



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, April 23, 2024 - 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. March 26, 2024

VI. New Business

- a. Consideration of Request for Contiguous Annexation ANN-24-001 by Pisgah Hospitality for property located on the corner of Lambs Creek Road and Highway 64 and further identified by PIN#s 8597-11-0513-000, 8597-01-8529-000, 8597-01-6950-000, 8597-02-9059, 8597-12-0348-000, 8597-11-0886-000, 8597-11-1969-000.

VII. Unfinished Business

- a. Continuation of TXT-24-005 Consideration of Text Amendment Group Development and Subdivision

VIII. Public Comments

IX. Remarks

X. Adjourn

Agenda Posted, Website (April 19, 2024)
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
MARCH 26, 2024
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, March 26, 2024, at 5:30 PM, in Council Chambers at City Hall.

Members Present: Greg Hunter, Chair
Reid Wood, Vice Chair
Peter Chaveas
Molly Jenkins
Alan Mercaldo
James Carli

Absent: John Schommer

Staff Present: Paul Ray, 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

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

IV. Approval of Agenda

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

V. Approval of Minutes

Motion to approve the February 27, 2024, minutes by M. Jenkins, second by R. Wood unanimously carried.

VI. Public Comment

Monica Driscoll requested that the board table the Group Development and Subdivision text amendment to allow for public input. She further suggested that a more in-depth definition of conflict of interest be included in the Planning Board By-Law amendments.

There was a brief discussion with the board about her reasons.

VIII. New Business

a. Resilience Action Plan – Board letter to City Council

J. Carli highlighted the reasons that the board should sign the letter of recommendation to City Council.

There was discussion about the organizations mentioned in the letter.

A. Mercaldo stated that he felt these things can be accomplished in our community without another plan or committee.

J. Carli explained that we can document things we are already doing to apply for grants at the federal level.

J. Carli made a motion for those in support of the letter sign it and present to Council, second by P. Chaveas, vote was all in favor except A. Mercaldo voted nay.

J. Carli is to revise the letter to exclude A. Mercaldo, John Schommer (who was not in attendance) and change the language to read, “The following members of the City of Brevard Planning Board” and forward the letter to the Board Clerk.

Paul Ray, Planning Director explained that the letter would be placed on Council’s agenda, and that it probably would not be presented until May.

b. TXT-24-005 Consideration of Text Amendment Group Development and Subdivision

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

Background

The *Building Brevard 2030* Comprehensive Land Use plan calls for “a development pattern that respects Brevard’s sense of place and prioritizes livable communities.” The Unified Development Ordinance establishes procedures and standards for the development and subdivision of land within its corporate limits and extra-territorial jurisdiction.

This staff-initiated text amendment began as a comprehensive review of the City’s subdivision regulations, which govern how a property may be divided in order to:

- Provide for the orderly growth and development of the City and its extra-territorial jurisdiction;

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

During this process, Staff considered when the regulations should encourage subdivision of land and when subdivision wouldn't be necessary. The scope of this effort was expanded to examine development patterns, more generally, in the UDO. This includes revised group development regulations, where more than one principal structure is permitted on a property.

This initiative has been discussed by Planning Board at many recent meetings:

- On October 24th, Staff introduced the challenges in administering the subdivision regulations and opportunities for improvement.
- On January 23rd, Staff shared a revised framework for the text amendment which included subdivisions and group developments to allow for creative ways to increase density while still ensuring health, safety, and welfare is achieved.
- On February 27th, the Board reviewed a draft of the group development regulations, which contain some of the major changes proposed as part of this amendment.

Discussion

The major changes are listed below along with Staff's reasoning for proposing the change. Other amendments are reorganizations, reference updates, or clarifications resulting from these major changes.

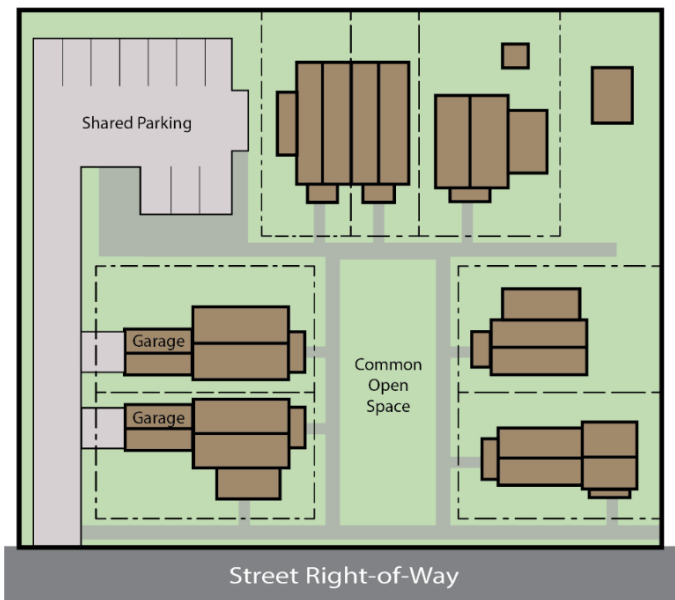
1. Group Development Regulations

Group developments are defined as "any land development subject to a site plan that includes 2 or more principal buildings on a single parcel (or grouping thereof) for the purpose of development." The current ordinance allow development of more than one principal structure in some circumstances, but there are no regulations specifically for this type of development. The proposed amendments include, among other things, requirements for street access, connectivity between buildings, and setbacks.

The proposed amendments also establish different types of group developments that are permitted in certain zoning districts with specific standards. These include, cluster home developments (see below), neighborhood developments, manufactured home parks, and shopping centers. The latter two were removed from the use matrix, as they are a type of development that consists of specific uses.

2. New Missing Middle Housing Type – Cluster Home Development

In amending the group development regulations, Staff is proposing introducing a new missing middle housing type. A "cluster home development" allows for small lot residential development in a manner that organizes multiple dwellings around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents. This type of development creates smaller housing units that can be operated as a rental property under single ownership or sold as individual lots with shared ownership of common areas. Other municipalities have allowed cluster home developments (sometimes referred to as "cottage courts") to create more diverse housing options and allow for a denser development at a community-scale.



3. Types of Subdivisions

Staff revised the definitions of exempt, minor and major subdivisions to clarify the processes and submittal requirements. NCGS allows municipalities to have expedited review processes for specific classes (e.g., minor vs. major). In practice, the difference is that major subdivisions are required to go to the Technical Review Committee for review, submit a preliminary plat, and install or guarantee the required improvements before final approval. Staff revised the definitions of minor and major subdivisions so infrastructure requirements are the defining factor that necessitates a more rigorous review process.

Minor subdivisions, which have the expedited review, is now anything that creates less than 8 lots and doesn't involve the creation of public infrastructure.

4. Variances to Subdivision Regulations

Currently, the subdivision regulations are spread throughout the Unified Development Ordinance. In addition to being challenging to administer, it creates regulatory issues for other areas of the ordinance. NCGS 160D-705 states that the Board of Adjustment is allowed to grant variances to a municipality's **zoning** regulations. Any other land use and development regulations (including subdivision regulations) **may** be varied if given authority in the ordinance. As previously stated, subdivision regulations are established to maintain health, safety, and public welfare and to ensure adequate provision of services. As such, many of these standards should not be varied. But because they are so intertwined with the zoning regulations in our ordinance, the Attorney to the Board of Adjustment has advised us that any lot or subdivision regulation is eligible for a variance. The proposed amendments separate the subdivision regulations from the zoning standards and establishes a new Chapter 4 [Lot and Subdivision Requirements] with limited variance authority.

5. Subdivision Approval Procedures

Approval of a subdivision is a ministerial act, where the plat is required to be approved so long as it meets the requirements of the ordinance and applicable state statutes. This can be done through either administrative or quasi-judicial procedures, depending on the content of the regulations. Administrative decisions are those based on clear, objective standards. Quasi-judicial standards are based on objective standards, as well as standards that require some level of judgement or discretion (NCGS 160D-102). For instance, a quasi-judicial standard for a subdivision plat might be that “the project does not overburden adjacent roads” or that “the project is designed to maximize access to open spaces.” These standards require some level of judgement or discretion, so the applicant is entitled to an evidentiary hearing to prove their case.

The procedural rules for subdivision approval depend on the type of standards in the ordinance, not the board it is assigned to. Current subdivision approval is with City Council, but they cannot make a legislative decision at their discretion. This was clarified by the Courts in *Guilford Financial v. City of Brevard* (2003). In this case, City Council did not follow quasi-judicial procedures and denied a subdivision without sufficient evidence. Superior court reversed the decision and instructed Council to approve the subdivision.

Staff amended the subdivision regulations to be entirely administrative, not quasi-judicial. The revised procedures have Staff as the approval authority for all subdivision decisions, with appeals being sent to the Board of Adjustment. Furthermore, each type of subdivision (exempt, minor or major) now has a clear process and detailed submittal requirements to further clarify the review process.

For more information on this topic, please refer to the UNC School of Government’s blog post entitled, “*Subdivision Plat Approval: What type of decision is it?*”

6. Minimum Lot Size

Our ordinance does not require a minimum lot size for any newly established lots, but we do require compliance with the zoning standards. To ensure compliance with the density requirements, Staff will not permit a subdivision that creates more lots than the permitted residential density. For example, a one-acre parcel with a maximum allowable density of 8 dwelling units per acre cannot be divided into more than 8 lots, including any residual or parent lot. Staff added language to clarify this requirement and allow for the creation of additional lots not intended for development (e.g., environmental conservation parcels).

