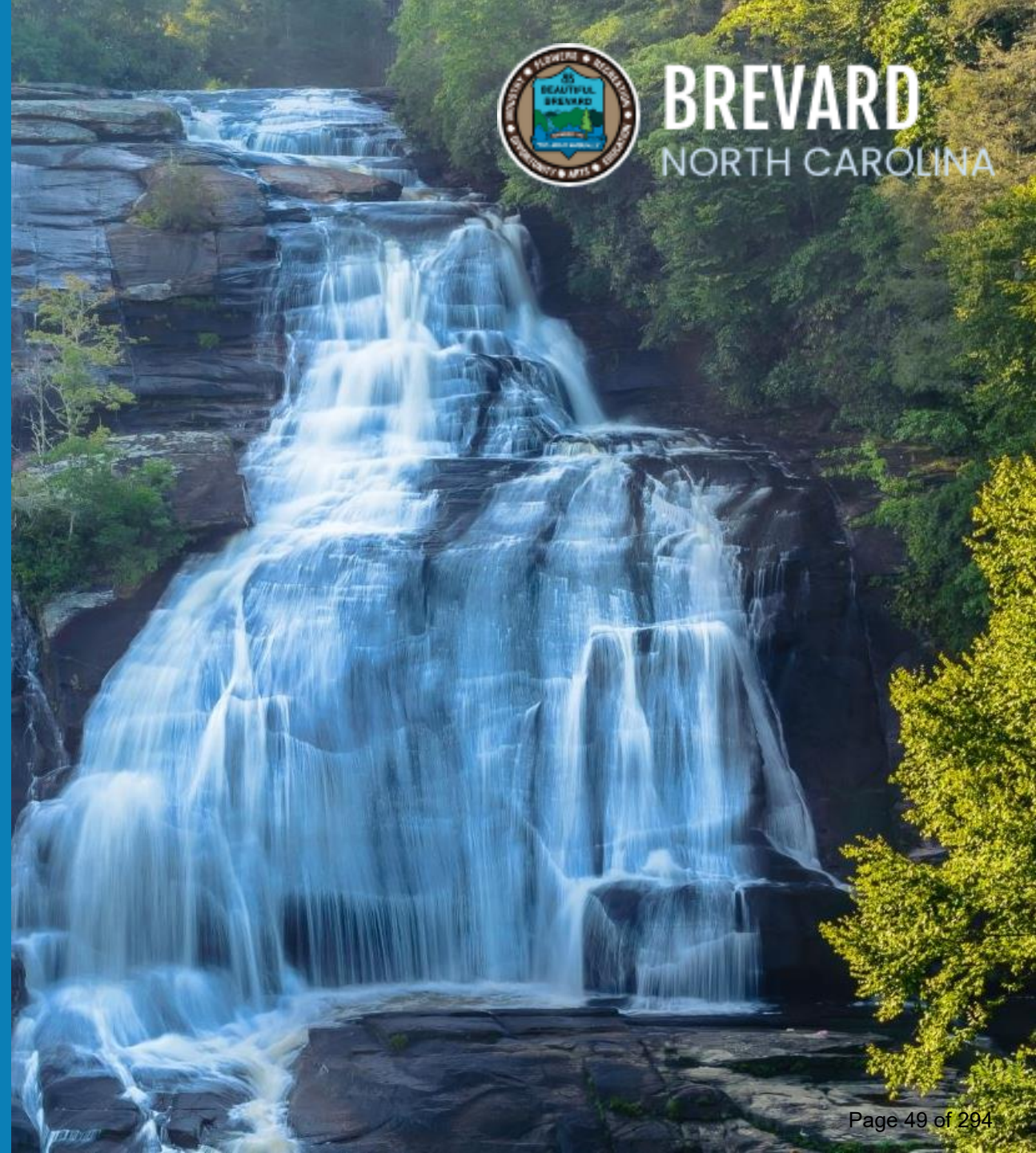


BREVARD
NORTH CAROLINA

Amendments to Parking Regulations

City Council | October 16, 2023

Emily Brewer, AICP



Building Brevard 2030

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

- **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.

Parking Regulations in the UDO

What can the UDO do in regards to parking?

- Ensure provision of off-street parking for developments are proportionate to the land use through the regulation of a minimum or a maximum amount of off-street parking
- Ensure safe and efficient parking facility design
- Incentivize and encourage development that prioritizes multimodal transit options

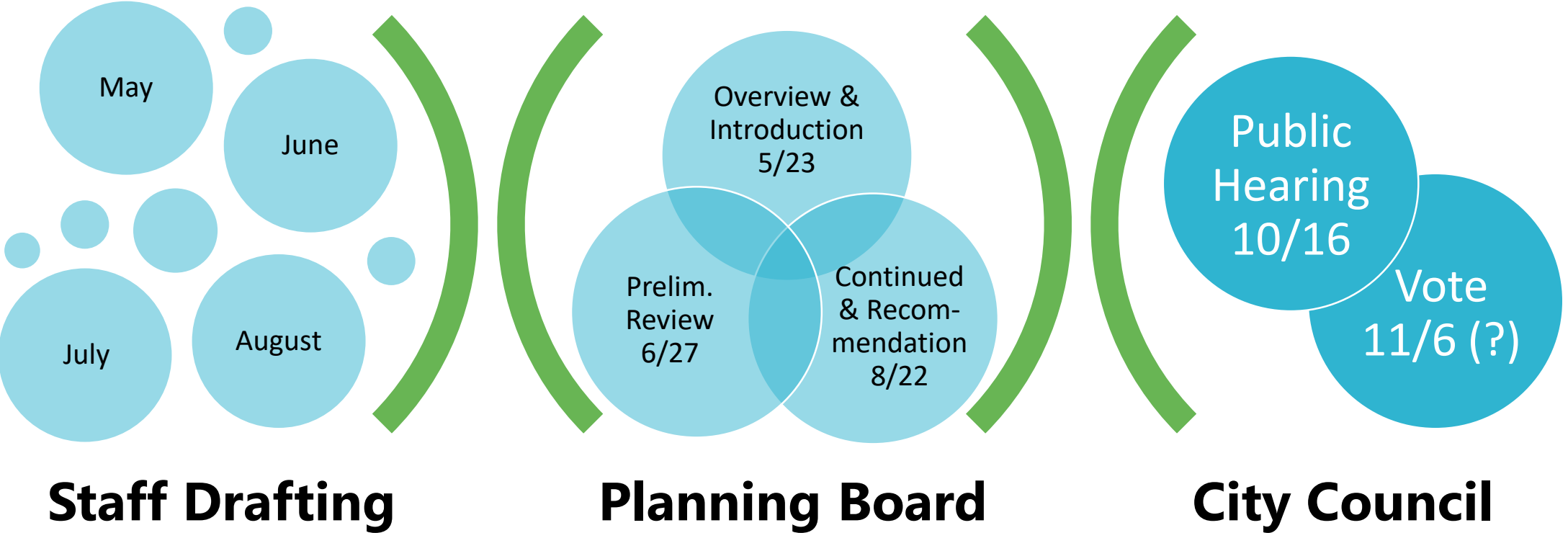
What CAN'T be done by the UDO in regards to parking?

- Influence City investment in transportation and/or parking infrastructure
- Amend City projects (pedestrian infrastructure, street improvements, etc.)
- Dictate appropriate land uses on specific parcels (beyond general zoning districts)

Context is Key

- Parking is a complex issue that affects every aspect of a city
 - Land use, housing, economic development, transportation, public safety, finances, public works, etc.
- There is no “one-size-fits-all” solution
 - Need to take into account the specific needs of the city
- Considerations for an appropriate parking solution:
 - Is there available public parking or on-street parking?
 - Is there a mix of uses that could potentially share parking?
 - How dense is the development pattern?
 - Are there options for alternative modes of transportation?
 - Where are there multimodal transportation connections? How expansive is the network?

Text Amendment Process



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 / lead to traffic congestion in some areas • 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 desire 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

Priorities & Rationale

- Right-size parking requirements by land use and development context
 - Implement a tiered parking model that uses zoning districts to assign minimums and maximums
 - Include additional opportunities for shared parking spaces
- Incorporate safe and efficient parking facility design
- Incentivize and encourage development that prioritizes multimodal transit options and other best practices in urban development
- Add parking lot maintenance requirements
- Manage the potential negative impacts of both too little and too much parking
 - Negative impacts associated with excessive spillover parking (into adjacent neighborhoods)
 - Negative environmental and urban design impacts that can result from an over-supply of parking

Varying Parking Standards by Zoning District

- Current ordinance has no parking minimums for non-residential uses in DMX and in King Street area
- Exempting districts is a common practice in many other cities considering parking reform
 - Asheville, Black Mountain, Hickory, Hendersonville, Greensboro, Durham, Winston-Salem, etc.
- Charlotte adopted a tiered parking model that varies requirements by use and zoning district →

Table 19-1: Vehicle Parking Requirements						
Uses	TIER 1 Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts		TIER 2 N2-B, N2-C, IMU, IC-2, RC-1, NC, CAC-1, CG, CR Zoning Districts		TIER 3 CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts	
	Minimum	Maximum <i>Tier 1 does not have a parking maximum</i>	Minimum	Maximum <i>Applies to both parking lots and parking structures</i>	Minimum <i>Applies only when within 400' of a Neighborhood 1 Place Type</i>	Maximum <i>Applies to both parking lots and parking structures</i>
Residential Uses						
RESIDENTIAL USE unless listed below	1/dwelling unit		1/dwelling unit	2 /dwelling unit		2/dwelling unit
Adult Care Home	None		None	1 space		1 space
Childcare Center in Residence	None		None	1 space		1 space
Dormitory	1/2 dorm rooms		1/4 dorm rooms	1/dorm room		1/dorm room
Dwelling – Duplex	1.5/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit
Dwelling - Live/Work	1/dwelling unit + 1/500sf GFA of commercial space		1/dwelling unit + 1/1,000sf GFA of commercial space	2/dwelling unit + 1/250sf GFA of commercial space		2/dwelling unit + 1/250sf GFA of commercial space
Dwelling - Manufactured Home	1/manufactured home		1/manufactured home	2/manufactured home		2/manufactured home
Dwelling – Multi-Family <i>Also applies to residential component of mixed-use development</i>	1.5/dwelling unit; For senior living – 0.25/dwelling unit		1/dwelling unit; For senior living – 0.25/dwelling unit	1/bedroom/studio unit; For senior living – 0.75/dwelling unit	1/dwelling unit; For senior living – 0.25/dwelling unit	1/bedroom/studio unit; For senior living – 0.75/dwelling unit
Dwelling - Multi-Dwelling Development	<i>Based on dwelling types in development</i>		<i>Based on dwelling types in development</i>	<i>Based on dwelling types in development</i>		<i>Based on dwelling types in development</i>
Dwelling – Single-Family	2/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit

Excerpt from Charlotte's parking requirements exemplifying the tiered model.

VISUALIZING PARKING BY ZONING DISTRICT

General Residential-8 (GR8)

Deerlake Village

Canterbury Trc

Cambridge Dr

Corridor Mixed-Use (CMX)

Tidal Wave

CVS

Walgreens

Dollar
Tree

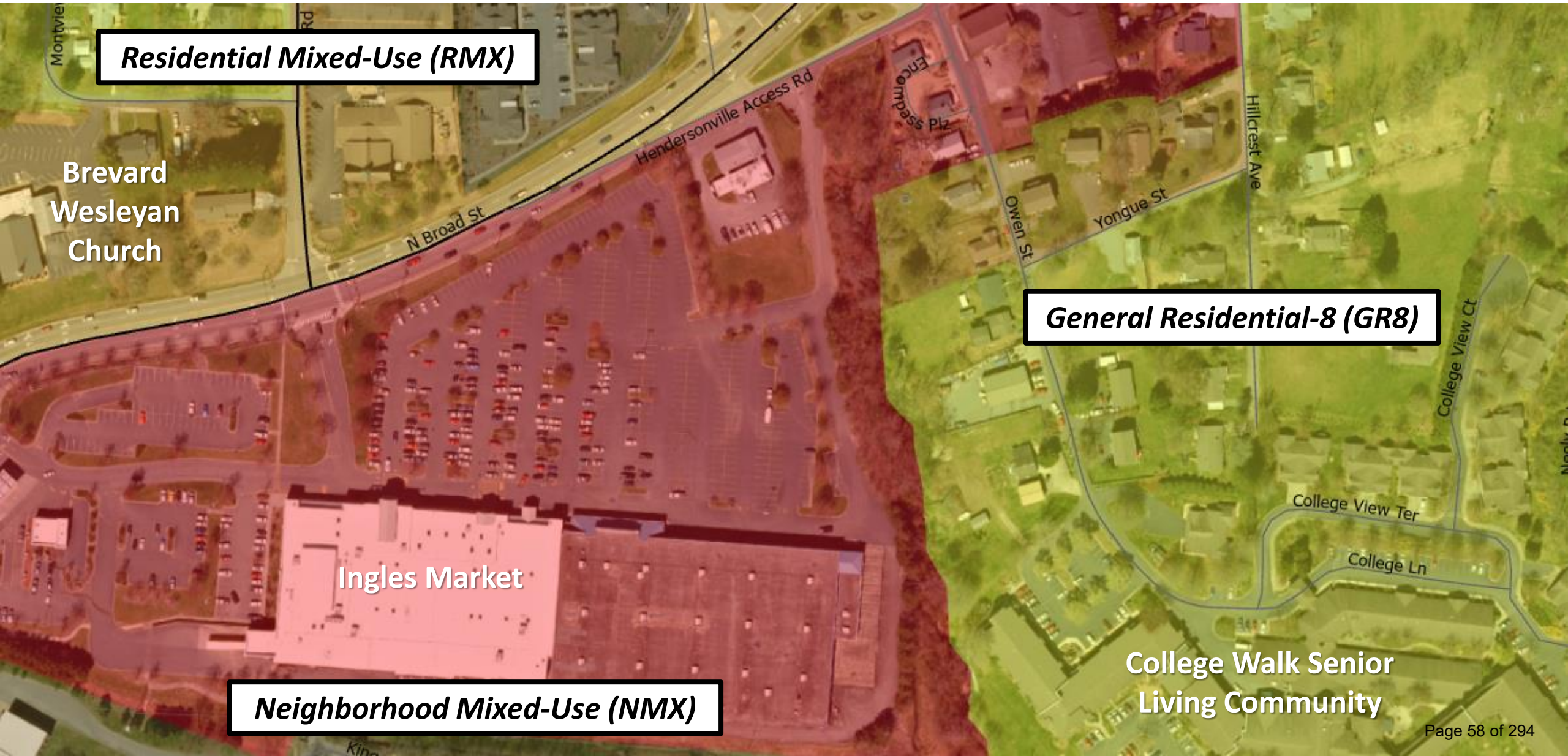
Deerlake Rd

Jackson Ct

Asheville Hwy

Estatote Trail

VISUALIZING PARKING BY ZONING DISTRICT



Residential Mixed-Use (RMX)

Brevard
Wesleyan
Church

Ingles Market

Neighborhood Mixed-Use (NMX)

General Residential-8 (GR8)

College Walk Senior
Living Community

Proposed Tiered Parking Model

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 likely to over-park (e.g., grocery stores, shopping centers)	Parking maximums, but no parking minimums	Downtown Mixed-Use (DMX) Corridor Mixed-Use (CMX)

Current Parking Ratios

Use Type	Required Parking Spaces
Single-Family Residential	2 spaces per dwelling unit
Multi-Family Residential (DMX, NMX)	1 space per dwelling unit
Multi-Family (All Other)	1.5 spaces per dwelling unit
Retail Uses	1 per 500 square feet
Office Uses	1 per 500 square feet
Theaters	1 per 3 seats
Restaurants	1 per 4 seats
Manufacturing/Warehousing/Light Assembly	.25 per 1,000 square feet of non-office space
Bed and Breakfast Inns/Hotels/Motels	1 per room or suite
Civic Uses (Assembly Uses Only)	1 per 4 seats (If benches or pews are used then measured as 1 per 6 feet)

*DMX and NMX in Lumberyard Area are exempt from non-residential minimum parking requirements

- ***Oversimplified with general use categories***
- ***Missing land uses***
- ***No variation by development context***

Current Parking Ratios

Use Type	Required Parking Spaces
Single-Family Residential	2 spaces per dwelling unit
Multi-Family Residential (DMX, NMX)	1 space per dwelling unit
Multi-Family (All Other)	1.5 spaces per dwelling unit
Retail Uses	1 per 500 square feet
Office Uses	1 per 500 square feet
Theaters	1 per 3 seats
Restaurants	1 per 4 seats
Manufacturing/Warehousing/Light Assembly	.25 per 1,000 square feet of non-office space
Bed and Breakfast Inns/Hotels/Motels	1 per room or suite
Civic Uses (Assembly Uses Only)	1 per 4 seats (If benches or pews are used then measured as 1 per 6 feet)

Some delineation by zoning district

Some standards are not transferable

Needs to accommodate different types of space usage

Some delineation by zoning district

*DMX and NMX in Lumberyard Area are exempt from non-residential minimum parking requirements

Proposed Tiered Parking Model

OFF-STREET MINIMUM & MAXIMUM VEHICLE PARKING RATIOS – LODGING USES

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Min	Max	Min	Max	Min	Max
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 site	-	.2 / campsite or RV site	1 / campsite or RV site	-	1 / campsite or RV 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

Proposed Tiered Parking Model

OFF-STREET MINIMUM & MAXIMUM VEHICLE PARKING RATIOS – LODGING USES

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Min	Max	Min	Max	Min	Max
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 site	-	.2 / campsite or RV site	1 / campsite or RV site	-	1 / campsite or RV 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



New structure matches the use matrix (adopted Dec 2022)

Proposed Tiered Parking Model

OFF-STREET MINIMUM & MAXIMUM VEHICLE PARKING RATIOS – LODGING USES

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Min	Max	Min	Max	Min	Max
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 site	-	.2 / campsite or RV site	1 / campsite or RV site	-	1 / campsite or RV 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

Current standard is 1 / room or suite, but this provides flexibility in other zoning districts

Proposed Tiered Parking Model

OFF-STREET MINIMUM & MAXIMUM VEHICLE PARKING RATIOS – LODGING USES

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Min	Max	Min	Max	Min	Max
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 site	-	.2 / campsite or RV site	1 / campsite or RV site	-	1 / campsite or RV 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

*Creating nuance where necessary and creating similar standards for similar uses
(e.g., short-term rentals as a primary use matches the requirements for a single-family dwelling)*

Proposed Tiered Parking Model

OFF-STREET MINIMUM & MAXIMUM VEHICLE PARKING RATIOS – LODGING USES

Category	Land Use	Tier 1		Tier 2		Tier 3	
		Min	Max	Min	Max	Min	Max
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 site	-	.2 / campsite or RV site	1 / campsite or RV site	-	1 / campsite or RV 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

Provides guidance for how to determine uses that have widely varying parking demand (e.g. parking needs for Brevard Music Center is different from Camp Carolina)

Exceptions to Parking Requirements

- Investing in alternative modes of transportation
 - Additional bicycle racks and electric vehicle parking spaces
- Utilizing existing parking in the area
 - Shared parking agreements and public parking credits
- Better utilizing land
 - Underground or above-grade parking and higher level of stormwater management
- Accounting for site constraints
 - Tree preservation and upgrading preexisting non-conforming parking facilities



Other Types of Parking Requirements

- **Loading spaces:**
 - Currently required, but not feasible as written.
 - Proposed allows for shared loading spaces in areas that don't impede the flow of traffic or impact the appearance of street.
- **Bicycle racks:**
 - Currently required, but with very few standards.
 - Proposed standards use guidance from Association of Pedestrian and Bicycle Professionals (APBP) and the League of American Bicyclists Bicycle-Friendly Communities program.
- **Electric vehicle parking spaces:**
 - Not currently in UDO / Chapter 10
 - New requirement of 2 EV spaces for every 50 required vehicle parking spaces.



Parking Design & Construction Standards

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



Summary of Proposed Changes

1. Consolidation of parking standards and reorganization of parking chapter
2. Tiered parking model for minimum and maximum number of spaces to vary requirements by development context / zoning district
3. Exceptions to minimum and maximum parking requirements in exchange for urban design best practices / site improvements
4. Revision of other types of off-street parking requirements
5. Parking area design and construction standards

STAFF REPORT

City Council, Monday, November 6, 2023

Title: Proposed Text Amendment to the City of Brevard Code of Ordinances, Chapter 34 - Floodplain Development Revisions

Speaker: Emily Brewer, AICP, Senior Planner
Paul Ray, CZO, Planning Director

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

Staff is proposing amendments to Chapter 34 – Flood Damage Prevention – of the City’s Code of Ordinances. The purpose of the Flood Damage Prevention chapter is to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by enforcing the provisions designed to accomplish these goals. The Planning Director, or his designee, is the Floodplain Manager for the City responsible for enforcing these provisions and maintaining the City’s participation in the National Flood Insurance Program (NFIP). Staff coordinates with the North Carolina Department of Public Services Emergency Management (NCEM) on floodplain regulations and our participation in NFIP.

The City of Brevard has higher standards that exceed the minimum requirements of NFIP. The Community Rating System (CRS) is a voluntary program that incentivizes communities to have higher standards by reducing insurance premiums for residents. The City of Brevard is classified as a Level 8 Community where citizens who need flood insurance are eligible to purchase it for a 10% discount on their premium.

The goals of this staff-initiated text amendment are to:

- Better align our ordinance with the model provided by NCEM and reflect best practices in floodplain management;
- Improve the usability of the floodplain management regulations;
- Consolidate all floodplain enforcement and variance procedures to the Code of Ordinances (instead of the Unified Development Ordinance); and
- Ensure we retain our CRS rating and achieve additional points where possible.

Discussion

A summary of the changes and Staff’s rationale is as follows:

- **Alignment with NCEM Model Ordinance:** NCEM retains a model ordinance that meets the NFIP requirements within North Carolina General Statutes. This model

ordinance is periodically updated to reflect the changing standards. The majority of the changes presented are to align our ordinance with the updated requirements. These include, among others:

1. Adding new and amending existing definitions
2. Updating the form reference numbers
3. Clarifying regulations for HVAC replacements
4. Adding specific regulations for elevating gas/liquid storage tanks

- ***Improved Usability:*** In reviewing the chapter, Staff identified a few opportunities to improve the usability of this very technical chapter. These include:

1. Adding separate definitions for the various types of letters of map change (LOMC)
2. Providing detailed requirements for notices of violations
3. Consolidating enforcement and variance procedures
4. Removing standards for types of special flood hazard areas that are not within our jurisdiction (i.e., Zone AO)

- ***Comprehensive Enforcement, Appeal and Variance Procedures:*** Currently, the ordinance refers to the enforcement measures and variance procedures within the Unified Development Ordinance. However, these procedures are distinct from what is required for zoning regulations. These are now incorporated into this chapter with specific provisions that relate to the preventative measures and the specific risks related to flood damage. In preparing these amendments, Staff reviewed the ordinances of other CRS communities, including Asheville (which is also Level 8), to understand what types of variance procedures are used.

1. ***Enforcement:*** All of the penalties and corrective procedures are outlined in a single section.
2. ***Appeal:*** The appeal process is more clearly outlined, stating that the owner has the right to provide additional information and evidence to the floodplain administrator. The administrator then provides a written determination, which can subsequently be appealed to the Board of Adjustment by the applicant. This ensures that the administrator is fully informed and can provide written testimony related to the evidence and the rationale in the decision.
3. ***Variance:*** Granting variances to the floodplain development regulations can only be done in very specific circumstances, which were not included in the UDO. The new section walks through the minimum requirements for granting a variance and the documentation required for consideration by the Board of Adjustment.

