



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, December 12, 2023 - 5:30 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

- a. October 24, 2023

VI. Public Comment

VII. New Business

- a. REZ-23-005 Downtown Overlay District Rezoning
- b. Election of Officers
- c. Meeting Schedule 2024

VIII. Unfinished Business

IX. Remarks

X. Adjourn

Agenda Posted, Website (12/01/2023)
J. Pinson, Clerk to the Board

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

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
OCTOBER 24, 2023
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, October 24, 2023, at 5:30 PM, in Council Chambers at City Hall.

Members Present:

Greg Hunter, Chair
Reid Wood, Vice Chair
Peter Chaveas
John Schommer
Molly Jenkins
Alan Mercaldo

Members Absent:

James Carli

Staff Present:

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

I. Welcome

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

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

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

IV. Approval of Agenda

Motion to approve the agenda with the revision to move "Public Comment" to after "Approval of Minutes" by G. Hunter, second by J. Schommer, unanimously carried.

V. Approval of Minutes

Motion to approve the August 22, 2023, minutes by M. Jenkins, second by R. Wood, unanimously carried.

VI. Public Comment – None.

VII. New Business

a. Consideration of Text Amendment TXT-23-009 Building line vs. Building plane

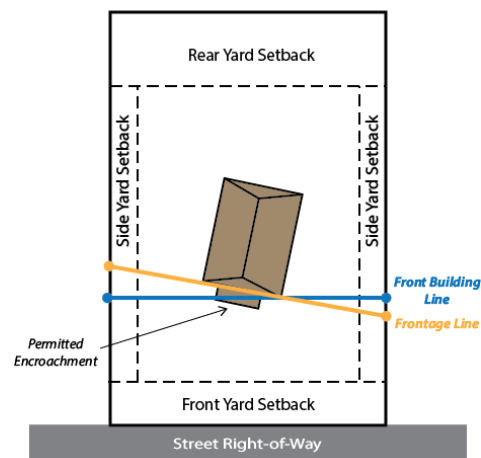
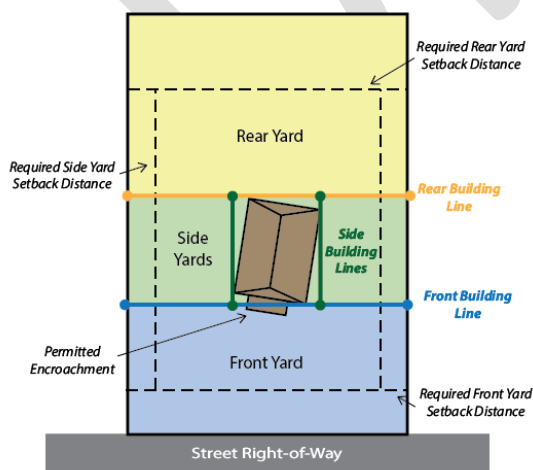
Emily Brewer, Senior Planner, presented her staff report a portion of which follows:

Background & Discussion

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

The major elements of the text amendment are below:

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



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

Policy Analysis

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

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

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

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

After discussion and minor revisions, J. Schommer made a motion to approve with revisions referencing the Consistency Statement (Attached as Exhibit "A") seconded by A. Mercaldo, unanimously carried.

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

Aaron Bland, Assistant Planning Director, presented his staff report.

After a brief discussion, motion to approve with a change to include prohibition for blasting on federal holidays with reference to the Consistency Statement (Attached as Exhibit "B") by M. Jenkins, second by P. Chaveas, unanimously carried.

c. Subdivision Chapter Introduction

Emily Brewer, Senior Planner, gave a presentation introducing the subdivision chapter.

VIII. Unfinished Business - None

IX. Remarks

Reid Wood asked that staff tell them about the recent award received.

Emily Brewer explained that staff applied to the American Planning Association NC for awards and that Mac Morrow won the award for Planner Advocate of the Year for his work on Bracken Preserve and that the Planning Department received Honorable Mention in the category of Transportation Specialized Planning for multi-use path planning.