7 Private Roads for Subdivisions

Our current ordinance does not allow the subdivision of land off of private roads longer than 150 feet. This can limit the ability of development in areas where the roads cannot be dedicated to the City. Staff has clarified what constitutes a public street, but also

added stipulations for when a private street may satisfy road frontage requirements for new lots. This may only be done in the ETJ (where the City cannot accept the dedication of streets), when maintenance can be guaranteed in perpetuity, and when it is built in a way that can be accessed by emergency vehicles. In accordance with NCGS 136-102.6, Staff has added a disclosure statement to be included on the subdivision plats that identifies the responsibilities of the property owners and the potential repercussions if the street is not maintained.

8. Plat Requirements and Certifications

The plat requirements and certifications are updated to reflect NCGS and clarify the administrative review items.

E. Brewer led the board through a review of the changes and there was discussion and a few minor revisions noted.

J. Carli moved to recommend approval with minor amendments noted with reference to the consistency statement, which is attached hereto and labeled, Exhibit "A", second by P. Chaveas, unanimously carried.

IX. Old Business

a. TXT-24-003 Consideration of Text Amendment UDO Chapter 15 Board Roles

Emily Brewer, Senior Planner, presented the staff report prepared by A. Bland, Assistant Planning Director a portion of which follows:

Background

The Board previously discussed the majority of this amendment at the February 27, 2024 meeting. At that time, the scope of the amendment was only the roles and responsibilities of the Planning Board (BPB) and Board of Adjustment (BOA). There have been no changes to these previously discussed amendments.

After taking the amendment to the Board previously, Staff discovered another item in this section of the UDO that needs amending. Specifically, the makeup of the board in terms of the number of members that represent the city and the extra-territorial jurisdiction (ETJ).

Discussion

North Carolina General Statutes state that the ETJ must have "proportional representation based on population for residents of the extraterritorial area" on city boards such as the BPB and BOA (GS § 160D-307). This proportionality is to be reviewed and adjusted following each decennial census; this has not yet been done following the 2020 census.

The 2020 population of the city was found to be 7,818, and the population within the ETJ is estimated to be 3,129, which results in a city-to-ETJ ratio of 2.5. This ratio of 2.5 is the goal for the proportional representation on the BPB and BOA.

The current makeup of the BOA is 3 city and 2 ETJ members* which equals a ratio of 1.5. Changing the makeup of the BOA would result in the ratio becoming further from the goal of 2.5, so no change is recommended for the BOA.

The BPB, however, can improve its proportionality. The current makeup of 4 city and 3 ETJ

members equals a ratio of 1.33. Changing the makeup to 5 city and 2 ETJ equals the ideal 2.5 ratio. Therefore, it is recommended that one of the ETJ members be switched to a city member.

Policy Analysis

Ensuring that the makeup of the BPB and BOA are consistent with state law is obvious best practice and in the City's legal and procedural best interest.

E. Brewer explained the next steps would be to present to Council, and if approved, advertise for a new City Planning Board member, and with appointment of that member an ETJ board member would need to step down.

It was asked if it could wait until the natural term expired rather than ask an ETJ member to step down and she explained that the matter should be corrected as soon as possible. She also explained that the by-laws amendments take out the number of members to alleviate the need to amend them as things change.

M. Jenkins moved to recommend approval as revised, with reference to the consistency statement attached and labeled, Exhibit "B", second by R. Wood, unanimously carried.

b. Planning Board By-Law Amendments – Revised

Emily Brewer, Senior Planner, presented her staff report.

After a brief discussion, J. Carli moved to approve, second by R. Wood, unanimously carried.

IX. Remarks- None.

X. Adjournment

There being no further business, M. Jenkins made a motion to adjourn seconded by R. Wood, the motion carried unanimously, and the meeting adjourned 6:58 PM.

Greg Hunter, Chair

Janice H. Pinson, Board Clerk

STAFF REPORT

Planning Board, Tuesday, April 23, 2024

Title: Consideration of Request for Contiguous Annexation ANN-24-001 by Pisgah Hospitality for property located on the corner of Lambs Creek Road and Highway 64 and further identified by PIN#s 8597-11-0513-000, 8597-01-8529-000, 8597-01-6950-000, 8597-02-9059, 8597-12-0348-000, 8597-11-0886-000, 8597-11-1969-000.

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

Representatives of Pisgah Hospitality LLC ("Applicant") have submitted a request for voluntary continuous annexation for multiple properties located at the intersection of Asheville Highway and Lambs Creek Road, further identified by PIN's: 8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000; and a portion of 8597-11-1969-000.

Discussion

The subject properties are located within the City's Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and other parcels owned by Pisgah Hospitality LLC that are already inside the City's corporate limits. The Applicant wishes to annex these parcels so that the entire project site for the luxury vacation rental development called Station Brevard is inside the city limits. The development will include a 36-room lodge, 18 rental cabins, with an adjacent entertainment venue and restaurant.

Policy Analysis

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

Fiscal Impact

The City service delivery impacts are estimated to be minimal given the site is already in the ETJ and City Fire District. The financial impacts are estimated to be a net positive for the City; see Attachment 3 for full financial impact details.

Action

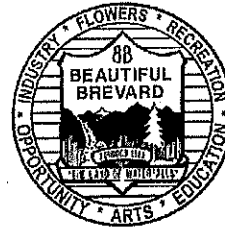
An annexation is a legislative decision. The Planning Board's role in legislative decisions is to make one of the following recommendations with regard to the petition:

1. Adoption of the amendment as written;
2. Adoption of the amendment as revised by the BPB; or
3. Rejection of the amendment.

Attachments:

1. Petition for Annexation
2. Annexation Plat
3. Annexation Revenue Estimator

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



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

Date: 5/30/2023

To the City Council of the City of Brevard:

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

Transylvania County Property Identification Number(s): 8597-11-0513-000
8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000
8597-11-0886-000; 8597-11-1969-000
Street Address: intersection - Lanks Creek Rd : Hwy 64

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

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

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

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

a. Name _____
Address _____
Telephone _____ Email _____
Signature _____

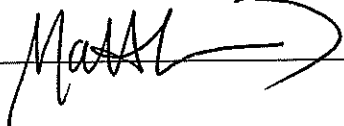
b. Name _____
Address _____
Telephone _____ Email _____
Signature _____

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

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

a. Name Pisgah Hospitality
Address 204 Lois St.
GREENVILLE SC 29601
Telephone ~~919~~ 864 915 8301 Email bjb.sc.us@gmail.com

By: MATTHEW L. GRANDY - MEMBER
Type or Print Name and Title (President / Managing Member)

Signature 

b. Name _____
Address _____
Telephone _____ Email _____

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

Signature _____

c. Name _____
Address _____
Telephone _____ Email _____

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

Signature _____

* * * * *

AGENT:

Name: _____
Address: _____
Telephone: _____ Email _____

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

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

**2022005367**
 TRANSYLVANIA CO, NC FEE \$26.00.
 STATE OF NC REAL ESTATE EXTX
\$1200.00

PRESENTED & RECORDED:

08-23-2022 10:25:47 AM

BETH C LANDRETH

REGISTER OF DEEDS

BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS**BK: DOC 1050****PG: 151-153****NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$1,200.00

 Parcel Identifier No. _____ Verified by Transylvania County on the 20 day of AM 8-23-22
 By: _____
Mail/Box to: JONES, GILLASPIA & LOYD, LLP 5 Park Place East # 201, Brevard, NC 28712This instrument was prepared by: MICHAEL K. PRATT (No title search performed by preparer)

Brief description for the Index: _____

THIS DEED made this 4th day of August, 2022, by and between

GRANTOR	GRANTEE
GAYLE E. RAMSEY, Executor of the Estate of Esther M. Severs	PISGAH HOSPITALITY, LLC, a South Carolina limited liability company
35 North Gaston Street Brevard, NC 28712	204 Lois Street Greenville, SC 29601

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed _____ does X does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

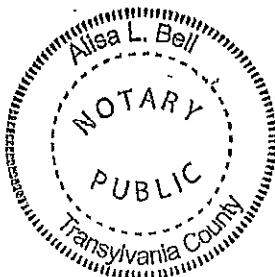
Estate of Esther M. Severs

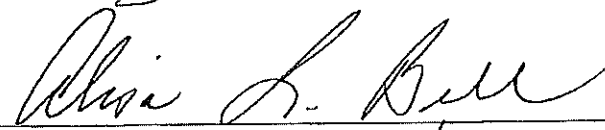
By:  (SEAL)
GAYLE E. RAMSEY, Executor

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: GAYLE E. RAMSEY

WITNESS my hand and Notarial Seal, this the 10 day of August, 2022.




Signature of Notary Public

ALISA L. BELL
Printed or typed name of Notary Public

My commission expires: 4/20/26

EXHIBIT "A" TO A DEED FROM SEVERS ESTATE TO THE STAYTION, LLC

Tract 1 and Tract 2 totaling 9.11 acres, more or less, shown on a survey prepared by E. Roger Raxter for Pisgah Hospitality, LLC, dated April 27, 2022, thereof recorded in Plat File 22, Slide 295, Records of Plats for Transylvania County, and being also a part of that property described in Deed Book 66, page 515.

Also conveyed herewith is all of Seller's right, title and interest in and to that certain Lease Agreement between Esther Severs and the Lamar Companies, dated 1-10-2003, to the extent that it covers the billboards which now remain on the subject property. This conveyance is made subject to that Lease Agreement.