- **CRS Rating Points:** Staff examined the options available to secure additional points in CRS scoring and identified a few opportunities. Staff does not anticipate that these changes will elevate the City to a higher rating at this time. It improves our score for future review and reflects higher standards that can reduce/prevent future flood damage. These changes are:
 1. Increasing the time period used to calculate “significant damage” and “significant improvement” so the value for the damage or improvement is measured over a five-year period instead of a one-year period
 2. Including a requirement that non-conversion agreements be recorded when necessary to ensure the unfinished lower floors (basements, garages, etc.) are not improved or converted to habitable space.

Staff consulted with NCEM to verify the compliance with NFIP and CRS. The comments received are reflected in the proposed changes.

Notes for Reviewing the Text Amendment

A strikethrough version of the proposed text amendments is provided. When reviewing the strikethrough text amendment, blue text is added language and ~~red-text~~ is removed language. Green text refers to language that moved from one area of Chapter 34 to another. The green text can be found with a strikethrough in the initial location (the section where it currently is in the code) and the without a strikethrough in the new location where it is being incorporated .

Policy Analysis

A basic civic function is protecting the public health, safety, and welfare of its constituents. Under NCGS §160D-923, a local government is authorized to enact and enforce floodplain regulations and flood damage prevention regulations in pursuit of that goal. The proposed amendments align with NCGS and the City’s *Building Brevard 2030* Comprehensive Land Use Plan, which includes the following actions:

- **LUH-19:** *Enhance communication of land use planning efforts, policy development, approvals, and processes*
- **LUH-25:** *Limit the scale and footprint of new development in Conservation / Low Density areas on the Future Land Use Map.*
- **PNRC-5:** *Require conservation design in areas with sensitive natural resources.*

Action

No action is requested at this time. Information is provided for public hearing only.

At the next regular meeting, Staff is requesting that City Council take one of the following actions:

1. Approve the text amendment as presented.

2. Approve the text amendment with modifications.
3. Reject the text amendment.

Attachments:

1. Proposed Text Amendment



CHAPTER 34. FLOOD DAMAGE PREVENTION

ARTICLE I. IN GENERAL

34-1. Statutory authorization.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; [Article 6 of Chapter 153A](#); [Article 8 of Chapter 160A](#); and Articles 7, [9](#), and [11](#), ~~and 13~~ of Chapter 160D, ~~and Article 8 of Chapter 160A~~ of the North Carolina General Statutes, delegated to local governmental units the ~~responsibility~~ [authority](#) to adopt regulations designed to promote the public health, safety, and general welfare.

[Therefore, the Governing Body of the City of Brevard, North Carolina, does ordain as follows:](#)

34-2. Findings of fact.

- A. The flood prone areas within the jurisdiction of the City of Brevard are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

34-3. Statement of purpose.

It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

34-4. Objectives.

The objectives of this chapter are to:

- A. Protect human life, safety, and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;



- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F. Minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- ~~E.~~H. Maintain the natural and beneficial functions of floodplains;
- ~~F.~~I. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- ~~G.~~J. Ensure that potential buyers are aware that property is in a special flood hazard area.

34-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the [floodplain](#) administrator's interpretation of any provision of this chapter.

Area of shallow flooding means a designated Zone AO [or AH](#) on the most recently adopted flood insurance rate map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. See "Special flood hazard area (SFHA)."

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means a determination of the water surface elevations of the base flood as published in the flood insurance study. When the BFE has not been provided in a "special flood hazard area," it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "freeboard," establishes the "regulatory flood protection elevation."

Building. See "Structure."

Chemical storage facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.



Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Critical facility means a structure used to house a function that is especially vulnerable or essential to the community. Uses include but are not limited to: child and adult daycare facilities, nursing homes, schools, hospitals, fire, police and medic facilities and other uses as determined by the administrator.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development activity means any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in N.C.G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a ~~floodplain~~ special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the "start of construction" commenced before the initial effective date of the floodplain management regulations adopted by a community, October 2, 2009.

Existing manufactured home park or manufactured home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community, October 2, 2009.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the flood insurance rate map (FIRM).



Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

Flood insurance means the insurance coverage provided under the National Flood Insurance Program.

Flood insurance rate map (FIRM) means the most recently adopted [official](#) map, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated. [See also "DFIRM."](#)

Flood insurance study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), if published.

Flood prone area. See "Floodplain."

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain administrator means the individual appointed to administer and enforce the floodplain management regulations.

Floodplain development permit means any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents. [A structure, its utilities and sanitary facilities, or other physical object shall only be considered "floodproofed" with a Floodproofing Certificate from a qualified design professional in accordance with FEMA regulations.](#)

Flood-resistant material means [any building product \(material, component or system\) capable of withstanding direct and prolonged contact \(minimum 72 hours\) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to *Technical Bulletin 2, Flood Damage-Resistant Materials Requirements*, available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.](#)



Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment analysis means an engineering analysis of the impact a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge, ~~base flood elevations, and floodway surcharge elevations~~. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

Flood zone means a geographical area shown on a flood hazard boundary map or flood insurance rate map that reflects the severity or type of flooding in the area.

Freeboard means the height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than that the height calculated for a selected size flood and floodway conditions, such as ~~wave action~~, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the "regulatory flood protection elevation."

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous waste management facility means, as defined in N.C.G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest adjacent grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

~~**Income capitalization** means a valuation method appraisers and real estate investors use to estimate the value of income-producing real estate. It is based upon the premise of anticipation i.e., the expectation of future benefits. This method of valuation relates value to two things: (1) the "market rent" that a property can be expected to earn; and (2) the "reversion" (resale) when a property is sold.~~



Letter of map amendment (LOMA) means an official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- A. Letter of map amendment (LOMA)
- B. Letter of map revision (LOMR)
- C. Letter of map revision based on fill (LOMR-F)
- A.D. Conditional letter of map revision (CLOMR)

~~B. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.~~

Letter of map revision (LOMR) ~~A means a~~ revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F) ~~A means a~~ determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Light Duty Truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

Lowest adjacent grade (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map repository means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the



application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

Market value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values. ~~The income capitalization approach of appraisal shall not be utilized to determine market value.~~

New construction means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

North American Vertical Datum of 1988 (NAVD 88) means the vertical control datum established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-U.S. leveling observations. It held fixed the height of the primary tidal bench mark, referenced to the new International Great Lakes Datum of 1985 local mean sea level height value, at Father Point/Rimouski, Quebec, Canada. Additional tidal bench mark elevations were not used due to the demonstrated variations in sea surface topography, i.e., the fact that mean sea level is not the same equipotential surface at all tidal bench marks.

Non-conversion agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-encroachment area (NEA) means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.

No adverse impact floodplain management means providing appropriate regulatory oversight that the action of one property owner or community does not adversely affect the flood risks for other properties or communities as measured by increased flood stages, increased flood velocity, increased flows, or the increased potential for erosion and sedimentation, or any other impact deemed important by the City of Brevard, unless the impact is mitigated as provided for in a community or watershed based plan.

No rise requirement means that, prior to undertaking any development or other activity within the special flood hazard area, non-encroachment area, or floodway, the person desiring to do so shall demonstrate through an engineering study that such activity will cause no increase in the base flood elevation of the base flood. "No rise" shall also mean an increase in the base flood elevation due to development in the special flood hazard area where such rise and any change in the geographic extent of the special flood hazard area or floodway is strictly confined within property or properties upon which the project creating the rise is located or the property of a consenting owner, where such property is protected from future development by means of a conservation easement or other, similar restriction that is acceptable to the administrator. The "no rise requirement" as a standard for development efforts shall not be varied as per section 34-26~~5~~ of this chapter.

Post-FIRM means construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map, September 29, 1978.



Pre-FIRM means construction or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map, [September 29, 1978](#).

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Public safety and/or nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle (RV) means a vehicle, which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; ~~and~~
- D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- ~~D.E. Is fully licensed and ready for highway use.-~~

Reference level means the bottom of the lowest horizontal structural member of the lowest floor and any ductwork, excluding the foundation system, for structures within all special flood hazard areas.

Regulatory flood protection elevation means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet above the highest adjacent grade.

Remedy a violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid waste disposal facility means any facility involved in the disposal of solid waste, as defined in N.C.G.S. 130A-290(a)(35).

Solid waste disposal site means, as defined in N.C.G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special flood hazard area (SFHA) means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in section [34-7](#) of this chapter.



Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means any walled and/or roofed building or other physical object, whether temporary or permanent, that is designed for human habitation or to uphold, house, contain, or bear other objects or materials. Examples of structures include but are not limited to permanently affixed signs, swimming pools, houses, telecommunication towers, manufactured homes, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial damage means damage of any origin sustained by a structure during any ~~one~~five-year period whereby the cost of restoring the structure to the before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See [also](#) definition of “substantial improvement.” Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure taking place during any ~~one~~five-year period for which the cost equals or exceeds 50 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, before the date of start of construction of the improvement). ~~In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure.~~ This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either of the following:

- A. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure provided ~~that it meets the following criteria: such alteration is necessary to maintain, retain or restore historically significant characteristics;~~ the alteration will not preclude the structure's continued designation as a historic structure; ~~and the alteration does not result in the expansion of a non-conforming condition.~~ and the alteration is approved by a variance issued pursuant to Section 34-26.

Technical bulletin and technical fact sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.



It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance means a grant of relief from the requirements of this chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in [ARTICLE II](#) and [ARTICLE III](#) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) means the height, in relation to NAVD 88, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

34-6. Lands to which this chapter applies.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including extraterritorial jurisdictions (ETJs) if applicable, of the City of Brevard ~~and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.~~ For purposes of complying with [the City's floodplain development regulations](#) ~~state or federal law~~, property that is exempt from the exercise of municipal extraterritorial planning and development regulation jurisdiction [such as bona fide farms](#), shall be subject to [Transylvania County's](#) floodplain regulation provisions.

34-7. Basis for establishing the special flood hazard areas.

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) [dated October 2, 2009 for Transylvania County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this chapter, and all revisions thereto.](#) ~~and its accompanying flood insurance rate maps (FIRM), most recently adopted for Transylvania County, which are adopted by reference and declared to be a part of this chapter. It should be noted that the initial flood insurance rate maps for the City of Brevard were adopted by Brevard City Council on September 29, 1978. The initial flood insurance rate maps for Transylvania County, of which the City of Brevard is the County Seat, were adopted by the Transylvania County Board of Commissioners on January 2, 1980.~~

34-8. Establishment of floodplain development permit.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of Section [34-7](#) of this chapter.



34-9. Compliance.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

34-10. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

34-11. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

34-12. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Brevard or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

~~34-13. Penalties for violation.~~

~~A. Penalties and remedies for violations of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or floodplain development permits are contained in CHAPTER 18 of the City of Brevard Unified Development Ordinance. Further, nothing therein contained shall prevent the City of Brevard from taking any other such lawful action as is necessary to prevent or remedy any violation.~~

34-~~14~~13—34-20. Reserved.

ARTICLE II. ADMINISTRATION

34-21. Designation of floodplain administrator.

The City of Brevard Planning Director, or his/her designee, shall serve as the floodplain administrator, hereinafter referred to as the "administrator", and is hereby appointed to administer and implement the provisions of this chapter. In instances where the administrator receives assistance from others to complete tasks to administer and implement this chapter, the administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this chapter.



34-22. Floodplain development application, permit and certification requirements.

- A. *Application requirements.* Application for a floodplain development permit shall be made to the administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the administrator to apply for a floodplain development permit:
1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 34-7, or a statement that the entire lot is within the special flood hazard area;
 - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 34-7;
 - d. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 34-7;
 - e. The base flood elevation (BFE) where provided as set forth in Section 34-7, Section 34-23, or Section 34-34;
 - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - g. The certification of the plot plan by a registered land surveyor or professional engineer if required by the administrator or this chapter;
 - h. Other information as may be required by the administrator.
 2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - a. Elevation in relation to NAVD 88 of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to NAVD 88 to which any non-residential structure in Zones A, AE, and A99 ~~AE, A or AO~~ will be floodproofed; and
 - c. Elevation in relation to NAVD 88 to which any proposed utility systems will be elevated or floodproofed.
 3. If floodproofing, a floodproofing certificate (FEMA Form 206-FY-22-153, or any successors ~~086-0-34 (07/12)~~) with supporting data, an operational plan, and an inspection and maintenance plan that includes, but ~~are~~ is not limited to, installation, exercise, and maintenance of floodproofing measures.
 4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:
 - a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with subsection 34-32.C. when solid foundation perimeter walls are used in Zones A, AE, and A99 ~~A, AO, AE, and A1—30~~.
 5. Usage details of any enclosed areas below the lowest floor.



6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
7. Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received.
8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of subsections 34-32.G and 34-32.H of this chapter are met.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. Permit requirements. The floodplain development permit shall include, but not be limited to:

1. A complete description of the development to be permitted under the floodplain development permit (e.g., house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
2. The special flood hazard area determination for the proposed development in accordance with available data specified in Section 34-7.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, unless the requirements of Section 34-36 are met~~as applicable~~.
7. The flood openings requirements, ~~if in Zones A, AO, AE or A1—30.~~
8. A statement by the property owner that no uses below BFE other than parking and storage shall be employed.
9. Other information as may be required by the administrator.

C. Certification requirements.

1. Elevation certificates.
 - a. An elevation certificate (FEMA Form 206-FY-22-152, or any successors ~~086-0-33 (7/12)~~) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the administrator a certification of the elevation of the reference level, in relation to NAVD 88. The administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - b. An elevation certificate (FEMA Form 206-FY-22-152, or any successors ~~086-0-33 (7/12)~~) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the administrator a certification of the elevation of the reference level, in relation to NAVD 88. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed.



Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.

- c. A final finished construction elevation ~~as-built elevation certificate~~ (FEMA Form 206-FY-22-152, or any successors 086-0-33 (7/12)) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

2. Certification of no adverse impact.

- ~~d.a. When deemed appropriate by the administrator and as~~ As per section 34-33 of this chapter, development endeavors within the City of Brevard's Special Flood Hazard Areas shall be required to certify, utilizing a professional engineer licensed in the State of North Carolina, that the development endeavors of one property owner or community do not adversely affect flood risks for other properties or communities as measured by increased flood stages, increased flood velocity, increased flows, the increased potential for erosion and sedimentation, or any other impact deemed important or as specified by the City of Brevard, unless the impact is mitigated as provided for in a community or watershed based plan. This certification shall employ industry standards for hydraulic and hydrological analysis to determine no adverse impact and all data shall be provided in hard-copy and digitally for review and corroboration by the city's engineer or any governmental review agency acceptable to the City of Brevard. See Section 34-33 of this chapter.

3. Floodproofing certificate.

- a. If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form FF-206-FY-22-153, or any successors 086-0-34 (7/12)), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 88. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.



e.b. A final Finished Construction Floodproofing Certificate (FEMA Form 206-FY-22-153, or any successors), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a certificate of compliance/occupancy. It shall be the duty of the permit holder to submit to the administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 88. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to certificate of occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to deny a certificate of compliance/occupancy.

2.4. If a manufactured home is placed within Zones A, AE, or A99 ~~A, AO, AE, or A1—30~~ and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of subsection 34-32.C.2.

3.5. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

4.6. Certification exemptions. The following structures, if located within Zones A, AE, or A99 ~~A, AO, AE or A1—30~~, are exempt from the elevation/floodproofing certification requirements specified in items C.1 and C.2 of this subsection:

- a. Recreational vehicles meeting requirements of subsection 34-32.F.1;
- b. Temporary structures meeting requirements of subsection 34-32.G; and
- c. Accessory structures less than 150 square feet or cost less than \$5,000 and meeting requirements of subsection 34-32.H.

D. Determinations for existing buildings and structures. For applications for permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the administrator, in coordination with the Building Official or based on other quantitative data, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- 5.4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this chapter is required.



34-23. Duties and responsibilities of the administrator.

The administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.
- B. Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 34-36 are met.
- F. Obtain actual elevation (in relation to NAVD 88) of the reference level (including [Basement](#)) and all attendant utilities of all new and substantially improved structures, in accordance with subsection 34-22.C.
- G. Obtain actual elevation (in relation to NAVD 88) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of subsection 34-22.C.
- H. Obtain actual elevation (in relation to NAVD 88) of all public utilities in accordance with the provisions of subsection 34-22.C.
- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of subsection 34-22.C and subsection 34-32.B.
- J. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- K. When base flood elevation (BFE) data has not been provided in accordance with section 34-7, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to subsection 34-34.B.2., in order to administer the provisions of this chapter.
- L. When base flood elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with section 34-7, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.
- M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA, and maintain a copy of all letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.



- O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- P. Issue stop-work orders as required, [in accordance with Section 34-25](#). ~~Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Penalties for the violation of a stop-work order are provided in CHAPTER 18 of the City of Brevard UNIFIED DEVELOPMENT ORDINANCE. Further, nothing therein contained shall prevent the City of Brevard from taking any other such lawful action as is necessary to prevent or remedy any violation.~~
- Q. Revoke floodplain development permits as required, [in accordance with Section 34-25](#). ~~The administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.~~
- R. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of section ~~34-24~~[25](#).
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, the [historical and effective](#) FIS report, [the historical and effective](#) FIRM and other official flood maps and studies adopted in accordance with section 34-7 of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).
- W. All costs associated with the administration of this chapter, including but not limited to the review of engineering analysis for the benefit of the city and the costs associated with map revisions, shall be borne by the applicant, developer or property owner, as appropriate.

34-24. Violations and notices.

- A. General violations:** It shall constitute a violation of this ordinance for any person to fail to comply with the provisions of this chapter or with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions. Nothing herein contained shall prevent the City of Brevard from taking such other lawful action as is necessary to prevent or remedy any violation.



- B. Continued violations. Each day such violation continues shall be considered a separate offense. Separate notices of violations are not required for each subsequent day, provided it is addressed in the initial notice of violation.
- C. Repeat violations. If an owner and/or occupant repeats the same violation within five-year period from the date of the initial violation, it shall be considered a continuation of the initial violation and shall be subject to additional penalties and remedies.
- D. Notice of violation. If it is determined that a person has violated this ordinance, the administrator shall immediately give the property owner and/or occupant written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
1. That the building or priority is in violation of this chapter;
 2. The nature of the violation and the citation of the section(s) of this chapter violated;
 3. The measures needed to comply;
 4. The time within such measures must be completed;
 5. Warn that failure to correct the violation within the time period shall subject the violator and/or property owner to civil and/or other enforcement action; and
 6. Mechanisms available to appeal the decision of the administrator.
- E. Failure to take corrective action: If the violator and/or property owner should fail to take prompt corrective action to remedy the violation, then the administrator shall proceed in accordance with Section 34-25.

34-2425. Enforcement and corrective procedures.

- ~~A. Violations to be corrected.~~ When the administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- A. Civil penalty. Any person who is found to be in violation shall be subject to a civil penalty in the amount of:
1. \$50.00 for the first violation;
 2. \$100.00 for the second violation;
 3. \$200.00 for the third violation; and
 4. \$500.00 for the fourth and each succeeding violation.
- B. Civil penalty assessment. No civil penalty shall be assessed until the person alleged to be in violation has been notified in accordance with Section 34-24. If after receiving a notice of violation under Section 34-24, the property owner or other violator fails to take corrective action, a civil penalty shall be imposed under this section in the form of a citation. A civil penalty may be assessed from the initial date of the violation. The citation shall be served in the same manner as of a notice of violation. The citation shall state the nature of the violation, shall state the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the citation.
- C. Stop-work order: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. ~~Penalties for the violation of a stop-work order are provided in CHAPTER 18 of the City of Brevard UNIFIED DEVELOPMENT ORDINANCE.~~ Further, nothing therein contained shall prevent the City of Brevard from taking any other such lawful action as is necessary to prevent or remedy any violation.



- D. Revocation.** The administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- E. Permit reinstatement.** A new permit application and approved plan including all permit fees must be submitted prior to reinstatement of the revoked permit. For permit reinstatement the site must be deemed to be in compliance with the requirements of this chapter and all penalties have been paid in full or penalty appeal has been filed within the given time frame.
- ~~B.F.~~ Actions in event of failure to take corrective action.** If the ~~owner of a building or property~~ violator and/or property owner shall fail to take prompt corrective action, the administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
1. That the building or property is in violation of the floodplain management regulations;
 2. That a hearing will be held before the administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 3. That following the hearing, the administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- ~~C.G.~~ Order to take corrective action.** If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible. An appeal may be taken from the order as set forth herein.
- H. Appeal.** Any aggrieved party may file an appeal for or from the issuance of a variance, or from a penalty assessment, notice of violation, permit disapproval, order, requirement, determination or interpretation rendered under the provisions of this chapter. The appeals process shall be as follows:
1. To the administrator. With the exception of appealing for the issuance of a variance, all appeals must initially be heard by the administrator. The appeal must be submitted in writing within 30 days of receipt of an adverse action and shall specify the specific grounds for relief and what relief is requested. The floodplain administrator shall schedule a hearing no later than 30 days from receipt of the written notice of appeal. The owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter, and the administrator shall issue to the petitioner a written determination. Further appeal may be taken to the board of adjustment as set forth below. In the absence of an appeal, the order of the administrator shall be final.
 2. To the Brevard Board of Adjustment. Further appeal may be taken to ~~Any owner who has received an order to take corrective action may appeal the order to~~ the Board of Adjustment by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. ~~In the absence of an appeal, the order of the administrator shall be final.~~ The Board of Adjustment shall hear an appeal within a reasonable time and ~~as provided in Section 16.8 of the City of Brevard UNIFIED DEVELOPMENT ORDINANCE;~~ in accordance with and pursuant to the written requirements of the board and Chapter 16 of the Unified Development Ordinance.



3. To superior court: Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari. Petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the Board of Adjustment is filed or after a written copy thereof is delivered to every person who has filed a written request for such copy with the Board at the time of its hearing of the case, whichever is later.

~~D.~~

~~E.I.~~ Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be subject to remedies and penalties as provided ~~for in CHAPTER 18 of the City of Brevard UNIFIED DEVELOPMENT ORDINANCE~~ herein.

34-~~25~~26. Variance procedures.

A. The Board of Adjustment as for the City of Brevard shall hear and decide requests for variances from the requirements of this chapter. ~~Variances shall follow the same procedures and be subject to the same requirements as those established in UDO section 16.8.E.~~

B. Petition for a variance. Variances may be issued for:

1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
2. Functionally dependent facilities if determined to meet the definition as stated in Section 34-5 of this chapter, provided provisions (2), (3), and (5) of 34-25.I below have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
3. Any other type of development provided it meets the requirements of this Section.

C. Requirements for the granting of variances. The Board of Adjustment may only grant a variance if the applicant satisfies all of the following requirements:

1. The variance is the minimum necessary, considering the flood hazard, to afford relief.
2. No development permit has been approved.
3. The applicant has demonstrated a showing of good and sufficient cause.
4. Failure to grant the variance would result in exceptional hardship.
5. The granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. The granting of the variance will not make the structure in violation of other federal, state, or local laws, regulations, or ordinances unless such local regulations or ordinances are lawfully varied as part of this decision.
7. If the variance request is within any designated floodway or non-encroachment area, the granting of the variance would not result in any increase in flood levels during the base flood discharge.