Reid Wood thanked staff for their continued hard work. Peter Chaveas thanked staff not only for their continued hard work but for working toward a much more customer friendly

document upon completion. John Schommer stated that the staff is producing “big city” planning.

X. Adjournment

There being no further business, P. Chaveas made a motion to adjourn seconded by J. Schommer, the motion carried unanimously, and the meeting adjourned 6:35 PM.

Greg Hunter, Chair

Janice H. Pinson, Board Clerk

STAFF REPORT

Planning Board, Tuesday, December 12, 2023

Title: REZ-23-005 Downtown Overlay District Rezoning

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

On August 22, 2023 the Board discussed a potential rezoning that would amend the Official Zoning Map of the City of Brevard to expand the Downtown Development Overlay District (DDOD). The Board forwarded a recommendation to City Council of an expansion area even greater than Staff's initial proposal. City Council held a public hearing, advertised for the Board's enlarged expansion area, on October 16, 2023 and approved an expansion of the district at their November 6, 2023 meeting.

Discussion

Prior to Council voting on the expansion at their November 6th meeting, the City Attorney cautioned Council against enacting the Planning Board's expanded area, based on Section 16.7.D.2.a of the UDO which does not grant the Board the authority to make a recommendation that enlarges the area to be rezoned. Given this advice, Council voted to approve the original expansion area proposed by Staff.

However, in their discussion, Council expressed interest in expanding the DDOD further than Staff's proposal and instructed Staff to initiate another map amendment to do just that. For this amendment, Staff is bringing the area proposed by the Board in August, as well as additional properties across South Caldwell and South Broad Streets, as instructed by Council.

See the attached map that depicts the new current DDOD in green, the Board's proposed additional expansion areas in yellow, and Council's proposed additional expansion areas in red. This proposed map amendment would add the yellow and black areas to the DDOD.

One project that is now underway that had not yet been initiated when the first DDOD expansion went before the Board is the rewrite of Chapter 5 of the UDO, which includes all the City's architectural standards. Part of the scope of this rewrite will include adding specific architectural requirements and standards to the DDOD to act as a form-based code for the downtown area. Staff believes expanding the DDOD too far beyond the downtown city center could be problematic when adding these standards and recommends careful consideration of further expansion to the DDOD until these new standards are in place.

Policy Analysis

The 2030 Building Brevard plan Land Use & Housing recommendation LUH-7 recommends enacting build-to lines in areas outside of the current (former) DDOD.