Esther M. Severs died on May 27, 2006. The Grantor is authorized and directed to sell the subject property by item Three of the Last Will and Testament of Esther M. Severs, dated December 10, 1997, which has been filed for probate with the Office of the Clerk of Superior Court for Transylvania County, File Number 2006 E 143.

Z:\2021 PENDING RE FILES\Working RE FILES\1 Severs Estate\Ex. A Severs Estate.wpd



2022006615

TRANSYLVANIA CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:

10-20-2022 01:46:29 PM

BETH C LANDRETH

REGISTER OF DEEDS

BY: D REE MCCALL

DEPUTY REGISTER OF DEEDS

BK: DOC 1057

PG: 393-395

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$0.00*

Parcel Identifier No. _____ Verified by Transylvania County on the 20 day of October, 2022
 By: ce

Mail/Box to: JONES, GILLASPIA & LOYD, LLP 5 Park Place East # 201, Brevard, NC 28712This instrument was prepared by: MICHAEL K. PRATT (No title search performed by preparer)Brief description for the Index: Lots 3, 4, 5 & 6, totaling 6.87 acresTHIS DEED made this 20 day of October, 2022, by and between

GRANTOR

GAYLE E. RAMSEY, Executor of the
Estate of Esther M. Severs

35 North Gaston Street
Brevard, NC 28712

GRANTEE

PISGAH HOSPITALITY, LLC, a South Carolina
limited liability company

204 Lois Street
Greenville, SC 29601

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed does X does not include the primary residence of the Grantor.

*The Excise tax is \$600.00 but has already been collected by the Transylvania County Register of Deeds Office prior to the recording of this deed.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- Exceptions and reservations contained in this deed and/or in instruments referenced herein.
- Easements and rights of way for public and private roads and utilities, of public record.
- Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

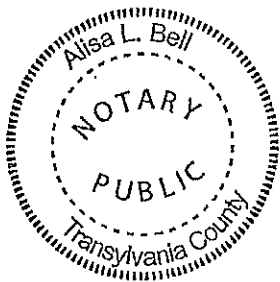
Estate of Esther M. Severs

By: Gayle E. Ramsey (SEAL)
GAYLE E. RAMSEY, Executor

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: GAYLE E. RAMSEY

WITNESS my hand and Notarial Seal, this the 18 day of October, 2022.



Alisa L. Bell
Signature of Notary Public
Alisa L. Bell

Printed or typed name of Notary Public

My commission expires: 4/26/26

EXHIBIT "A" TO A DEED FROM THE ESTATE OF ESTHER M. SEVERS 2006-E-143 TO PISGAH HOSPITALITY, LLC

Tracts 3, 4, 5 and 6 totaling 6.87 acres, more or less, shown on a survey prepared by E. Roger Raxter for Pisgah Hospitality, LLC, dated April 27, 2022, thereof recorded in Plat File 22, Slide 295, Records of Plats for Transylvania County, and being also a part of that property described in Deed Book 66, page 515.

Also conveyed herewith is all of Seller's right, title and interest in and to that certain Lease Agreement between Esther Severs and the Lamar Companies, dated 1-10-2003, to the extent that it covers any billboards which are now located on the subject property. This conveyance is made subject to that Lease Agreement.

Esther M. Severs died on May 27, 2006. The Grantor is authorized and directed to sell the subject property by item Three of the Last Will and Testament of Esther M. Severs, dated December 10, 1997, which has been filed for probate with the Office of the Clerk of Superior Court for Transylvania County, File Number 2006 E 143.

PIN	OWNER_NAME	ADDRESS_1	CITY	STATE	ZIP_CODE	ACRES	LEGAL_ADDR
8597-01-6950-006	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	4.55295923	TR-2 Lambs Creek Rd
8597-01-8529-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	2.409	pt of TR-1 Lambs Creek Rd
8597-02-9059-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	3.34645335	TR 3 & pt of TR4 Lambs Creek Rd
8597-11-0513-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	2.167	pt of TR-1 Lambs Creek RD
8597-11-0886-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	0.356	pt of TR-4 Lambs Creek Rd
8597-11-1969-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	1.102	TR-6 Lambs Creek Rd
8597-12-0348-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	1.094	TR-5 Lambs Creek Rd

ORDINANCE NO. 2022-26

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO ESTABLISH
THE COMPO BREVARD CONDITIONAL ZONING DISTRICT**

WHEREAS, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, in response to an application for rezoning filed by TR Hospitality for the property described as PINs 8597-11-0513-000, 8597-01-8529-000 8597-01-6950-000, 8597-02-9059-000, 8957-12-0348-000, 8597-11-0886-000, and 8597-11-1969-000 (hereafter "Subject Properties" or "Project Area") to be rezoned to Neighborhood Mixed Use Conditional Zoning District, the City of Brevard Planning Board considered REZ-22-003 on April 26, 2022, and unanimously recommended approval; and

WHEREAS, the Brevard Planning Board has determined that the application for rezoning all of these properties is consistent with the following polices and goals of the 2015 Comprehensive Plan:

1. **OBJECTIVE 2.1:** As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - a. **POLICY 2.1.A:** Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
2. **OBJECTIVE 4.1:** Increased efficiency of land uses to help stabilize and grow the City's tax base.
 - a. **POLICY 4.1.A:** Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.
 - b. **POLICY 4.1.G:** Modify development ordinances and regulations in incorporate design standards and guidelines that respect existing community character while allowing greater residential density of nonresidential development within mixed use zoning districts.
3. **OBJECTIVE 4.4:** Creation of new opportunities for citizens and visitors to experience recreation and nature.

and Council finds that this Ordinance is also consistent therewith; and

WHEREAS, the Brevard Planning Board has determined that the application for rezoning these properties is inconsistent with the 2002 Future Land Use Map, and Council concurs and also finds that this Ordinance is inconsistent therewith; and

WHEREAS, in accordance with North Carolina General Statute 160D-605 Council finds that this Ordinance is also reasonable and consistent therewith and that the proposed uses are reasonable and consistent within the context of the new zoning district and the prevalence of uses in the vicinity of the properties due to the following factors:

1. The conditional district provides the opportunity for crafting a site-specific zoning code that allows for context-sensitive considerations to protect the residential and camp uses along Lambs Creek Road from commercial uses which are appropriate to be located along the Asheville Highway frontage.
2. A nature-oriented destination site will help ensure the sensitive mountain slopes, the trout stream, and its associated floodplain will be protected and even enhanced, as they are an asset to the proposed project rather than an obstacle.
3. The preliminary master plan shows higher-intensity land uses adjacent to Asheville Highway, away from neighboring residential uses.

and

WHEREAS, a public hearing was held on May 16, 2022, in consideration of rezoning of the Subject Properties to Neighborhood Mixed Use Conditional Zoning District; and

WHEREAS, the City Council, after hearing all persons wishing to comment on this request, desires to approve said request.

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended to establish the Compo Brevard Conditional Zoning District with the Neighborhood Mixed Use Base District as described in Exhibit A attached hereto and incorporated herein.

Section 2. The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section 3. Development and use of lands within the District shall occur in accordance with the approved Preliminary Master Plan, which is attached to this ordinance and incorporated herein as Exhibit B, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on the TR Hospitality LLC, its heirs and assigns.

Section 4. List of Conditions.

- A. Except as set forth in Section 4.C, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,
1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within Neighborhood Mixed Use Districts
 2. Chapter 62. Streets, Sidewalks, and Other Public Ways
 3. Chapter 70. Utilities
- B. Any and all unique architecture and building types shall fully conform to all applicable North Carolina State Building Codes.
- C. The following may be permitted within the District:
1. The base zoning district shall be Neighborhood Mixed Use.
 2. The tabled of allowed uses in the District shall follow that of Neighborhood Mixed Use, with the following alterations:

Use	Removed from base NMX	Added to NMX-CD
Hotels/Motels/Inns	—	P
Rental Cottage/Cabins ¹	PS	P
Animal Services	P	—
Banks, Credit Unions, Financial Services	P	—
Drive Thru Service	SUP	—
Funeral Homes	PS	—
Group Care Facility	P	—
Kennels	SUP	—

Landscaping Services	SUP	—
Medical Services – Doctor Office	P	—
Vehicle Services – Minor Maintenance/Repair	SUP	—
Alcoholic Beverage Sales Store	SUP	—
Bar/Tavern/Night Club	SUP	P2
Gas Station	SUP	—
Vehicle/Heavy Equipment Sales – Indoor	PS	—
Metal Products Fabrication, Machine or Welding Shop	SUP	—
Cemeteries	PS	—
Jail	SUP	—
Public Safety Station	P	—
Schools – Elementary and Secondary	P	—
Schools – Vocational/Technical	P	—
Human Crematories	PS	—
1 As a stand-alone use. 2 Only bar/tavern; night club is not an allowed use.		

3. The maximum residential dwelling unit density shall be 4 dwelling units per acre. This density limit shall not be applied to lodging units.
4. Minimum setbacks from property lines shall follow those shown on the attached master plan.
5. Ground floor of each principal structure shall be a maximum of 30,000 square feet of gross heated area (does not include unheated or unenclosed floor area such as terraces and structured parking).
6. Maximum building height shall be limited as shown in the attached master plan. Building height shall be calculated as defined in the UDO Section 5.18.
7. The hours of operation for any outdoor event space shall be from 8:00 AM to 10:00 PM.
8. Buffer areas adjacent to General Residential districts shall be 40 feet in width.
9. The Developer shall explore placing buffer areas and unbuildable areas of the project site into a conservation easement in coordination with a non-profit land trust, such as Conserving Carolina, within 10 years.
10. The Developer shall construct a fence along the boundary of the Tanglewood Heights side of the project where feasible given existing slope conditions. Such fence shall be constructed before final zoning inspection approval of any development of Zone D.
11. Final master plans shall include a detailed stormwater management plan for that particular phase controlling for the net increase of impervious surface of that phase and demonstrating compliance with Chapter 6 of the UDO as certified by the City's consultant hydraulic

engineer. The stormwater infrastructure shall be installed prior to the issuance of final zoning approval and certificate of occupancy for any development activity of the particular phase.