D. Prerequisites to considering a request for a variance. Prior to considering a request for a variance, the Board of Adjustment shall be provided with the following:



1. The administrator shall provide a written report specifying whether all technical evaluations, all relevant factors, and all standards specified in other sections of this chapter has been met.
2. The applicant shall submit a written report with the variance application addressing each of the following factors:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location as defined under Section 34-5 of this chapter as a functionally dependent facility, where applicable;
 - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area, such as the City's continued eligibility to remain or its participation in the Community Rating System (CRS) which reduces insurance rates for the citizens of Brevard;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - xi. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. Conditions. Upon consideration of the factors listed above and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this chapter.
- F. Notice. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- G. Records. The administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina Department of Public Safety upon request.
- H. ~~unless such local regulations or ordinances are lawfully varied as part of this decision~~Special facilities. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 1. The use serves a critical need in the community.
 2. No feasible location exists for the use outside the Special Flood Hazard Area.
 3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.



4. [The use complies with all other applicable federal, state and local laws.](#)
5. [The City of Brevard has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty \(30\) calendar days prior to granting the variance.](#)

[A.I. Appeal. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to superior court, as provided in Chapter 7A of the North Carolina General Statutes.](#)

34-~~26~~27—34-30. Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

34-31. General standards.

In all special flood hazard areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, [in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.](#)
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- [D. All new e](#)~~E~~lectrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be ~~designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation.~~ [located at or above the regulatory flood protection elevation and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, These include,](#) but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - [a. Replacements as part of a substantial improvement must also meet the above provisions.](#)
 - [a.b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.](#)
- ~~D.E.~~ All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- ~~E.F.~~ New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- ~~F.G.~~ On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- ~~G.H.~~ Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.



- H.I.** Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.
- H.J.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified Section 34-26. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of subsection 34-22.C.
- H.K.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- K.L.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- L.M.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- M.N.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- O.** Newly created parcels of land shall have adequate developable area outside of the special flood hazard area, except parcels created and restricted for the purpose of recreation, agriculture, conservation or open space protection.
- N.P.** Fill and other encroachments shall not be permitted within the ~~SFHA~~ special flood hazard area of any parcel created after the date of enactment of this chapter, except upon successful demonstration of no rise and no adverse impact.
- O.Q.** When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- P.R.** When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

34-32. Specific standards.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 34-7, or section 34-34, the following provisions, in addition to the provisions of section 34-31, are required:

- A. Residential construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter.
- B. Nonresidential construction.** New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter. Structures located in Zones A, AE, AH, AO, or A99A, AE, AO, and A1—30 Zones may be floodproofed to the regulatory flood protection



elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with subsection 34-37.B. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the administrator as set forth in subsection 34-22.C, along with the operational, maintenance and inspections plans.

C. *Manufactured homes.*

1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to N.C.G.S. 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
3. All enclosures or skirting below the lowest floor shall meet the requirements of subsection 34-32.D.
4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the administrator and the local emergency management coordinator.

D. *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

2. Shall not be temperature-controlled or conditions;

- ~~2.3.~~ Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;

- ~~3.4.~~ Shall include, ~~in Zones A, AO, AE, and A1—30,~~ flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- a. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- b. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
- c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;



- d. The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior adjacent grade;
- e. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Non-conversion agreement. As applicable, property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; the City of Brevard will have the right to inspect the enclosed area. This agreement shall be recorded with the Transylvania County Register of Deeds and shall transfer with the property in perpetuity.

4.6. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

E. Additions/improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - b. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition ~~and/or improvements~~ must comply with the standards for new construction.
2. Additions to pre-FIRM and post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ~~one~~five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the ~~one~~five-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this chapter. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:



- a. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
- b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

F. *Recreational vehicles.* Recreational vehicles shall either:

1. Be on site for fewer than 180 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); or
2. Meet all the requirements for new construction.

G. *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

H. *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of subsection 34-31.A;
6. All service facilities such as electrical shall be installed in accordance with the provisions of subsection 34-31.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of subsection 34-32.D.3.
8. An accessory structure with a footprint less than 150 square feet, or that is a minimal investment (~~\$3,000~~ ~~1,500.00~~) or less that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with subsection 34-22.C.



I. Tanks. When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
2. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the regulatory flood protection elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 34-23.B of this section shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

H.J. Public utilities. For development of such utilities as necessary for the collection, treatment, and distribution of public water and wastewater within the special flood hazard area (Zone AE) the following criteria shall apply:

1. The "no rise" requirement of this chapter shall be considered satisfied if the development demonstrates an increase in the base flood elevation of 0.05 feet or less.
2. This does not exempt such development from complying with the "no rise" requirement as it relates to development within the floodway or non-encroachment area which requires demonstration that development would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the administrator prior to issuance of floodplain development permit.
3. Such development must certify a determination of no adverse impact as defined below.

K. Other development.

1. Fences in regulated floodways and non-encroachment areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 34-36.
2. Retaining walls, sidewalks and driveways in regulated floodways and non-encroachment areas. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 34-36.
3. Roads and watercourse crossings in regulated floodways and non-encroachment areas. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 34-36 of this ordinance.



4. Commercial storage facilities are not considered “limited storage” as noted in this chapter, and shall be protected to the regulatory flood protection elevation as required for commercial structures.

34-33. No adverse impact determination.

- A. After examination of the National Flood Insurance Program standards for floodplain development, the City Council of the City of Brevard has made the judgment that due to its geographic location, topography and the extensive riverine floodplain systems within its jurisdiction that the minimum standards of the National Flood Insurance Program are not wholly sufficient to protect its citizens and their properties from the effects of flooding, especially in situations where flooding possibly could be exacerbated by development that would otherwise be allowable under the minimum standards of the National Flood Insurance Program, and that additional protections must be employed to protect the lives and property within the jurisdiction of the City of Brevard.
- B. No structure or land shall be located, extended, converted, altered, or developed in any way within the special flood hazard area, nor shall any floodplain development permit be issued except as otherwise provided in this chapter, until the administrator makes a determination that the project would not increase danger to life or property and would have no adverse impact based upon the affirmative findings that:
1. The granting of the floodplain development permit will not create a danger that fill, construction materials or other debris or construction spoils may be swept onto properties upstream from, downstream from, or adjacent to the project area, or increase erosion and sedimentation; and
 2. The granting of the floodplain development permit will result in no rise in the base flood elevation as defined by this chapter; and
 3. The granting of the floodplain development permit will not result in increased flood peaks, increased flood stages, or increased flood velocities during the base flood discharge; and
 4. The granting of the floodplain development permit will not increase or alter the width or extent of the floodway or special flood hazard area except within the property or properties upon which the floodplain development is located or the property of a consenting owner, where such property is protected from future development by means of a conservation easement or other, similar restriction that is acceptable to the administrator; and
 5. The granting of the floodplain development permit will not increase the susceptibility of any property to flooding during the base flood except the property or properties upon which the floodplain development is located or the property of a consenting owner, where such property is protected from future development by means of a conservation easement or other, similar restriction that is acceptable to the administrator; and
 6. The granting of the floodplain development permit will not increase the susceptibility of existing or proposed structure to flooding during the base flood; and
 7. The granting of the floodplain development permit will not detrimentally impact the functionality or level of service of any street, bridge or culvert, or public utility during the base flood; and
 8. The granting of the floodplain development permit will not reduce the effective base flood storage volume of the floodplain; [and]
 9. The granting of the floodplain development permit will not increase the susceptibility of any critical facility to flooding, nor detrimentally impact access thereto during the base flood; and



10. The granting of the floodplain development permit will not otherwise increase the probability of flooding or property damage and thereby create a danger to life and property, or otherwise create conditions that are injurious to the public health, safety, and welfare, or detrimental to the value of adjoining property and associated uses; and
 11. The use, structure, or other activity that is the subject of the floodplain development permit will comply with all other requirements and specifications of Brevard City Code.
- C. The burden of proof shall lie with the applicant, who shall be required to present evidence to substantiate any affirmative finding. The administrator shall maintain records containing specific evidence to substantiate any affirmative finding.
- D. Property owners and any tenant or lessee thereof, who may be adversely impacted by the proposed floodplain development, shall be provided an opportunity to comment, in writing, upon such development or to provide information or evidence pertaining to a potential adverse impact. The administrator shall provide notification of the proposed floodplain development by means of first class mail to the owners of all properties lying within or adjacent to the special flood hazard area whose properties lie within the geographic scope of the hydraulic and hydrologic evaluation that is required by subsection 34-33.E.5, below, or subsection 34-22.C.2. The applicant shall be required to respond, in writing, to any claim of adverse impact by an affected property owner or tenant or lessee thereof.
- E. In order to evaluate development proposals in the context of the required findings, the following, minimum information is required for presentation to the administrator:
1. A narrative, written in non-technical language, which explains how no adverse impact is being accomplished with respect to the proposed project.
 2. No rise certification documentation by a professional engineer is required to show that proposed encroachment into the special flood hazard area will cause no rise in the water surface elevation of the 100-year base flood as defined in this chapter.
 3. No adverse impact certification documentation by a professional engineer is required to show that the proposed encroachment into the special flood hazard area will create no adverse impact upon any other property owner.
 4. Other information as may be required by the administrator in order to evaluate the proposed floodplain development permit in the context of the required findings that are set forth in subsection 34-33.2, above.
 5. All data and conclusions shall be demonstrated using the most current hydraulic and hydrological models employed by the Federal Emergency Management Agency (hereafter, FEMA) or North Carolina Emergency Management's Office of Geospatial and Technology Management (hereafter, NCEM GTMO) for the purposes of flood risk assessment and mapping. If there is no model available for the basin or watercourse affected by proposed development, a full hydraulic and hydrological model shall be developed by a professional engineer and approved by the administrator and/or FEMA/NCEM GTMO as appropriate.
 6. Hydraulic and hydrologic conditions shall be evaluated within the project area, as well as upstream and downstream of the project area along the channel to the point where water surface profiles consistently meet the existing conditions as defined in the effective model. The administrator shall have the authority to determine the reach and scope of any hydraulic and hydrologic evaluation.
 7. The developer or property owner of any development project that causes an increase in the base flood elevation or a change in the geographic extent of the special flood hazard area or floodway shall be responsible for revisions to the flood insurance rate maps, which shall be approved by FEMA, in



accordance with 44 CFR 70. The developer or property owner shall be responsible for preparing and recording appropriate legal documents in which all property owners affected by the increased flood elevations or change to the geographic extent of the special flood hazard area or floodway have consented to the impacts upon their property, including development restrictions approved by the administrator. Prior to approval of any project, the developer shall [provide a](#) conditional letter of map revision (CLOMR) first to the City of Brevard for review and approval and then to North Carolina Emergency Management for review. A letter of map revision (LOMR) must be obtained and new flood insurance rate maps produced and presented to the administrator within six months of completion of the proposed encroachment. The applicant shall enter into a written agreement with the city and provide financial security that is sufficient to cover all costs associated with completion of the LOMR and FIRMs. Such agreement and security shall be provided in accordance with the improvement guarantee requirements and procedures which are set forth in [CHAPTER 16](#) of the City of Brevard [UNIFIED DEVELOPMENT ORDINANCE](#).

- F. The administrator, for the further protection of the neighboring properties and the public welfare, may impose appropriate conditions and safeguards upon any floodplain development permit which it may grant pursuant to the provisions of this subsection. Any floodplain development permit granted may be revoked by the administrator should any conditions and safeguards imposed be violated.
- G. Exemptions. The following projects are potentially exempt, as determined by the administrator, from the specific requirements of subsection 34-33.B, above:
1. Agricultural structures such as barns, feed-waste storage structures, greenhouses, and similar structures that are not insurable through the National Flood Insurance Program, provided that such structures comply with subsection [34-32.H](#) of this chapter.
 2. Non-substantial improvements as defined in this chapter.
 3. Minor projects clearly having negligible impact, such as street resurfacing and rehabilitation, certain utility infrastructure and appurtenances (e.g. hydrants, poles, manholes, underground pipes), and minor water quality features.
 4. Development pursuant to approved site-specific development plans and floodplain development permits which are still in force on the effective date of this chapter are not required to meet no rise criteria unless such was previously a requirement of the approving authority.
 5. Fill sufficient to permit the establishment of no more than one single-family dwelling unit on parcels the boundaries of which were on record in the Transylvania County Register of Deeds prior to the enactment of this chapter. The approving authority shall have the right to impose such conditions and make such allowances as are necessary to limit the volume of fill placed for this purpose, including but not limited to modifications to required setbacks, which are set forth in [CHAPTER 2](#) of the City of Brevard [UNIFIED DEVELOPMENT ORDINANCE](#), by as much as 20 percent in order to minimize necessary fill.
 6. Stream bank, stream channel, wetland restoration, soil stabilization, or other surface water protection and restoration projects of the North Carolina Cooperative Extension Service, Transylvania County Soil and Water Conservation Service, USDA Natural Resources Conservation Service, Transylvania County, the City of Brevard, the North Carolina Forest Service, or a cooperating organization or entity. This exemption does not include the impoundment, levying, straightening or channelization of any watercourse.
- H. The administrator shall have the right to require any proposed development project or other activity to which these exemptions may apply to provide adequate engineering to assure the goals of section 34-33 are met, up to and including if necessary demonstration of no adverse impact as in outlined in subsection 34-33.B.



34-34. Standards for floodplains without established base flood elevations.

Within the special flood hazard areas designated as approximate Zone A and established in section 34-7, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of section 34-31, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of ~~50~~ 30 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - 1. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in sections 34-31 and 34-32, and shall comply with all other applicable requirements of this chapter.
 - 2. When floodway or non-encroachment area data is available from a federal, state, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of sections 34-32 and 34-36, and shall comply with all other applicable requirements of this chapter.
 - 3. All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with section 34-7 and utilized in implementing this chapter, and shall comply with all other applicable requirements of this chapter.
 - 4. When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in section 34-5. All other applicable provisions of section 34-32 shall also apply.

34-35. Standards for riverine floodplains with BFE, but without established floodways or non-encroachment areas.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards of sections 34-31 and 34-32; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community; and
- C. All other applicable requirements of this chapter.



34-36. Floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in section 34-7. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 34-31 and 34-32, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
1. It is demonstrated that the proposed encroachment would not result in any increase ("no rise" as defined in this chapter) in the flood levels during the occurrence of the base flood [discharge](#), based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the administrator prior to issuance of floodplain development permit; ~~and~~
 2. A no adverse impact certification can be attained pursuant to section 34-33 of this chapter; and
 3. The developer or property owner of any development project that causes an increase in the base flood elevation or a change in the geographic extent of the special flood hazard area or floodway shall be responsible for revisions to the flood insurance rate maps, which shall be approved by FEMA, in accordance with 44 CFR 70. The developer or property owner shall be responsible for preparing and recording appropriate legal documents in which all property owners affected by the increased flood elevations or change to the geographic extent of the special flood hazard area or floodway have consented to the impacts upon their property, including development restrictions approved by the administrator. Prior to approval of any project, the developer shall [provide a](#) conditional letter of map revision (CLOMR) first to the City of Brevard for review and approval and then to North Carolina Emergency Management for review. A letter of map revision (LOMR) must be obtained and new flood insurance rate maps produced and presented to the administrator within six months of completion of the proposed encroachment. The applicant shall enter into a written agreement with the city and provide financial security that is sufficient to cover all costs associated with completion of the LOMR and FIRMs. Such agreement and security shall be provided in accordance with the improvement guarantee requirements and procedures which are set forth in [CHAPTER 16](#) of the City of Brevard [UNIFIED DEVELOPMENT ORDINANCE](#).
- B. Floodway development activities shall be limited to critical transportation or pedestrian infrastructure for which there is no other feasible location, utility installations or other public improvements for which there is no other feasible location, channel crossings necessary for property access for which there is no other feasible location, and stream bank, stream channel, or wetland restoration, soil stabilization, or other surface water protection and restoration projects of the North Carolina Cooperative Extension Service, Transylvania County Soil and Water Conservation Service, USDA Natural Resources Conservation Service, Transylvania County, the City of Brevard, the North Carolina Forest Service, or a cooperating organization or entity approved by the administrator. No fill or other development activity shall be permitted within the floodway.
- C. If subsection 34-36.A is satisfied, all development shall comply with all other applicable [flood hazard reduction](#) provisions of this chapter.
- D. No manufactured homes shall be permitted [in floodways or non-encroachment areas](#), except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
1. The anchoring and the elevation standards of subsection 34-32.C; and



2. The no encroachment standard of subsection 34-36.A.

~~34-37. Standards for areas of shallow flooding (Zone AO).~~

~~Located within the special flood hazard areas established in section 34-7, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to section 34-31, all new construction and substantial improvements of all structures shall have the reference level elevated to:~~

- ~~A. At least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of three feet, above the highest adjacent grade; or~~
- ~~B. At least two feet above the highest adjacent grade plus a freeboard of three feet if no depth number is specified. All new construction and substantial improvements of all non-residential structures may, in lieu of elevation, floodproof to the same depths as listed above so that any space below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per subsection 34-22.C and subsection 34-32.B.~~

34-38—34-40. Reserved.

ARTICLE IV. LEGAL STATUS PROVISIONS

34-41. Effect on rights and liabilities under the existing flood prevention ordinance.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 17, 1978 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any enforcement action, or any suit or proceeding instituted or pending, or otherwise cure any existing violations. All provisions of the flood damage prevention ordinance of the City of Brevard enacted on September 17, 1978, as amended, which are not reenacted herein are repealed. The date of the initial Flood Damage Prevention Ordinance for Transylvania County is January 2, 1980.

34-42. Effect upon outstanding floodplain development permits.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the administrator or his or her authorized agents before the time passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

34-43. Severability.

If any section, clause, sentence, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.



34-44. Effective date.

This ordinance shall become effective ~~October 2, 2009~~ [\[will reflect new effective date\]](#).

34-45. Adoption certification.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Brevard City Council, State of North Carolina, on this the ~~21st day of September, 2009~~ [\[will reflect the new adoptive date\]](#).

STAFF REPORT

City Council, Monday, November 6, 2023

Title: Replacing Double Bollards with Single Bollards Along Multi-Use Path in Railroad District

Speaker: Wesley Shook, Public Works Director

Prepared by: Wesley Shook, Acting Public Works Director

Approved by: Wilson Hooper, City Manager

Background

The Railroad District multi-use path, part of the Estatoe Trail, was completed in 2022. The approximately 3,300 linear feet of trail connects the portion of the trail near Raybow with Main St., giving cyclist and pedestrians easy access to Depot Park, French Broad St., and the King St. entertainment district along the way.

The trail construction plans were approved by the previous City Manager, who was authorized by City Council to do so at their August 2018 meeting.

The Council's Public Safety Committee (PSC) recommended the changes proposed below at its October 23, 2023 meeting.

Discussion

The trail section has five potential conflict points with cars: intersections with Railroad Ave and Whitmire St., the driveway for Henderson Oil company, Probart St intersection and Main St. Bollards are placed at each of these conflict points to both prevent motor vehicle intrusion onto the trail, and serve as a visible reminder to trail users that they are approaching a conflict point.

Double bollards were installed at each of the conflict points per the plans. The trail's proximity to facilities such as Comporium, Henderson Oil, and TVS that produce significant truck traffic necessitated bollards. Concrete bollards with bases buried several feet into the ground were installed rather than flexible delineators or single bollards. Double bollards can actually prevent vehicles from driving onto the trail, whereas single bollards can be driven around and flexible delineators can only serve as a visible reminder.

However, since the trail's opening Council has received feedback from constituents that the double bollards are placed too close together and present a hazard to cyclist attempting to ride between them. A number of trail users have reported falls due to inconsistent/limited spacing between the bollards. Removing the double bollards and replacing them with single bollards will still provide a protection from cars, but be easier to navigate.

At the October 23, 2023 PSC meeting, staff presented several options for reconfiguration, along with associated costs. Staff also asked the PSC to weigh in on the fact that removing

the double bollards and replacing them with single bollards will create visible asphalt patches in the newly paved trail. The committee's recommendation was to cut the bollards (rather than digging them up), shave the "stumps", and pave over with asphalt. This will leave two small patches.

Fiscal Impact

The committee considered the cost of the solution when making their recommendation. Staff estimates that each of the nine locations will cost \$1,325 to repair. Each location will require approximately 6 man hours to complete (\$150 per location), and approximately \$1,175 in material and equipment fees. The cost will be absorbed by Public Works' operating budget.

Action:

Since this is an unbudgeted and unplanned project that will require approximately 54 man-hours away from other projects, staff seeks Council approval before they proceed.

Attachments:

1. Example image of patched versus shaved surfaces



STAFF REPORT

City Council, Monday, November 6, 2023

Title: Property Tax Releases - October, 2023

Speaker:

Prepared by: Tina Tanner, Tax Collector/Water/Finance

Approved by: Dean Luebbe, Assistant City Manager/Finance Director

STAFF REPORT

DATE: November 6, 2023

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

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

General Statute 105-381

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

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

Release Amount for October 2023: \$117.60

-

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

Attachments:

1. 10 Resolution Tax Releases October 2023

RESOLUTION 2023-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

BE IT NOW, THEREFORE, RESOLVED THAT:

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

2023: \$ 117.60

Adopted this the 6th day of November, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, November 6, 2023

Title: Whitmire Street Waterline Project Closeout

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Assistant City Manager/Finance Director

Approved by: Wilson Hooper, City Manager

Background

On June 6, 2022, project amendment 2022-29, was approved by the City Council in the amount of \$556,000, to relocate approximately 2,500 linear feet of water main from private property to public right of way. The water mains previously existed under private property and were difficult to maintain. Work was performed by Summit Engineering and Carolina Specialties Construction, LLC. In November of 2022, City Council approved the construction contract with Carolina Specialties Construction, LLC. in the amount of \$525,718. Work was completed in June of 2023. The project was funded primarily from federal ARPA funds. A project amendment for \$54,000 was approved on November 7, 2022.

Staff Report

The water main relocations have been completed, and all invoices have been processed. The Project Budget can now be closed. A listing of all expenditures charged to this project since its inception in December of 2021 is attached. Budgeted and actual revenues and expenditures will be reversed in the financial software.

Action

Staff requests Council, by motion, close out Ordinance 2022-29 and Amendment 2022-71.

Attachments:

1. Capital Project Closeout - Whitmire Waterline Relocation
2. Whitmire waterline financial summary
3. Whitmire Street waterline expenditures

ORDINANCE NO. 2023-XX

CAPITAL PROJECT ORDINANCE TO CLOSE ORDINANCE
NO. 2022-29 and 2022-71, WHITMIRE STREET WATERLINE PROJECT

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby closed:

Section 1: On June 6, 2022, project amendment 2022-29, was approved by the City Council in the amount of \$556,000, to relocate approximately 2,500 linear feet of water main from private property to public right of way. The water mains previously existed under private property under where difficult to maintain, and potentially dangerous. Work was performed by Summit Engineering and Carolina Specialties Construction, LLC. The City received funding of \$556,000 in federal ARPA funds, and \$54,000 was transferred from the Water and Sewer Utility Fund. The project was \$12,590 under the project budget.

Section 2: The project will be closed with actual revenues and expenditures of \$597,410. Actual and budgeted revenues and expenditures will be reversed on the City financial software, and no further expenditures will be required on the project.

Section 3: The following amounts were appropriated for the project:

Account Number	Account Name	Budget Amount
31-8540-5000	Whitmire Street Waterline	\$610,000
TOTAL PROJECT APPROPRIATION		\$610,000

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-1660	Transfer from ARPA - Whitmire	\$556,000
31-3760-1906	Transfer from Utility Fund	\$54,000
TOTAL PROJECT REVENUE		\$610,000

Section 5: The Finance Director will maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: The Finance Director will maintain a detailed analysis of all revenues and expenses associated with the project since its inception.