Action

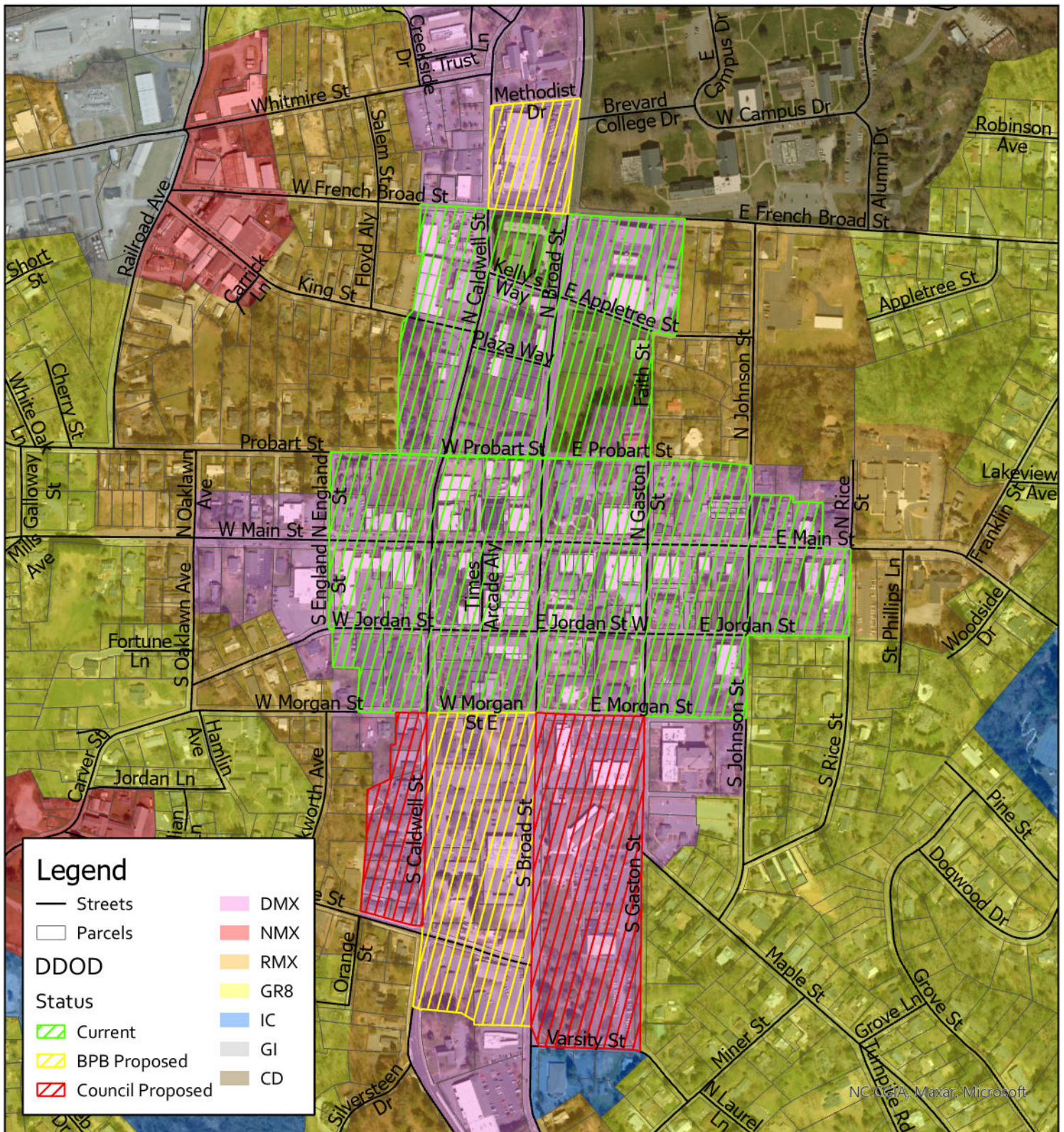
The Board shall make one of the following recommendations with regard to a petition for a zoning map amendment:

- 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.

Attachments:

1. Map
2. Consistency Statement

REZ-23-005 - Downtown Development Overlay District Second Expansion Proposal



0 250 500 Feet
1 inch = 500 feet

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

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

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-23-005**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

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

- Areas in the greater City Center area (areas outside of the current DDOD) should also have defined maximum allowable setbacks and/or build-to lines.

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

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

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



BREVARD PLANNING BOARD

2024 MEETING SCHEDULE

MEETINGS ARE HELD THE FOURTH TUESDAY OF EACH MONTH

Date	Time	Type	Location
January 23, 2024	5:30 PM	Regular Meeting	Council Chambers
February 27, 2024	5:30 PM	Regular Meeting	Council Chambers
March 26, 2024	5:30 PM	Regular Meeting	Council Chambers
April 23, 2024	5:30 PM	Regular Meeting	Council Chambers
May 28, 2024	5:30 PM	Regular Meeting	Council Chambers
June 25, 2024	5:30 PM	Regular Meeting	Council Chambers
July 23, 2024	5:30 PM	Customary to cancel	Council Chambers
August 27, 2024	5:30 PM	Regular Meeting	Council Chambers
September 24, 2024	5:30 PM	Regular Meeting	Council Chambers
October 22, 2024	5:30 PM	Regular Meeting	Council Chambers
November 26, 2024	5:30 PM	Regular Meeting	Council Chambers
December 24, 2024	5:30 PM	Regular Meeting	Council Chambers

Adopted: _____

Distribution: Posted on website, Bulletin Board, J. Pinson, Clerk to Board