12. Demolition and remediation of structures in close proximity to Lambs Creek, including but not limited to residential structures, underground storage tanks, and creek channelization or retention structures, shall be done in coordination with, and according to all requirements and/or best practices of, the US Army Corps of Engineers and the North Carolina Department of Environmental Quality.
13. Interior private access roads may follow Low Impact Design standards for streets.
14. Due to the low impact nature of this development, Zone B as shown on the attached master plan shall not be limited by existing slope. All other zones shall follow the typical slope standards per the UDO.
15. The minimum amount of open space shall be 1.5 acres, across the entire District.
16. All billboards on the project properties shall be removed.

- D. Minor modifications to the approved master plan may be approved by the Administrator as follows:
1. A deviation of up to 10% or 24 inches, whichever is greater, from the approved setbacks.
 2. A reduction of up to 25% in the number of parking spaces.
 3. A reduction of up to 20% in the minimum required distance between driveways and cuts, and between cuts and intersections.
 4. Any other modifications shall be done in accordance with the limitations and procedures prescribed in the UDO.

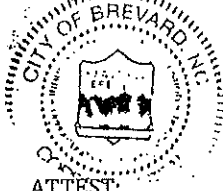
Section 5. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map and the Future Land Use Map consistent with this Ordinance.

Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

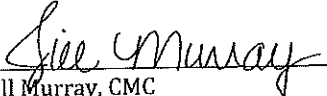
Section 7. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

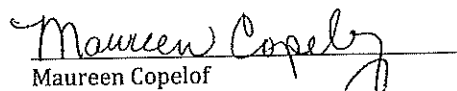
Section 8. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted and approved this the 20th day of June 2022.

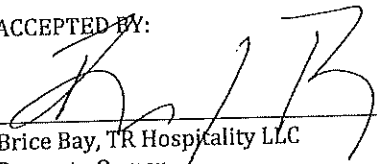


ATTEST:


Jill Murray, CMC
City Clerk

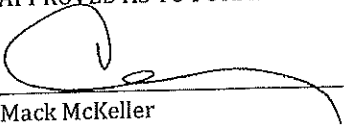

Maureen Copelof
Mayor

ACCEPTED BY:

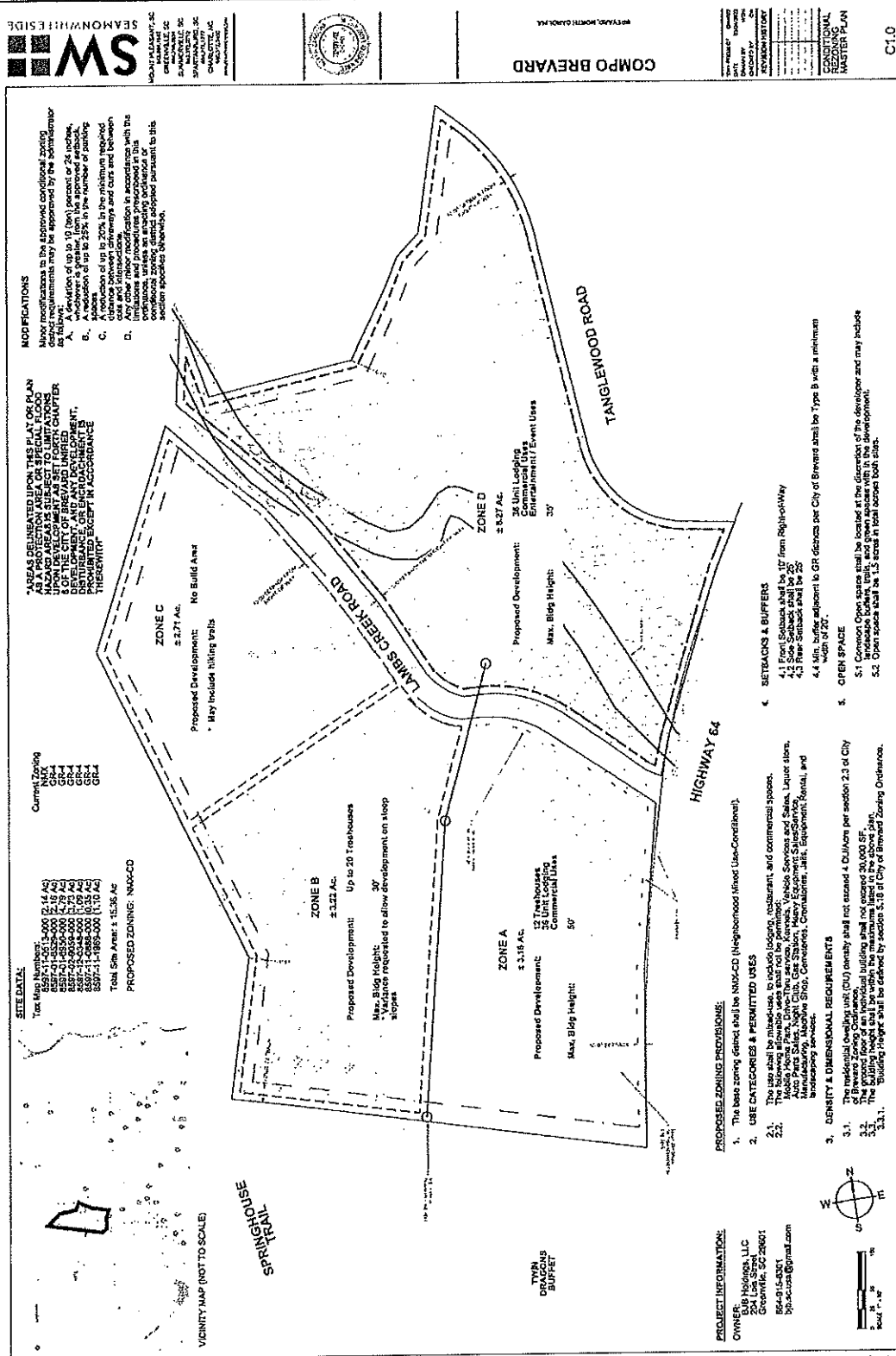


Brice Bay, TR Hospitality LLC
Property Owner

APPROVED AS TO FORM:



Mack McKeller
City Attorney





CITY of BREVARD

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

March 23, 2023

Mr. Bay and Mr. Grandy,

This letter is in response to your request for a modification to your existing conditional zoning district to extend the deadline for submitting a final master plan for the development, or any phase thereof, from one year to two years from the date of the enactment of the ordinance. In light of this request, I make the following determinations:

- The Compo Brevard Conditional Zoning District was established by Ordinance 2022-26, adopted and approved by City Council on June 20, 2022.
- Section 16.9.F of the City of Brevard's Unified Development Ordinance authorizes the Planning Director to review and approve administratively minor modifications to approved conditional zoning districts, so long as the minor modification does not:
 - Involve a change in uses permitted or the density of overall development permitted; and
 - The minor modification does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
 - The minor modification meets all other ordinance requirements.
- This modification request has been determined to be a "minor" modification.

Given that this request does not involve a change of use or density, does not increase the impacts generated by the development on traffic, stormwater runoff or similar impacts beyond what was projected for the original development, and it meets all other ordinance requirements, specifically, not exceeding five years, I hereby approve the request. Accordingly, the date that a final master plan for your development, or phase thereof, must be submitted on or before is now June 20, 2024.

Sincerely,

Paul C. Ray
Planning Director
City of Brevard

CITY OF BREVARD
CASH RECEIPT

Receipt No: 662991
Date: 3/14/2024
Time: 11:20:54AM

Received From:
PISGAH HOSPITALITY LLC

Received: 500.00

For
ZONING ADMIN 500.00
S

Check 500.00

1022
RECEIVED BY WINDOW

LEGEND
CMF CONCRETE MONUMENT FOUND
IRF IRON ROD FOUND
UP UNMARKED POINT
IRS 5/8" IRON SET
R/W RIGHT OF WAY
IPF IRON PIPE FOUND
(H) FIRE HYDRANT
(P) TELEPHONE PEDESTAL
(W) WATER METER
(C) CABLE PEDESTAL
(M) MAN HOLE
SR STATE ROAD
(F) BURIED FUEL TANK
D.B. DEED OR DOCUMENT BOOK
P.B. PLAT BOOK
P.F. PLAT FILE
NTS NOT TO SCALE
UB UTILITY BOX
B/B BILL BOARD
CP CAR PORT
CULVERT +/-
STREAM +/-
WIRE FENCE +/-
UTILITY POLE
OVERHEAD UTILITY LINES
GUARD RAIL
SEWER LINES +/-

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, a Notary Public
of said State and County, do hereby certify that

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

WITNESS my hand and Notarial Seal, this the _____
day of _____, 2022.

Notary Public

My Comission Expires _____

Review Officer Certification.