Section 9: Copies of this capital project close out shall be furnished to the City Clerk, Finance Director and City Manager.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 6th day of November, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

**City of Brevard Capital Project - Water and Sewer Capital Project Fund
Whitmire Waterline Replacement**

Original Ordinance	2022-29	556,000	6/6/2022
Amendment	2022-71	54,000	11/7/2022

TOTAL 610,000

As of October 30, 2023		Budget	Prior Year Activity	Current Year Expenditure FY23	Total prior plus current
Expenditures					
31-8540-5000	Whitmire St Waterline	610,000	596,160	1,250	597,410
Revenues					
31-3760-1660	Transfer from ARPA - Whitmire	556,000	556,000	-	556,000
31-3760-1906	Transfer from Water	54,000	54,000	-	54,000
Total Revenues		610,000	610,000	-	610,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit Engineering	84,000	91,624	1,250	92,874	(8,874)
7255 Carolina Specailties	525,718	504,536	-	504,536	21,182
	609,718	596,160	1,250	597,410	12,308

10-27-22 low bid 526,000 Carolina Spec

TOTAL **610,000**

As of June 30, 2023		Budget	Prior Year Activity	Current Year Expenditure FY23	Total prior plus current
Expenditures					
31-8540-5000	Whitmire St Waterline	610,000	44,584	551,576	596,160
Revenues					
31-3760-1660	Transfer from ARPA - Whitmire	556,000	-	556,000	556,000
31-3760-1906	Transfer from Water	54,000		54,000	54,000
Total Revenues		610,000	-	610,000	610,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit Engineering	84,000	44,584	47,040	91,624	(7,624)
7255 Carolina Specailties	525,718	-	504,536	504,536	21,182
	609,718	44,584	551,576	596,160	13,558

WHITMIRE WATERLINE IMPROVEMENTS

As of June 30, 2022		Budget	Prior Year Activity	Current Year Expenditure	Total prior plus current
Expenditures					
31-8540-5000	Whitmire St Waterline	556,000	-	44,584	44,584
Revenues					
31-3760-1660	Transfer from ARPA - Whitmire	556,000	-	-	-
Total Revenues		-	-	-	-

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit Engineering	84,000	-	44,584	44,584	39,416
Construction		-	-	-	-
	84,000	-	44,584	44,584	39,416

CITY OF BREVARD
DETAIL ACCOUNT INQUIRY BY ACCOUNT

FY 2023-2024

PERIOD: 07/01/2021 TO 06/30/2024

31-8540-5000 WHITMIRE ST WATERLINE IMPROVEMENT					BUDGET	PERIOD TO DATE	ENC AMT	REMBAL
					610,000.00	597,410.07	21,186.07	587,563.93
DATE	MOD	REFERENCE	JE # or VOUCHER#	CHECK#	DEBIT	CREDIT	BALANCE	
BALANCE FORWARD							596,160.07	
12/03/2021	AP	SUMMIT ENGINEERING GROUP OF NC INC.	64861	273745	6,140.00		602,300.07	
12/03/2021	AP	SUMMIT ENGINEERING GROUP OF NC INC.	64861	273745	23,450.76		625,750.83	
02/11/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	65524	274273	6,892.27		632,643.10	
04/01/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	65999	274628	2,000.00		634,643.10	
06/03/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	66568	275102	5,323.65		639,966.75	
06/30/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	66884	275375	777.50		640,744.25	
02/03/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	68926	277029	8,680.00		649,424.25	
02/03/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	68927	277029	5,565.10		654,989.35	
03/10/2023	AP	CAROLINA SPECIALTIES CONSTRUCTION,	69286	277248	76,254.57		731,243.92	
03/24/2023	AP	CAROLINA SPECIALTIES CONSTRUCTION,	69376	277332	184,878.64		916,122.56	
03/31/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	69439	277389	13,874.40		929,996.96	
04/14/2023	AP	CAROLINA SPECIALTIES CONSTRUCTION,	69532	277447	50,257.98		980,254.94	
05/19/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	69805	277718	11,296.32		991,551.26	
05/19/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	69806	277718	377.44		991,928.70	
05/26/2023	AP	CAROLINA SPECIALTIES CONSTRUCTION,	69912	277734	79,374.52		1,071,303.22	
06/30/2023	AP	CAROLINA SPECIALTIES CONSTRUCTION,	70287	277976	113,766.92		1,185,070.14	
06/30/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	70405	278147	7,250.00		1,192,320.14	
09/28/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	71150	278629	1,250.00		1,193,570.14	
SUBTOTALS FOR ACCOUNT 31-8540-5000 :					597,410.07	0.00		
					597,410.07	0.00		

MINUTES

Rosenwald Community Advisory Board Special Meeting

Thursday, August 17, 2023 - 6:00 PM
Mary C. Jenkins Community & Cultural Center

Members Present: Maurice Jones, Co-Chair, Council Member
Randy Lytle, Co-Chair (Arrived at 6:30 PM)
Gary Daniel, Mayor Pro-Tem
Victor Foster, Citizen Member
Susan Threlkel, Citizen Member
Edith Darity, Citizen Member
Ella Jones, Citizen Member
Rebecca Wyn, Citizen Member

Staff Present: Wilson Hooper, City Manager
Alex Shepherd, Assistant to the City Manager

Guest: Wonda Foster, Citizen; Wonda Benjamin, Citizen; Eric Crite, Citizen

A. Welcome & Call to Order

Co-Chair Maurice Jones welcomed everyone and called the meeting to order at 6:00 PM.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

Quorum was certified by Assistant to the City Manager Alex Shepherd.

D. Approval of Agenda

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

E. Approval of Minutes

1. Motion by Mr. Foster, seconded by Mr. Daniel to approve the minutes of the May 18, 2023 meeting as presented. The motion carried unanimously.

2. Motion by Mr. Foster, seconded by Mr. Daniel to approve the minutes of the May 25, 2023 meeting as presented. The motion carried unanimously.

F. Introduction of New Board Members

Mr. Jones asked the new board members to introduce themselves. Ms. Wyn and Ms. Jones both briefly introduced themselves to the committee.

G. MCJCCC Approved as a Polling Place

Mr. Hooper mentioned that he believes the MCJCCC is custom-made to serve as a polling place because the facility offers a spacious open room with ample exits, a new parking lot, and better accessibility. Starting with the municipal election in November and for the foreseeable future, this will be the polling place for the district. In the days surrounding the election, we will need to close the facility to reservations and reschedule existing bookings. Both the County Board of Elections and the City will also notify the public about the change in polling place location.

Mr. Jones expressed no concerns about the MCJCCC becoming a polling place, noting that it is a more centrally located option compared to the previous polling place.

Mr. Foster mentioned his hope that the VFW will permit the creation of signs directing people to the MCJCCC on election day in case they mistakenly go to the previous polling place.

H. MCJCCC Security Measures Update

Mr. Hooper explained that the decision to install security cameras was driven by the frequent presence of children at the facility throughout the week. They made an effort to install the cameras in a discreet manner to avoid intrusiveness and to maintain an open-door, welcoming atmosphere. A total of twelve cameras now monitor the entire facility. Additionally, one committee member has the opportunity to view the camera footage. Access to the building is controlled by key card activation and a unique key code assigned to individuals to enhance safety. On election days, some of the cameras will be turned off to ensure anonymous voting.

Mr. Lytle raised a question about why the monitoring extends beyond entrances and exits, expressing concerns about infringing on people's privacy when the large room is being used.

Mr. Hooper responded that monitoring the large meeting room is important because if any unlawful incidents were to occur, they would likely happen there. Having camera footage could aid in investigations.

Mr. Foster acknowledged that some individuals are uncomfortable with cameras in the large meeting room but emphasized that there are external cameras covering everyone

who enters and exits the building. There is no way to enter the building without being on camera.

Mr. Hooper mentioned that they are respecting privacy by limiting access to camera footage. Only two staff members, Tyree, and the police chief, have access to the camera footage. Additionally, if committee members vote to allow a member to review footage, they can do so. However, the footage is not available for public viewing.

Ms. Threlkel commented that she met with the police chief and the sheriff, and they recommended covering the entire facility with cameras, not just the exterior.

Mr. Lytle added that there hasn't been any history of break-ins or other criminal activity, and the building already has security measures in place to protect its exterior. He doesn't believe there's a need for interior cameras.

I. Juneteenth Celebration Debrief

Mr. Hooper communicated to the committee that everyone share what they enjoyed about it and if there are any lessons to be learned then what they were.

Mr. Lytle said that Juneteenth needs to be explained to educate the community. Several years ago we had a presentation at the community center and then the year after we had the event at the playground. He explained that during the event at the playground, there were some people who felt that the city had taken over the event. He also expressed his belief that the Juneteenth event should be organized by the Rosenwald community, not the City. Mr. Lytle mentioned that his suggestion, along with others, is for the City to take a backseat during the event and simply provide support to the Rosenwald community.

Mr. Jones expressed a desire to see the Juneteenth Celebration extend to a full weekend instead of just a single day. He proposed incorporating more educational opportunities and providing space for entrepreneurs and other vendors.

Mr. Daniel shared his perspective that this year's event felt like two separate events, and he hopes that in the future, the planning will focus on making it a cohesive Juneteenth Celebration. He emphasized that the City should serve as an asset and foster a positive relationship.

Ms. Darity emphasized the importance of the City taking a leadership role in the celebration and involving other groups to share the history of Juneteenth. She stressed the need for education, truth-sharing, and meaningful organization to honor what Juneteenth truly means to the community.

Additional Comments:

Ms. Threlkel mentioned that the Legacy Program will commence on August 24th and run until February 2024. She explained that the program will cover various topics, including finance, healthcare, law and justice, sports, national history, and local history. It's currently a pilot program, but if it goes well, they hope to continue it.

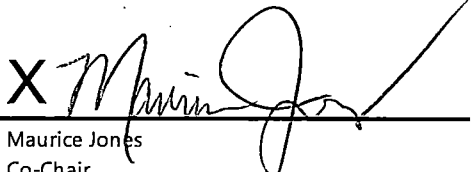
Mr. Foster reported that last week, they visited a resident named Nelly Robinson, who is experiencing significant issues with water puddling up in her yard. He mentioned that they installed a catch basin in her front yard, which is now blocking her sidewalk. He also noted that her son uses a wheelchair, making it a hazard.

Mr. Hooper recommended waiting until the project is completed before filing complaints because their concerns may change once the project is finished. Ms. Benjamin expressed her concern about her yard, which is eroding due to a stormwater issue stemming from a concrete pipe.

Mr. Hooper explained that he would need to inspect this specific property to determine if the stormwater drain is the City's responsibility or the property owners.

J. Adjourn

There being no further business, the meeting was adjourned at 7:23 PM.

X 
Maurice Jones
Co-Chair

Minutes Approved: October 26, 2023

X 
Alex Shepherd,
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, August 28, 2023 – 11:00 AM
City Hall Planning Department Conference Room

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice Chair, Council Member
Susan Miller, Citizen Member

Staff Present: Kelley Craig, Human Resources Director
Becky McCann, Communications Coordinator
Alex Shepherd, Assistant to the City Manager

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 11:02 AM.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Alex Shepherd.

C. Approval of Agenda

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

D. Approval of Minutes of June 26, 2023 Meeting

Motion by Mr. Morrow, seconded by Ms. Miller to approve the minutes of the August 1, 2023 meeting as presented. The motion carried unanimously.

E. City Manager Evaluation Process

Ms. Craig first began by sharing the original job ad from Baker Tiley for the city manager position when Wilson was first hired. She also mentioned the Multiple Respondent Job Report, outlining the job competencies and behaviors of a city manager based on survey responses from each council member who completed the survey. Additionally, she stated that she had a copy of the evaluation instrument that was previously used, dating back to 2017. Ms. Craig expressed a desire to receive advice and

feedback from the council regarding the evaluation instrument to be used for the city manager's evaluation. She emphasized that the process aims to provide feedback and set objectives and goals for the next rating period. The city attorney's role will be to facilitate the process, compile documents, and develop a consensus instrument, as well as assist in any communication between council and the city manager if necessary.

Mr. Baker inquired whether the process would involve a paper evaluation, with council members filling out evaluations in advance and then having a facilitated discussion led by Mack McKeller, utilizing the evaluations.

Ms. Craig confirmed this approach, adding that the discussions would occur in a closed session. Mack would compile the evaluations, address any discrepancies, and work toward a consensus rating. The process is designed to align with the Council's expectations. Before completing the evaluation, council would also review Wilson's self-evaluation and accomplishments.

Ms. Miller suggested that narrative feedback explaining how goals were met or not met is more valuable than just providing numerical ratings. She emphasized the importance of meaningful dialogue.

Mr. Baker mentioned that the numerical ratings, combined with narrative feedback, help council distinguish differences and facilitate discussions. He also suggested introducing more structure to the goal-setting section, potentially setting goals for each category and various job aspects.

Ms. Miller raised the question of whether the comprehensive plan should be included in the evaluation process.

Ms. Craig explained that the strategic plan with set priorities could guide Wilson's actions based on council's direction. The document could include a summary of priorities.

Mr. Baker emphasized that the evaluation process should consider not only outcomes but also organizational aspects.

Ms. Craig suggested breaking down critical areas for improvement and addressing the challenges for the organization and the community in the coming year.

Ms. Miller asked if council holds workshops to discuss issues and set expectations for the city manager.

Mr. Baker noted that they conduct budget workshops, priority planning, strategic planning, and have held a housing workshop.

Mr. Morrow mentioned a strategic planning workshop that helped reach their current status. Additionally, improved community visibility has been achieved through a

communication coordinator. But that it is very difficult to please everyone in the community.

Ms. Craig suggested setting specific goals and objectives for critical areas identified, focusing on improvement, and addressing challenges.

Ms. Miller inquired if the city manager's salary is determined based on the evaluation.

Mr. Morrow explained that the evaluation determines the salary increase, typically effective from July 1st, at the beginning of the fiscal year.

Mr. Baker asked if the city manager's compensation is separate from the organization's compensation plan.

Ms. Craig clarified that the city manager's compensation was not included in the organization's compensation plan, and he did not receive the 5% cost-of-living adjustment given to employees.

Ms. Miller asked if employees received both a merit and a cost-of-living adjustment. Ms. Craig clarified that employees received only a cost-of-living adjustment, which was a substantial 5% increase.

Mr. Baker sought clarification on the current timeline.

Ms. Craig stated that she could revise the documents and provide them to the committee by the end of the week. She encouraged anyone with suggestions to email her after the revisions are made.

Mr. Baker proposed sending a finalized version of the evaluation forms to council early next week. He suggested having a closed session at the second meeting in September and another in October.

Ms. Craig and Mr. Morrow agreed that the proposed timeline would work.

Mr. Baker inquired about the second closed session meeting with Wilson, where the results would be reviewed, and salary discussions would take place.

Ms. Craig confirmed that council would come out of the closed session to vote on delivering the resolution and setting the salary. She mentioned that discussions with Wilson regarding salary would occur during the closed session. Ms. Craig also indicated that she would coordinate with the City Clerk to schedule closed sessions for personnel matters.

F. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, September 25, 2023, at 11:00 AM.

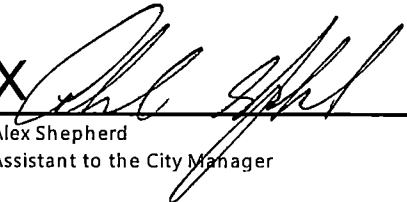
G. Adjourn

There being no further business, the meeting was adjourned at 11:33 AM.

X 

Aaron Baker
Chair, Council Member

Minutes Approved: September 25, 2023

X 

Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Parks, Trails, & Recreation Committee

Wednesday, September 20, 2023 at 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Aaron Baker, Vice-Chair, Council Member
Howie Granat, Citizen Member (Left at 4:26 p.m.)
Nancy DePippo, Citizen Member
Wyn Birkenthal, Citizen Member
J.D. Powers, Citizen Member
Reba Osborne, Citizen Member

Staff Present: Wilson Hooper, City Manager
Wesley Shook, Acting Public Works Director
Aaron Bland, Assistant Planning Director
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator
Katherine Buzby, Planner

Guests: Mayor Copelof; Kathleen Voltz, Resident; Marilyn Brumley, Resident;
Daniel Sapp, Resident; Nora Jane Montgomery, Resident; Kevin Gallon,
Resident

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Mac Morrow welcomed everyone and called the meeting to order at 3:35 pm.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Alex Shepherd.

C. Approval of Agenda

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

D. Approval of Minutes from August 16, 2023 Meeting

Motion by Mr. Granat, seconded by Ms. Osborne to approve the minutes of the August 16, 2023 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Update

Mr. Granat informed the committee that Brackenfest is scheduled for this coming Saturday, September 23, 2023. As of this morning, we had twenty people pre-registered and about a dozen volunteers. The weather is looking great, and everything is a go. We are predicting about thirty to forty people participating. The funds from Brackenfest will be allocated to trail building, most likely for phase two or finishing the remaining funding for phase one. After this, we will focus on the trail building aspect. We will consult with Todd Branham and mark the phase one section to present to the Brevard Music Center regarding the easement. Mr. Granat further noted that we are in ongoing collaboration with Waterford Place regarding the two plots of land that HomeTrust Bank intends to donate, and this will help go towards phase two. Regarding the Gulo Composites and Pisgah SORBA proposal to offer trail construction and maintenance that we really need. However, we need to discuss how Gulo Composites' name will be structured. We are looking into the possibility of Gulo Composites being the sponsor while Pisgah SORBA performs the construction. We would contract with Pisgah SORBA to be the officially sanctioned trail maintenance organization in the city, and Gulo Composites would help generate the funds to perform all of the work.

Ms. DePippo asked if there were any yellow jackets at the Bracken Preserve that could interfere with Brackenfest.

Mr. Shook said that he and his public works crew will walk the trail and inspect for any yellow jackets.

Mr. Morrow asked if there were any updates on the closing of the land purchased from Conserving Carolina.

Mr. Hooper said no, it is with the attorneys being processed as of right now. He also mentioned that he has been in correspondence with Gulo Composites, and we have received it. He plans to have a meeting with her team to work out some of the details. Mr. Hooper also added that he will need to bring it before the city council since we are giving a private firm the opportunity to advertise on public property.

F. Tannery Pump Track

Mr. Hooper informed the committee that we received our Carbon Reduction Act grant, which will enable us to pave the Tannery section of the Estatoe Trail. The land was contaminated, and we needed additional funding, which is why we applied for the grant. Since the design is already completed, we should be able to begin as soon as NCDOT can.

Mr. Bland provided an overview of the Tannery site. We received a grant from PARTF in 2014 to acquire the land and developed a site plan with council approval. A pump track will provide an excellent encapsulation for the contaminated soil because we must have two feet of clean soil above. Additionally, the asphalt on top will act as the encapsulator

and provide a rideable surface for the track. Now that we have the greenway going through this section, it makes sense to add this additional amenity. To complete the design of a pump track, it will cost approximately \$9,000, and the construction cost will be around \$250,000. If we build a big enough track, it could potentially be used for the Red Bull Pump Track World Championships, and we could host races similar to this.

Mr. Sapp communicated to the committee that pump tracks are developing in communities all over the place. Cherokee, NC, is starting to develop two pump tracks, Boone, NC has built one, and so has Gastonia, NC. Fundraising will not be incredibly challenging because there is a need in the community, and it would be a great amenity. People of all age groups and skillsets would be allowed to use the facilities. Velo Solutions is a builder of pump tracks across the world and could potentially build ours. There is also very little maintenance to be done once it's complete. Mr. Sapp also mentioned that there are grant opportunities in the State budget that we could potentially apply for. He mentioned with the addition of the Ecusta Trail coming in the next several years, things in Brevard are about to change in a positive way, and by having the pump track, it would bring an additional boost to the economy. Additionally, Pisgah SORBA could help with the fundraising to help build the track.

Mr. Bland said the company can design different pump tracks for beginners up to advanced level riders.

Ms. Osborne asked about the limitations with corporate sponsorship of the pump track the same as what Mr. Hooper had mentioned about the Bracken Preserve.

Mr. Baker said it is not a limitation, but that we must go through city council to approve of a sponsorship on public property.

Mr. Morrow asked where the pump track would be built at Tannery Park.

Mr. Bland said that it would be built near Cashiers Valley Rd or Silversteen Dr.

Ms. Osborne asked what the surface area of the pump track would be.

Mr. Bland said that it would encompass about 10,000 square feet.

Mr. Baker added that the city has limited resources and that we should focus on completing the Estatoe Trail before pursuing the construction of the pump track since we have made a commitment to the citizens to complete the Estatoe Trail.

G. Pisgah Health Property

Mr. Hooper mentioned that Mayor Copelof is going to a meeting tomorrow where we are expecting Pisgah Health to offer us their eleven-acre property off Allison Rd near the hospital to convert to a trailhead and a park-type amenity. My recommendation from this committee is that once we have the official offer, you all should let the staff

and I conduct due diligence on the property to determine whether we can economically convert it to a trailhead. We also expect to have enough matching funds after we meet our Ecusta Trail match to be able to afford this. We plan to bring this analysis back to a future meeting for your consideration.

Ms. Osborne asked if we had talked to the neighbors near the property.

Mr. Hooper said that it would be a challenge to construct a trailhead there. We would perform outreach, and the study would also include access from the apartments that are located near the site, which involves a private road.

Mayor Copelof said that Pisgah Health doesn't just want to offer us the property, but they also want to fund the construction of a senior citizen and disabled fitness exercise park. They would also help the city maintain the area.

Mr. Baker added that his only recommendation is that we do as much due diligence as we can on the apartment side of the property. He said first, it will be cheaper because we would not have to cross the creek, and second, there are a lot of people in that neighborhood who are able to let their voices be heard, and he believes that they would have strong opinions about the property being developed.

Mr. Granat mentioned that he has lived in areas that have outdoor fitness equipment parks and said that he rarely sees them being used.

H. Sidewalk Bump out Adoptions

Ms. Buzby informed the committee that with the addition of our new bump-outs, we have a total of seven and received six applications from local community members and organizations who would like to adopt them for environmentally friendly weeding and maintenance. We do have a lot of control when it comes to the maintenance of these bump-outs, and we have an approved list of chemicals from the North Carolina Cooperative Extension. Applicants will still contact public works regarding mulching and watering.

Motion by Mr. Granat, seconded by Mr. DePippo, to approve the bump-out adoption applicants as presented. The motion carried unanimously.

Additional Comments:

Mr. Baker asked about the next steps in terms of paving on the Tannery South section of the greenway.

Mr. Shook said that he has received bids from contractors and is still waiting on one more contractor's bid.

Ms. DePippo mentioned the TYSA Soccer Field and expressed amazement at how quickly they constructed the turf.

Mr. Birkenthal commented that the city has numerous park projects in the pipeline, which is fantastic for a jurisdiction of its size. He suggested creating a parks and trail capital improvement plan to prevent conflicts among projects.

Mr. Bland mentioned that the \$100,000 in the State budget for the Ecusta Trail is exciting because it could be used for amenities like a trailhead, parking, benches, and signs.

Ms. McCann informed the committee that the Planning Department has applied for the city to become a recognized bike-friendly city. As part of this, they've promoted a community survey for feedback on their social media channels through the League of American Bicyclists.

Mayor Copelof informed the committee about vandalism at Depot Park, where someone stole most of the plants from the garden. Many community volunteers have been donating plants, and they plan to replant the garden area on Friday at 9 a.m.

Ms. Buzby suggested exploring the possibility of hiring a Parks and Recreation position to assist with park maintenance since, currently, all responsibilities fall on Mr. Shook and public works.

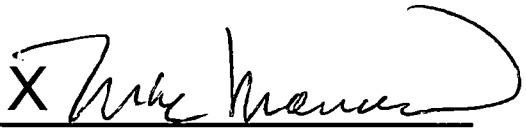
Mr. Hooper mentioned that the parklet across the street from Tore's House may be lost due to a pump station replacement.