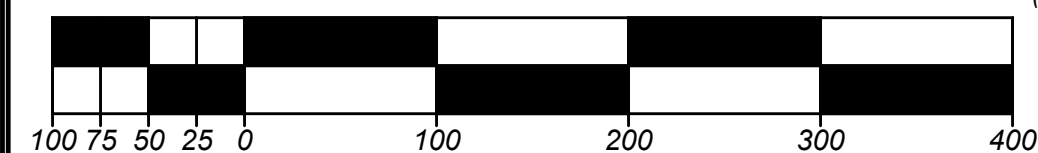
State of North Carolina, County of Transylvania

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

Date _____

Review Officer
CALL TABLE

Id	Bearing	Distance	Id	Bearing	Distance
L1	S 74°17'08" E	5.19'	L31	S 31°02'52" E	13.24'
L2	N 25°05'36" E	38.00'	L32	S 40°08'34" E	11.64'
L3	S 36°07'48" E	11.33'	L33	S 51°57'51" E	11.66'
L4	N 11°43'35" E	33.94'	L34	S 58°40'13" E	12.39'
L5	N 11°43'35" E	4.71'	L35	S 64°45'59" E	11.43'
L6	N 11°43'35" E	84.25'	L36	S 65°40'51" E	11.48'
L7	S 25°51'42" E	44.90'	L37	S 71°45'19" E	16.90'
L8	S 22°20'06" W	18.08'	L38	S 76°21'01" E	48.23'
L9	S 23°52'22" E	60.27'	L39	S 74°57'31" E	26.66'
L10	N 80°39'49" E	15.00'	L40	S 52°48'38" E	45.19'
L11	N 13°53'09" E	32.18'	L41	S 44°36'59" E	66.83'
L12	S 51°15'42" E	25.52'	L42	S 50°24'22" E	36.96'
L13	S 47°19'07" E	41.28'	L43	S 58°10'57" E	61.88'
L14	S 48°58'57" E	20.25'	L44	S 74°49'12" E	80.33'
L15	S 34°10'10" E	23.70'	L45	S 63°46'24" E	22.34'
L16	S 36°14'47" E	23.40'	L46	S 50°47'58" E	18.79'
L17	S 32°09'23" E	24.62'	L47	S 40°49'57" E	22.90'
L18	S 28°56'00" E	29.71'	L48	S 28°01'33" E	111.16'
L19	S 23°02'47" E	24.06'	L49	S 30°03'11" E	28.99'
L20	S 20°28'58" E	20.46'	L50	S 34°32'38" E	35.83'
L21	S 17°46'17" E	18.79'	L51	S 42°19'52" E	91.10'
L22	S 14°15'17" E	16.98'	L52	S 36°15'35" E	168.12'
L23	S 10°23'40" E	19.15'	L53	S 36°15'35" E	38.20'
L24	S 07°30'45" E	20.21'	L54	S 44°05'26" E	12.24'
L25	S 04°57'52" E	121.92'	L55	S 22°04'04" E	29.64'
L26	S 07°12'49" E	88.49'	L56	S 20°04'38" E	67.59'
L27	S 07°12'49" E	57.44'	L57	S 22°56'34" E	70.95'
L28	S 13°31'41" E	16.29'	L58	S 23°59'25" E	38.81'
L29	S 22°14'27" E	14.26'	L59	S 26°47'43" E	47.95'
L30	S 25°09'38" E	12.00'			



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

PRELIMINARY PLAT ONLY, NOT TO BE USED FOR SALES, CONVEYANCES OR RECORDING.

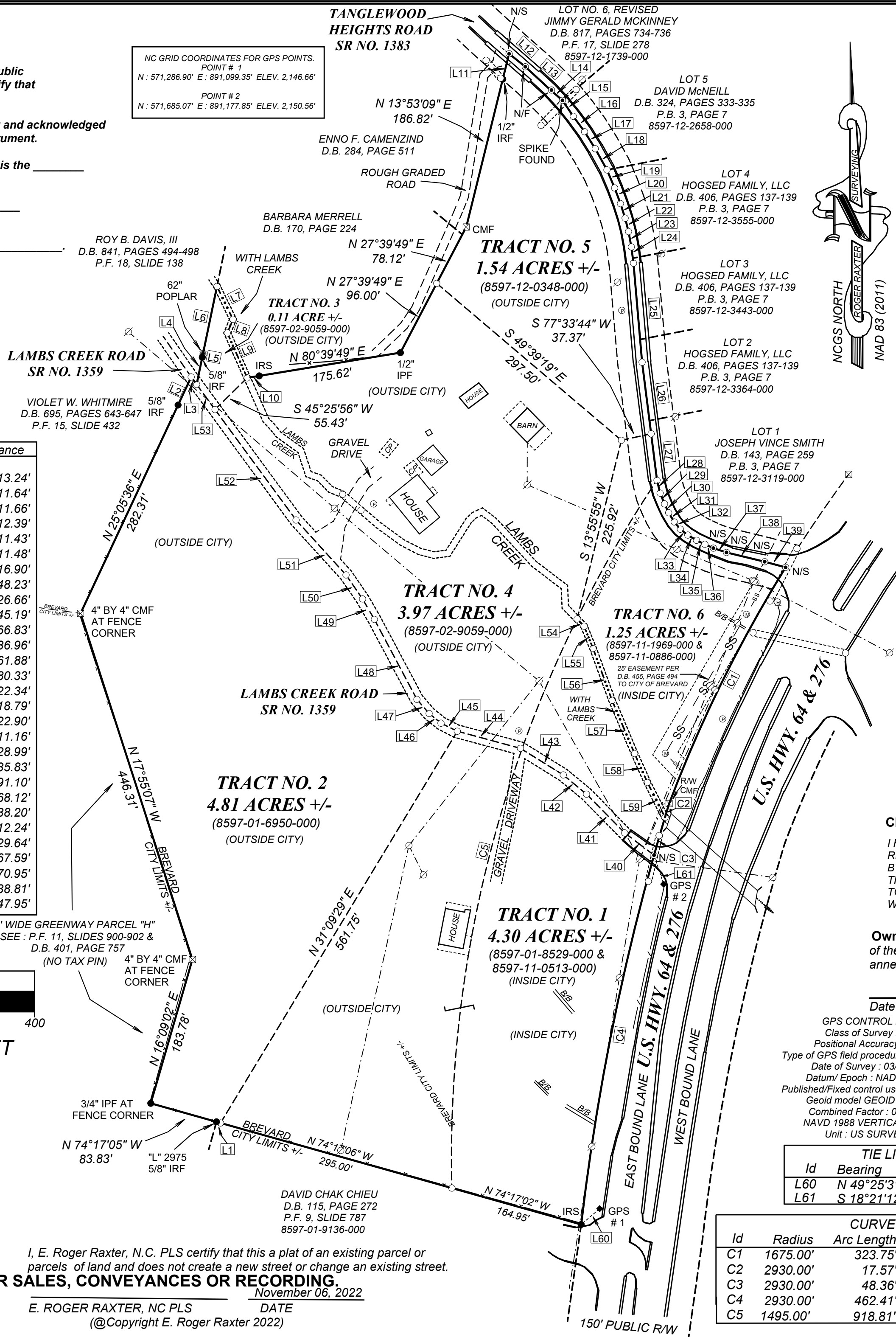
E. ROGER RAXTER
NC PLS L-2938

November 06, 2022
DATE

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

E. ROGER RAXTER, NC PLS
(@Copyright E. Roger Raxter 2022)

NC GRID COORDINATES FOR GPS POINTS.
POINT # 1
N : 571,286.90' E : 891,099.35' ELEV. 2,146.66'
POINT # 2
N : 571,685.07' E : 891,177.65' ELEV. 2,150.55'



ANNEXATION PLAT -- ORDINANCE NO. _____

PREPARED FOR :

Pisgah Hospitality, LLC,
a South Carolina limited liability company

PROPERTY LOCATED IN :
BREVARD TOWNSHIP
CITY OF BREVARD (PORTION)
TRANSYLVANIA COUNTY
NORTH CAROLINA

DEED REFERENCES : D.B. 1050, PAGES 151-153 &
D.B. 1057, PAGES 393-395.

PLAT REFERENCE : P.F. 22, SLIDE 295.

DATE : NOVEMBER 06, 2022.

NOTES

- This property is located in Zone X, areas determined to be outside the 500-year floodplain per F.I.R.M. of this area dated October 02, 2009, except as noted. Portions of these properties are located in the Floodway area and Flood Zone AE as shown on P.F. 22, Slide 295.
- This property is subject to matters found by a title examination and also subject to all restrictions, setback lines, roadways, zoning ordinances and right of ways appearing on this property and/or of record.
- Area computed by coordinate method, including all right of ways.
- This is of another category, such as the recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision. (GS 47-30)(11) d.
- This map is not transferable, and may not be used by any person or entity without written authorization from E. Roger Raxter, PLS. This plat is provided for the use of the parties named hereon.
- The corners found and set are one inch to twelve inches above the ground, unless otherwise noted.
- This plat does not certify legal title to the land itself or to the boundaries shown. Users of this plat should obtain an accurate legal opinion as to the ownership within the boundaries of this plat.
- The right of way width of Tanglewood Heights is 60' wide per P.B. 3, page 7, it is an existing 18' +/- public asphalt road. The right of way width of U.S. Highways 64 and 276 is 150' wide per D.B. 119, page 149. The location of this right of way is based on the existing concrete monuments found and the location of the existing road. The right of way width of Lambs Creek Road is unknown, it is an existing 16' +/- public gravel roadbed.
- The points not labeled are unmarked points.
- The division lines were not surveyed by me, their location was determined from the recorded plat referred to above, except for with Lambs Creek Road.
- The existing sewer line easement as described in D.B. 455, page 494 is 25' wide, 12.5' each side of the existing sewer line.
- GPS # 1 & # 2 are 1/2" iron rods set. The GPS survey was used for control only.
- All distances are horizontal ground distances.
- The Tax Pin's are : 8597-01-6950-000 & 8597-01-8529-000 & 8597-11-0513-000 & 8597-11-0886-000 & 8597-11-1969-000 & 8597-02-9059-000 & 8597-12-0348-000.
- The location of the Brevard City Limits line is approximate only, being scaled from the Transylvania County Tax Map.
- The owners are PISGAH HOSPITALITY, LLC, a South Carolina limited liability company @ 204 Lois Street, Greenville, SC, 29601.
- The boundary survey was done in April, 2022.
- The area to be annexed into The City of Brevard is 12.23 acres +/-.

CITY OF BREVARD-ANNEXATION

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

Owner Certificate- Annexation: I (we) hereby certify that I am (we are) the owner(s)
of the property shown and described hereon and that I (we) hereby adopt this plat of
annexation with my (our) free consent.

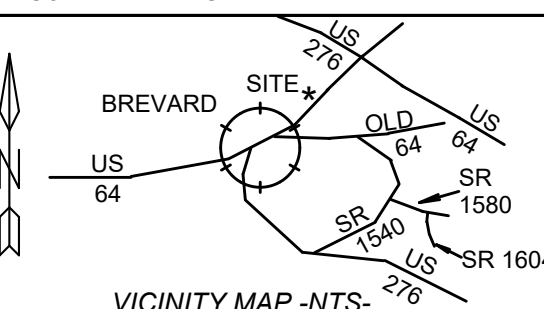
Date _____ Owner _____

GPS CONTROL DATA
Class of Survey : B
Positional Accuracy : 0.03'
Type of GPS field procedure : RTK NETWORK ROVER
Date of Survey : 03/29/2022
Datum/ Epoch : NAD 83 (2011)
Published/Fixed control use : NC VRS NETWORK
Geoid model GEOID 12B (CONUS)
Combined Factor : 0.999715
NAVD 1988 VERTICAL DATUM
Unit : US SURVEY FEET

TIE LINES		
Id	Bearing	Distance
L60	N 49°25'31" E	29.91'
L61	S 18°21'12" E	37.47'

CURVE TABLE			
Id	Radius	Arc Length	Chord
C1	1675.00'	323.75'	323.25'
C2	2930.00'	17.57'	17.57'
C3	2930.00'	48.36'	48.36'
C4	2930.00'	462.41'	461.93'
C5	1495.00'	918.81'	904.42'

REVISION DATE : MARCH 23, 2024
REVISED SOME NOTES & ADDED
SOME TAX PIN'S.



Plat Prepared By :
E. ROGER RAXTER, N.C. PLS L-2938
1101 SILVERSTEEN ROAD
LAKE TOXAWAY, N.C. 28747
PHONE : (828) 966-4399 OR
CELL : (828) 226-0251
E-MAIL : erraxter@gmail.com
DATE NOVEMBER 06 2022 DRAWING NUMBER 22017D

PISGAH HOSPITALITY ANNEXATION, ANN-24-001

**FINANCIAL SUMMARY ESTIMATE
MULTI-USE LODGING FACILITY**

REVENUE	GENERAL FUND	WATER & SEWER FUND	FIRE DEPT SPECIAL REVENUE FUND	TOTAL ALL FUNDS
ESTIMATED PROPERTY TAXES	\$27,811		\$2,818	\$30,629
TRASH AND RECYCLING FEES	\$429			\$429
WATER & SEWER UTILITY CHARGES		\$46,536		\$46,536
POWELL BILL	\$0			\$0
TOTAL REVENUE	\$28,240	\$46,536	\$2,818	\$77,594
EXPENDITURES				
ADMINISTRATION/FINANCE/HR	\$71			\$71
POLICE DEPT	\$160			\$160
FIRE DEPT			\$2,818	\$2,818
TRASH AND RECYCLING	\$429			\$429
STREET DEPT	\$186			\$186
PARKS & PROPERTY MANAGEMENT	\$125			\$125
PLANNING & ZONING	\$71			\$71
WATER DISTRIBUTION		\$5,072		\$5,072
WATER TREATMENT PLANT		\$7,213		\$7,213
SEWER COLLECTIONS		\$6,980		\$6,980
WASTERWATER TREATMENT PLANT		\$12,844		\$12,844
WATER & SEWER FUND DEBT		\$14,426		\$14,426
TOTAL EXPENDITURES	\$1,043	\$46,536	\$2,818	\$50,396
NET GAIN OR (LOSS)	\$27,197	\$0	\$0	\$27,197

COMPS USED: PILOT COVE, SUNSET MOTEL, COMFORT INN, SQUARE ROOT

EST TAX VALUE OF FUTURE BUILDINGS	\$2,000,000	cabins
	\$281,000	land
	\$4,100,000	lodge
	\$6,381,000	TOTAL

STAFF REPORT

Planning Board, Tuesday, April 23, 2024

Title: Continuation of TXT-24-005 Consideration of Text Amendment Group Development and Subdivision

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director

Background & Discussion

The *Building Brevard 2030* Comprehensive Land Use plan calls for “a development pattern that respects Brevard’s sense of place and prioritizes livable communities.” The Unified Development Ordinance establishes procedures and standards for the development and subdivision of land within its corporate limits and extra-territorial jurisdiction.

This staff-initiated text amendment began as a comprehensive review of the City’s subdivision regulations, which govern how a property may be divided in order to:

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

During this process, Staff considered when the regulations should encourage subdivision of land and when subdivision wouldn’t be necessary. The scope of this effort was expanded to examine development patterns, more generally, in the UDO. This includes revised group development regulations, where more than one principal structure is permitted on a property.

This initiative has been discussed by Planning Board at many recent meetings:

- On October 24th, Staff introduced the challenges in administering the subdivision regulations and opportunities for improvement.
- On January 23rd, Staff shared a revised framework for the text amendment which included subdivisions and group developments to allow for creative ways to increase density while still ensuring health, safety, and welfare is achieved.
- On February 27th, the Board reviewed a draft of the group development regulations, which contain some of the major changes proposed as part of this amendment.

- On March 26th, the Board reviewed the proposed changes and unanimously recommended in favor of adoption.

Since after the Board's full review and recommendation, Staff identified some additional revisions.

- Revisions to the location of off-street parking for group developments where there is more than one principal structure;
- Removal of buffer requirements for residential group developments and special use permits; and
- Removal of the connectivity index measurements for new neighborhood development.

Notes for Board Review

The proposed amendments found in Attachment 1 (strikethrough version) include just the sections that differ from the previous version reviewed by the Board. The full version of the proposed text amendment can be made available upon request.

Blue text indicates new text as part of the proposed text amendment and ~~red text~~ indicates removed language. Black and underlined text means that the text is currently in our code but has been moved to another location. Highlighted text are changes from the draft reviewed by the Board on March 26th.

Policy Analysis

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

Goals

- **GOAL 2:** Encourage a **development pattern** that respects Brevard's sense of place and prioritizes **livable communities**.
- **GOAL 7:** Support economic vitality and **grow the tax base**, cultivate local businesses, and attract sustainable industry.
- **GOAL 8:** Plan **for efficient, equitable, and resilient infrastructure** and services that maintain and improve quality of life throughout the city.

Actions

- **LUH-4:** Identify areas across the city that are best positioned to accommodate future growth.

- **LUH-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- **LUH-19:** *Enhance communication of land use planning efforts, policy development, approvals and processes.*

Action

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

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

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review (Attachment 2).

Attachments:

1. Proposed Text Amendment
2. Consistency Statement



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.4. Group development.

2.4.1. General group development requirements.

A. Applicability:

1. Group development review is applicable to any land development subject to a site plan that includes 2 or more principal buildings on a single parcel (or grouping thereof) for the purpose of development (whether immediate or in the future).
2. Other individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.

B. Group development matrix: The following matrix sets forth the manner by which certain types of group developments may be permitted within the various districts.

1. "P" denotes those group development types that are permitted "by right."
2. "—" denotes those group development types that are not permitted within the given district.
3. "PS" denotes those group development types that are permitted with additional standards, which are set forth in CHAPTER 3.
4. "MHD" denotes those group development types that are permitted within a Manufactured Housing Overlay District.

TABLE 2.4A: GROUP DEVELOPMENT TYPOLOGY MATRIX

CATEGORY	GROUP DEVELOPMENT	ZONING DISTRICTS						
		GR	RMX	NMX	DMX	CMX	IC	GI
Residential	<u>All residential group developments, except as listed below</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>—</u>
	<u>Cluster Home Development</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>—</u>	<u>—</u>	<u>PS</u>	<u>—</u>
	<u>Neighborhood Development</u>	<u>PS</u>	<u>PS</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>Manufactured Home Park</u>	<u>MHD</u>	<u>MHD</u>	<u>MHD</u>	<u>MHD</u>	<u>MHD</u>	<u>MHD</u>	<u>MHD</u>
Non-Residential	<u>All non-residential or mixed-use group developments, except as listed below</u>	<u>—</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>
	<u>Shopping Centers</u>	<u>—</u>	<u>—</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>—</u>	<u>—</u>

C. Submittal requirements:



1. Each application for a group development shall be accompanied by development plans as required by CHAPTER 17 that show compliance with all applicable regulations, including but not limited to landscaping, parking, stormwater management, and infrastructure improvements.