I. Set Date for Next Meeting

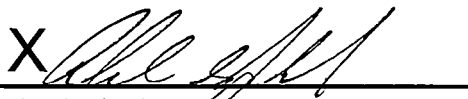
The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, October 18, 2023 at 3:30 PM.

J. Adjourn

There being no further business, the meeting was adjourned at 4:37 pm.


Mac Morrow
Chair, Council Member

Minutes Approved: September 20, 2023


Alex Shepherd
Assistant to the City Manager

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Thursday, September 21, 2023 – 4:00 PM

City Hall Council Chambers

Members Present: Gary Daniel, Chair, Council Member
Geraldine Dinkins, Vice Chair, Council Member
Billy Parrish, Heart of Brevard Representative
Lee McMinn, Citizen Member
Parker Platt, Citizen Member

Staff Present: Wilson Hooper, City Manager
Paul Ray, Planning Director
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator

Guests: Nora Jane Montgomery, Citizen; Dee Dee Perkins, TDA Board Member;
Madeline Magin, TDA Board Member; Melanie Spreen, Citizen

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:00 PM.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Alex Shepherd.

C. Approval of Agenda

Mr. Platt made a request that we add Item G. Additional Comments. Motion by Mr. Platt, seconded by Ms. Dinkins to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes of August 9, 2023 Meeting

Motion by Mr. McMinn, seconded by Mr. Platt to approve the minutes of the August 9, 2023 meeting as presented. The motion carried unanimously.

E. Request for Additional Bike Racks

Ms. Perkins, representing the Transylvania County Tourism Development Authority Destination Infrastructure Committee, addressed the committee. The Destination Infrastructure Committee, established in 2018 as part of TDA's Strategic Plan, plays a

crucial role in identifying projects and needs for both the City of Brevard and Transylvania County. We are here to request and endorse the prioritization of these projects for the City of Brevard, with the TDA offering cooperative funding to expedite their realization. We have a PowerPoint presentation that covers our support for projects related to Downtown Brevard, wayfinding signage, arts, music, and surrounding communities. The TDA has already provided funding and support for several projects, including the Bracken Mountain Preserves expansion and trail enhancement project, Downtown Brevard's streetscape improvements, and a pledge grant for the Ecusta Trail, to name a few. In 2022, the TDA conducted an extensive market study that led to the Destination Infrastructure Committee's focus on signage improvements for landmarks and assets throughout the county. We have identified the need to update existing wayfinding signs, including directional and regulatory signs that align with our branded look. Moreover, we are requesting additional signage for pedestrians and cyclists to navigate the city, its greenways, and the surrounding area. We recognize that current projects, including trail systems and hike/bike paths, necessitate an integrated wayfinding system. It is also important to welcome visitors on incoming routes to Brevard. Additionally, we've identified the need for more short- and long-term bike storage, including bike racks, corrals, and bike storage shelters. The idea of updating wayfinding signs originated from a study called Focus 2020, conducted in the mid-1990s.

Ms. Spreen mentioned that since we completed the first phase of the downtown master plan, the Destination Infrastructure Committee has started examining the possibility of adding additional bike racks downtown. However, when we walked downtown, we noticed limited space on our sidewalks due to an abundance of signage, furnishings, and planters. We've noticed that existing bike racks aren't efficiently utilized and may not be located where people prefer to use them. We propose placing bike racks at key destinations, exploring opportunities for bike corrals downtown for commuters, and selecting strategic locations suitable for long-term storage. We also aim for consistency in the design of these bike racks. Moreover, we need a comprehensive sidewalk master plan, as the current downtown master plan lacks details on where to place bike racks, sidewalk furniture, and trash cans due to its scale. Additionally, we believe it's time to update wayfinding signage, as the current signs are around ten years old, faded, may contain incorrect information, and lack mention of new key destinations.

Ms. Perkins said from a tourism perspective, we have generated ideas for various locations within the city that offer opportunities for connectivity between downtown, the King St. district, Rosenwald, and the integration of additional signage to promote connectivity. While we envision extending this idea throughout the county, we propose starting by incorporating it within the city. Furthermore, we are exploring the possibility of adding kiosks featuring maps, directions, and key locations to facilitate community connections. We believe the next logical step is to engage a consultant with the expertise and capacity to help plan and execute this project.

Mr. Daniel emphasized that this discussion was initiated at our previous meeting, and we are in alignment regarding the need to hire a consultant.

Ms. Dinkins drew parallels to the city's installation of dedicated electric car parking spaces, noting the limited usage of such spaces due to the scarcity of electric cars. Likewise, she pointed out that some individuals refuse to pay parking fees and charging costs for their electric cars, rendering these parking spaces underutilized. Regarding bike racks, Ms. Dinkins observed that they are sometimes situated too far from cyclists' intended destinations. As a result, people, including herself, have been seen taking their bikes through the farmers market, as the nearest bike rack was inconveniently distant. She also mentioned that cyclists are hesitant to secure their expensive bikes to bike racks.

Ms. Spreen highlighted the need for additional bike racks due to the expansion of the greenway. With more individuals commuting to work and downtown via bicycles, the demand for bike racks is expected to rise. She also mentioned that her workplace installed a bike rack in their backyard to encourage employees to cycle to work.

Mr. Daniel stressed that additional bike racks would encourage more people to ride bikes, providing them with secure locations to leave their bikes.

Ms. Perkins emphasized that the project extends beyond bike racks, including the update of wayfinding signs. Current signs require updating as they are around a decade old, have faded, may contain incorrect information, and fail to mention new key destinations. Additionally, she stressed the need for a comprehensive signage plan to accommodate new city elements. She also emphasized the importance of placing street furniture, trash receptacles, and other items to create a uniform and cohesive downtown streetscape.

Ms. Dinkins suggested consulting with local bike groups in the city to seek their assistance with implementing bike racks.

Mr. Hooper inquired whether the TDA had estimated the cost of hiring a consultant to carry out the necessary work.

Ms. Perkins clarified that they had not yet explored consultant costs, as their initial focus was on researching the expenses associated with bike racks. She suggested that the committee's next step should involve working on the proposal, defining the scope, and obtaining quotes for further consideration. She acknowledged that funding had not been allocated in this year's budget and underscored the importance of having the committee instruct them to proceed with this process, given that wayfinding signs and bike racks were not prioritized in the budget.

F. Wayfinding Signage

Mr. Bland mentioned that during the budget planning phase for this fiscal year, he had received quotes for updating vehicular wayfinding signs and implementing greenway wayfinding signage. The cost for updating the vehicular wayfinding signage, which included five additional new signs and refacing fifteen existing signs, was

approximately \$16,500. The cost for creating and implementing an Estatoe Greenway wayfinding signage system was about \$75,000.

Mr. McMinn emphasized the importance of maintaining consistency in signage between the Estatoe and Ecusta Trails. He proposed a motion to collaborate with the TDA, Heart of Brevard, and other partners to develop a scope of work and determine the cost of hiring a consultant. Mr. Platt seconded the motion.

Mr. Platt inquired about the consultant hired in the past and whether they left a toolkit for expanding the plan. He also questioned whether the committee intended to hire one or two consultants for the project.

Ms. Perkins mentioned that the Planning Department typically sets priorities for wayfinding signs within their budget as the city expands.

Ms. Spreen mentioned that Alta has developed similar plans and might be capable of performing the work, although bidding the project out might be necessary depending on costs.

Mr. Platt emphasized the significance of this project, highlighting the need for a well-executed plan that endures over time to ensure consistent signage without repeated discussions in the future.

Mr. Hooper informed the committee of the need to update the policy on wayfinding signage, specifically regarding whether to allow for-profit businesses to be featured on city signs, which would require a council decision.

Mr. Daniel pointed out that the funding received for the Ecusta Trail has elevated the priority for wayfinding signage and additional bike racks to prepare for future needs.

The committee unanimously agreed to collaborate with the TDA, Heart of Brevard, and other partners to develop a scope of work and determine the cost of hiring a consultant.

G. Additional Comments

Mr. Platt stated that he is not the only person who has heard about the number of parking spots and trees lost downtown due to the streetscape construction. He expressed his concern about the trees planted downtown, emphasizing that they were undersized. He believed that the city could have done a better job and suggested addressing this issue. Mr. Platt felt that the trees received were not of the two-inch caliper size, or if they were, they were barely so.

Mr. Parrish inquired about potential remedies for this issue, whether to replace all the trees or strategically choose areas for replacement. He also mentioned observing a couple of trees planted next to light poles, which he found odd.

Ms. McCann added that smaller trees often perform better in the long run and grow faster than transplanted mature trees.

Mr. Platt asked about the city's plan for downtown maintenance, including sidewalks and flower beds.

Mr. Hooper explained that a program allowing for the adoption of the bump-outs has been implemented, and most of them have been adopted. Regarding more extensive landscaping, it will be discussed during the city's budget discussions in the spring.

Mr. Platt noted that it seemed like voluntary labor was relied upon to maintain the new bump-outs.

Mr. Hooper clarified that while the city wasn't solely relying on volunteers, they were asked to supplement the city's efforts. He mentioned that the level of service provided by city employees was economically adequate but might not meet the standards expected by others. Additionally, city public works employees could be called out for emergencies or other tasks.

Mr. Platt pointed out that Clemson Plaza was not yet finished and wasn't being fully utilized due to the lack of shade and noise from vehicle traffic.

Ms. Perkins mentioned that Clemson Plaza was supposed to have a water feature to enhance its features and make it a better gathering place.

Mr. Platt proposed a motion to request that the Destination Infrastructure Committee consider funding the water feature. Mr. McMinn seconded the motion, and it was unanimously approved.

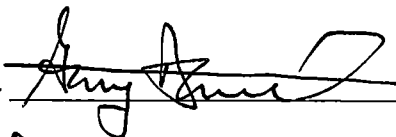
H. Set Date for Next Meeting

The next meeting of the Council Downtown Master Plan Committee was scheduled for Wednesday, October 11, 2023 at 4:00 PM.

I. Adjourn

There being no further business, the meeting was adjourned at 5:20 PM.

Minutes Approved -


October 11, 2023

X

Gary Daniel
Chair, Council Member

X

Alex Shepherd
Assistant to the City Manager

Transylvania County Tourism Development Authority

MISSION:

To generate and enhance tourism opportunities in Transylvania County through strategic promotion coordinated with tourism-related businesses and local government, and to contribute to a vibrant, sustained economy.

Destination Infrastructure Committee

**The Destination Infrastructure Committee (DIC)
is a sub-committee of the
Transylvania County Tourism Development Authority (TCTDA)**

Projects that this committee approves must make a substantial impact on the
tourism infrastructure of the destination.

Identified priorities are cycling, downtown Brevard, entryways to our public
lands, arts, music, and outlying communities.

In the past two years we have helped fund projects such as:

Bracken Preserve expansion & trail enhancement (\$50,000)

Downtown Brevard Streetscape Improvements (\$175,000)

Davidson River Pedestrian Bridge (\$46,666)

Downtown Brevard Planters (\$10,000)

Downtown Brevard Street Mural (\$5,000)

Brevard Holiday Lighting (\$9,000)

Heart of Brevard Projects/Programs (\$50,000)

In 2022 the TCTDA conducted an extensive market study.

From that work, the DIC was tasked to...

Review how existing and new signage can better claim our landmarks and assets.

We have identified that:

- The current wayfinding signs need updating. This includes directional, informational, and regulatory sign
- Additional signage for pedestrians and cyclists is needed to help navigate around the area, city and on Brevard's greenway
- Additional Gateway signage is needed to welcome visitors to communities

The DIC, since its creation has continually looked at ways to improve bike infrastructure in our community.

We have identified that:

- Additional short term and long term bike storage is needed. This includes bike racks, corrals and shelters.

History of signage and wayfinding in Brevard:

Wayfinding signs were among the recommendations that came out of Focus 2020, a previous community planning effort.

In 2006, the City of Brevard hired Bizzell Design to prepare a comprehensive public signage plan.

Three phases of the signage project were identified:

- I. Monument/Gateway signs - large gateway sign welcoming visitors to the area
- II. Large Wayfinding signs - larger signs in strategic locations to help visitors navigate to our key assets
- III. Pedestrian Signage - smaller signs that help communicate rules/regulations/directions to pedestrians and cyclists.

History of signage and wayfinding in Brevard, continued:

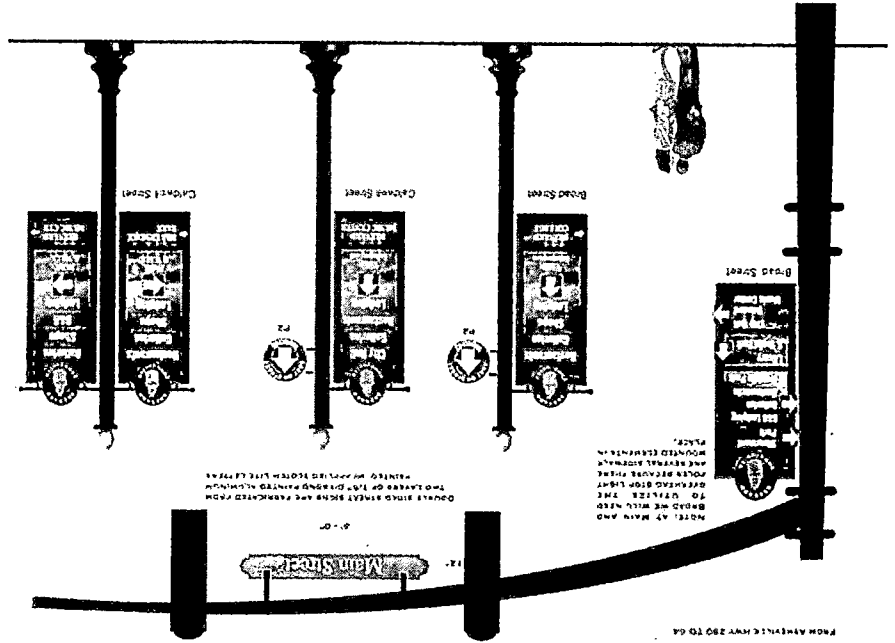
In 2007, a Signage and Wayfinding Program Master Plan was completed.

Next steps involved seeking DOT approval, and finding funding for the project.

In 2012, the City installed Phase II of the signage plan, small downtown parking and information signs.

In 2014 , the City installed Phase III– 54 large wayfinding signs, designed to provide direction to area attractions, amenities and buildings.

The \$255,000 overall project was funded by the City Brevard, TCTDA, the Heart of Brevard (HOB) and the Community Focus Foundation.



TCTDA/DIC Recommended Focus Areas:

Bicycle/Pedestrian Infrastructure:

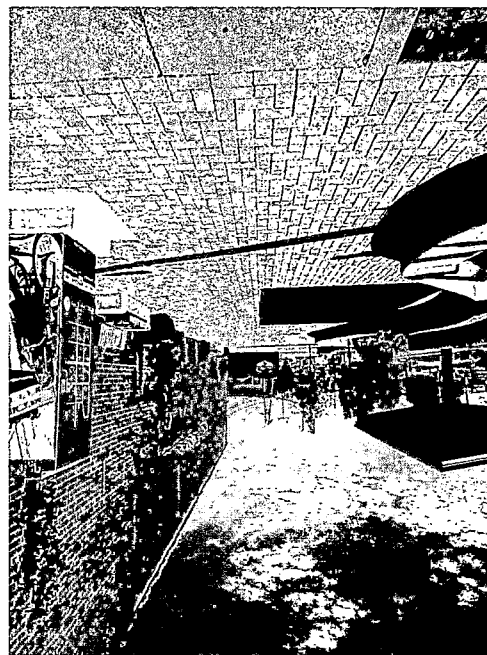
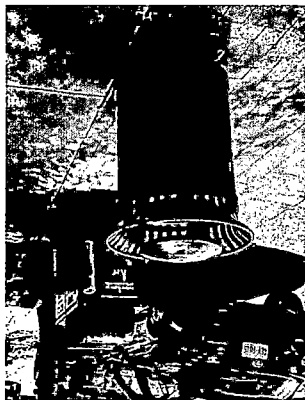
- Bike racks - fix existing ones and add more racks in strategic locations
- Approve a design standard to improve consistency
- Create a comprehensive sidewalk, public space plan that will organize sidewalks to provide more space for furnishings

Wayfinding Signage:

- Add wayfinding signage along Greenway
- Re-evaluate current pedestrian signage in downtown Brevard
- Identify missing signs and repair/replace damaged ones, both pedestrian and larger wayfinding

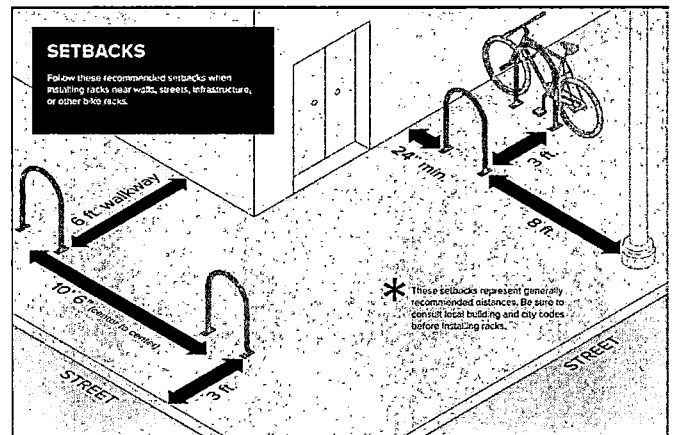
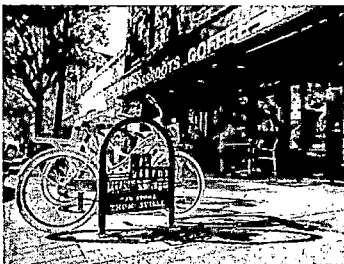
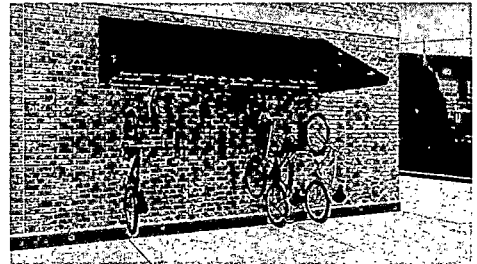
** These recommendations are in the approved Pedestrian and Bicycle Plan***

These two recommended projects are interrelated



Bike Racks:

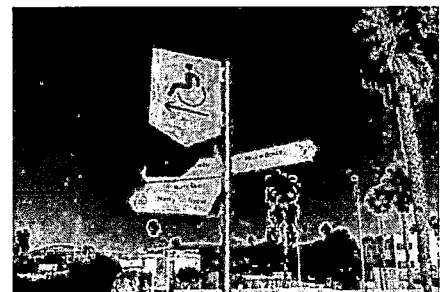
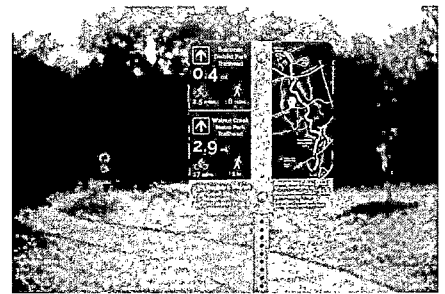
- Establish a design standard for each type of bike rack to be used throughout the city:
 1. Point of use single bike racks
 2. Bike Corral or multiple racks
 3. Long-term covered /secure storage
- Identify & place in strategic locations





Wayfinding Signage

- Update and add to existing system to be inclusive of all communities in the City and County:
 1. HOB/Downtown
 2. King Street District
 3. Rosenwald
 4. Pisgah Forest
 5. *Rosman*
 6. *Cedar Mountain*
 7. *Toxaway*
 8. *Balsam Grove*
 9. *Penrose*
- Implement wayfinding signage on the bike path



Additional Kiosks:

Kiosks with maps, directions and distances at key locations to connect communities and points of interest.

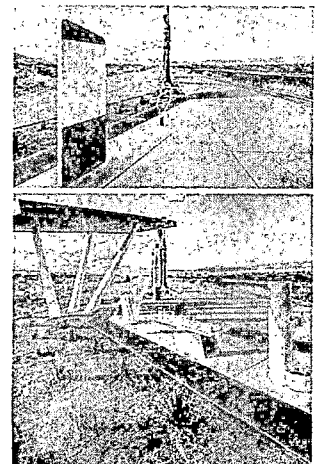
- a. Railroad Depot
- b. Downtown Parking Areas
- c. Clemson Plaza
- d. Sports complex
- e. Key Intersections on bike path/Greenway:

I. Main Street and Greenway

II. Blue Ridge Community College

III. Pisgah National Forest Gateway

- f. Hap Simpson Park
- g. *Champion Park*



Wayfinding 21

Recommendations:

The DIC is asking the City of Brevard to prioritize bike racks and signage and address the current needs in these areas.

The DIC is asking the City of Brevard to hire a consultant to accomplish the following shared goals:

- Evaluate existing bike racks, create a standard and add more in strategic locations
- Create a streetscape plan
- Create a comprehensive Greenway signage program
- Include stakeholders in the process to develop the plan:
TCTDA, DTMP, Brevard Parks and Rec, City Planning, the Brevard Bike Alliance and other interested communities, parties and individuals.

The TCTDA/DIC plans on providing financial support to make these initiatives happen.

MINUTES
City Council Public Safety Committee

Monday, September 25, 2023 – 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member (Arrived 3:47 pm)
Maurice Jones, Vice-Chair, Council Member
Kevin Gallo, Citizen Member

Staff Present Wilson Hooper, City Manager
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator
Bradley Elmore, Deputy Fire Chief
Paul Ray, Planning Director
Aaron Thompson, Police Captain
Dan Goodman, Police Captain

Guests: Mayor Maureen Copelof
Residents: Linda Gallo, Monica Driscoll

A. Welcome & Call to Order

Committee Chair Mac Morrow welcomed everyone and called the meeting to order at 3:38 PM.

B. Certification of Quorum

Assistant to the City Manager Alex Shepherd certified that a quorum was present.

C. Approval of Agenda

Motion by Mr. Gallo, seconded by Mr. Jones to approve the agenda as presented. The motion carried unanimously.

D. Minutes from August 28, 2023 Meeting

Motion by Mr. Jones, seconded by Mr. Morrow to approve the minutes of the August 28, 2023 meeting as presented. The motion carried unanimously.

E. Traffic Calming Measures

Mr. Hooper informed the committee that he has several updates. The first one concerns the Greenville Highway/E. Main St./Wilson Dr. intersection, where we had

an on-site meeting with NCDOT, including their division manager and several other officials. During the meeting, we proposed the mockups we had previously discussed with this committee, with the aim of adding signs and other safety measures on Greenville Highway to alert motorists to upcoming crosswalks and our proposed intersection alignment. The NCDOT officials expressed no strong objections, particularly regarding our temporary intersection realignment. Consequently, we are proceeding to the next step, which involves converting our conceptual drawing into a traffic intersection design that we can submit to NCDOT. To assist with this, we are working with TPD to perform the traffic intersection design.

Next, Mr. Hooper discussed the three-way stop on French Broad St and Parkview Dr. It was previously mentioned that NCDOT would take on that project, and they have begun the design work for this intersection.

Mr. Hooper continued and said that at the church daycare on Gaston St., we have ordered the traffic pedestrian bollard and have the speed sign up to collect data. Mack McKeller is putting together the encroachment agreement, which the church will need to sign before we can install the bollard.

On Probart St., we met with Mr. Gallo and neighbors last week and observed traffic behavior. There are some areas on Probart that could be improved for traffic safety. Currently, we don't have much to report on Probart St. because our traffic safety team is meeting later this week, and we will discuss our options and proposals with them. Our traffic engineer does think that it will qualify for traffic calming treatments. The three most interesting areas along Probart St. are the sight triangle at Rosenwald Ln. and Probart St., the piano key crosswalk that crosses from one side to the other, and the curve in the road where it narrows.