D. Use limitations:

1. Unless otherwise provided by this section for a specific type, group developments must comply with the use matrix. No other uses may be permitted.
2. The following uses are not permitted in group developments, unless explicitly allowed by this section:
 - a. Dwelling - Single-family
 - b. Dwelling - Duplex
 - c. Manufactured Home

E. Connectivity and circulation:

1. The group development shall accommodate safe, efficient, and convenient vehicular, pedestrian, and bicycle circulation throughout the development.
- ~~3-2.~~ All principal structures within a group development shall be connected by a sidewalk.

F. Street access:

1. Any building established as a part of a group development project, which cannot properly be served by emergency or service vehicles from an existing abutting street, shall be made accessible to such vehicles by a publicly-accessible road.
 - a. Typically, a building cannot be properly served if it is not within 500 feet of a fire hydrant, 150 feet from a publicly accessible road, or otherwise deemed unacceptable by the Technical Review Committee. Exceptions and/or alternatives to these minimum requirements may be considered by the Technical Review Committee.
2. All interior roads shall be paved to City standards with a minimum width of 20 feet and adequately maintained for emergency or service vehicle access.

G. Building separation:

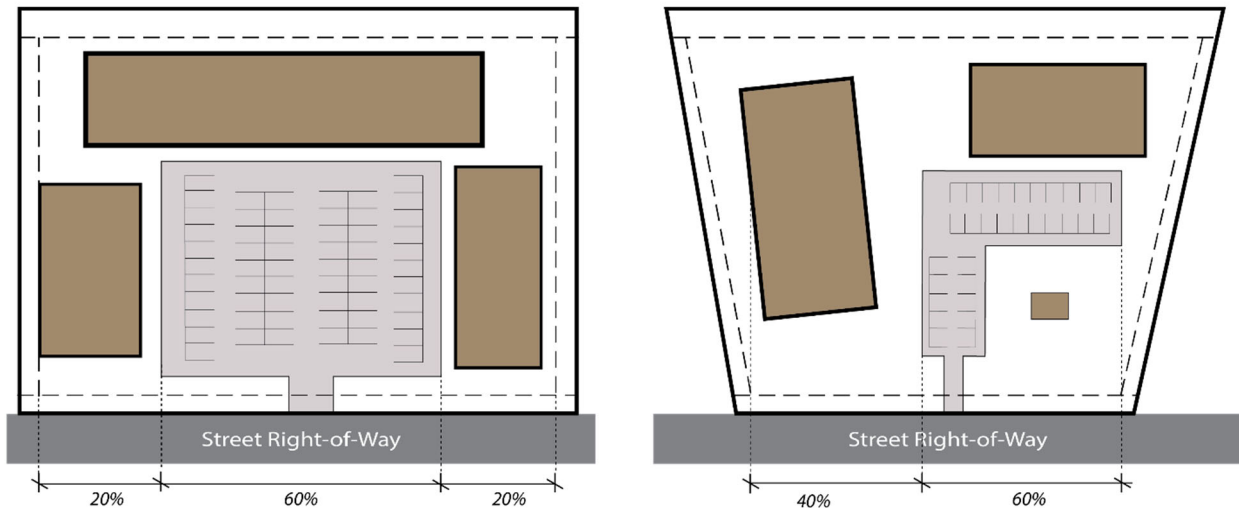
1. All buildings established as part of a group development project shall be separated in accordance with North Carolina Building Code separation requirements.

H. Parking:

1. The location of off-street parking may be permitted between a principal structure and the street within a group development. In such instances, no more than 60% of the street frontage, minus any required setback distances, shall be occupied by parking areas.



FIGURE 2.4.1-A: ILLUSTRATIVE DIAGRAMS OF PARKING LOCATIONS IN A GROUP DEVELOPMENT



I. Setbacks:

1. Unless otherwise provided by this section, each group development project shall comply with the setback requirements established for the zoning districts in Section 2.7.

J. Ownership:

1. When a group development is designed with individual lots with shared stewardship of the common areas, the following additional standards shall be met:
 - a. Covenants of shared stewardship shall be recorded in the Transylvania County Register of Deeds and such contractual rights and obligations shall be established prior to final zoning inspection approval.
2. When a group development is designed as a multi-dwelling, multi-tenant or mixed-use development under single ownership, subject to the use limitations herein, the following additional standards shall be met:
 - a. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of this ordinance shall be submitted to Planning staff for review and approval. Covenants of shared stewardship shall be recorded in the Transylvania County Register of Deeds and such contractual rights and obligations shall be established prior to final plat approval.

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.4. Buffers and screening.

A. Applicability:

1. These regulations shall apply to the following:
 - i. All newly developed properties

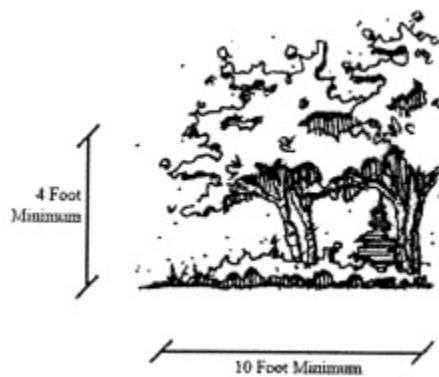


- ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined in [CHAPTER 19](#) of this ordinance, 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.

FIGURE 8.4A: TYPE A BUFFER YARD

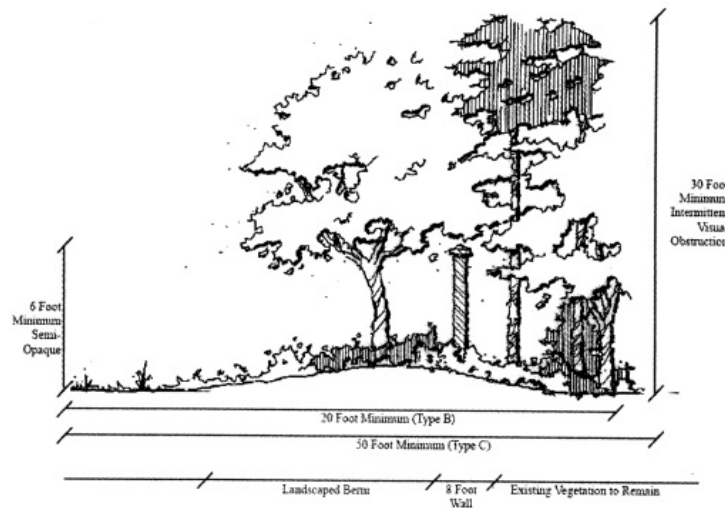


2. *Type B buffer yard:*
 - a. Minimum width: 20 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
 - c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.



- 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.

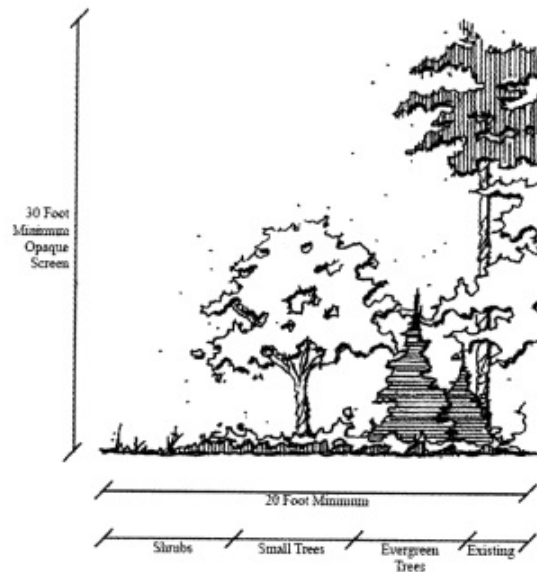
FIGURE 8.4B: TYPE B AND TYPE C BUFFER YARDS



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 / Mixed-Use 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.

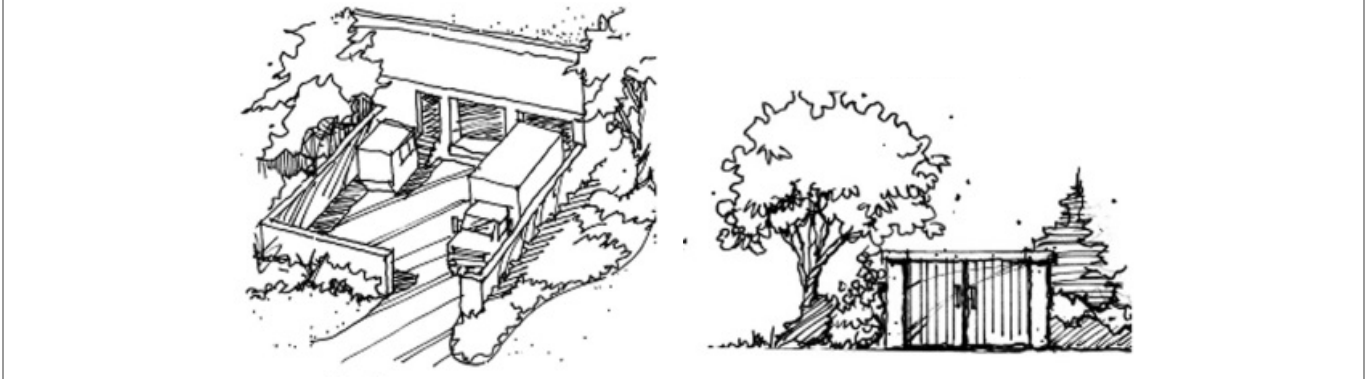


4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed 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



CHAPTER 9. CIRCULATION AND CONNECTIVITY

9.2. ~~Connectivity index.~~ Reserved.