Mr. Gallo asked if there will be an opportunity for citizens involved in any of those traffic calming issues to provide input after the information is shared following the traffic safety meeting.

Mr. Hooper informed the committee that we are approaching a point in the policy where we will seek citizen input.

Mr. Gallo asked if the speed sensor will be moved to gather data on traffic moving in the opposite downhill direction.

Mr. Hooper said our current goal is to gather data where we have the speed sensor currently, but we may possibly move it once we have gathered enough data.

F. Code Amendment re Parking Enforcement

Mr. Hooper discussed the amendments to our new parking enforcement measures. The committee provided comments on the appeals process, and we have updated

the draft to include a revised version of the appeals process. When we update our website with the policy, we will likely include examples of situations that are not excused in the appeals process.

Mr. Jones asked how the appeals process would work if someone received a citation right at the beginning of the weekend and has five days to appeal. Do they appeal directly at the police station or online.

Mr. Hooper replied, yes, that is correct. They can appeal through a letter, email, online, or over the phone. He also added that Chief Jordan mentioned it would not be a strict five-day deadline and, for instance, if someone calls early in the morning on the sixth day, they will still consider the appeal. Furthermore, while the appeal is under review, there will be no accrual of additional fines for that ticket.

Mr. Gallo asked if the policy could be changed from five days to five business days for the appeals deadline.

Mr. Hooper responded, we issue tickets on non-business days, which is why we left business days out of the policy.

Mr. Jones expressed a similar concern about the five business days but pointed out that the police work seven days a week, so essentially every day is a business day. He also inquired about the process for mailing a letter because the police might receive letters several days after the five-day deadline.

Mr. Hooper explained, we have written this policy to be accommodating to extenuating circumstances. I hope the committee will recommend sending the revised amendment to the full council for consideration.

The committee agreed to send the revised amendment to the city council for consideration.

Additional Comments:

Mr. Gallo mentioned that he would like the Public Safety Committee to be made aware of traffic and pedestrian incident data monthly.

Mr. Jones said that the committee used to receive the incident data but that it was presented quarterly or yearly.

Mr. Hooper asked the police captains if there would be enough data to present.

Mr. Thompson said that incidents are rare and that he recommended we do a quarterly report.

Mayor Copelof asked if we had any information on the downtown parking permits.

Mr. Hooper said that we do not have any information on parking permits yet and that it is on our radar for staff to work on.

G. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Monday, October 23, 2023 at 3:30 pm at City Hall.

H. Adjourn

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

Minutes Approved: October 23, 2023

X

Mac Morrow,
Chair, Council Member

X

Alex Shepherd,
Assistant to the City Manager



CHAPTER 66. TRAFFIC

ARTICLE I. IN GENERAL

66-1. Adoption of state law.

- A. For the purpose of regulating traffic on the streets of the city, and in addition to the provisions of this chapter, there are hereby adopted by reference by the city the following provisions of G.S. ch. 20: G.S. 20-4.01 (Definitions), G.S. 20-115 et seq. (The Size, Weight, Construction and Equipment of Vehicles), G.S. 20-138.1 et seq. (Operation of Vehicles and Rules of the Road), G.S. 20-171.1 et seq. (Operation of Bicycles), G.S. 20-172 et seq. (Pedestrians) and G.S. 20-216 et seq. (Miscellaneous Provisions Relating to Motor Vehicles).
- B. The definition of the term "authorized emergency vehicle" is hereby amended as follows:

Authorized emergency vehicle: Vehicles of the Fire Department, Police Department, vehicles owned by the Transylvania County Emergency Medical Service and vehicles owned by the various rescue squad units operating within Transylvania County.

Vehicles of the fire department: Shall include the personal vehicles of members of the fire department responding to a fire call and using a red light to indicate an emergency whether they be at the location of a fire, parked in the immediate vicinity of the fire station or in route to either location.

- C. The violation of any such provision shall be deemed a violation of this Code, and punishable as such.

(Code 1980, § 16-1)

66-2. Civil penalty for parking violations—Amount; failure to pay.

For any parking violation under this chapter, a civil penalty of \$10.00 as set by the City of Brevard fee schedule is hereby fixed. Failure to pay such penalty within for ten fifteen days will be subject to late payment fees as set by the City of Brevard fee schedule. Any vehicle with three or more unpaid parking violations will be subject to impoundment by the Brevard Police Department either by towing the vehicle or use of a vehicle mobility restrictor device. Vehicles will not be released from impoundment until all parking violation fees, applicable late payment fees, towing fees, storage fees, and service fees have been paid. All parking violations shall be enforceable as provided in G.S. ch. 20, along with all other pertinent provisions of law.

(Code 1980, § 16-2)

66-3. ~~Payment to dispatcher.~~ Unauthorized removal of vehicles from impoundment

~~When a person charged with the violation of any of the parking regulations of this chapter appears before the dispatcher on duty at the police station in response to a traffic citation, such officer is authorized, if the person desires to do so, to allow such person to pay the civil penalty fixed in Section 66-2. Upon such payment the officer shall give a receipt for the money paid, showing the violation for which it was paid.~~

~~(Code 1980, § 16-3)~~

Commented [EB1]: Note that these will be moved to Section 1-2 [Definitions] as part of a pending text amendment.

Commented [TJ2R1]: Just know there is a state law requiring certain markings and lights for it to be considered an emergency vehicle under state law. The way it is currently written doesn't mention anything about appropriate markings or lights.



Code of Ordinances

- (a) Only the Brevard Police Department or their agents will be authorized to impound a vehicle within the City of Brevard unless it is on private property. Any unauthorized person removing or attempting to remove a vehicle from impoundment, including tampering with or removing a vehicle mobility restrictor device, is expressly prohibited.
- (b) A violation of the provisions of 66-3 is a Class 2 misdemeanor, with a penalty of up to 60 days in jail and/or a fine of \$1000.

66-4. Duties of dispatcher.

The following duties are hereby imposed upon the dispatcher:

- ~~A. Generally. He shall accept designated civil penalties, issue receipts and perform such other duties as are imposed upon him by this chapter and the chief of police.~~
- ~~B. Parking violation notices. If a violator of any section prescribing parking regulations does not appear in response to a notice affixed to the motor vehicle involved within a period of 24 hours after the affixing of such notice, the dispatcher shall send to the registered owner of the motor vehicle to which the notice was affixed a notice informing him of the violation and warning him that he will be held responsible for the appearance of the offender, and that if such notice is disregarded for a period of five days a complaint will be filed and warrant of arrest issued.~~

~~(Code 1980, § 16-4)~~

~~State law reference(s)—Punishment generally for violation of state traffic laws, G.S. 20-176.~~

66-6. Carts, bicycles or other vehicles blocking sidewalks and driveways.

It shall be unlawful for any person to stop or park any pushcart or pull cart, bicycle or other vehicle used for hauling any articles of merchandise for charge or hire upon any sidewalk or between the curb of any street and the private property line, or in any driveway leading from the street to a private driveway or private property, in front of any business establishment in the city, unless authorized by Article II of CHAPTER 46.

(Code 1980, § 16-10)

66-7, 66-8. Reserved.

Editor's note(s)—Ord. No. 4-03, § 2, adopted April 21, 2003, repealed §§ 66-7 and 66-8 in their entirety and incorporated them into § 66-13. Former §§ 66-7 and 66-8 pertained to parade permits required and special permit for parades involving animals, and derived from Code 1980, § 16-11 and 16-12, and Ord. No. 2-96, § 1, 1-16-96.

66-9. Boarding or alighting from vehicle in motion.

It shall be unlawful for any person to board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(Code 1980, § 16-13)

66-10. Unlawful riding.



Code of Ordinances

When signs are placed in certain streets, no person shall park a vehicle for longer than ten minutes at any time upon any streets or parts of streets described in SCHEDULE VI, which is made a part of this article, between the hours of 9:00 a.m. and 6:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 12:00 noon on Saturdays.

(Code 1980, § 16-76)

66-128. Reserved spaces; loading zones; parking of buses and vehicles for hire.

- A. Those streets or parts of streets described in SCHEDULE VII-A, SCHEDULE VII-B and SCHEDULE VII-C, which is made a part of this article, shall be reserved for the specific purpose and at the exact location named therein, and no vehicle shall be parked therein, except those for which the space has been designated.
- B. Those streets or parts of streets reserved as loading zones and described in SCHEDULE VII-B shall be used only for the purpose of loading and unloading goods, wares, merchandise or commodities on and from motor vehicles unless the type loading zone clearly indicates otherwise.
- C. In addition, no bus, taxicab or vehicle for hire shall park on any street in a place other than that which has been designated for such purpose and no bus shall stop or stand on any street except in a designated bus stop.

(Code 1980, § 16-77)

66-129. Parking of more than two taxicabs within same block.

Not more than two taxicabs, owned by the same company, shall be parked in one block at the same time, except if parked in established taxistands.

(Code 1980, § 16-78)

66-130. Use of taxistands.

Private vehicles, or other vehicles for hire, shall not at any time occupy any space upon a street which has been established as an open stand for taxicabs.

(Code 1980, § 16-79)

Cross reference(s)—Taxicabs, § 78-31 et seq.

66-131. Truck parking.

- A. No truck exceeding three-fourths ton capacity shall park for longer than two hours at any one time on any streets or parts of streets described in SCHEDULE IX, which is made a part of this article.
- B. No truck exceeding three-fourths ton capacity shall at any time park on any street other than those described in SCHEDULE IX, which is made a part of this article, except for the purpose of loading or unloading.

(Code 1980, § 16-80)

66-132. Handicapped parking.



Code of Ordinances

It shall be unlawful to park or leave standing any vehicle in a space designated for physically handicapped persons when such vehicle does not display the distinguishing license plate or placard as provided in G.S. 20-37.6, where appropriate aboveground signs or symbols and words giving notice thereof are erected marking the designated parking space. The punishment for violation of this section shall not exceed a fine as set by the City of Brevard fee schedule of \$10.00 and the prima facie rule of evidence set forth in G.S. 20-162.1 shall apply. The parking spaces designated for handicapped parking are described in SCHEDULE XXVII.

(Code 1980, § 16-81)

66-133. Overtime parking prohibited; exceptions for persons serving on jury.

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any space or parking lot designated for parking, either upon a public road or street or public parking lot.

(Code 1980, § 16-82; Ord. No. 2022-52, § 1(Exh. A), 8-15-22)

66-134. All day parking.

Those areas described in SCHEDULE XXVIII, which is made a part of this article, are hereby declared to be all day parking areas.

(Ord. No. 13-06, § 4, 8-7-06)

66-135. Long-term parking prohibited.

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow or permit any privately owned vehicle or trailer to be parked more than 24 consecutive hours within any municipal parking lot of the city. Moving a vehicle between spaces within the same lot for the purpose of circumventing this ordinance shall constitute a violation of this section.

(Ord. No. 2022-52, § 1(Exh. A), 8-15-22)

STAFF REPORT

City Council, Monday, November 6, 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, Wilson Hooper, City Manager

Background

In February of 2020, City Council enacted the Downtown Development Overlay District (DDOD) via Ordinance 2020-04. The DDOD was created to establish a "build to" line for new construction in the main core of downtown Brevard, 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.

Council held a public hearing regarding this request at their October 16, 2023 meeting. Six members of the public spoke, with several mentioning a desire for increased public engagement in the process.

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. Staff proposed expanding the DDOD along Broad Street to the north.

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.

Recommendation

The Planning Board discussed this at their August meeting and recommended an area significantly larger than Staff's proposal. However, following the public hearing, Staff became aware of a limitation of the way the Planning Board's role is written into the review process for legislative decisions in the UDO. Section 16.7.D.2 states the only possible recommendations that the Planning Board can forward to City Council for zoning map amendments are:

- Grant the zoning map amendment as requested;
- Grant the zoning map amendment with a reduction of the area requested;
- Grant the zoning map amendment to a more restrictive general zoning district or districts; or
- Deny the application.

A recommendation of an *increase* in the area is not one of the Board's options, therefore the recommendation that was forwarded to Council for the public hearing was invalid. The Board must reconsider this matter and forward a valid recommendation before Council can proceed with voting.

Action

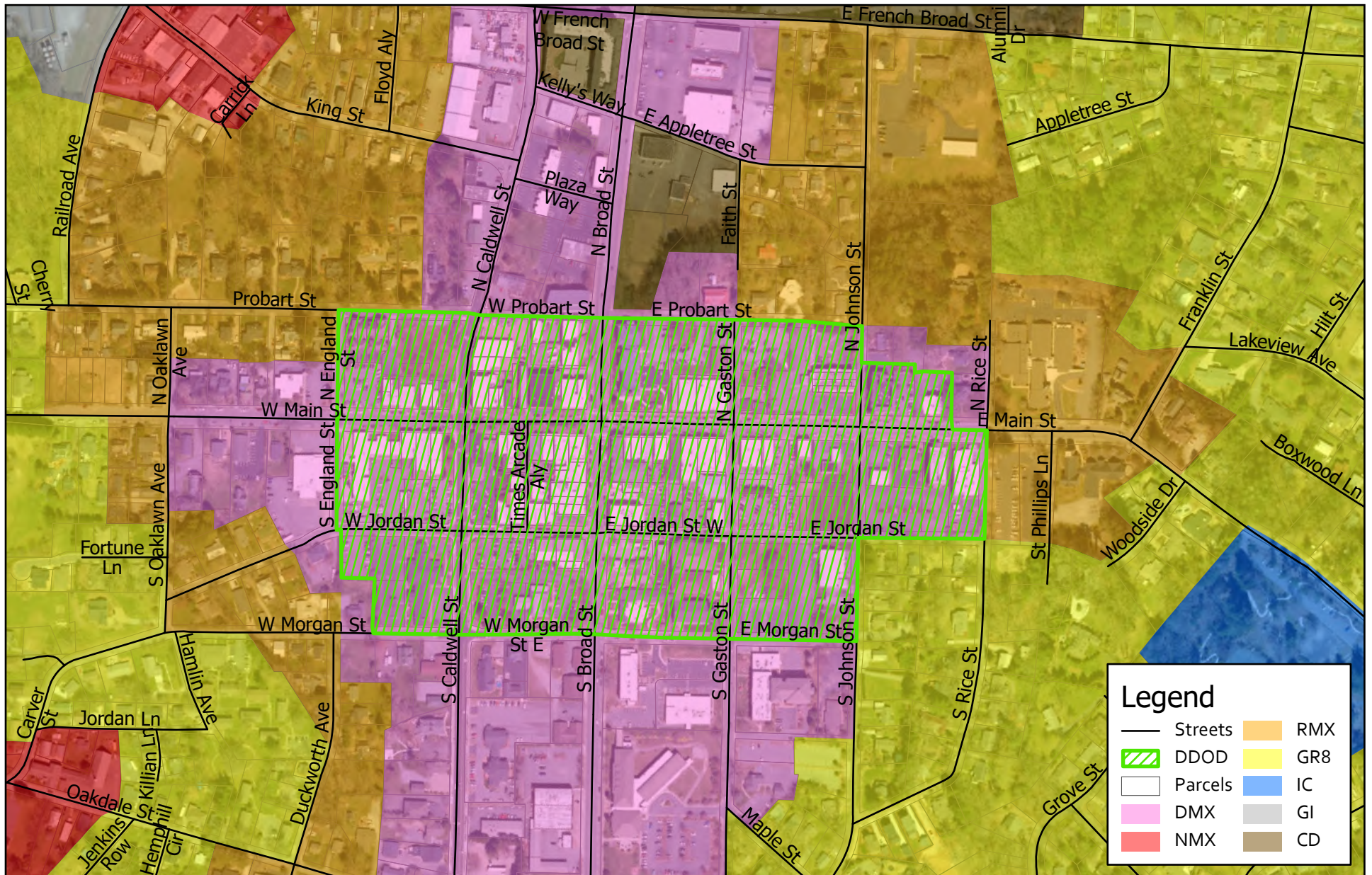
Council has two options to proceed:

- Send the request back to Planning Board for a new, valid recommendation on the original proposal. A new public hearing will be held following the Planning Board meeting.
- Deny the request at this point and instruct Staff to conduct the map amendment process over again. If desired, Council could instruct Staff to do so with increased public engagement. This would include, at a minimum, a Neighborhood Compatibility Meeting, then a Planning Board meeting, followed by the public hearing at Council. Additional public engagement sessions or, if desired by Council, a referral to the Downtown Master Plan Committee are also at the Council's discretion.

Attachments:

1. Maps

REZ-23-004 - Existing Downtown Development Overlay District



Legend

Streets

DDOD

Parcels

DMX

NMX

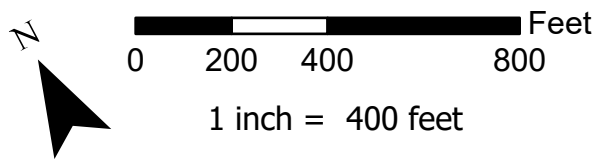
RMX

GR8

IC

GI

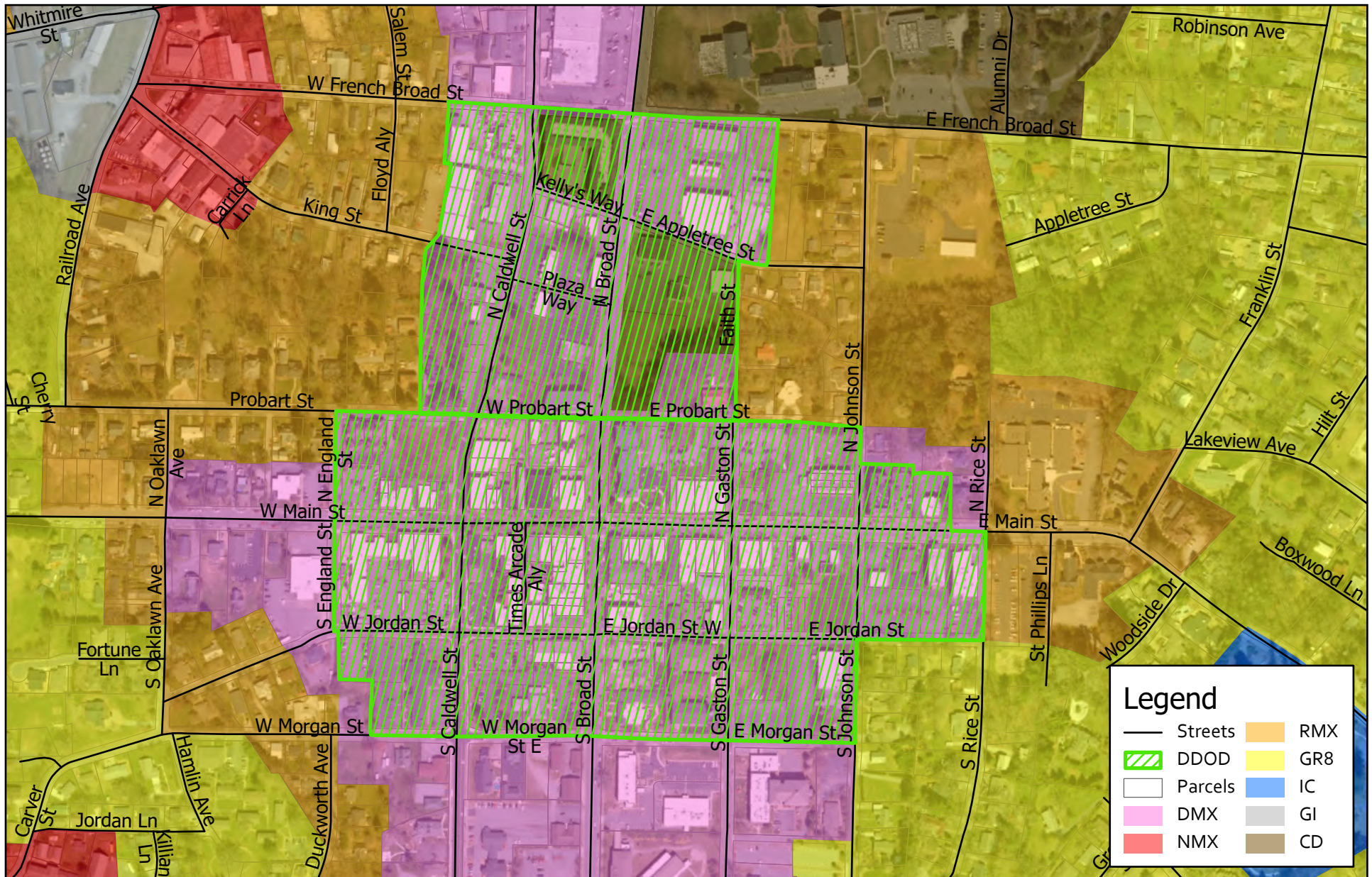
CD



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.

REZ-23-004 - Downtown Development Overlay District - Staff Proposal



Legend

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

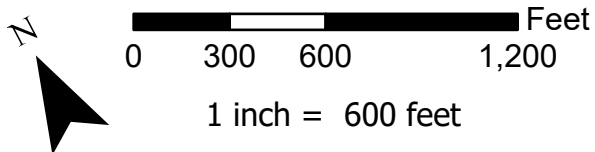
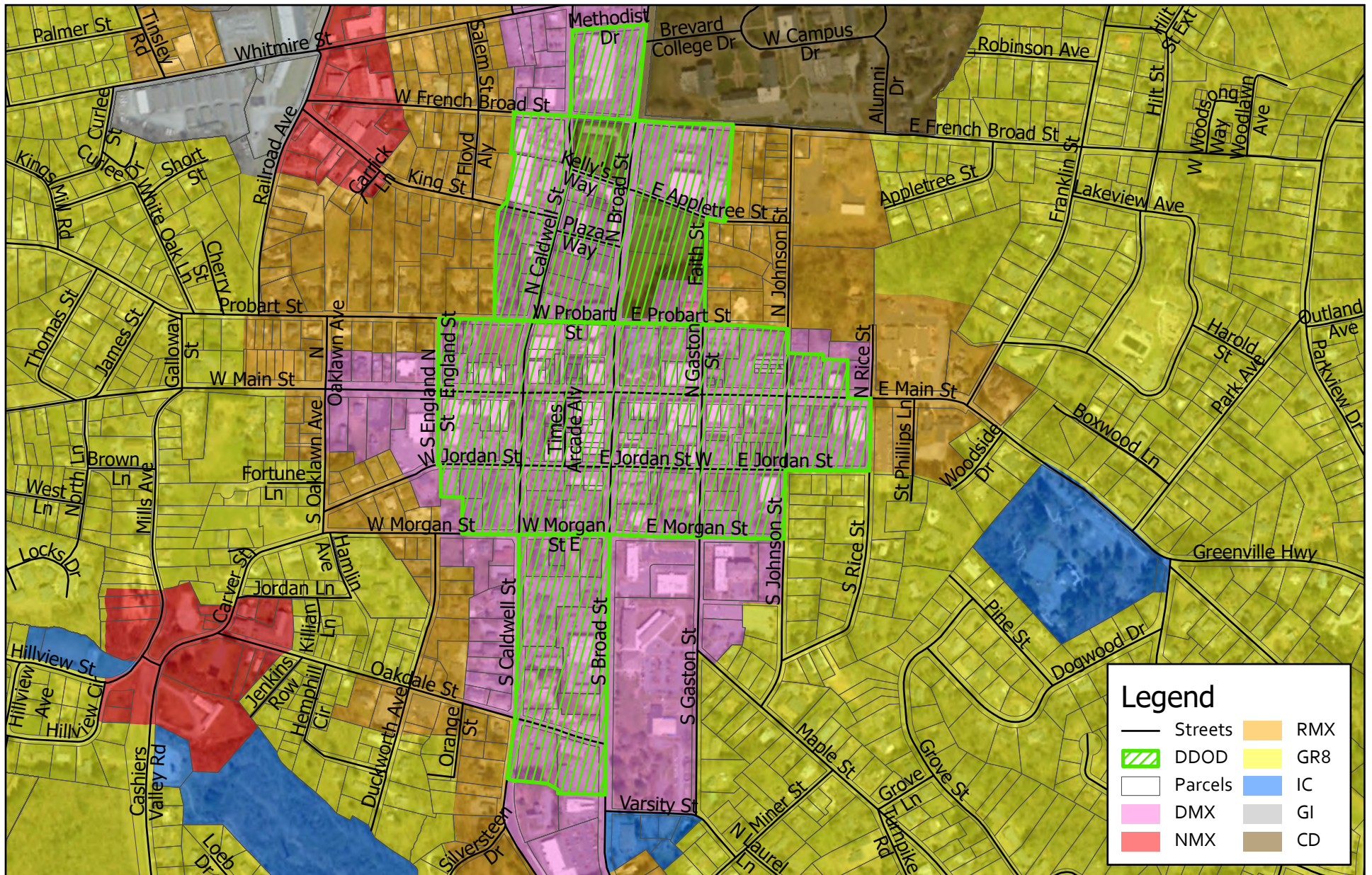


0 200 400 800 Feet
1 inch = 400 feet

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REZ-23-004 - Downtown Development Overlay District - Planning Board Proposal



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STAFF REPORT

City Council, Monday, November 6, 2023

Title: Proposed Amendments to UDO Chapters 2, 3, 5, 8, 9, 10, and 19 - Parking Standards

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

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

Staff worked with Planning Board over the past few months to develop the text amendment:

- At the Planning Board meeting on May 23, 2023, Staff led 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.

- At the Planning Board meeting on August 22, 2023, Staff presented the fully revised parking regulations. Ultimately, Planning Board unanimously recommended approval of the proposed amendments.

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 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 likely to over-park (e.g., grocery stores, shopping centers)	Parking maximums, but no parking minimums	Downtown Mixed-Use (DMX) Corridor Mixed-Use (CMX)

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).

4. 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.***

Action

Staff requests that Council take one of the following actions at the next regular meeting:

1. Adopt the proposed amendments as written;
2. Revise and adopt the amendments as revised by Council;
3. Reject the amendments; or
4. Table the amendments for further public hearings and/or consideration.

In accordance with North Carolina General Statutes, the Planning Board also submits a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (Attachment 3).

Attachments:

1. Proposed Text Amendment - Strikethrough Version
2. Proposed Text Amendment - Clean Version
3. Parking SWOT Analysis
4. Consistency Statement
5. Draft Enacting Ordinance



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.



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(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.



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- (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.~~
- (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.



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- (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



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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



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- (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:
 - 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:



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- 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 x 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.~~
 - ~~iv.~~ v. 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.
 - ~~iv.~~ 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.~~ 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.~~ vii. Facilities shall not be located within the 100-year floodplain or the regulatory floodway.
 - ~~viii.~~ viii. Adequate suitable soils shall be available for cover, either from on or off site.
 - ~~ix.~~ 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;

Commented [EB1]: Deleting this because they should all be constructed of hard surfaces.



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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.~~ xii. 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.~~ xiii. 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.



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- ~~xxii~~-~~xxi~~. Open burning of solid waste is prohibited.
- ~~xxiii~~-~~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.
- ~~xxiv~~-~~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.
- ~~xxv~~-~~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.
- ~~xxvi~~-~~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:
- four or more abandoned, wrecked, scrapped, ruined, or dismantled motor vehicles - or the motors, bodies, chassis, or frames thereof;
 - 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
 - four or more abandoned, wrecked, scrapped, ruined, or dismantled units of furniture, appliances mechanical equipment - or the dismantled components thereof.
- b. Additional Standards:
- 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.
 - 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.
 - No stored materials shall be visible from ground level immediately outside the fence.
 - The facility, including the required fence, shall be located at least 50 feet from all surface waters.
 - The minimum lot size for any such facility is two acres.
 - 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.~~ 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.
- ~~xiii.~~ 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.
- ~~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.

Commented [EB2]: Deleting this because they should all be constructed of hard surfaces.

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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~~xiii~~.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.

~~xiii~~.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 this 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.

~~xiii~~.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. 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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~~xv~~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.

~~xvi~~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.

~~xvii~~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.

~~xviii~~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.

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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 facades that face a public or private street (except alleys) and to facades that are oriented so as to be visible from a public or private street. Rear

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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.~~

Commented [EB6]: Moved to Section 8.7

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:~~

- ~~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.~~
- ~~The City of Brevard Public Works Department is hereby granted the responsibility of public tree care within the City of Brevard.~~
- ~~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.

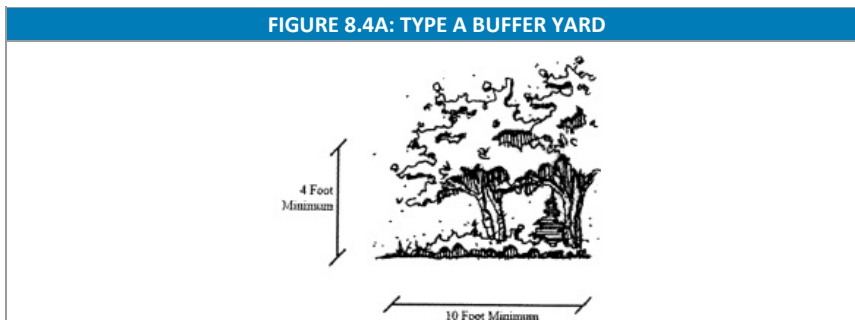
8.4. Buffers and screening.

A. *Applicability:*

1. These regulations shall apply to the following:



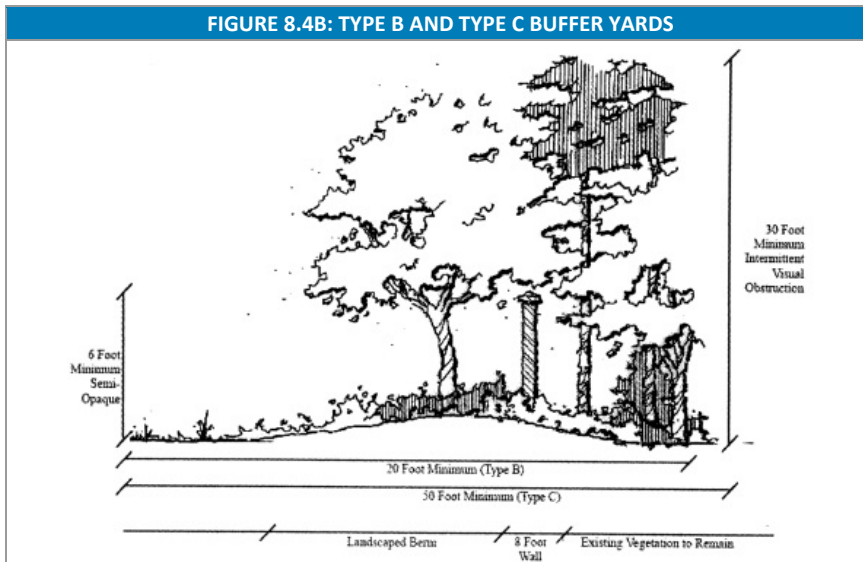
- i. All newly developed properties
 - ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined 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.



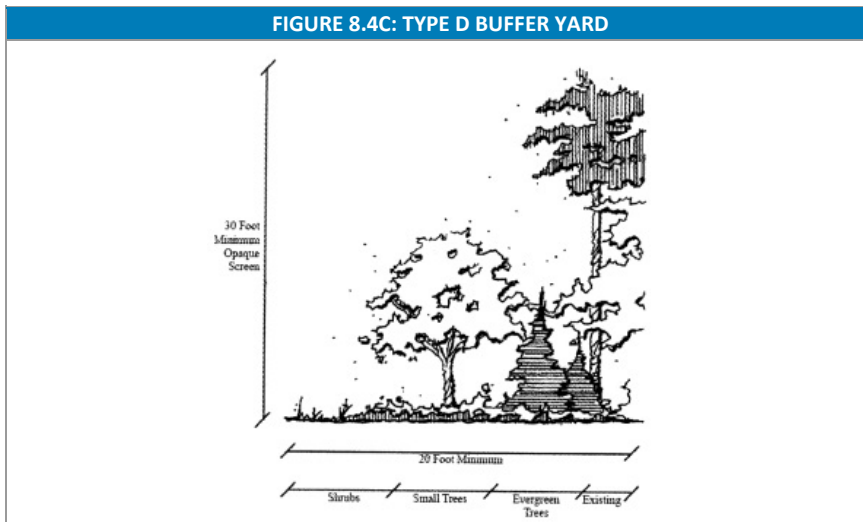
- d. Performance standard: A buffer which is 20 feet in width and contains screening materials which at maturity provide semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within 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.



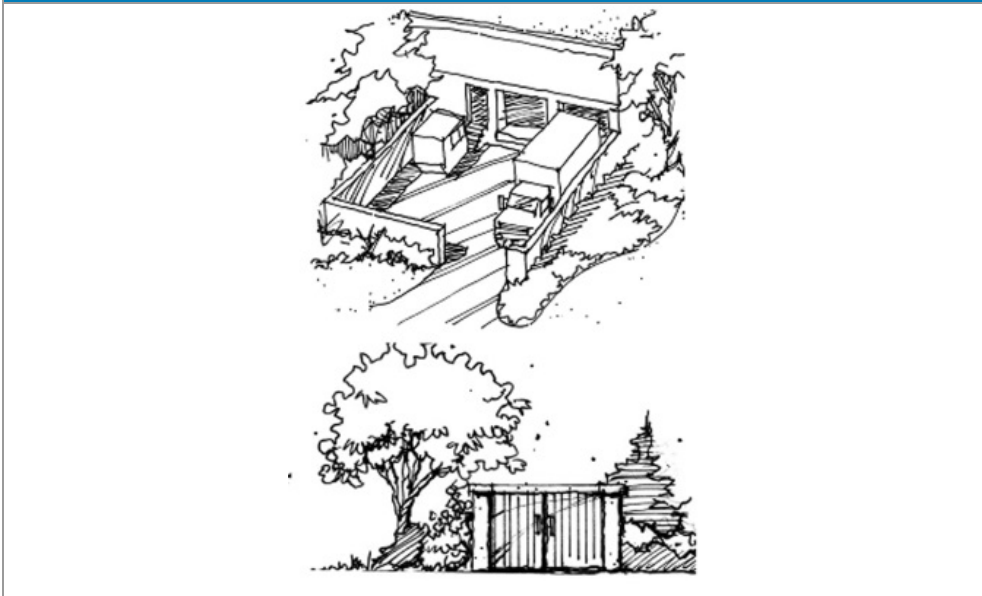
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- (b) This requirement shall apply to any project for which a Special Use Permit is issued for an individual use or structure on a distinct parcel of land as set forth above, unless a more restrictive buffer yard is otherwise required in [CHAPTER 3](#) 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 perimeter 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



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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.

- G.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 8.3 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.~~

Commented [EB7]: Moved from Section 8.3 and removed the table

TABLE 8-18- CREDITS FOR PRESERVATION OF EXISTING TREES IN PARKING AREAS	
<u>Size of Preserved Trees</u>	<u>Deduction from Required Plantings</u>
<u>For Each Tree 6 – 12" DBH</u>	<u>One Required Parking Lot Tree</u>
<u>For Each Tree 13 – 24" DBH</u>	<u>Two Required Parking Lot Trees</u>
<u>For Each Tree 25" DBH or Greater</u>	<u>Three Required Parking Lot Trees</u>



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 area, 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 [EB8]: 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)

- 1.3. 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 [EB9]: Note that in our current regulations – NMX “in the Railroad Avenue/Lumberyard area” is exempt from non-residential minimum parking requirements.

Commented [EB10]: Note that DMX is currently exempt from non-residential minimum parking requirements.

Commented [EB11]: 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 [EB12]: Current parking minimum is 1 / room or suite

Commented [EB13]: Matches single-family dwelling

Commented [EB14]: Matches overnight accommodations



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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
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	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

Commented [EB15]: Current parking minimum is 1/4 seats. This is changed to a square footage measurement to standardize with other commercial uses.

Commented [EB16]: Current parking minimum is 1 / 500 SF

Commented [EB17]: 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 [EB18]: Same as professional services

Commented [EB19]: Current parking minimum is 1 / 4 seats or 1 / 6 feet of pews

Commented [EB20]: Same as places of worship

Commented [EB21]: 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 [EB22]: 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.



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.

~~1.2.~~ 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.

Commented [EB23]: Distance is derived from Depot parking lot to King Street businesses



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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:

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

~~d.b.~~ All off-street vehicle parking with EVSE-installed vehicular charging stations shall meet the general provisions of Section 10.6.

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.

Commented [EB24]: Requirements mimic the payment in lieu of open space dedication



3. Underground or above-grade parking:

- ~~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.~~ 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 ($\frac{3}{4}$ ~~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 [EB25]: 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:

1. Every lot on which 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 [EB26]: 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 [EB27]: 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 ~~10~~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 [EB28]: Pulled from a bullet in Section 10.3 and adjusted/expanded

Commented [EB29]: 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. Alternative electric vehicle charging equipment may be considered.
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.

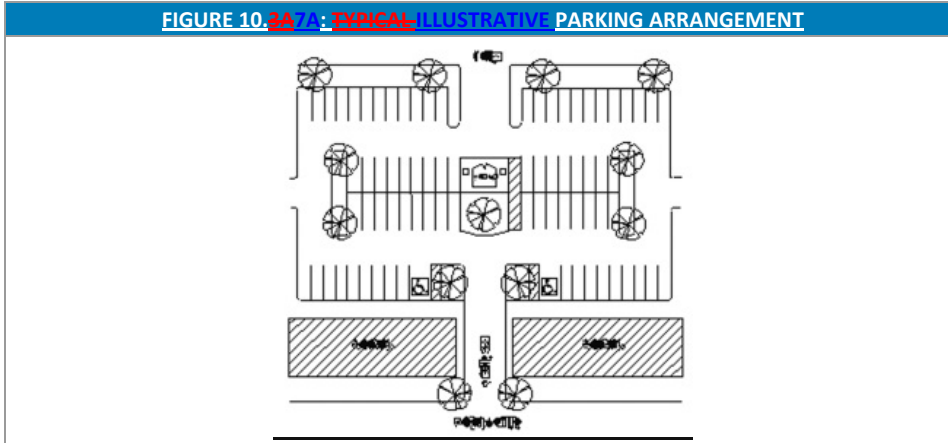
10.57. General Off-street parking area design and construction standards.

- 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 [EB30]: Merging the current Section 10.5 (design standards) and 10.6 (construction standards) into a single section.



FIGURE 10.2A7A: TYPICAL 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~~ 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.

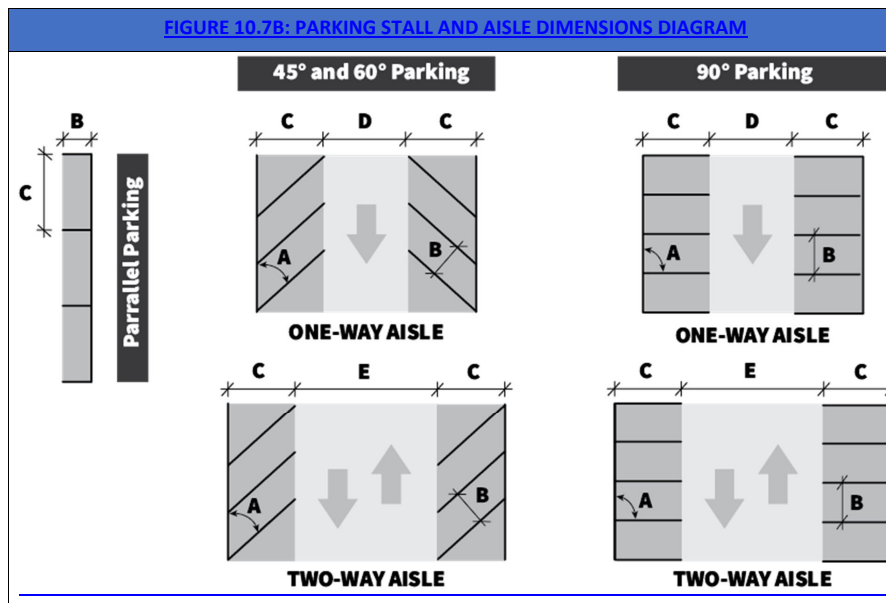
D.E. Parking ~~space~~ dimensions:

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 [EB31]: 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.

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.



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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. ~~SAZC~~: CIRCULATION DRIVES



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

~~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 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



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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 10.78: 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)*

- 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	≤ 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. Façades 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.

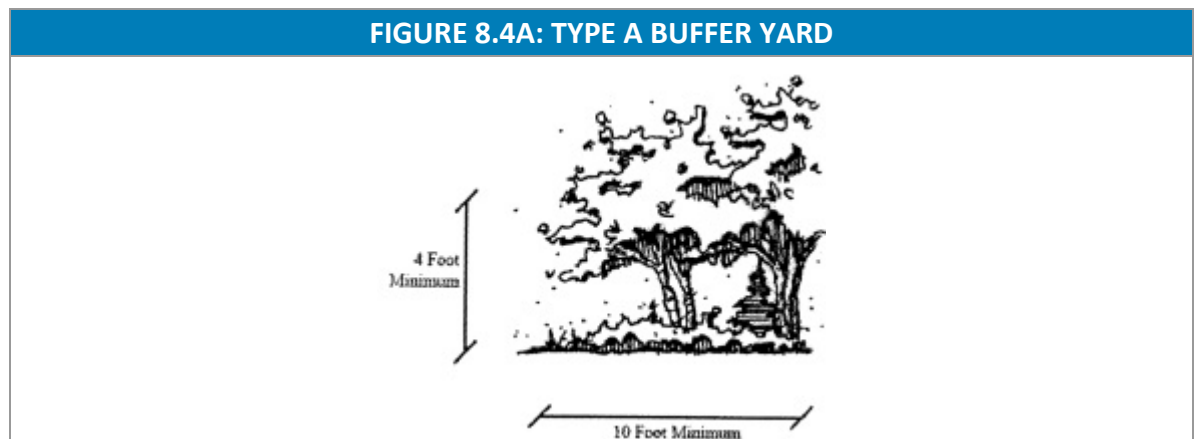


3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in [CHAPTER 6](#) of this ordinance.

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.

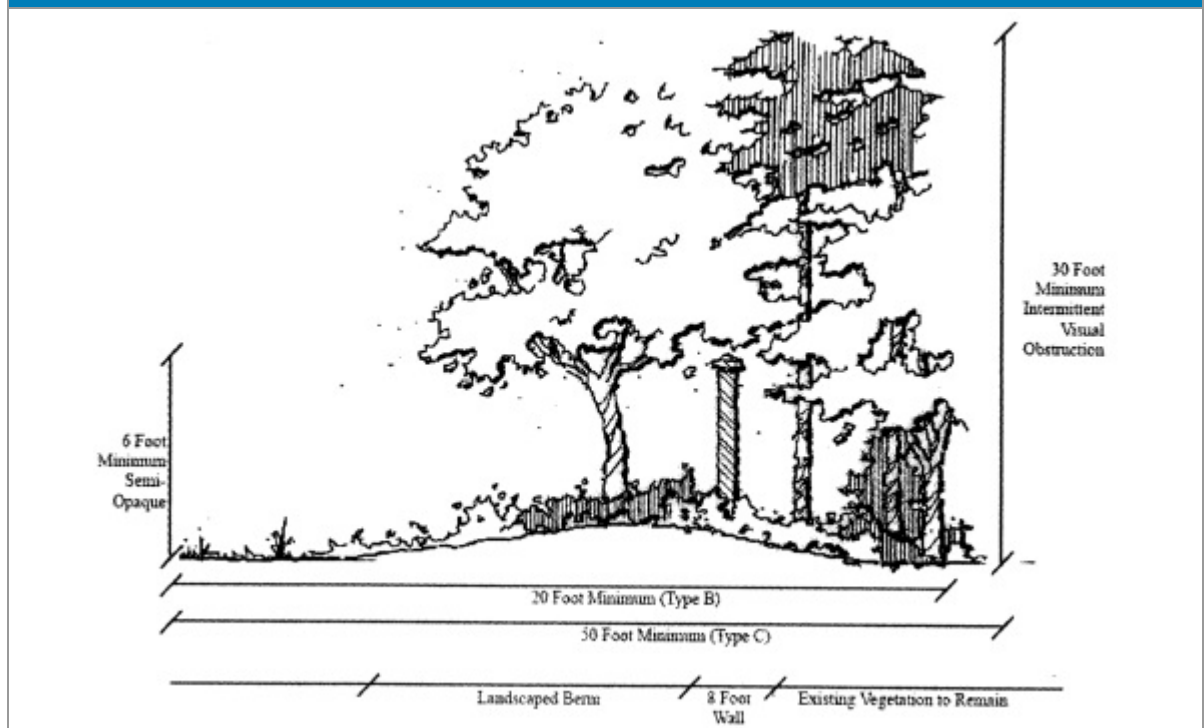
3. *Type C buffer yard:*

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

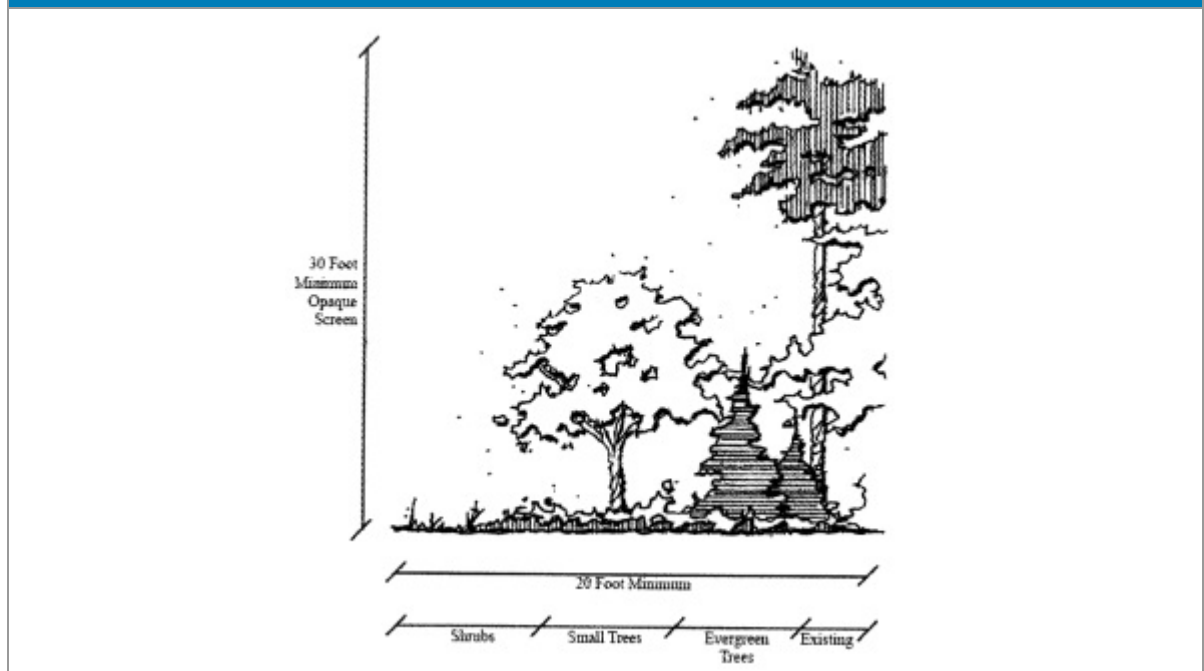


- c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
- d. Performance standard: A buffer which is 50 feet in width and contains screening materials which at maturity provides semi-opacity from the ground to a height of six feet, and intermittent 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.