~~Traffic studies have shown that highly connected street networks provide much greater traffic throughput and mobility for a community, at less cost. A high degree of connectivity should occur not only at the level of arterials, but also on collector, local and other secondary roads. Such connectivity vastly improves a street network's performance. The street pattern should not force short trips of one or two miles onto arterials; it should be possible to make trips of this sort by using collector or other secondary streets. With a highly connected street network, cross-town trips should be possible using fairly direct secondary roads.~~

~~Improving connectivity and limiting cul-de-sac result in improved mobility for both automobiles and pedestrians, decreased service delivery costs through improved routing options, and improved water pressure and maintenance from the ability to loop lines through a development rather than have to rely on less efficient dead-end pipe runs.~~

~~A connectivity index should be used to determine the adequacy of street layout design. This is calculated as the ratio of the number of street links (road sections between intersections) in the project's street layout divided by the number of street nodes (intersections and cul-de-sac heads). For comparison purposes, a perfect grid has a Connectivity Index of 2.5. The figure for a conventional cul-de-sac subdivision is often 1.0 or less.~~

~~The illustration below illustrates a connectivity index of 1.2 (links are shown as circles and nodes are shown as stars). The illustration has 11 links and 9 nodes for an index of $11/9 = 1.2$.~~



FIGURE 9.3A: CONNECTIVITY INDEX



- ~~A. The maximum block length should be no more than 1500 feet. Shorter blocks of between 250 feet and 500 feet are strongly encouraged in order to create a better pedestrian-scaled environment.~~
- ~~B. Culs-de-sac should be avoided wherever possible, except where severe topography or existing built land uses make connection impossible. Where culs-de-sac are planned, they should have a turnaround at the closed end, and shall be no longer than 250 feet measured from their junction with a connected street network. No system of multiple branching culs-de-sac from a single junction with a connected street network shall be permitted. Where culs-de-sac or dead-end streets are unavoidable, site and/or subdivision plans shall incorporate provisions for future vehicular connections to adjacent, undeveloped properties, and to existing adjacent development where existing connections are poor.~~
- ~~C. The street layout in any subdivision shall conform to the arrangement, width and location of public streets indicated on the regulating thoroughfare plan for the area. Streets not indicated on that plan shall be designed and located to:~~
 - ~~1. Connect to existing, proposed, and likely future streets in adjacent developments and undeveloped parcels wherever possible;~~
 - ~~2. Relate to the topography;~~
 - ~~3. Preserve natural features such as streams and tree growth;~~
 - ~~4. Provide for adequate public safety and convenience.~~
- ~~D. Where new development is adjacent to vacant land likely to be divided in the future, all streets, bicycle paths, and access ways in the development's proposed street system shall continue through to the boundary lines of the area under the same ownership as the subdivision, as determined by the administrator, to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.~~
- ~~E. Cross connections: All new development permitted as a subdivision, Special Use Permit, Conditional Zoning District, or Traditional Neighborhood Development, and all new non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public~~



~~or private streets. When cross-access is deemed impractical by the administrator on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. A cross-access easement or right-of-way must be recorded prior to issuance of a certificate of occupancy for the development. See additional standards in Section 9.3(B), below.~~

~~F. *Pedestrian and bicycle facilities:* Where residential developments have culs-de-sac or dead-end streets, such streets shall be connected to the closest local or collector street or to culs-de-sac in adjoining subdivisions via a sidewalk or multi-use path, except where deemed impractical by the administrator.~~

~~G. *Required connectivity index:* 1.5. This is required for new neighborhoods, though variations may be granted for severe topographic conditions. In neighborhoods with a low connectivity index due to severe topographic conditions, pedestrian and/or bicycle path connections, a minimum of ten feet wide, shall be installed to supplement the street system by linking dead-end streets.~~

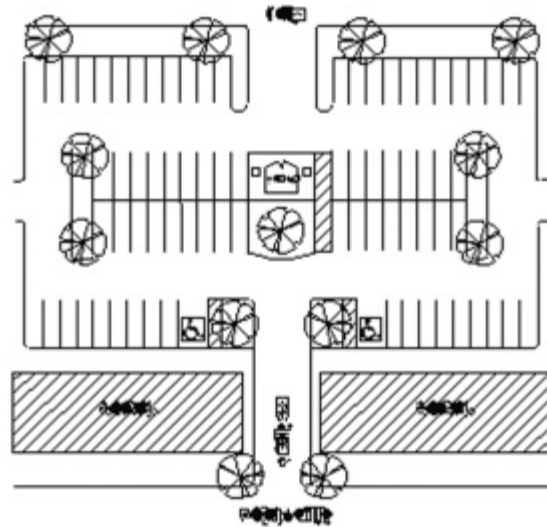
CHAPTER 10. PARKING STANDARDS

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~~ a 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. Structures developed as a permitted group development, provided the parking conforms with the relevant subsections of Section 2.4.
 - v. 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~~
 - b. The approving authority, in consultation with the Technical Review Committee, may waive this requirement if it deems that compliance would be impractical due to existing site constraints, provided the development comes into compliance to the greatest extent possible.



4. [Off-street parking shall not be permitted within any required open space or common areas.](#)
- 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. Poured concrete or asphalt.
 - b. Masonry or concrete pavers; or
 - c. Porous or semi-porous monolithic or paver materials;
 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

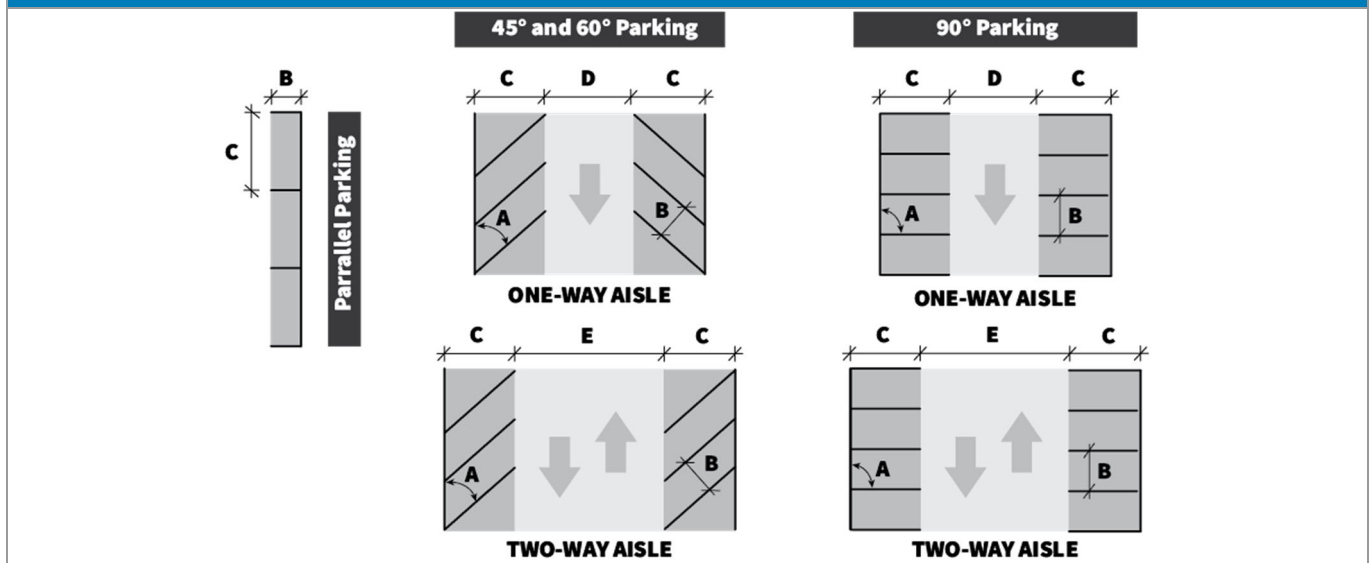


TABLE 10.7A: MINIMUM PARKING STALL AND AISLE DIMENSIONS

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	9' (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.

FIGURE 10.7B: PARKING STALL AND AISLE DIMENSIONS DIAGRAM



- 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.
- All parking lots with one-way aisle are required to have the appropriate directional signage, permitted in accordance with Section 12.9, and at least two driveways, permitted in accordance with Section 9.3.
- Nothing in this section shall be construed as an exemption from local Fire Code access requirements.
- 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.
- Tandem parking space:* Two spaces stacked (i.e., tandem) may be permitted provided all of the following criteria are met:
 - The development is a Household Living Use and does not contain more than 4 dwelling units per building.
 - Both spaces are assigned to one dwelling unit.



- iii. The two vehicle parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.
- iv. The proposed layout is functional and will not create pedestrian or traffic hazards.
- v. 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 parking areas ~~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.

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

NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

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

Building Brevard Comprehensive Land Use Plan:

Goals

- **GOAL 2:** Encourage a **development pattern** that respects Brevard's sense of place and prioritizes **livable communities**.
- **GOAL 7:** Support economic vitality and **grow the tax base**, cultivate local businesses, and attract sustainable industry.
- **GOAL 8:** Plan **for efficient, equitable, and resilient infrastructure** and services that maintain and improve quality of life throughout the city.

Actions

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