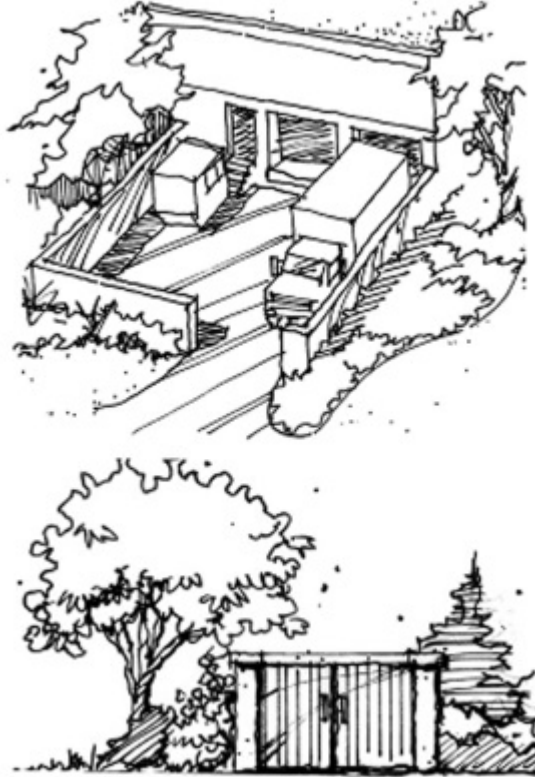


4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed 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.
- b. All off-street vehicle parking with EVSE-installed vehicular charging stations shall meet the general provisions of Section 10.6.
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. Alternative electric vehicle charging equipment may be considered.
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.

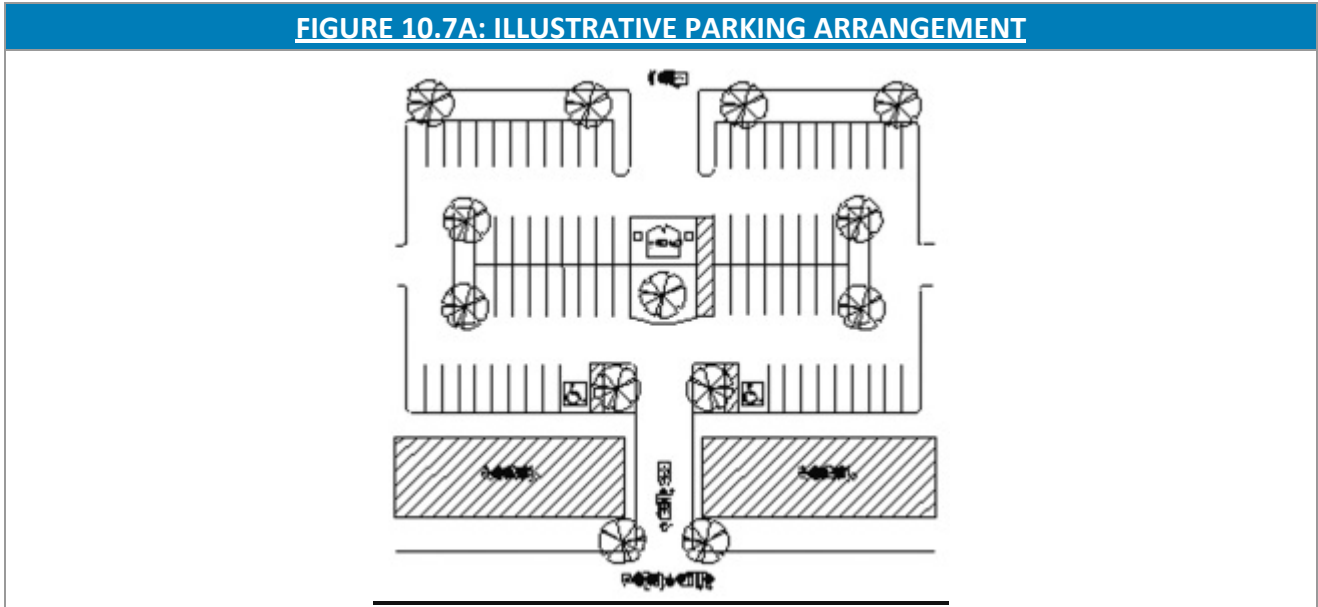
B. General: Internal parking area design and circulation shall be subject to the review and approval of the approving authority, who may impose such conditions as are necessary in order to:

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.

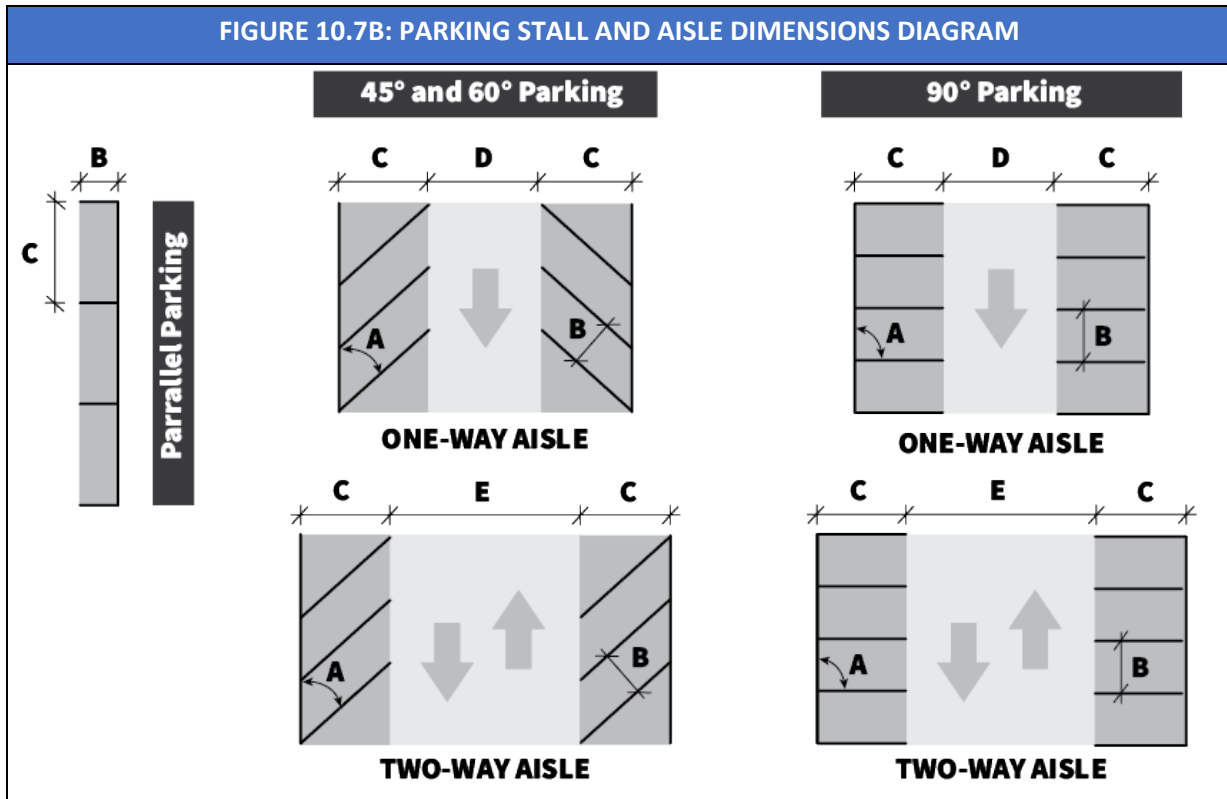
E. Parking dimensions:

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) 8' (Compact)	18'6" (Standard) 16' (Compact)	22'	24'
<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.*

ORDINANCE NO. 2023-____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2, 3, 5, 8, 9, AND 10 REGARDING PARKING DEVELOPMENT REGULATIONS

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance Chapter 2 – District Provisions, Chapter 3 – Use Definitions and Standards, Chapter 5 – Building Types and Architectural Standards, Chapter 8 – Tree Protection and Landscaping, Chapter 9 – Circulation and Connectivity, Chapter 10 – Parking Standards, and Chapter 19 – Definitions; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Plans:

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.

and,

WHEREAS, a public hearing was conducted on Monday, October 16, 2023, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 6th day of November 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, November 6, 2023

Title: Proposed Amendment to City of Brevard Traffic Schedule

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

In doing research for the recent Bicycle Friendly Communities application, Staff noticed several inaccuracies and discrepancies in the Traffic Schedule sections that establish speed limits for streets within the City. This is a Staff-initiated amendment to clarify these sections for better usability and clarity.

Council held a public hearing on these amendments at their October 16, 2023 meeting; no public spoke at the hearing.

Discussion

The bulk of the amendments are clarifying duplicative and erroneous descriptions of streets in the eight sections that establish speed limits.

The only substantive changes are establishing a speed limit and no parking for the new Maple Grove Lane, which is being constructed and dedicated to the City as a part of the Ecusta View Commons apartments. The speed limit is being set at 15 MPH with the entirety of the road designated as a no parking area. The requirement to stop before entering Asheville Highway will also be codified.

Policy Analysis

Ensuring motorist safety on all streets is harmonious with the goals of the Active Transportation & Community Health topic area, specifically to "enhance transportation network for all modes of travel."

Fiscal Impact

Minor costs of purchasing and installing new signage on Maple Grove Lane.

Action

Council's options are:

- Adoption of the amendments as presented
- Adoption of the amendments as modified by Council
- Rejection of the amendments
- Remand the amendments to Staff or a committee for further consideration

Attachments:

1. Draft Amendments
2. Ordinance 2023-XX



SCHEDULE I. NO PARKING AREAS (Section 66-122)

A

Both sides of Appletree Street from the intersection of Faith Street to the intersection of North Johnson Street.

Both sides of Appletree Street from its intersection with East French Broad Street to the point where that portion of Appletree Street terminates.

North side of the ACCESS ROAD TO THE BREVARD HIGH SCHOOL MAINTENANCE FACILITY from its intersection with Country Club Road to a point 50 feet east of said intersection.

B

On the east side of North Broad Street from the loading zone to Probart Street for a distance of 287 feet 5 inches. *(NOTE: Loading Zone is not marked; No Parking is marked north from the Square to East Probart Street beside the Courthouse.)*

Both sides of North Broad Street from Probart Street to Caldwell Street.

Both sides of Brown Lane.

Both sides of Burrell Avenue from its intersection of Railroad Avenue to the intersection of Tinsley Road.

C

Both sides of Cadence Circle.

Both sides of North Caldwell Street from its intersection with Main Street to its intersection with North Broad Street.

Both sides of South Caldwell Street from its intersection with Main Street to its intersection with US 64W/Rosman Hwy.

West side of Carver Street from intersection of Mills Avenue and extending for a distance of 528 feet in a northerly direction.

East side of Carver Street from Morgan Street and extending for a distance of 528 feet in a southerly direction.

Both sides of Colwell Drive.

East side of Country Club Road from Monroe Street to Hayes Street.

E

Both sides of Elm Bend Road from its intersection with U.S. Highway 276 eastward to the limits of the city of Brevard's Extraterritorial Jurisdiction.

Both sides of England Street from its intersection with Probart Street, southward to its intersection with West Jordan Street.

F

Both sides of Franklin Street from East Main to East French Broad Streets.



North side of East French Broad Street from North Broad Street and extending 2,112 feet in an easterly direction.

South side of West French Broad Street from North Broad Street to Railroad Avenue.

G

Both sides of South Gaston Street from East Main Street to its intersection with Varsity Street.

Both sides of North Gaston Street from East Main Street to its intersection with East Probart Street.

Both sides of Gillespie Circle.

H

Both sides of Hampton Road between Whitmire Street and the City Limits.

Both sides of Hayes Street from Country Club Road to Ashworth Avenue.

Both sides of Hemphill Circle from Oakdale Street to Duckworth Avenue.

Both sides of High School Drive from its intersection with Gallimore Road to its end at the Brevard High School parking lot.

Both sides of Hillside Heights in its entirety.

North side of Hillview from its intersection with Brushy Creek (including a portion of Mills Avenue), west 485 feet, and the south side of Hillview Circle from its intersection with Mills Avenue, west 325 feet, each segment being adjacent to or across from Silversteen Memorial Park as No Parking Area.

J

Both sides of Jack Hudson Way in its entirety.

Johnson Street from East Main Street to Maple Street.

West side of Johnson Street between East Main Street and East Jordan Street.

East side of Jordan Road from Maple Street to Batson Road.

Both sides of East Jordan Street from Gaston Street to Johnson Street.

Both sides of West Jordan Street from Caldwell Street to England Street.

K

Both sides of Kilpatrick Street from the intersection of Burrell Avenue to the intersection of Tinsley Road.

Both sides of King Street approximately 35 feet from Railroad Avenue.

L

Both sides of East Laurel Court.

Both sides of West Laurel Court.

Both sides of Laurel Village Drive.

M

South side of East Main Street from Johnson Street extending approximately 100 feet eastward.



South side of East Main Street from Franklin to the end of East Main Street Extension.

Maple Street from South Gaston Street easterly for a distance of 84 feet.

Both sides of Maple Grove Lane.

North side of Mills Avenue from intersection with Hillview Circle to a point approximately 300 feet northeast of said intersection.

Both sides of Monroe Street.

Both sides of Morgan Street from its intersection with South Caldwell Street to its intersection with Duckworth Avenue.

North side of East Morgan Street between South Gaston Street and South Broad Street.

North Side of West Morgan Street between South Broad Street and South Caldwell Street.

N

Both sides of North Lane from its intersection with West Lane southward to its end at the English Hills parking area.

O

North side of Oakdale Street from South Caldwell Street and extending for a distance of 264 feet in an easterly direction.

South side of Oakdale Street between Carver Street and Jenkins Row, a distance of 315 feet.

Both sides of Oakdale Street, between Duckworth Avenue and Hemphill Circle.

Both sides of Oaklawn Avenue between Probart Street and West Main Street.

P

East side of Park Avenue from Outland Avenue and extending for a distance of 792 feet in a northerly direction.

West side of Park Avenue from East Main Street to Park View Drive.

Both sides of West Probart Street from North Broad Street Westward to the City Limits.

Both sides of East Probart Street from its intersection with North Broad Street, eastward to the terminus of East Probart Street.

R

On both sides of Reservoir Road from its intersection with Whitmire Street, a distance of 300 feet.

West side of Rosenwald Lane from West Main Street to West Lane.

S

Both sides of Salem Street from King Street to Whitmire Street.

North side of Southview Drive extending from Country Club Road westward for a distance of 350 feet.

T

Both sides of Turnpike Road in its entirety.



U

The unnamed alley way between Jordan Street and Main Street.

W

Both sides of West Lane.

North side of Whitmire Street from North Caldwell to Railroad Avenue.

South side of Whitmire Street from Tinsley Road and extending 792 feet in an easterly direction.

PARKING PERMITTED DURING CERTAIN HOURS IN DESIGNATED PLACES

Parking shall be permitted in no parking zones on Sundays between the hours of 9:00 a.m. and 1:00 p.m. on the following streets:

West side of South Gaston Street from Jordan Street to Morgan Street.

North side of East Jordan Street from South Broad Street to South Gaston Street.

South side of Morgan Street from South Broad Street to South Gaston Street.



SCHEDULE XI-A. STOP BEFORE ENTERING CERTAIN INTERSECTIONS (Section 66-72)

A

Ashworth Avenue from Monroe Street.
Asheville Highway starting from Old Hwy 64.
Asheville Highway from Brain Berg Lane.
Asheville Highway from Jack Hudson Way.
Asheville Highway from Pisgah Heights (Allison Road and Hawthorne Drive).
Asheville Highway from Straus Parkway.
Asheville Highway from Big Bend Road.
Asheville Highway from Morris Road.
Asheville Highway from Hillside Heights.
[Asheville Highway from Maple Grove Lane.](#)

B

Batson from Jordan Lane.
Batson from Willow.
Batson from Wilson Drive.
Batson from Wilson Street.
Big Bend from Branch Street.
Big Bend from Little Bend.
North Broad from East and West Probart Streets.
North Broad from Appletree Street.
North Broad from Green Acres.
South Broad from Varsity Street.
South Broad from Oakdale Street.
South Broad from Miner Street.
Burrell Avenue from Kilpatrick.
Burrell Avenue from Peace Drive.

C

Cadence Circle at both intersections with Forest Hills Circle.
North Caldwell from West Probart Street.
North Caldwell from King Street.



SCHEDULE XVIII-A. FIFTEEN (15) MPH SPEED LIMIT (Section 66-87)

B

Bungalow Way.

C

Cadence Circle.

H

Hillview Avenue between Probart Extension and Hillview Street.

Hillview Circle.

Hillview Street.

J

Jack Hudson Way.

L

Laurel Village Drive.

East Laurel Court.

West Laurel Court.

M

Maple Grove Lane

Mills Avenue.

R

Resada Drive.

U

Unity Drive.



SCHEDULE XVIII-B. TWENTY (20) MPH SPEED LIMIT (Section 66-87)

- B**
~~South~~ Broad Street from Morgan Street to ~~Main Street thence along North Broad Street (U.S. 64-276) to~~
Probart Street.
- C**
Curlee Street.
- D**
Deerlake ~~Road from Asheville Highway to just before Deer Run.~~
~~Deerlake from Stone to White Squirrel Lane.~~
- E**
England Street
- F**
West French Broad ~~Street Avenue~~ from North Caldwell to North Broad Street.
- G**
Gaston Street from Probart Street to East ~~MainMorgan~~ Street.
- H**
Hampton Road.
Hillside Heights.
- J**
East Jordan Street from South Broad Street to Johnson Street.
West Jordan Street from ~~England Street Oaklawn Avenue~~ to South Broad Street.
- L**
Lakeview Avenue.
- M**
East Main Street from Johnson Street to Broad Street, thence along West Main Street to Oaklawn Avenue.
~~Main Street from Broad Street to its intersection with Rosenwald Lane.~~
~~Mills Avenue.~~
Morgan Street from South Caldwell Street to ~~Gaston-Johnson~~ Street.
- P**
Pisgah Drive.



Pisgah Lane.

Probart Street from North Caldwell Street to Gaston Street.

S

Short Street.

Straus Parkway.

T

Temple Church Road.

W

White Oak Lane.

Wilson Drive.



SCHEDULE XIX. TWENTY-FIVE (25) MPH SPEED LIMIT (Section 66-87)

A

Aiken Street.
Allison Road.
Appletree Street.
Ashworth Avenue.

B

Baston Road from Maple Street to Wilson Drive.
Big Bend Road.
South Broad Street from Rosman Highway to a point 500 feet south of Varsity Street.
Burrell Avenue from Railroad Avenue to its end.

C

Caldwell Street from Oakdale Street to Broad Street.
Carolina Avenue from Cashiers Valley Road to City Limit (Rosman Highway).
Carver Street from Tucker Creek to Oakland Avenue, ~~thence along Oaklawn Avenue to Probart Street.~~
Cashiers Valley Road from Carver Street to the Brevard City Limits.
Cedar Crest Drive.
Cherry Street.
Colwell Drive.

D

~~Deerlake between Deer Run and Stone Drive.~~
Dogwood Drive.
Duckworth Avenue.

E

Elks Club Road.
~~England Street from Jordan Street to Probart Street.~~

F

Far Hills Terrace.
Franklin Street.
Fisher Road.
West French Broad Street from Railroad Avenue to North Caldwell Street.



G

Galloway Street.

Gaston Street from Varsity to ~~Maple Street~~ East Morgan

~~South GASTON Street from Maple to East Main Street.~~

Grandview Avenue.

Green Acres Avenue.

Grove Circle.

Grove Street.

H

Hamlin Avenue.

Harold Street.

Hawthorne Drive.

Hayes Street.

Hazel Circle.

High School Road.

Hillcrest Avenue.

Hilt Street.

J

James Street.

Johnson Street ~~from Maple Street to East French Broad Street.~~

Jordan Lane.

Jordan Road from Batson Road to Placid Drive.

Jordan Road from Gallimore Road to Maple Street.

East Jordan Street from Johnson Street to Rice Street.

K

Kilpatrick Street from Tinsley Road to Burrell Avenue.

Kings Mill Road from Whitmire Street to Eastabrook Avenue.

King Street from North Caldwell Street to Railroad Avenue.

L

Laurel Avenue.

M

East Main Street from Greenville Highway and Wilson Drive to Batson Road.



East Main Street from Johnson Street to Franklin Street.

Maple Street from Gallimore to South Gaston Street.

McLean Road.

McMinn Avenue.

Miner Street.

Monroe Street.

Montview Circle.

Morgan Street from Hamlin Avenue to South Caldwell Street.

Morningside Drive.

N

Neely Road from Old Hendersonville Highway to College Walk.

North Lane.

North Oak Street.

O

Oak Park.

Oak Street.

Oakdale Street.

Oaklawn Avenue.

Outland Avenue.

Owens Street.

P

Palmer Street.

Park Avenue.

Parkview Drive from Elm Bend to Outland Avenue.

Pine Street.

Placid Drive from Jordan Road to Gallimore Road.

Probart Street from North Caldwell to City Limits.

R

Railroad Avenue.

Reservoir Road to City Limits.

Rice Street.

Robinson Avenue.



Rosenwald Lane.

S

Salem Street.

Shipman Avenue.

Silversteen Drive.

South View Drive.

Stratford Avenue.

T

Thomas Street.

Tinsley Road.

Turnpike Road.

V

Varsity Street.

Verdery Avenue.

W

Washington Avenue.

Welcome Street.

West Lane.

Whitmire Street.

Willow Drive.

Woodlawn Avenue.



SCHEDULE XXI. THIRTY-FIVE (35) MPH SPEED LIMIT (Section 66-87)

A

Asheville Highway from a point 0.05 miles south of Osborne Road to a point 0.15 miles north of Osborne Road.

B

North Broad Street from Probart Street north to Old Hendersonville Road.

North Broad Street from a point 0.05 miles south of Osborne Road to a point 0.15 miles north of Osborne Road.

South Broad Street from Morgan Street to Varsity Street.

C

South Caldwell Street from Oakdale Street to Rosman Highway.

Cashiers Valley Road from the Carver Street/Mills Avenue/Hillview Street intersection to the City Limits.

Chestnut Street.

Country Club Road from Rosman Highway southward to City Limit.

E

Elm Bend Road from Greenville Highway to the eastern City Limit.

F

East French Broad Street from Park Avenue to North Broad Street.

G

Gallimore Road.

Greenville Highway from the southern City Limit to East Main Street.

M

East Main Street from Greenville Highway to Franklin Street.

Morris Road.

N

Neely Road from Park Avenue to College Walk Drive.

Nicholson Creek Road from Cashiers Valley Road to the city limit.

R

Rosman Highway (U.S. 64) from South Broad Street (U.S. 64) to the City Limit.

ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING
THE CITY OF BREVARD TRAFFIC SCHEDULE**

WHEREAS, a public meeting was conducted on Monday, October 16, 2023, by Brevard City Council, and after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 66-5 of the Brevard City Code of Ordinance be amended as outlined below; and

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

SECTION 01. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth in Exhibit A which is attached and incorporated herein.

SECTION 02. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed on Maple Grove Lane and enforcement of the foregoing provisions to be implemented.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 6th day of November 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney