



**AGENDA**  
**BREVARD PLANNING BOARD - REGULAR MEETING**  
**Tuesday, May 26, 2026 - 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. Draft Minutes 4/8/2026

**VI. Public Comments**

**VII. Unfinished Business**

**VIII. New Business**

- a. TXT-26-0001 Sight Triangle Clean-Up
- b. TXT-26-0005 Stormwater Revision
- c. REZ-26-0003 - Hendersonville Hwy, Pisgah Forest - RMX → PGX

**IX. Remarks**

**X. Adjourn**

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Agenda Posted, Website (05/19/2026)  
V. Gass, Clerk to the Board

*To review Agenda materials, go to the City's website [www.cityofbrevard.com](http://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**  
**April 8<sup>th</sup>, 2026**  
**COUNCIL CHAMBERS CITY HALL**

The Brevard Planning Board met for a regular meeting Tuesday, April 8<sup>th</sup>, 2026, at 5:30 PM in the Council Chambers at City Hall.

**Members' Present:** Greg Hunter, Chair  
Michael Hinds  
Peter Chaveas  
Jerry Yunker  
Alan Mercaldo

**Members' Absent:** Karen Darity  
Reid Wood

**Staff Present:** Paul Ray, Planning Director  
Emily Brewer, Senior Planner  
Aaron Bland, Assistant Planning Director  
Vith Gass, Board Clerk

**I. Welcome**

At 5:31PM, Greg Hunter, Chair, called the meeting to order.

**II. Introduction of Planning Board Members**

The Board introduced themselves.

**III. Certification of Quorum**

G. Hunter confirmed with the Board Clerk that a quorum from the Board was present.

**IV. Approval of Agenda**

A. Mercaldo made a motion to approve the agenda. M. Hinds seconded, unanimously carried.

**V. Approval of Minutes**

P. Chaveas motioned to approve the March minutes. J. Yunker, second, passed unanimously.

## **VI. Public Comments**

### **Amanda Laroue (Welcome St.)**

A. Laroue opposed a city-initiated rezoning of Welcome Street to neighborhood mixed-use, highlighting that a limited request from one resident was inappropriately expanded to the entire street without neighbor consultation. Representing residents, Laroue cited concerns regarding the street's inability to handle commercial traffic, criticized the lack of transparency, and formally requested council denial to protect the area's quiet, residential nature.

A. Laroue noted that she possessed a petition opposing the rezoning signed by all property owners on Welcome Street. The Board instructed her to submit a copy of the petition to the Board Clerk at the conclusion of the meeting for the official record.

## **VII. Unfinished Business**

### **a. TXT-26-0003 Nonconformities Amendment**

Background: In North Carolina, nonconformities (often referred to as “nonconforming uses, structures, or lots”) are governed primarily by NCGS Chapter 160D, which establishes the framework for local land development regulation. Under this statute, nonconformities are generally allowed to continue even if they do not comply with current zoning regulations, recognizing vested property rights. However, local governments are authorized to adopt ordinances that limit the expansion, enlargement, or intensification of these nonconforming situations, and may require compliance when substantial improvements, reconstruction, or changes in use occur. This law intends to balance the protection of existing property rights with the public interest in gradually bringing development into conformity with adopted plans and regulations. As land becomes scarcer, redevelopment and densification of existing properties continue to occur more and more. Amending this chapter will have significant ramifications for our community - it is vital that redevelopment occurs in a way that benefits the community as a whole and is fair to the property owners.

This is a staff-initiated text amendment to rewrite the City's requirements for nonconformities, specifically Chapter 14. The goals of these regulations are to:

1. Limit substantial investment in nonconformities
2. Bring about eventual elimination and/or lessen their impact on surroundings
3. Preserve the integrity of the ordinance and the character of the city

At the March meeting, Staff shared an overview of the challenges with nonconformities and proposed ideas with Planning Board for discussion prior to a review of the ordinance language.

E. Brewer opened the presentation by framing it as a follow-up to previous, in-depth discussions on non-conformities, highlighting their legal and administrative impacts, as well as opportunities for improvement. She noted that the staff report mirrors these prior discussions before briefly outlining the proposed approaches for bringing properties into compliance. The Board may reference the official Agenda Packet for the full context of this report.

*Non-Conforming Uses.* E. Brewer outlined the proposed updates to the non-conforming regulations, which differentiate rules based on the type of non-conformity and modify compliance thresholds. Regarding non-conforming uses, she stated that expansion remains prohibited with a new exception for low-density residential properties, including single-family homes, duplexes, triplexes, and quadraplexes. Additionally, the proposal restricts increases in operational intensity, such as extended hours, additional employees, or higher traffic generation. She clarified that any non-conforming use abandoned for 180 days or more cannot be reestablished, and once a property converts to a conforming use, it cannot revert to its previous status.

She added that the proposed regulations for non-conforming uses align with the current ordinance, with the primary modification being the addition of duplexes, triplexes, and quadraplexes to the residential exemption list, which previously only applied to single-family homes.

*Non-Conforming Structure.* Regarding non-conforming structures, E. Brewer noted that enlargements are permissible provided they comply with current regulations and do not increase the "degree of non-conformity." Acknowledging that staff previously struggled to enforce this vague standard, she explained that the new text incorporates explicit examples and explanatory graphics. For instance, a structure encroaching on a front-yard setback may be expanded elsewhere on the lot, but it is strictly prohibited from expanding further into the setback area.

E. Brewer noted that the goal of these changes is to provide a much clearer application process, eliminate existing confusion, and establish distinct expectations for all parties involved.

*Casualty Damage Regulations.* E. Brewer detailed the proposed casualty and disaster recovery regulations. Under the new text, if a non-conforming structure is damaged by an accident or natural disaster, owners may replace the damaged elements provided the damage constitutes less than 50% of the structure's total replacement value and

work commences within 180 days. E. Brewer clarified that if the 180-day window is missing, or if the damage exceeds the 50% threshold, the property owner is legally required to rebuild the entire structure in full compliance with current zoning standards rather than reproducing the non-conformity.

*Non-conforming Lots.* E. Brewer continued her report by addressing non-conforming lots, which the city ordinance defines as parcels with insufficient road frontage. She noted that while a legally existing non-conforming lot may still be developed, development is prohibited if the parcel can be combined with an adjacent lot to resolve the non-conformity. She emphasized that while this concept exists in the current ordinance, the updated language provides significant administrative clarity for staff and applicants.

*Administrative Authority for Public Safety.* E. Brewer emphasized that the proposed language explicitly retains the zoning administrator's authority to mandate site corrections to safeguard public health and safety. As an example, she noted that staff would maintain the power to require the closure of an excess or hazardous driveway. She stated that preserving this discretionary authority is vital for making necessary safety interventions during the development review process.

*Compliance Thresholds and Redevelopment Trigger.* E. Brewer presented a proposed hybrid approach to determine when redevelopment triggers full or incremental property upgrades. Under this model, full compliance is triggered by the construction of a new principal building or when additions and improvements exceed a specific percentage threshold. Brewer noted that the proposed text sets this threshold at 75%, an increase from the current ordinance standard of 66%. She reminded the Board that they had previously recommended 75%, but the City Council had subsequently lowered it; however, staff is bringing the 75% threshold back for reconsideration now that the non-conformity chapter has been holistically restructured. For projects falling below this major threshold, the proposal replaces the existing strictly monetary investment calculation with a scale-based incremental compliance model. Under this system, necessary upgrades are triggered proportionally by the physical impact and scale of the improvements. For example, while full compliance remains mandatory for new construction, an expansion of a building by 25% or a parking lot by 50% would reasonably trigger specific requirements to upgrade buffers and screening based on the increased intensity of the site.

E. Brewer stated that the overarching purpose of the amendment is to establish equity, regulatory clarity, and a framework for gradual site improvements. She explained that the proposed incremental thresholds rely on the legal principle of a "rational nexus." By ensuring a direct, logical connection between the scale of a development project and the

required upgrades, the city avoids imposing disproportionate or financially unreasonable compliance burdens on property owners.

*Policy Analysis.* E. Brewer provided a brief policy analysis, noting that while non-conformities are not explicitly addressed in the city's current comprehensive plans and policies, the proposed text is neither consistent nor inconsistent. However, she emphasized that managing non-conformities to encourage gradual compliance, while preserving the integrity of the Unified Development Ordinance (UDO), inherently furthers the city's broader planning goals and objectives.

*Board Action Options.* In conclusion, E. Brewer offered to answer questions or review specific text elements. She reminded the Board that their role is to provide a recommendation to the City Council. She outlined their available actions: recommending adoption of the amendment as written, recommending adoption with Board revisions, recommending rejection, or tabling the matter for further consideration. She noted that a draft statement of consistency and reasonableness was included in the agenda packet for their consideration.

A. Mercado criticized complex zoning regulations for making development projects financially unfeasible and overwhelming the Board of Adjustment with frequent variance requests. He questioned whether restricting non-conforming properties defeats the true purpose of zoning consistency.

E. Brewer validated A. Mercado's observations, confirming that staff frequently encounter property owners frustrated by current redevelopment triggers. She explained that the existing ordinance relies strictly on building value percentages: investments of 25% trigger partial compliance, while investments of 50% or higher mandate full site compliance. E. Brewer noted that this financial model creates severe hardships for owners seeking minor upgrades. Because older structures often have low assessed values, small renovations inadvertently force owners to bring the entire site—including parking lots, landscape buffers, and lighting—into compliance. As a practical example, she cited a local gas station seeking to add a commercial kitchen; under current rules, the low valuation of the building would legally force the owner to budget for unexpected, cost-prohibitive overhauls to the entire parking lot and adjacent sidewalks.

E. Brewer explained that the proposed hybrid framework balances heavy redevelopments with minor property upgrades. While large-scale projects mandate full site compliance, smaller renovations trigger proportional, impact-based updates—such as requiring parking lot screening and buffer expansions only if the physical parking lot footprint is expanded.

E. Brewer explained that the hybrid framework uses a "rational nexus" to ensure regulatory consistency without placing excessive financial burdens on minor projects. Under this equitable approach, logical justification governs upgrades, meaning a minor interior remodel will no longer trigger unrelated, costly infrastructure overhauls like installing new sidewalks or re-paving a parking lot.

A. Mercado expressed strong support for the hybrid model, endorsing increased administrative latitude and subjective discretion for staff when evaluating project impacts. He reasoned that over-documenting regulations and establishing rigid, exhaustive codes inadvertently create additional bureaucratic obstacles for applicants attempting to navigate the system.

E. Brewer agreed and provided a follow-up clarification, noting that while staff appreciates the vote of confidence regarding administrative latitude, the new framework intentionally relies on objective criteria rather than subjective discretion. She emphasized that the goal of using a scale-based approach (such as a 25% building expansion triggering buffer upgrades) is to ensure a predictable, mathematical standard. This objective threshold protects applicants from arbitrary enforcement while still providing the common-sense, proportional fairness discussed.

A. Mercado questioned the discrepancy between high market-based property tax assessments and low building valuations used for zoning compliance, which can trigger mandatory upgrade costs. E. Brewer confirmed that while the city defaults on the recorded building value for zoning thresholds, property owners may submit a private, certified appraisal to establish a higher market value for their property.

E. Brewer clarified that the proposed "replacement value" definition allows applicants to submit an independent appraisal to contest low county tax valuations. Additionally, the new framework explicitly excludes normal maintenance, safety upgrades, and ADA accessibility modifications from compliance cost calculations, ensuring vital investments are not penalized by development thresholds.

J. Yunker requested clarification regarding the retention of a cost-percentage model as a single trigger within the proposed framework. E. Brewer confirmed that a cost-percentage threshold remains the sole mechanism used to mandate 100% full site compliance.

J. Yunker confirmed that the proposed amendment creates a stepwise compliance model, which E. Brewer clarified mandates proportional, isolated upgrades based on specific expansion thresholds—such as requiring parking lot screening for a small footprint expansion—rather than triggering a total, costly site reconstruction.

J. Yunker asked if there would be an easy compliance guide or model that people can look up themselves. He mentioned that he completely gets what staff is dealing with—historically, as soon as property owners hear about complicated percentage rules, they just assume it's not worth the trouble and walk away. He wants to make sure there is a clear tool available so people can see exactly how the rules apply to them.

A. Bland noted that moving non-conforming triggers into individual chapters prevents developers from being blindsided by surprise requirements, such as sidewalk installations, that were previously hidden in other code sections. J. Yunker concurred, emphasizing that this change ensures developers see compliance requirements earlier in the planning process.

E. Brewer emphasized that the core intent of the amendment is to establish a fair, consistent, and commensurate regulatory framework. Rather than penalizing property owners for making routine building improvements, the updated ordinance directly links compliance requirements to the specific scope of the private development and its subsequent neighborhood impacts.

M. Hinds interpreted the framework as a strategic method to segment non-conformities and systematically transition properties into compliance over time. While noting that complete conformity remains an ongoing challenge due to the town's historical development, his independent research validated staff efforts to clean up and clarify legacy zoning data.

E. Brewer concluded that the ordinance aims to facilitate gradual compliance by blocking heavy investments into outdated structures while offering the administrative flexibility needed for modern expansions. She clarified that the strategy permits low-impact improvements but strictly mandates full site compliance once specific development or investment thresholds are crossed.

Chairman G. Hunter thanked E. Brewer for her comprehensive report and presentation to the Board.

M. Hinds moved to recommend approval of the proposed non-conformity code amendment for City Council consideration, incorporating the statement of consistency and reasonableness as presented. The motion was seconded by P. Chaveas and passed unanimously

## VIII. New Business

### a. REZ-26-0001 – Welcome St. Rezoning

A. Bland presented her staff report, a portion of which follows:

Background: The Planning Department has received an application for a zoning map amendment for 123, 133, 141, and 149 Welcome Street. These four properties are currently zoned Neighborhood Mixed Use (NMX) and the request is to rezone to the Residential Mixed Use (RMX) base district.

Discussion: A. Bland believes that the RMX district is appropriate for the Applicant's four parcels. The parcels are small and do not constitute enough acreage together (0.6 acres) to be an attractive site for a multifamily development. Rezoning to RMX would allow the development of single-family detached houses on the parcels, which are not allowed in NMX, increasing the housing supply in an infill area with access to utilities.

Further, A. Bland also believes the RMX district is well suited for the parcels on the other side of Welcome Street. Therefore, Staff recommends including these four parcels, totaling approximately 3.5 acres, in the rezoning. These parcels are all currently zoned General Residential - 8 (GR8) and each has an existing house; these houses would not become nonconforming if rezoned to RMX.

In order to give the Board and City Council the option to rezone the enlarged area, Staff has advertised this rezoning for all eight parcels. Letters were sent to the four additional parcels on the north side of the street inviting them to the Planning Board meeting and the City Council public hearing.

Following the delivery of the staff report, A. Bland concluded his presentation and opened the floor to answer any questions from the Board.

P. Chaveas and Chairman G. Hunter sought clarification on neighborhood mapping and zoning details. A. Bland confirmed that a construction project on the southern side of the property is a single-family development, corrected the record to note that all four parcels on the north side of Welcome Street contain existing homes, and verified that the corner parcel at Welcome Street and Ecusta Road is a conditional zoning district within the Davidson River Village development.

A. Mercaldo inquired whether the city's Future Land Use map utilizes Welcome Street as a formal boundary line separating two distinct zoning classifications. A. Bland confirmed that the street serves as a dividing marker, detailing that the land to the south is designated as an Urban Corridor classification, while the land to the north sits within a Traditional Neighborhood classification.

Chairman G. Hunter sought to clarify whether Welcome Street physically connects through to the adjacent church property. A. Bland confirmed the connection, directing the Board's attention to the map metrics. He noted that the hatching to the west of the applicant properties indicates a small vehicular exit that directly links the terminus of Welcome Street to the church parking lot.

M. Hinds questioned if rezoning the northern side of the street to Residential Mixed-Use (RMX) would increase density from 32 units to the 50s. A. Bland corrected the baseline figures, clarifying that the current General Residential Extended (GRE) zoning allows 8 units per acre (maximum 28 units), and the RMX transition would allow 15 units per acre (maximum 52 units), effectively doubling the density limit.

M. Hinds inquired about the selection rationale for these rezoning areas, which A. Bland explained aligns with staff efforts to find up-zoning opportunities outside of floodplains and next to existing utilities. P. Chaveas questioned the current urgency, and Bland confirmed there was none, noting that future owners could request up-zoning at a later date.

M. Hinds raised concerns over a lack of public support, arguing that upzoning for dense housing was excessive despite a sensible single-family plan on the south side. A. Bland corrected a misconception, clarifying that duplexes and triplexes are already allowed under current GRE zoning, but the proposed RMX classification is required to permit developments exceeding four units per building.

A. Mercaldo inquired about the acreage of the first three northern lots and how density is calculated for sub-acre parcels when the limit is eight units per acre. A. Bland clarified that two lots are one-third of an acre, one is a half-acre, and the largest is 2.2 acres, explaining that density is calculated proportionally by multiplying the maximum rate by the exact acreage—meaning a half-acre lot is permitted up to four units.

M. Hinds expressed that expanding the rezoning without neighborhood input was premature, urging staff to conduct further outreach and let future property buyers request upzoning on their own terms. A. Mercaldo agreed, noting that extending the zone northward constituted an unrequested expansion that conflicted with the future land use plan. Both

members voiced support for the south side application but opposed the unrequested northern expansion.

G. Hunter questioned whether the neighboring church responded to the proposal, and A. Bland clarified that the church received a standard notice while northern owners received expanded notices regarding the city's portion of the rezoning. J. Yunker and Bland confirmed that despite the Residential Mixed-Use (RMX) transition acting as a down-zone with larger setbacks, the 0.15-acre northern lots still maintain adequate frontage to accommodate single-family homes.

M. Hinds made a motion to approve the south side rezoning request and its accompanying consistency statement. A. Bland noted that the consistency statement would be amended to strike the bullet point regarding upzoning potential, leaving the remaining factual findings intact. The motion was seconded by P. Chaveas and carried unanimously.

**b. TXT-26-0002 – Data Center Text Amendment**

A. Bland opened the presentation by stating that following City Council's February 16 direction to assess the Unified Development Ordinance (UDO) regulations for high-impact digital infrastructure, staff found the existing language insufficient. Consequently, Council enacted a temporary moratorium on March 16 for data centers, crypto mining, and server farms. Because this moratorium expires on July 2, staff initiated the proposed UDO amendment to establish specific land-use regulations for these facilities before the deadline.

A. Bland delivered the staff report. An excerpt of the presentation follows:

Background: At the February 16, 2026, City Council meeting, Council asked Staff to look into the adequacy of the city's zoning regulations regarding data centers. If inadequate, they also asked Staff to look into the legal steps necessary to impose a moratorium on data center development.

After considering the current text of the Unified Development Ordinance (UDO), Staff recommended updates to the code to more specifically govern the presence of data centers and similar high-intensity land uses. To provide Staff time to make these changes, City Council adopted Ordinance No. 2026-11 on March 16, 2026, enacting a "temporary moratorium on the acceptance, processing, and approval of any application for data centers, crypto mining facilities, server farms, or other high-impact digital infrastructure facilities." The moratorium expires on July 2, 2026.

This is a staff-initiated text amendment that adds a new specific land use to the Brevard UDO for data centers and similar facilities.

Discussion: Data centers are physical facilities or buildings that house critical computing and networking infrastructure, including servers, storage systems, and related equipment, to store process, and manage data and applications. They are typically large square footage and involve significant demands on electrical and water infrastructure. They are a relatively new type of land use.

Under the current UDO language, data centers would be considered a "Heavy Manufacturing" facility and subject to the rules governing such uses. Heavy Manufacturing is permitted only in General Industrial and requires a Special Use Permit granted by the Board of Adjustment. Staff believe that the UDO as written provides some safeguards against the negative aspects of data centers via the BOA's ability to impose conditions on SUPs. However, data centers are not mentioned specifically in the UDO, and they are not "manufacturing" in the traditional sense, creating confusion and potential shortfalls in ensuring community compatibility of these facilities.

By adding these uses as a specific land use, the UDO will be clearer in addressing this high-impact use, and the City will have greater control in regulating them and ensuring minimal negative impacts on surrounding properties. In the amendments, Staff are proposing a new land use definition and allowing the use only in the General Industrial zoning district as a part of a conditional zoning district (CZD). By limiting the use of a CZD, the City will have full flexibility to adequately regulate and mitigate impacts on surrounding properties on a case-by-case basis, without the potential limitations of "one size fits all" regulations.

A. Bland reminded the board that their role is to provide a recommendation, noting that a consistency statement was included for review. He explained that while the comprehensive land-use plan does not explicitly address these facilities, the proposal aligns with overarching goals seven and eight regarding economic vitality, sustainable industry, and resilient infrastructure.

P. Chaveas questioned if the amendment was reactive or proactive. A. Bland clarified it is a proactive measure sparked by the town of Canton's recent moratorium on its former paper mill site, which prompted Council members to secure their own unregulated old mill site despite having no active data center proposals.

M. Hinds questioned the core purpose and rapid timing of enacting a moratorium only to immediately introduce a new regulatory plan. A. Bland clarified that the Town Council acted out of concern that a developer could secure permits with zero specific oversight under the outdated UDO, noting that moratoriums legally require a fixed end date. P. Ray expanded on this, explaining that Council's primary concern was preventing a developer from establishing a vested right by applying for a project in a jurisdiction completely unprepared for high-impact digital facilities.

M. Hinds opposed the ordinance, arguing it needlessly deters data center development and economic opportunities when existing zoning already provides sufficient city oversight. He noted that because Duke Energy must seek approval from the North Carolina Utilities Commission for large infrastructure projects, local leadership—including the Mayor and Council—already holds a formal platform to intervene and provide feedback on proposed developments.

P. Ray clarified that, based on discussions with the City Manager, the intent is not to outright reject data centers, but to ensure City Council thoroughly evaluates all aspects of the industry. He noted that future technological advancements might reduce the facilities' water usage, noise levels, and land footprints, while potentially increasing employment. He emphasized that the proposed measure is designed to maintain a dialogue and keep opportunities open for Council's ultimate consideration.

M. Hinds stated that the proposed ordinance creates a roadblock that will drive developers to less restrictive jurisdictions. He concluded that the city's existing framework already provides ample opportunity for oversight without these new rules.

G. Hunter noted that a developer might apply for vested rights simply to secure the land use without even approaching Duke Energy. He explained that they could then hold onto that right until technological advancements or market shifts make the project more feasible.

A. Mercado suggested categorizing data centers under General Industrial zoning with a conditional requirement to address council concerns before the moratorium expires. A. Bland responded that the city must first designate an applicable zoning district, outlining the four available regulatory options: permitting by right with no restrictions, permitting by right with specific development standards, requiring a Special Use Permit, or establishing a Conditional Zoning District.

A. Bland added that a conditional district framework gives the Town Council maximum flexibility to evaluate an application's size, location, and footprint impacts on a case-by-case basis. He noted that the city's available industrial land is severely limited, identifying the

Ecusta Mill, jail, Railroad Avenue/Whitmire, and airport areas as the only remaining industrial zones, none of which can accommodate large-scale development.

G. Hunter questioned the consistency of M. Hinds' position, noting that he argued against the proposed regulation while simultaneously stating that data centers are inappropriate for the city. M. Hinds clarified that his opposition specifically applied to large-scale data centers. A. Mercaldo agreed that such facilities do not suit the city, reiterating that they directly conflict with municipal initiatives to increase density.

P. Ray noted that County Economic Development opposed an outright ban on data centers, preferring instead to leave the door open to future opportunities. He added that the department supported utilizing a conditional zoning district approach to manage the facilities.

G. Hunter concluded that because rapidly evolving technology prevents the town from anticipating future infrastructure shifts, a conditional zoning district is the only practical approach, though Brevard's limited land footprint makes a near-future data center proposal unlikely.

M. Hinds moved to approve the amendment, subject to modifying the text to remove the Section B-2 zoning designation from page 82, creating a clear definition, establishing specific limitations for General Industrial conditional zoning, and ensuring full consistency with the conditional zoning requirements under the UDO. J. Yunker seconded the motion. The motion passed unanimously.

The Board approved the Data Center Text Amendment by a majority vote of 3-2. Board Members M. Hinds and A. Mercaldo voted against the motion.

c. REZ-26-0002 - → Pisgah Gateway

A. Bland opened the presentation by introducing a new map amendment request for a PGX rezoning, noting its connection to a previous zoning action voted on by the council in January.

Background: In November of 2025 the Board discussed and recommended favorably the rezoning of multiple parcels to the new Pisgah Gateway Mixed-Use zoning district (PGX). City Council enacted the rezoning on January 5, 2026. The Board and Council both indicated a desire for Staff to continue soliciting property owners to voluntarily rezone to PGX. Since that time, the owners of the Hub bike shop have expressed a desire to also be rezoned to PGX. Discussion The applicant,

Ogeechee Davidson LLC, owns two parcels and has applied to rezone both to the PGX district. The 1.7-acre parcel which contains the Hub bike shop is currently zoned Downtown Mixed Use and is located at 11 Mamas Place. The adjacent 113 Mamas Place is 7.1 acres and split zoned between Residential Mixed Use and General Residential - 4; there is an old house on this property, but it is largely undeveloped. The applicant wishes to rezone the entirety of both parcels to PGX.

Discussion: The applicant, Ogeechee Davidson LLC, owns two parcels and has applied to rezone both to the PGX district. The 1.7-acre parcel which contains the Hub bike shop is currently zoned Downtown Mixed Use and is located at 11 Mamas Place. The adjacent 113 Mamas Place is 7.1 acres and split zoned between Residential Mixed Use and General Residential - 4; there is an old house on this property, but it is largely undeveloped. The applicant wishes to rezone the entirety of both parcels to PGX.

Following the presentation of the staff report, A. Bland clarified that the requested Pisgah Gateway Mixed Use (PGX) classification complies with the city's 2030 Comprehensive Land Use Plan and Future Land Use Map, noting that the subject properties are situated entirely within the designated Pisgah Gateway Character Area. He also added that the planning department intends to continue identifying and contacting local property owners who qualify for the PGx district to bring forward additional rezoning proposals in the coming months.

G. Hunter thanked A. Bland for the staff report. A. Mercaldo commented that the inclusion of these properties into the Pisgah Gateway Mixed-Use (PGX) district aligns precisely with the board's original intent for the gateway area.

A. Mercaldo inquired whether the historic homes referenced in the report carry a formal historic designation under the PGx district guidelines. A. Bland clarified that while the structures are old, they do not hold an official historic preservation designation, adding that historical status is separate from the immediate zoning classification under consideration.

Board Member A. Mercaldo inquired if the proposed PGX classification would create nonconformity issues for "The Hub," to which A. Bland responded that the zoning change is advantageous for both short- and long-term development plans. Unifying the properties under a single PGX district will eliminate the current burden of managing three distinct zoning districts across two parcels and streamline future development.

A. Bland reported that applicants intend to expand "The Hub" in the short term, with long-term plans to develop lodging on the rear parcel centered around a historic structure. Commissioner J. Yunker questioned the benefits of the proposed PGX classification for the future lodging project.

Seeing that there were no further discussion or questions, A. Mercaldo made a motion to recommend approval of the rezoning request, finding it consistent with the city's adopted planning documents and referencing the statement of consistency. The motion was seconded by P. Chaveas and passed unanimously.

### **IX. Final Remarks**

Chair G. Hunter thanked M. Hinds for the educational presentation. M. Hinds agreed with A. Mercaldo that public reactions to development can be premature, clarifying that the project's true intent is to support micro-level businesses and local job creation rather than introducing a large-scale, negative footprint.

A. Bland noted that while the county lacks a broad economic alliance, the Transylvania Economic Alliance actively pursues several specific industries. G. Hunter identified outdoor manufacturing as a primary focus, and Bland added that other county target sectors include biotechnology, outdoor gear development, niche and advanced manufacturing, professional services, and healthcare systems.

Board Members A. Mercaldo and M. Hinds thanked the assembly and apologized for the length of their passionate remarks, which Chair G. Hunter reassured them was entirely appropriate for the planning board forum.

### **X. Adjournment**

The meeting concluded following a motion to adjourn from P. Chaveas, which was seconded by J. Yunker. The board voted unanimously to end the session, and the meeting officially adjourned at 6:41 PM.

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Greg Hunter, Chair

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Edievith Gass, Board Clerk

**STAFF REPORT**  
**Planning Board, Tuesday, May 26, 2026**

**Title:** TXT-26-0001 Sight Triangle Clean-Up

**Speaker:** Aaron Bland, Asst Planning Director

**Prepared by:** Aaron Bland, Asst Planning Director

**Approved by:** Paul Ray, Planning Director

**Background**

This is a staff-initiated text amendment to both the Unified Development Ordinance (UDO) and the Code of Ordinances to clarify and unify the requirements for what are known as "sight triangles." A sight triangle is defined as "The area that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of a street or driveway connection safely or for traffic to see entering or waiting vehicles."

Currently, the UDO and Code language about sight triangles do not match, creating confusion for both property owners and City staff. Additionally, the graphics are inconsistent and not to scale, creating further confusion. These amendments look to clear up these issues and create more nuanced sight triangle requirements that are a better fit for Brevard.

**Discussion**

Regulating sight triangles at street intersections and driveways is essential to ensure that all road users, including drivers, pedestrians, and bicyclists, can see and anticipate one another in time to make safe movements and decisions. Clear sight lines reduce the likelihood of crashes by allowing drivers to judge gaps, identify conflicts, and respond appropriately before entering or crossing a roadway. Without consistent sight triangle requirements, objects such as landscaping, fencing, parked vehicles, or other obstructions can unintentionally block visibility, increasing crash risk even at locations that are otherwise well-designed. Establishing and maintaining clear sight triangles provides a predictable, enforceable standard that supports safe access to property, protects the public, and helps reduce preventable collisions.

One of the key aspects of these amendments is to make clear that there are two types of sight triangles: one for street intersections and one for driveways. Driveways and street-street intersections are regulated differently because they function very differently in how conflicts occur and how drivers make decisions.

A driveway is a minor access point where a driver is typically stopped, starting from a low-speed or zero-speed position, and must judge gaps in moving traffic before entering a roadway. This requires longer, directional sight distance along the roadway, so drivers can see approaching vehicles early enough to accelerate and merge safely. As a result, driveway sight triangles are often longer and narrower, and responsibility for maintaining them is clearly assigned to the adjacent property owner. Staff's research shows that typical

driveway sight triangles in North Carolina are asymmetrical, measuring 10'-15' into the driveway and 50'-70' along the road.

An intersection of two streets is a shared public decision space where movements are more predictable and traffic is almost always controlled in some way by stop signs, signals, or geometric design that moderates speeds. Drivers approaching a street intersection generally expect the possibility of cross traffic, are already slowing (e.g. for a stop sign), and have multiple visual cues that shape their own behavior and also allow them to anticipate what other drivers will do. Sight needs are therefore more balanced, and as such, sight triangles for intersections are often regulated using smaller, symmetrical triangles. Staff's research showed a variety of intersection sight triangles in North Carolina, ranging from 20'x20' to 35'x35' though almost all are symmetrical.

### **Proposed Amendments**

Staff is proposing changing the driveway sight triangle from 10'x70' 15'x50' for driveways connecting to a public street. This allows for enough distance to adequately see oncoming traffic for the driver entering the road, and allows for the entirety of most typical vehicles to be seen approaching the road by drivers already on the road.

Staff is proposing that the minimum standard for street intersection sight triangles be 25'x25', but on roads with a speed limit of 40MPH or higher that the distance be increased to 35'. Currently, the dimensions are based on the width of the street right-of-way. However, Staff believes that basing the dimensions on the speed limit of the road is a better option because vehicle speed directly determines how much time and distance a driver needs to perceive a conflict, react, and stop safely. Speed-based sight triangles better reflect actual operating conditions, not just roadway geometry, and the posted speed limit is a better proxy for how fast drivers are expected to travel and what level of risk the roadway is designed to accommodate.

In all sight triangles, the clearance zone is 2.5' to 10' above the grade of the adjacent roadway. This means that low-lying landscaping or fencing that allows through-visibility will be allowed in the triangle areas. There are also exceptions for infrastructure such as fire hydrants, streetlights, and traffic control devices.

The amendments maintain that sight distances for driveway connections along state-maintained roadways shall be approved by NCDOT but add a new provision that allows staff to require a larger sight triangle on any street where traffic volumes are high, there is a documented history of crashes, and if a traffic engineer deems additional sight distance warranted. Additionally, Staff is proposing new graphics that match other new graphics found throughout the UDO, which will be used in both the UDO and the Code for consistency.

### **Policy Analysis**

Ensuring our transportation network has safe intersections and driveway connections is in direct accordance with goal 4 of the Building Brevard: 2030 Comprehensive Land Use

Plan: "Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness."

**Action**

The Board's role is to make one of the following recommendations to City Council with regard to the proposed amendments:

1. Adoption of the amendment as written
2. Adoption of the amendment as revised by the Board
3. Rejection of the amendment

The Board must also submit to City Council a consistency statement indicating whether the application complies with adopted plans and policies of the city. Staff has included a consistency statement for the Board's review.

**Attachments:**

1. Current Code Language
2. Current UDO Language
3. Draft Language
4. Consistency Statement

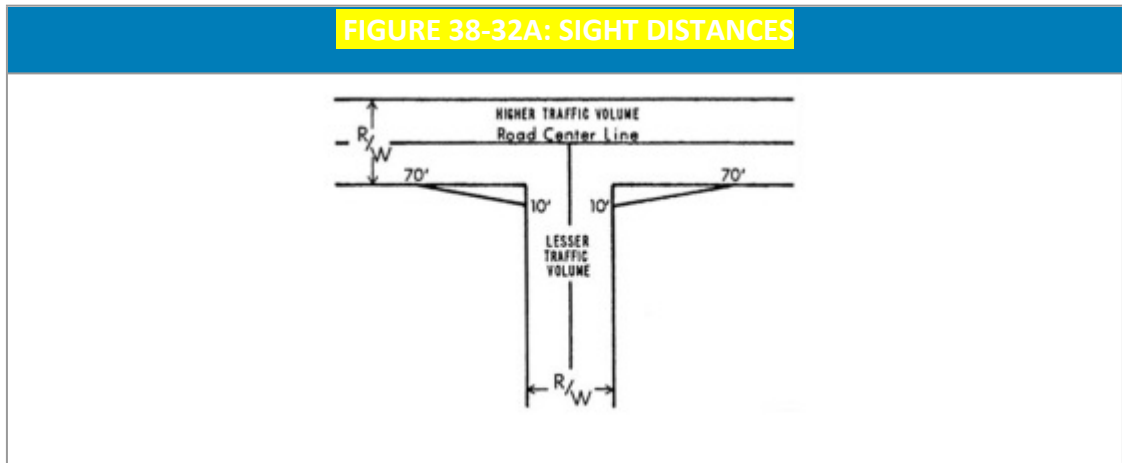
## Chapter 38 – Health and Sanitation

### Article II. Nuisances

#### Section 38-32. Enumeration

- I. Any and all trees or bushes dead, diseased or not properly trimmed, or any object or growth within the sight distance, on private property adjacent to city street rights-of-way that constitute a hazard to city property or to the health or safety of motorists or pedestrians. "Sight distance" shall be defined as the area required to provide a ten-foot by 70-foot unobstructed view across property primarily located at street intersections, driveways, and along sharp horizontal curves in the roadway. No owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any lot or land in the city, regardless of whether the lot is occupied or not, shall permit or maintain on such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet outside the property line if there is no curb, any of the conditions described in this subsection. It shall be the joint and several duty of any owner, lessee and occupant of any lot or land to cut and/or remove or cause to be cut and/or removed all causes of such conditions as often as may be necessary to comply with the provisions of this chapter.

FIGURE 38-32A: SIGHT DISTANCES



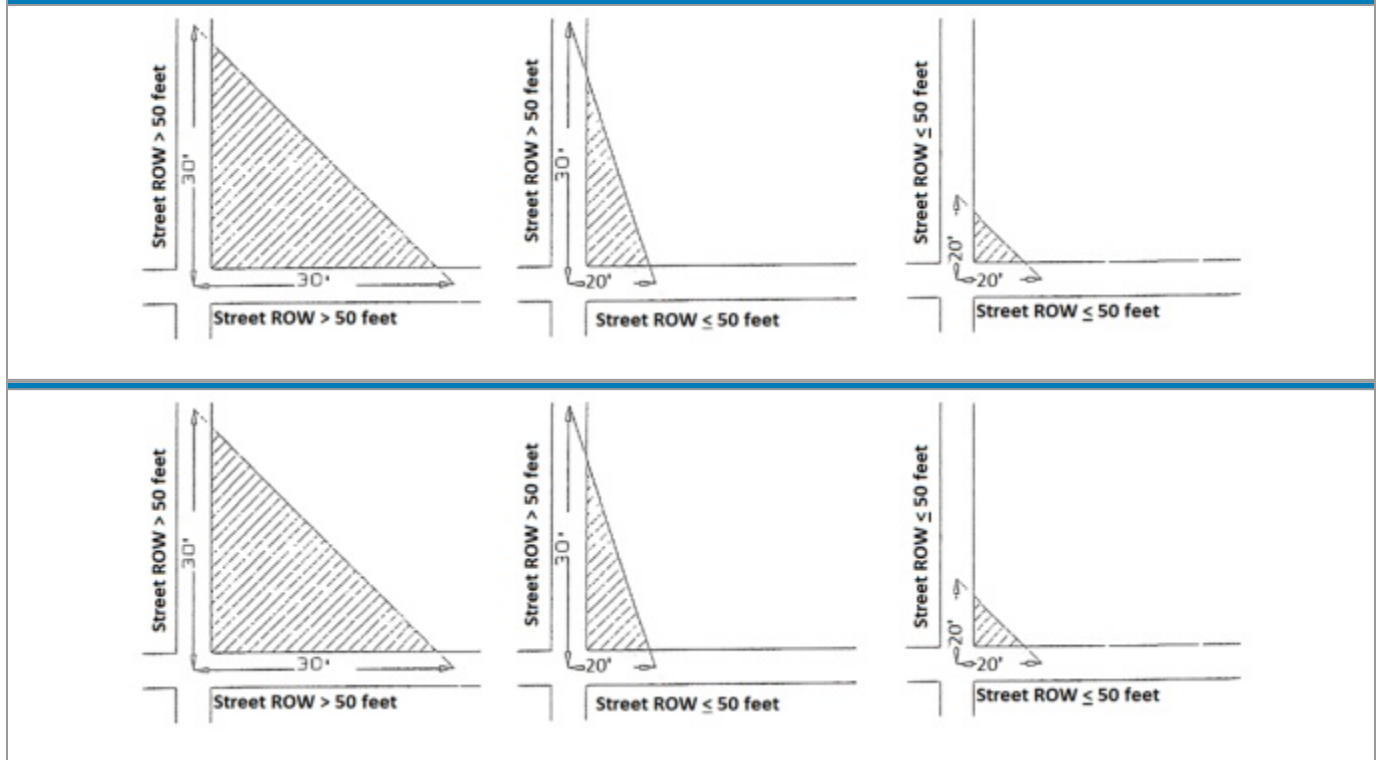
*"Visibility sight distance triangle" also referenced in 62-1.B.3*

**9.5. Visibility at street intersections and driveways; sight triangle.**

A. On corner lots in all districts, no planting shall be placed or maintained and no closed fence, building, wall or other structure shall be constructed if such planting or structure thereby obstructs vision at any point between a height of two-and-a-half and ten feet above the upper face of the nearest curb (or street centerline if no curb exists) and within the sight triangle area bounded on two sides by the two street right-of-way lines and on the third side by a straight line connecting points on the street right-of-way lines measured as follows:

1. On streets having a right-of-way width of 50 feet or less, a point located 20 feet from the intersection of the right-of-way lines.
2. On streets having a right-of-way width of more than 50 feet, a point located 30 feet from the intersection of the right-of-way lines.

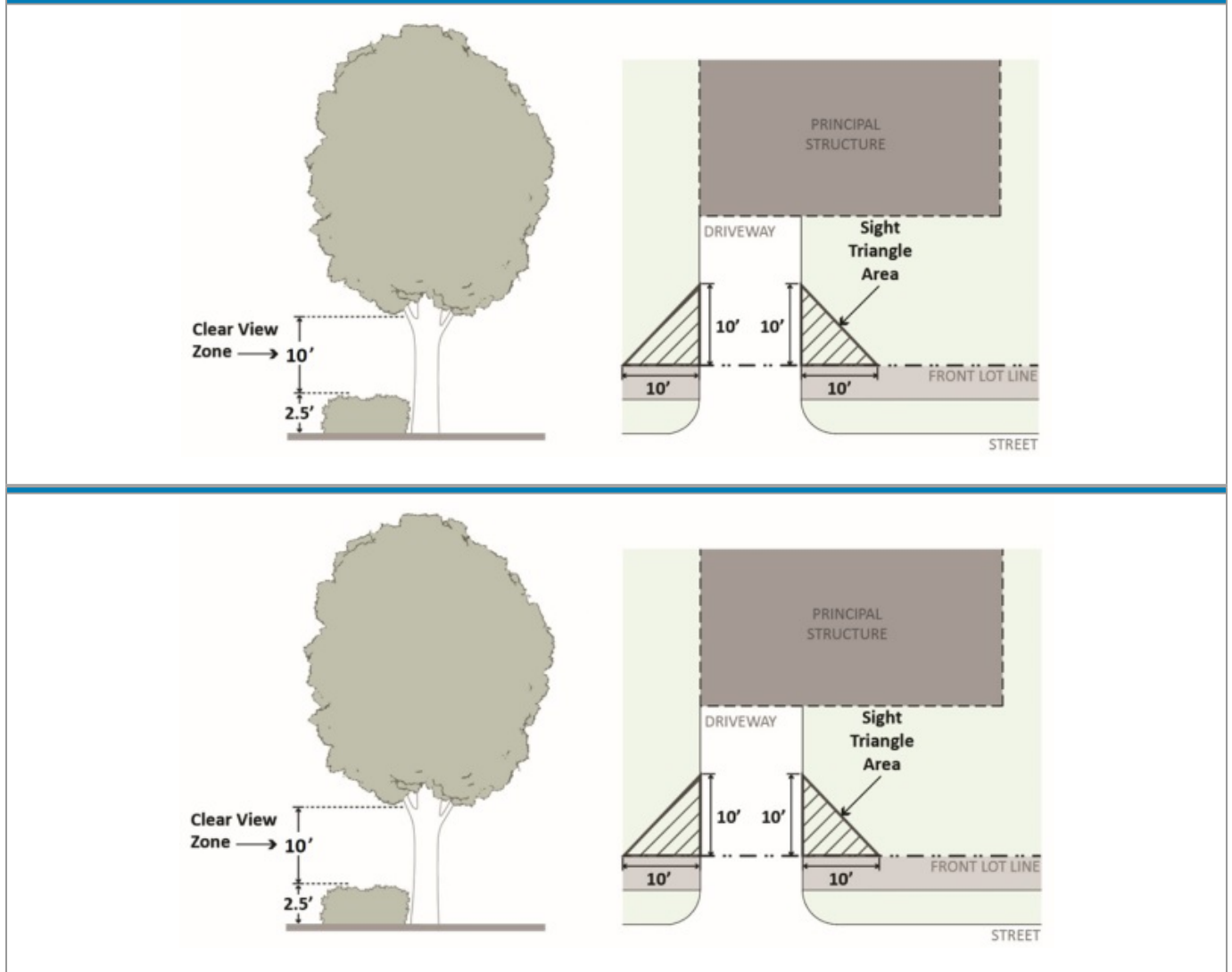
**FIGURE 9.5-A: SIGHT TRIANGLES AT RIGHT-OF-WAY INTERSECTIONS**



B. At the intersection of any private drive, entrance or exit with a [public street](#), no closed fence, wall, hedge, or other planting or [sign](#) forming a material impediment to visibility over

a height of two-and-a-half feet shall be erected, planted, placed or maintained within the sight triangle area bounded by the street right-of-way, the edge of the private driveway, and a straight line connecting points ten feet from the intersection of the right-of-way and driveway.

**FIGURE 9.5-B: OTHER SIGHT TRIANGLE DIMENSIONS**



C. Required sight distances for driveway connections along state-maintained roadways shall be approved by NCDOT. Where the NCDOT Driveway Manual conflicts with these standards, the stricter of the two standards shall prevail.

### 19.3 Definitions

**Sight triangle:** The area that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of a street or driveway connection safely or for traffic to see entering or waiting vehicles.

Other references to “sight triangle”

- 2.8.C.3 – Fences
- 8.6.C – Parking lot screening
- 8.9.C.10 – Landscaping installation standards
- 12.6.A – Prohibited signs
- 12.8.1.A.5 – Temporary signs
- 16.8.E.3.f.i(B)(1) – Guiding principles for variances

1 **9.5. Visibility at street intersections and driveways; sight triangle.**

2 *A. Purpose and Applicability:*

- 3 1. To ensure adequate visibility at street intersections and driveway connections, clear sight  
4 triangles shall be required at the following locations in all zoning districts:  
5 a. Intersections of two or more public or private streets; and  
6 b. Driveways or other vehicular access points connecting to public or private streets.  
7 2. The provisions of this section shall apply to:  
8 a. New development and redevelopment;  
9 b. Expansions to existing access drives; and  
10 c. Installation or modification of landscaping, fencing, parking, signage, or any other structures  
11 that may affect visibility within the sight triangle area.

12 *B. Measurement of Sight Triangles:*

- 13 1. Street intersection sight triangles shall be measured from the point of intersection of the right-of-  
14 way lines, or when no ROW exists, from the point of intersection of the pavement or road edges.  
15 2. Driveway sight triangles shall be measured from the point where the driveway edge intersects the  
16 street edge.  
17 3. Sight triangles shall be formed by connecting points measured along each intersecting leg as  
18 specified in subsections C and D below.

19 *C. Street Intersection Sight Triangles:*

- 20 1. Minimum Required Dimensions: A clear sight triangle with legs measuring twenty-five (25) feet  
21 along each intersecting street shall be provided at all street intersections.  
22 2. Increased Requirements: For roads with a speed limit of 40 MPH or higher, the minimum shall be  
23 increased to thirty-five (35) feet along each intersecting street with such a speed limit.  
24

25 [NEW GRAPHIC]  
26

27 *D. Driveway Sight Triangles:*

- 28 1. Minimum Required Dimensions  
29 a. A clear sight triangle shall be provided at each driveway connection as follows:  
30 i. When connecting to public streets: fifteen (15) feet by fifty (50) feet.  
31

32 [ NEW GRAPHIC]  
33

- 34 2. State-Maintained Roadways: Required sight distances for driveway connections along state-  
35 maintained roadways shall be approved by NCDOT. Where the NCDOT Driveway Manual  
36 conflicts with these standards, the stricter of the two standards shall prevail.

37 *E. Vertical Clearance Within Sight Triangles:*

- 38 1. Within all required sight triangle areas as defined above, no planting shall be placed or  
39 maintained and no closed fence, building, wall, sign or other structure shall be constructed if such  
40 planting or structure thereby obstructs visibility between two and one-half (2.5) feet and ten (10)  
41 feet above the grade of the adjacent roadway.  
42 2. The following are exempt from the height limitations of this section, provided they do not  
43 materially obstruct visibility:

- 44 a. Traffic control devices;
- 45 b. Utility poles and utility cabinets;
- 46 c. Fire hydrants; and
- 47 d. Streetlights and public safety infrastructure.

48 *F. Engineering Determination and Adjustment:*

- 49 1. On streets with a speed limit of forty (40) MPH or higher, the Administrator may require a larger
- 50 sight triangle than the minimum specified in this section where:
  - 51 a. Traffic volumes are unusually high;
  - 52 b. Documented crash history indicates a visibility concern; or
  - 53 c. In the opinion of a professional traffic engineer unique site conditions or topography warrant
  - 54 additional sight distance.
- 55 2. Engineering determinations shall be based on accepted transportation engineering practices,
- 56 including applicable AASHTO and NCDOT guidance.

57 *G. Maintenance Responsibility:*

- 58 1. Property owners shall be responsible for maintaining required sight triangles free of obstructions.
- 59 2. Failure to maintain a required sight triangle in compliance with this section shall constitute a
- 60 violation of this ordinance.

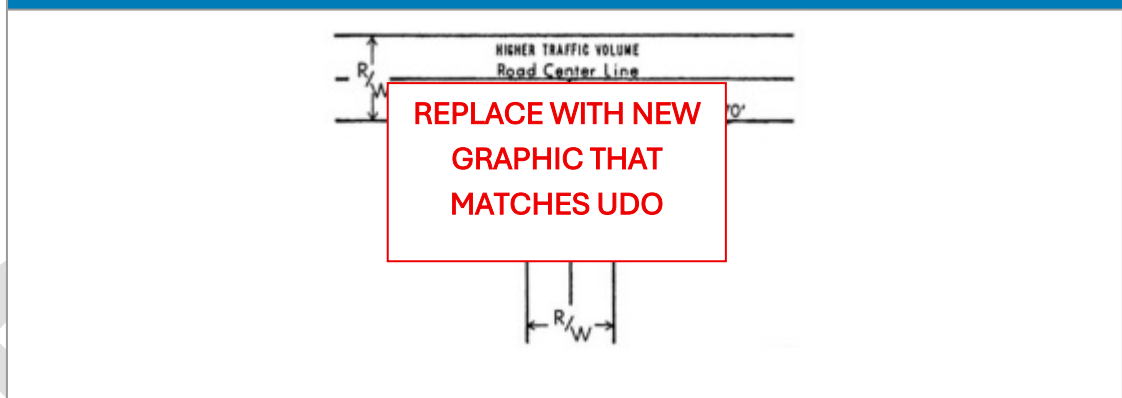
61

DRAFT

62 Chapter 38 – Health and Sanitation; Article II. Nuisances; Section 38-32. Enumeration

63 I. Any and all trees or bushes dead, diseased or not properly trimmed, or any object or growth  
64 within ~~the all required~~ sight triangles distance, on private property adjacent to city street rights-of-  
65 way that constitute a hazard to city property or to the health or safety of motorists or pedestrians.  
66 "~~Sight distance~~" Sight triangles shall be defined as the area required to provide a ~~ten-foot by 70-~~  
67 ~~foot unobstructed~~ clear view ~~across property primarily located~~ at street intersections, driveways,  
68 and along sharp horizontal curves in the roadway as required by Chapter 9 of the City of Brevard  
69 Unified Development Ordinance. No owner, lessee or occupant, or any agent, servant,  
70 representative or employee of any such owner, lessee or occupant, having control of any lot or  
71 land in the city, regardless of whether the lot is occupied or not, shall permit or maintain on such  
72 lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property  
73 line and the curb or middle of the alley or for ten feet outside the property line if there is no curb,  
74 any of the conditions described in this subsection. It shall be the joint and several duty of any  
75 owner, lessee and occupant of any lot or land to cut and/or remove or cause to be cut and/or  
76 removed all causes of such conditions as often as may be necessary to comply with the provisions  
77 of this chapter.  
78

FIGURE 38-32A: SIGHT DISTANCES



79

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN  
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS  
TXT-26-0001**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 4:** Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.

**STAFF REPORT**  
**Planning Board, Tuesday, May 26, 2026**

**Title:** TXT-26-0005 Stormwater Revisions

**Speaker:** Emily Brewer, AICP

**Prepared by:** Emily Brewer, Senior Planner

**Approved by:** Paul Ray, Planning Director

**Background**

Brevard is located within the French Broad River Basin, near the river’s headwaters, and experiences some of the highest rainfall totals in North Carolina due to its position along the eastern escarpment of the Blue Ridge Mountains. Effective stormwater management is essential for mitigating the environmental impacts of development. As land is cleared and replaced with roads, rooftops, and other impervious surfaces, the natural ability of soil and vegetation to absorb rainfall is lost. This leads to increased runoff volumes and higher flow speeds, which can quickly overwhelm drainage systems, damage properties, cause infrastructure failures, erode streambanks, deteriorate water quality, and reduce groundwater storage. Without proper stormwater controls, debris, sediment, trash, and other pollutants are washed into neighboring properties and nearby waterways. By requiring thoughtful stormwater design, communities can reduce peak flows, slow down runoff, and preserve more natural hydrologic functions even as development expands.

The City of Brevard is undertaking a stormwater management plan

**Discussion**

Section 6.6 establishes the City’s stormwater requirements to protect life and property from flooding, improve water quality by filtering pollutants, and limit additional impervious surface. Currently, the standards apply to new large non-residential or mixed-use projects, residential developments with 8 or more dwelling units, and any project where stormwater controls are required by a review board. Smaller residential projects, bona fide agriculture, redevelopment with no increase in impervious area, small accessory structures, and development in the Heart of Brevard Municipal Services District (MSD) are exempt. These exemptions should be granted sparingly and strategically. Amendments are likely necessary to ensure environmental outcomes are achieved and certain types of development are incentivized.

The proposed amendments restructure the applicability standards so that stormwater requirements are triggered by the amount of new built-upon area or area of disturbance, rather than by the number of residential dwelling units. This area-based approach is a more equitable and effective regulatory tool because stormwater impacts are directly related to the extent of disturbed soil and impervious coverage – not the number of units

constructed. For example, a single large home with extensive driveway and patio coverage may generate significantly more runoff than a multifamily structure on a smaller footprint. A disturbance-based trigger better aligns with regulatory oversight with actual hydrologic impact, ensures proportional mitigation, and closes gaps where smaller-scale projects cumulatively contribute to runoff and water quality degradation. It also creates clearer, more objective standards that are easier to administer and defend. The new applicability section also includes all development in steep slope areas regardless of project size. Steep slopes in particular increase runoff velocity, erosion potential, and downstream sedimentation, compounding flood and water quality impacts. Requiring stormwater controls in these areas ensures that risk is addressed at its source and reflects Brevard's mountainous topography and associated landslide susceptibility.

The amendments also include general design standards to encourage stormwater volume reduction prior to detention measures, including minimizing built-upon area by clustering buildings, reducing road widths and parking areas, and using permeable materials and releasing stormwater runoff as sheet flow through vegetated areas. The stormwater treatment requirements remain the same with two notable exceptions:

- The existing ordinance includes a requirement to remove 85% of the total suspended solids (TSS) from the first inch of any rain event. This requirement is outdated and cannot be accomplished with all of the stormwater control measures. Instead, the amendment requires that the first inch of a rain event is to be treated in accordance with the North Carolina Minimum Design Criteria.
- The new ordinance regulations includes an incentive for projects to use low-impact development (LID) techniques. LID are stormwater control measures that are designed to mimic natural hydrology (e.g., stormwater wetlands, bioretention cells, infiltration systems, permeable pavement, green roofs, Silva cells). Instead of designing for the two- and ten-year storm event, they will be allowed to control for the five-year storm. City staff were advised that designing LID at the size necessary for the 10-year storm is not feasible and recommended this size. Staff believes that this will encourage developers to utilize LID techniques instead. Volume estimates are included below.

*Point Precipitation Frequency Estimates at 95 W Main Street (inches)*

	<i>2-Year</i>	<i>5-Year</i>	<i>10-Year</i>
<i>24-hour Event</i>	<i>4.64</i>	<i>5.70</i>	<i>6.54</i>

The amendments also include clarification on the maintenance requirements and ongoing monitoring requirements, including inspection report documentation and recorded maintenance agreements.

**Policy Analysis**

Revisions to the City's stormwater ordinance align with multiple aspects of the City of Brevard Comprehensive Plan and the recently adopted Green Growth Audit addendum. This includes the strategies and actions below:

*City of Brevard Building Brevard 2030 Comprehensive Land Use Plan*

- Goal 5: Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- PNRC-5: Require conservation design in areas with sensitive natural resources
- EDIR-7: Update City's stormwater management plan.
- EDIR-8: Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- EDIR-10: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- EDIR-11: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

*City of Brevard Green Growth Audit*

- Action 2.3.A: Review and revise the City's stormwater management requirements to align with modern best practices.
- Action 2.3.B: Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- Action 2.3.C: Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- Action 2.3.D: Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- Action 2.3.F: Allow for and encourage the use of porous and semi-porous materials throughout the ordinance
- Action 2.3.G: Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- Action 2.3.H: Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

**Recommendation**

The Planning Board's role for any proposed amendment to the City's development

regulations is to review and make recommendations to City Council pursuant to N.C.G.S. 160D-604. The Board shall make one of the following recommendations with regard to a petition to amend the text of a development regulation:

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

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

**Attachments:**

1. Proposed Amendments
2. Consistency Statement BPB



## UNIFIED DEVELOPMENT ORDINANCE

# CHAPTER 6. ENVIRONMENTAL PROTECTION

### 6.6. Stormwater runoff provisions.

**A. Purpose.** The purpose this section is to:

1. ~~(1)~~ protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas;
2. ~~(2) to~~ protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; and
- 1-3. ~~(3)~~ limit additional impervious surface areas to the greatest extent possible.

**B. Applicability.**

~~2-1.~~ Minimum development thresholds: This section shall apply to all new development and redevelopment projects, including but not limited to site plans, subdivision applications, and demolition activities, that does any of the following: ~~Affected property:~~ The requirements of this section shall apply to the following activities:

- a. Cumulatively disturb one acre of land or more; ~~Any new non-residential or mixed-use development that disturbs more than one acre of land, or will have an impervious surface area more than 50 percent of the total acreage of the site.~~
- b. Cumulatively add 20,000 square feet or more of built-upon area; ~~Any new residential development or subdivision of eight or more dwelling units.~~
- c. Are subject to the steep slope area requirements in Section 6.4; or
- ~~e.~~ d. Are required to comply with the provisions of this section as a condition of approval by the Board of Adjustment or City Council. ~~Any project for which stormwater management is required as a condition of approval by the planning board, board of adjustment, or city council.~~

~~3.~~ ~~In the event of redevelopment that results in increased impervious area, only the new impervious areas are subject to the standards in subsection 6.6.C.~~

~~4-2.~~ Exemptions: ~~activities:~~ The following activities are exempt from ~~the stormwater management~~ provisions of this section:

- a. Projects that do not meet the minimum development thresholds above; and
- ~~a.~~ b. ~~Existing b~~ona fide agricultural structures used exclusively for agricultural purposes.
- ~~b.~~ ~~Development or redevelopment of a single one or two family dwelling unit that disturbs less than one acre and will have an impervious surface area less than 20,000 square feet.~~
- ~~c.~~ ~~Redevelopment that results in no net increase of impervious surface area on a property.~~
- ~~d.~~ ~~Development or redevelopment of parcels located within the Heart of Brevard Municipal Service District.~~
- ~~e.~~ ~~Small accessory buildings or structures, or additions less than 400 square feet.~~



~~f. Residential infill development as defined in CHAPTER 19 of this ordinance.~~

3. Changes to stormwater measures: Any alterations to stormwater measures shall be made in accordance with this section.

**C. General design standards.**

1. All development subject to this section shall take the following actions to the maximum extent practicable:

a. Minimize built-upon area by clustering buildings, reducing road widths and parking areas, and using permeable materials for walkways, patios, and overflow parking;

b. Release stormwater runoff as sheet flow through vegetated areas;

c. Prevent stormwater runoff from discharging onto adjacent properties; and

d. Maintain pre-development drainage patterns and preserve natural drainageways and swales.

2. All development shall prevent erosion and sedimentation during and after construction (see also Section 6.7).

3. The administrator may require evidence from the applicant to demonstrate compliance with these standards.

**B.D. Requirements for stormwater treatment. ~~Stormwater management requirements: The following requirements shall apply to all impervious surface areas of affected properties.~~**

1. The runoff from all built-upon areas on the project shall be treated in a primary stormwater control measures (SCM) that is designed, constructed and maintained in accordance with the relevant North Carolina Minimum Design Criteria (MDC) set forth in 15A NCAC 02H .1050 through .1062 (see *NCDEQ Stormwater Design Manual*).

~~1.2.~~ Stormwater measures shall be designed by a certified design professional in the State of North Carolina, and shall be constructed and maintained in accordance with commonly accepted best practices.

~~2.3.~~ Minimum design standards:

~~a. Runoff volume shall be calculated with the use of the Soil Conservation System (SCS) method.~~

~~b.a. SCMs shall be designed to provide treatment for the runoff from the one-inch storm event. At a minimum, stormwater measure shall be designed to remove 85 percent of the Total Suspended Solids (TSS) from the first inch of any rain event.~~

~~e.b.~~ The stormwater run-off generated by a two-year and ten-year, 24-hour rain event, shall be limited at a rate equal to or less than the pre-development discharge rates.

~~d.c.~~ Stormwater measure shall have a drawdown of 48 hours, but not more than 120 hours.

4. Low-impact development credit.

a. Projects are encouraged to utilize low-impact development (LID) techniques to control stormwater runoff in a way that uses or mimics natural process in order to reduce the necessary structured treatments. ~~Small scale Stormwater management practices, non-structural techniques, low-impact designs (LID), and site planning designed to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources must be implemented. Only when it is absolutely necessary is the use of a structural BMP warranted.~~

b. Minimum design standards for LID stormwater management measures shall be to control stormwater runoff for a five-year, 24 hour rain event.

~~e. Structural treatment devices used as an alternative to, or in conjunction with LID techniques are acceptable only when practically necessary.~~



5. Off-site SCMs: Stormwater measures may be located off-site provided that:

a. Such measures are located within a parcel of land under the same ownership as the affected property or within a common area under the management of a property owners' association or similar entity; and

~~f.b. . When stormwater measures are located off-site, d~~Deeds of both the affected property and the property containing the stormwater measure shall be provided and shall clearly reference an access easement and the right and responsibility of the owner of the affected property to access and maintain such measure.

~~3. In all instances stormwater measures shall be designed to complement a development and surrounding community and to minimize any threat to public health. If ponds or lakes are used, such areas shall be landscaped as amenities or hidden from view. This provision applies regardless whether the pond or lake typically contains water or may be dry for periods of time.~~

E. Stormwater management plan.

~~4. Permit requirements: The administrator shall review all stormwater plans required by this ordinance to ensure compliance therewith. In making this determination, the administrator shall use the Stormwater Best Management Practices Design Manual published by the North Carolina Department of Environmental Quality or other commonly accepted information and engineering data.~~

1. Timing of stormwater management plan submittal: The applicant shall submit a stormwater management plan with the full set of site construction documents, in accordance with Chapter 17, to be reviewed and approved by the administrator to ensure compliance with this section.

2. Required items: The stormwater management plan shall include the following items in sufficient detail to facilitate plan review and construction:

a. A narrative description of the proposed site improvements, the stormwater treatment system, and any low impact design elements.

b. The existing and proposed site contours and drainage patterns.

c. Engineering drawings showing plan, profile, and details of the existing and proposed drainage system, including, but not limited to, piping, drainage structures, swales, and channels tying into a network of pre-existing manmade or natural channels.

d. Site layout showing all existing and proposed stormwater control measures and built-upon areas, except for built-upon areas associated with single family residential lots and outparcels on commercial developments that are undetermined at the time of project submittal.

e. Subdivision lot lines, maintenance access routes and easements, utility and drainage easements, public rights of way, and SCMs.

f. Signed, sealed, and dated plan details of each SCM in plan view at a scale such that all details are legible on a copy. The plan details shall include dimensions, side slopes, and elevations, inlet and outlet devices, bypass structures, pretreatment area,

g. Signed, sealed, and dated planting plans for each SCM that requires a planting plan per the Minimum Design Criteria. The planting plan shall include plant layout with species names and locations and total number and sizes of all plant species.

h. Proposed drainage easements shown on the plans, and a signed agreement to provide final recorded drainage easements if recorded documents are not available at the time of submittal.



- i. Calculations and engineering specifications relevant to the design of the stormwater conveyance and treatment system.
- j. Location of floodplain/floodway limits and proposed stream channel modifications, such as bridge or culvert crossings.
- k. Relationship of the site to upstream and downstream properties and drainages.
- ~~a. Stormwater management system concept plan. When required as part of any project, a written or graphic concept plan of the proposed post-development stormwater management system shall be submitted along with other application materials and shall include the following: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.~~
- 3. If, following commencement of land disturbing activity pursuant to an approved plan it is determined that the plan is inadequate to meet the requirements of this ordinance, the administrator may require any revision of the plan that is necessary to comply with this ordinance.

**F. As-built plans and final approval.**

- 1. Timing of as-built plan submittal: ~~As-built plans and final approval.~~ Upon completion of a project, and before final zoning approval or a certificate of occupancy may be granted, the applicant shall certify that the completed project has been built in accordance with the approved stormwater management plans and designs. A final inspection and approval by the administrator are necessary prior to the issuance of any certificate of occupancy, release of improvement guarantee, or other final approval.
- ~~5.2.~~ Required items: ~~The applicant shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.~~ shall include the following items:
  - a. ~~The plans shall show the~~ final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.
  - ~~a.b.~~ A signed and sealed designer's certification ~~The designer of the stormwater management measures and plans shall certify, under seal,~~ that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance.
- ~~6. A final inspection and approval by the administrator is necessary prior to the issuance of any certificate of occupancy, release of performance guarantee, or other final approval.~~
- ~~C. Inspection of measures:~~ The Administrator may, from time to time, inspect approved stormwater measures for compliance with this section and approved plans. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater measures; and evaluating the condition of stormwater measures. No person shall obstruct, hamper or interfere with the Administrator while carrying out his or her official duties. If the owner or occupant of any affected property refuses to allow such inspection, the Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

**D.G. Maintenance of stormwater measures:**

- 1. General standards for maintenance:



- a. The owner of any stormwater measure installed pursuant to this section shall maintain and operate ~~such measure~~ it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the stormwater measures were ~~was~~ designed.
- b. Furthermore, stormwater measures installed prior to the enactment of this ordinance as a requirement of the issuance of any permit shall be subject to the maintenance requirements herein.
- c. The owner of each stormwater measure, whether structural or non-structural in design, shall maintain it so as not to create or permit a nuisance condition.

## 2. Inspection reports:

- a. The administrator shall have the right to demand an inspection report at any time should there be:
  - i. a reasonable belief that any stormwater structure or feature is constructed or being maintained in violation of this ordinance; or
  - ii. proposed redevelopment activity on the site.
- b. Such inspection report shall be prepared by a registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence.
- c. The report shall contain the following:
  - i. The name and address of the landowner.
  - ii. The recorded Plat book and page number of a lot of each stormwater control.
  - iii. A statement that an inspection was made of all stormwater controls and features.
  - iv. The date the inspection was made.
  - v. A statement regarding the performance status and compliance of all inspected controls and features with the terms and conditions of the approved maintenance agreement required by this ordinance.
  - vi. The signature and seal of the engineer, surveyor, or landscape architect.
- d. Should the stormwater inspection reveal substantial maintenance or repair recommendations, it shall be the owner's responsibility to retain certified design professional to develop plans and specifications for such repairs within 30 days from finding that substantial maintenance or repair recommendations are necessary. Maintenance or repair work must commence within 60 days and be completed within a reasonable amount of time, from finding that substantial maintenance or repair recommendations are necessary.
- ~~e.~~ Nothing in this section negates any requirements for the inspection of stormwater measures as set forth by any state or federal agency.

## **H. Operations and maintenance agreement.**

1. Requirement to have an agreement: The applicant or owner of a site that is required to have a SCM pursuant to this section must execute an operation and maintenance agreement prior to final zoning approval or issuance of a certificate of occupancy for development or redevelopment. The responsibility for complying with the operation and maintenance agreement rests on the property owner.
2. Content of agreement. The operation and maintenance agreement shall include the following:
  - a. A requirement for the property owner to maintain, repair, and, if necessary, reconstruct the SCM, and shall state the terms, conditions, and a schedule of maintenance of at least once every two years for the SCM.



- b. A statement granting the city a right of entry in the event the stormwater administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the SCM. In no case, however, shall the right of entry confer an obligation on the city to assume responsibility for the SCM.
- c. Language to bind the parties thereto and all subsequent owners, successors and assigns, of the site, portions of the site, and lots or parcels served by the SCM.
- 3. Recordation: The operation and maintenance agreement shall be referenced on the final plat; and if there is no final plat, then the agreement shall be referenced on an as-built record drawing and also recorded in the Transylvania County Register of Deeds, so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded maintenance agreement shall be given to the administrator prior to final zoning approval.

~~E.—Reserved.~~

~~F.—Illicit discharges: Except as provided herein, no person shall cause or allow the discharge, emission, disposal, pouring, or pumping, whether directly or indirectly, of any liquid, solid, gas, or other substance, other than stormwater, into any surface water, ground water, or stormwater conveyance. This prohibition applies to any substance deposited upon the land in manner and amount that the substance is likely to reach a stormwater conveyance, surface or ground water.~~

- 1.—~~The following discharges shall not be deemed illicit and shall be permitted under the terms stated:~~
  - a.—~~Water line flushing, except any anti-freezing agent;~~
  - b.—~~Landscape irrigation;~~
  - c.—~~Diverted stream flows;~~
  - d.—~~Rising ground waters;~~
  - e.—~~Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));~~
  - f.—~~Uncontaminated pumped ground water;~~
  - g.—~~Discharges from potable water sources;~~
  - h.—~~Foundation drains;~~
  - i.—~~Air conditioning condensation;~~
  - j.—~~Irrigation water;~~
  - k.—~~Springs;~~
  - l.—~~Water from crawl space pumps;~~
  - m.—~~Footing drains;~~
  - n.—~~Lawn watering;~~
  - o.—~~Individual residential car washing;~~
  - p.—~~Flows from riparian habitats and wetlands;~~
  - q.—~~Dechlorinated swimming pool discharges;~~
  - r.—~~Street wash water; and~~
  - s.—~~Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina.~~
- 2.—~~Prohibited discharges include but are not limited to the following:~~



- a. ~~Discharges of oil, anti-freeze, chemicals, paints, garbage, litter;~~
  - b. ~~Raw sewage discharges or overflows;~~
  - c. ~~Discharges of wash water resulting from the hosing or cleaning of gasoline stations, auto repair garages, or other types of automotive service facilities;~~
  - d. ~~Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility (including motor vehicles, cement related construction equipment, port-a-potty servicing, etc.);~~
  - e. ~~Discharges of wash water from mobile operations such as steam cleaning, power washing, pressure washing, carpet cleaning, and mobile carwash facilities; discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas;~~
  - f. ~~Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil or hazardous materials or chemicals;~~
  - g. ~~Discharges of pool or fountain water containing chlorine, biocides or other chemicals, and also discharges of pool or fountain filter backwash water;~~
  - h. ~~Discharges of water containing sediment or construction-related wastes; and~~
  - i. ~~Discharges of food related wastes such as grease, oil, fish processing water, kitchen mat wash water, trash bin wash water, pouring liquids into dumpsters.~~
- ~~**G. Illicit connections:** Other than those exceptions listed in Section 6.6.H.1, above, it shall be unlawful to cause or permit any connection to a surface water or stormwater conveyance or stormwater conveyance system that allows the discharge of anything other than stormwater.~~
- 1. ~~Prohibited connections include, but are not limited to the following: floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.~~
  - 2. ~~Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. Provided, however, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.~~
  - 3. ~~Upon determining that an illicit connection may result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or that a connection was made in violation of any applicable regulation or ordinance, other than this section the administrator shall designate the time limit within which the connection shall be removed. In setting the time limit for compliance, the administrator shall take these matters into consideration:~~
    - a. ~~The quantity and complexity of the work;~~
    - b. ~~The consequences of delay;~~
    - c. ~~The potential harm to the environment, to the public health, and to public and private property; and~~
    - d. ~~The cost of remedying the damage.~~



~~I. Fee-in-lieu-of-stormwater-compliance: Stormwater fee-in-lieu. On site compliance with the requirements of this section may be impractical or impossible on certain parcels within the city. The owner and/or developer of affected properties may pursuant to the provisions set forth herein, opt to pay a fee-in-lieu of compliance with the stormwater management requirements of this section.~~

~~1. When the administrator may allow a fee-in-lieu: If existing site conditions make compliance with the requirements of this section impractical or impossible, the administrator, in consultation with the Technical Review Committee, may, at its discretion, allow the applicant to pay a fee-in-lieu of compliance.~~

~~a. The administrative may determine that additional review is required and request review and/or a recommendation by the Board of Adjustment prior to allowing this alternative.~~

~~2. How the fee may be implemented: Prior to the approval of a fee-in-lieu, the development shall come into compliance to the greatest extent possible. This may include, but is not limited to, the following:~~

~~a. Construction of a smaller SCM and a fee-in-lieu for the difference between the cost of the smaller SCM compared to the larger SCM;~~

~~b. Changes to the site design to reduce stormwater volume; and/or~~

~~c. The provision of low-impact development stormwater management treatments.~~

~~4.3. Basis for determining the fee-in-lieu: Fees shall be based upon the actual cost of construction of a structural stormwater measure to control and treat stormwater runoff from the total impervious surface area of the affected property.~~

~~5.4. Payment may be made in the form of contribution of funds, contribution of land, contribution of engineered stormwater control construction work, or a combination of these.~~

~~6.5. Fee-in-lieu contributions shall be set aside in a dedicated fund, and applied to stormwater management and other water quality improvement projects.~~

~~Purposes eligible for fee-in-lieu contributions include the following:~~

~~a. The acquisition, design, or construction of stormwater control and treatment measures.~~

~~b. Stream bank, wetland, or other surface water protection and restoration projects that enhance stormwater management goals, reduce erosion, and enhance water quality.~~

~~c. The elimination of illicit or inappropriate connections to stormwater conveyances.~~

~~d. Other activities identified by the city manager, provided that such activities are for the sole purpose of improving water quality.~~

~~e. Matching funds for grants to fund any of the aforementioned types of activities.~~

~~f. Matching funds for participation in any water quality improvement program funded by the Transylvania County Soil and Water Conservation Service, the North Carolina Department of Environmental Quality, the USDA Natural Resources Conservation Service, or other local, regional, state or federal agencies.~~

~~7. The expenditure of stormwater contributions is limited as follows:~~

~~a. To the extent practical, contributions shall be applied to activities that will result in water quality benefits comparable to the benefits of controlling and treating stormwater on the contributing property.~~



- ~~b. Contributions shall not be applied to the stormwater management requirements of other affected properties, or to the same affected property to satisfy the stormwater management requirements of future site plan approvals.~~
- ~~c. Contributions shall not be applied to any other purpose or activity of the city not directly related to stormwater management and water quality improvement.~~

## CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

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### 17.5. Master plan requirements.

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When required, the master plan shall be drawn to the following specifications and must contain or be accompanied by the information listed below. This section defines both preliminary and final master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator.

- A. Processing or review of a preliminary or final master plan may not proceed without all of the following information:
  - 1. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
  - 2. Scale denoted both graphically and numerically with north arrow.
  - 3. A vicinity map at a scale no smaller than one inch equals 1,200 feet showing the location of the development with respect to adjacent streets and properties.
  - 4. The proposed name of the development, street names, the owner's name and address, the names of adjoining property owners, the name of the city, county, and state in which the development is located, the date of plan preparation, and the zoning classification of the tract to be developed, and of adjoining properties.
  - 5. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
  - 6. A timetable for estimated project completion for each phase proposed.
  - 7. Original contours at intervals of not greater than five feet for the entire area to be subdivided or developed and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries. Transylvania County or City of Brevard digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
  - 8. The location of any building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands), where applicable.
  - 9. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
  - 10. The following statement shall be placed upon all master plan documents, as applicable:



"Areas delineated upon this plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth [CHAPTER 34](#) of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith."

- B. Requirements for preliminary master plans.** A preliminary master plan may only be submitted as part of an application for a conditional zoning district. A preliminary master plan may be more conceptual in nature than a final master plan, and shall be sufficient to demonstrate deviations from the base zoning district and the scope of the project.
1. At a minimum, a preliminary master plan shall show the conditions both requested and offered that deviate from the base zoning district.
  2. A preliminary master plan may divide the district into land use areas and specify proposed uses and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas which shall permit deferring the determination of the precise boundaries between land use areas until final master plan review.
  3. Additional submittal requirements for the preliminary master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A preliminary master plan may include the following information, as applicable:
    - a. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.
    - b. The traffic and circulation system demonstrating a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the city.
    - c. The proposed limits of construction for all proposed development activity, including all required protected areas and open space.
    - d. Landscaping plan and/or vegetation preservation plan in accordance with [Section 17.9](#).
    - e. Lighting plan in accordance with [Section 17.10](#).
    - f. Architectural plans in accordance with [Section 17.11](#).
    - g. Traffic impact analysis (if required) in accordance with [Section 17.12](#).
    - h. Stormwater management ~~concept~~ plan in accordance with [Section 17.136.6](#).
    - i. Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.
    - j. Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
    - k. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of [CHAPTER 6](#) of this ordinance.
- C. Requirements for final master plans.**
1. A final master plan shall include all of the following information, as applicable:
    - a. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.



- b. The transportation and circulation system showing typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
  - c. The proposed limits of construction for all proposed development activity, including all required protected areas and open space.
2. Additional submittal requirements for the final master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A final master plan may include the following information and supplemental plans, as applicable.
- a. Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.
  - b. Lighting plan in accordance with Section 17.10.
  - c. Architectural plans in accordance with Section 17.11.
  - d. Traffic impact analysis (if required) in accordance with Section 17.12.
  - e. Stormwater management ~~concept~~ plan in accordance with Section ~~17.13~~6.6.
  - f. Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.
  - g. Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
  - h. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of CHAPTER 6 of this ordinance.

## **17.6. Construction document requirements.**

The construction documents for site plans, conditional rezoning plans, special use plans, major subdivisions, vested rights, and master plans shall be submitted in accordance with the specifications of this section except where specifically noted. Construction documents shall constitute the complete submittal requirements for site plans and preliminary plats required prior to construction.

The size and number of completed application submittal copies required shall be set by the administrator. No certifications other than the certificate of survey and accuracy as in Section 17.7.J and the seal of the professional designer must be provided in connection with the submission.

Construction drawings must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. No processing or review of construction documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be subdivided with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements, bridges, floodplains, or other significant features of the tract.
- B. Scale in feet denoted both graphically and numerically with north arrow and declination.



- C. A sketch vicinity map at a scale no smaller than one inch equals 1,200 feet showing the relationship between the proposed subdivision and surrounding area.
- D. Environmental survey in accordance with Section 17.3.
- E. Existing topography and finish grading with contours drawn at two foot intervals. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
- F. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
- G. The proposed names of the development and streets, the owner's name and address, signature of the owner or owner's duly authorized agent, the surveyor's name, the names of existing and proposed adjoining subdivisions or property owners, the names of the city, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- H. Proposed lot lines, lot and block numbers, and exact dimensions.
- I. The future ownership (dedication or reservation for public use to a governmental body; for owners to duly constituted home owners' associated, for tenant's remaining in subdivider's ownership of recreation and open space lands).
- J. A statement from the City of Brevard regarding the availability of adequate water and sewer capacity for the proposed development.
- K. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All systems shall conform to current city standards.
- L. The location and size of all utility lines, easements, and rights-of-way. Easements shall be provided on all construction documents as follows:
  1. *Utility easements:* Easements for underground or above ground utilities shall be provided for and centered along rear or side lot lines, and shall be a minimum of ten feet in width. Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe and a minimum of 20 feet in width or as required by design manual.
  2. *Drainage easements:* Where a development is crossed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as shall be adequate to maintain the overall integrity of the drainage area and provide for its periodic maintenance.
  3. *Landscape easements:* Landscape easements along streets should be designed in accordance with the provisions of [CHAPTER 6](#) and [CHAPTER 8](#). The city may require landscape easements for developments where industrial or commercial uses abut residential uses.
  4. *Public access easements:* Public access easements shall be provided for sidewalks, trails, greenways, and other pedestrian and bicycle facilities that provide connections other than within public rights-of-way.
- M. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands. Buildings shown for the purpose of measuring setbacks must reflect these elements when applicable.
- N. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use and non-residential buildings, gross project density per acre, linear feet of streets, and the accurate locations and descriptions of all monuments, markers, and control points.



- O. The location and dimensions of all off-street parking and loading spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific.
- P. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of [CHAPTER 34](#) of Brevard City Code.
- Q. The location and dimensions of any sidewalks, curb cuts, curb and gutters to be installed along public street frontages, and other required street improvements designated in [CHAPTER 11](#) of this ordinance, or as called for in the Brevard Transportation Plan, the Rural Planning Organization Thoroughfare Plan or Transportation Improvement Program, or other plan or policy of the city. Required right-of-way shall be drawn in the location shown on any official plan at the width specified in this ordinance.
- R. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- S. The location of any existing or proposed demolition landfills in the site. Such sites shall not be used for building.
- T. A copy of the full soil erosion and sedimentation permit application including forms, plans, and calculations to be submitted to the North Carolina Department of Environmental Quality-Erosion and Sediment Control Office, and a copy of the approval letter prior to site plan or preliminary plat approval.
- U. Final proposed elevations of all non-single family and duplex buildings proposed for construction as part of this site plan approval. Subsequent buildings within the development may be handled as separate site plans. Such elevations shall include all facades visible from public streets.
- V. Supplemental plans as applicable:
  - 1. Landscape plan in accordance with Section [17.9](#).
  - 2. Tree preservation plan in accordance with Section [17.9](#).
  - 3. Lighting plan in accordance with Section [17.10](#).
  - 4. Architectural plans in accordance with Section [17.11](#).
  - 5. Traffic impact analysis (if required) in accordance with Section [17.12](#).
  - 6. Floodplain development information (if required) in accordance with ~~Section 17.13~~ [Chapter 34 of the Brevard City Code or Ordinances](#).
  - 7. Stormwater management ~~concept~~ plan in accordance with Section ~~17.136.6~~.
- W. The following statement shall be placed upon all final construction documents, as applicable:
 

"Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth [CHAPTER 34](#) of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith."

In addition to the above required information, the following additional information may be necessary for specific sites as determined by the administrator:
- X. Where a proposed water and sewer system does not contemplate the use of facilities owned and operated by the city, the proposed facility plans as approved by the appropriate agency, shall be submitted with the construction documents.



- Y. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Transylvania County Health Department shall be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

### **17.13. Stormwater management plan requirements. Reserved.**

~~A. Stormwater management system concept plan:~~

- ~~1. When required as part of any project, a written or graphic concept plan of the proposed post-development stormwater management system shall be submitted along with other application materials and shall include: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.~~

~~B. As-built plans and final approval:~~

- ~~1. Upon completion of a project, and before final zoning approval or a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.~~
- ~~2. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance.~~
- ~~3. A final inspection and approval by the administrator shall occur before the release of any performance securities.~~



## CHAPTER 19. DEFINITIONS

### 19.3. Definitions.

**Built-upon area (BUA):** The portion of a development or redevelopment that is covered by impervious surfaces. Also referred to as impervious surface coverage.

**Disturbed area:** All lands that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed areas include redevelopment and new impervious surface areas. Also referred to as area of disturbance.

**Impervious area surface:** Any man-made surface which restricts the percolation of rain water into the soil including, but not limited to, areas covered by roofs, roof extensions, patios, porches, driveways, sidewalks, parking areas and athletic courts. ~~Also referred to as built-upon area, impervious surface or impervious coverage.~~ In accordance with NCGS §143-214.7D, the following is not considered an impervious ~~area~~ surface:

- A. A slatted deck.
- B. The water area of a swimming pool.
- C. The surface of number 57 stone, as designed by the American Society for Testing and Materials, laid at least 4 inches thick over a geotextile fabric.
- D. A trail or greenway that is either unpaved or paved with pavement that is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).
- E. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
- F. Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

**Low-impact development (LID):** Stormwater control measures designed to mimic natural hydrology. For the purposes of this ordinance, LID includes stormwater wetlands, bioretention cells, infiltrations systems, permeable pavement, green roofs, Silva Cells and Filterra systems. Other LID stormwater management technology that is designed, constructed and maintained in accordance with the North Carolina Minimum Design Criteria (MDC) may be considered on a case by case basis.

**Primary Stormwater Control Measure (SCM):** A wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the relevant North Carolina Minimum Design Criteria (MDC) set forth in 15A NCAC 02H .1050 through .1062 (see NCDEQ Stormwater Design Manual).

**Stormwater:** Runoff generated by rain, melting snow, and other precipitation events. Stormwater is that portion of precipitation that flows across a surface to down-slope properties, the storm drain system, or receiving waters. Stormwater often carries pollutants and can cause damage to property and stream channels and can impair natural aquatic systems.



**Stormwater control and treatment measure:** A physical device designed to accomplish one or more of the following: trap, settle out, or filter pollutants from stormwater runoff; alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; approximate the pre-development hydrology on a developed site. ~~Structural best management practices (BMPs) include physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Stormwater control and treatment measure" is synonymous with "stormwater bmp," "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," "low impact design," and similar terms used in this ordinance.~~

## CODE OF ORDINANCES

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# CHAPTER 38. HEALTH AND SANITATION

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## ARTICLE II. NUISANCES

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### DIVISION 1. GENERALLY

#### 30-50. Illicit stormwater usage.

##### A. Illicit discharges:

1. No person shall cause or allow the discharge, emission, disposal, pouring, or pumping, whether directly or indirectly, of any liquid, solid, gas, or other substance, other than stormwater, into any surface water, ground water, or stormwater conveyance, except as provided herein.
2. This prohibition applies to any substance deposited upon the land in manner and amount that the substance is likely to reach a stormwater conveyance, surface or ground water.
3. The following discharges shall not be deemed illicit and shall be permitted under the terms stated:
  - a. Water line flushing, except any anti-freezing agent;
  - b. Landscape irrigation;
  - c. Diverted stream flows;
  - d. Rising ground waters;
  - e. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
  - f. Uncontaminated pumped ground water;
  - g. Discharges from potable water sources;
  - h. Foundation drains;
  - i. Air conditioning condensation;
  - j. Irrigation water;
  - k. Springs;
  - l. Water from crawl space pumps;
  - m. Footing drains;



- n. Lawn watering;
  - o. Individual residential car washing;
  - p. Flows from riparian habitats and wetlands;
  - q. Dechlorinated swimming pool discharges;
  - r. Street wash water; and
  - s. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina.
4. Prohibited discharges include but are not limited to the following:
- a. Discharges of oil, anti-freeze, chemicals, paints, garbage, litter;
  - b. Raw sewage discharges or overflows;
  - c. Discharges of wash water resulting from the hosing or cleaning of gasoline stations, auto repair garages, or other types of automotive service facilities;
  - d. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility (including motor vehicles, cement-related construction equipment, port-a-potty servicing, etc.);
  - e. Discharges of wash water from mobile operations such as steam cleaning, power washing, pressure washing, carpet cleaning, and mobile carwash facilities; discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas;
  - f. Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil or hazardous materials or chemicals;
  - g. Discharges of pool or fountain water containing chlorine, biocides or other chemicals, and also discharges of pool or fountain filter backwash water;
  - h. Discharges of water containing sediment or construction-related wastes; and
  - i. Discharges of food-related wastes such as grease, oil, fish processing water, kitchen mat wash water, trash bin wash water, pouring liquids into dumpsters.

**B. Illicit connections:**

1. Other than those exceptions listed above, it shall be unlawful to cause or permit any connection to a surface water or stormwater conveyance or stormwater conveyance system that allows the discharge of anything other than stormwater.
2. Prohibited connections include, but are not limited to the following: floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.
3. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. Provided, however, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.



4. Upon determining that an illicit connection may result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or that a connection was made in violation of any applicable regulation or ordinance, other than this section the administrator shall designate the time limit within which the connection shall be removed. In setting the time limit for compliance, the administrator shall take these matters into consideration:
- a. The quantity and complexity of the work;
  - b. The consequences of delay;
  - c. The potential harm to the environment, to the public health, and to public and private property; and
  - d. The cost of remedying the damage.

38-510—38-70. Reserved.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN  
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS  
TXT-26-0005**

*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 amendment is **consistent** with the City's adopted plans and policies.

*City of Brevard Building Brevard 2030 Comprehensive Land Use Plan*

- Goal 5: Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- PNR-5: Require conservation design in areas with sensitive natural resources
- EDIR-7: Update City's stormwater management plan.
- EDIR-8: Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- EDIR-10: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- EDIR-11: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

*City of Brevard Green Growth Audit*

- Action 2.3.A: Review and revise the City's stormwater management requirements to align with modern best practices.
- Action 2.3.B: Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- Action 2.3.C: Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- Action 2.3.D: Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- Action 2.3.F: Allow for and encourage the use of porous and semi-porous materials throughout the ordinance

- Action 2.3.G: Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- Action 2.3.H: Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

**STAFF REPORT**  
**Planning Board, Tuesday, May 26, 2026**

**Title:** REZ-26-0003 - Hendersonville Hwy, Pisgah Forest - RMX → PGX

**Speaker:** Aaron Bland, Asst Planning Director

**Prepared by:** Aaron Bland, Asst Planning Director

**Approved by:** Paul Ray, Planning Director

**Background**

In November of 2025 the Board discussed and recommended favorably the rezoning of multiple parcels to the new Pisgah Gateway Mixed-Use zoning district (PGX). City Council enacted the rezoning on January 5, 2026. The Board and Council both indicated a desire for Staff to continue soliciting property owners to voluntarily rezone to PGX. Since that time, Staff has continued to reach out to property owners in the area.

**Discussion**

The applicant, Jason Shepherd of Looking Glass Realty on behalf of property owner Patricia Wrinkle, has applied to rezone the remainder of a newly recombined parcel to the PGX district. Approximately half of the parcel was rezoned to PGX previously under previous ownership. Since then, the new owners have moved property lines to create one larger undeveloped parcel and one small parcel with the existing house. The request is the rezone the entirety of the larger parcel to PGX, eliminating the previously enacted split zoning.

**Policy Analysis**

Due to the limitations on city-initiated downzonings found in Session Law 2024-57, the City can only move forward with applying the PGX district with explicit consent from property owners. The PGX district is supported by LUH-10 of the Building Brevard 2030 Comprehensive Land Use Plan. This rezoning is also consistent with the Future Land Use Map as these parcels are within the Pisgah Gateway character area.

**Action**

The Board's role in a zoning map amendment is to provide a recommendation to City Council. The Board can recommend one of the following:

- 1. Grant as requested
- 2. Grant with a change in area
- 3. Grant to a more restrictive zoning district
- 4. Deny

In accordance with state law, the Board must also forward to Council a statement of reasonableness. Staff has drafted and included a statement for the Board's consideration.

**Attachments:**

- 1. Record #REZ-26-0003 - Record Report

2. Consistency and Reasonableness Statement
3. Site Map
4. Future Land Use Map
5. Recombination Plat



# Record Report for Map Amendment - Base District Rezoning #REZ-26-0003

## Record Overview

**Record Number:** REZ-26-0003  
**Record Type:** Map Amendment - Base District Rezoning  
**Record Status:** In Progress  
**Record Submitted At:** Thursday May 7, 2026  
**Record Address:** Hendersonville Hwy Pisgah Forest NC 28768  
**Record Owner:** Emily Brewer  
**Record Applicant User:** Jason Shepherd  
**Record Applicant Company:** Looking Glass Realty LLC

## Form Submission

### Applicant:

Jason Shepherd  
jason@lookingglassrealty.com, (828) 423-9010

### Property Owner (if different):

CDP Aloe Properties LLC (Carol) Wrinkle  
aloeinc@hotmail.com, (954) 579-5142

**Property Address:** Hendersonville Hwy Pisgah Forest NC 28768

**Parcel Identification Number (PIN):** 8597-64-2864-000, portion of 8597-64-1942-000

**Current Zoning District(s):** Pisgah Gateway Mixed Use (PGX), Residential Mixed Use (RMX)

**Current Overlay District(s):** None

**Requested Zoning District(s):** Pisgah Gateway Mixed Use (PGX)

### Existing Zoning of Adjacent Properties:

Pisgah Gateway Mixed Use (PGX), Residential Mixed Use (RMX), Corridor Mixed Use (CMX)

### Explanation (if necessary):

The property is being recombined and is currently split zoned. Asking that the entire new parcel be zoned PGX

**I Acknowledge:** Yes

### Signature:

Signed in GovWell: Thursday May 7, 2026, 2:32pm

## Generated Documents

No documents generated

## Activity History

**Email**  
May 7, 2026, 4:45pm

Subject: #REZ-26-0003 | Added to Planning Board Meeting (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Jason Shepherd

**Email**  
May 7, 2026, 4:45pm

Subject: #REZ-26-0003 | New Task - Add to Meeting (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Emily Brewer

**Meeting**  
May 7, 2026, 4:45pm

Emily Brewer added the record to the Planning Board meeting scheduled for May 26, 2026 at 5:30pm

**Email**  
May 7, 2026, 4:45pm

Subject: #REZ-26-0003 | Application Progress (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Jason Shepherd

**Email**  
May 7, 2026, 4:45pm

Subject: #REZ-26-0003 | New Task - Add to Meeting (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Emily Brewer

**Plan Review Completed**  
May 7, 2026, 4:45pm

Emily Brewer approved the plans and left no comments.

**Email**  
May 7, 2026, 4:39pm

Subject: #REZ-26-0003 | New Plan Set For Review (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Emily Brewer

**Plan Review Routed**  
May 7, 2026, 4:39pm

Emily Brewer routed the plan set for review to Emily Brewer.

**Email**  
May 7, 2026, 3:16pm

Subject: #REZ-26-0003 | Thank You For Your Payment (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Jason Shepherd

**Email**  
May 7, 2026, 3:16pm

Subject: #REZ-26-0003 | New Task - Route for Plan Review (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Emily Brewer

**Payment**  
May 7, 2026, 3:16pm

Jason Sheoherd paid fees in the amount of \$400.00.

**Email**  
May 7, 2026, 2:50pm

Subject: #REZ-26-0003 | Payment is Required (Due on 6/06/26) (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Jason Shepherd

**Payment**  
May 7, 2026, 2:50pm

Emily Brewer requested fees in the amount of \$400.00.

**Email**  
May 7, 2026, 2:50pm

Subject: #REZ-26-0003 | New Task - Add Fees (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Emily Brewer

**Email**  
May 7, 2026, 2:50pm

Subject: #REZ-26-0003 | Update On Your Submission (Looking Glass Realty LLC)  
(Hendersonville Hwy Pisgah Forest NC 28768)  
To: Jason Shepherd

**Status Changed**

May 7, 2026, 2:50pm

From: Submitted

To: In Progress

**Application Review Completed**

May 7, 2026, 2:50pm

Emily Brewer reviewed the application and marked it as complete.

**Email**

May 7, 2026, 2:49pm

Subject: #REZ-26-0003 | New Task - Review Application (Looking Glass Realty LLC) (Hendersonville Hwy Pisgah Forest NC 28768)

To: Emily Brewer

**Email**

May 7, 2026, 2:32pm

Subject: #REZ-26-0003 | Brevard: Submission Received and Status Tracker (Looking Glass Realty LLC) (Hendersonville Hwy Pisgah Forest NC 28768)

To: Jason Shepherd

**Email**

May 7, 2026, 2:32pm

Subject: #REZ-26-0003 | New Task - Schedule Future Workflows (Looking Glass Realty LLC) (Hendersonville Hwy Pisgah Forest NC 28768)

To: Emily Brewer

**Record Submitted**

May 7, 2026, 2:32pm

Jason Shepherd submitted the application with company Looking Glass Realty LLC.

**Email**

May 4, 2026, 1:30pm

Subject: #4881 | Reminder: Unsubmitted Draft Application (Map Amendment - Base District Rezoning) (Jason Shepherd) (TBD Hendersonville Hwy Pisgah Forest NC 28768)

To: Jason Shepherd

**Email**

April 27, 2026, 1:30pm

Subject: #4881 | Reminder: Unsubmitted Draft Application (Map Amendment - Base District Rezoning) (Jason Shepherd) (TBD Hendersonville Hwy Pisgah Forest NC 28768)

To: Jason Shepherd

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH  
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD  
FOR MAP AMENDMENT #REZ-26-0003**

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

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

Comprehensive Land Use Plan

**Recommendation Land Use & Housing – 10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.

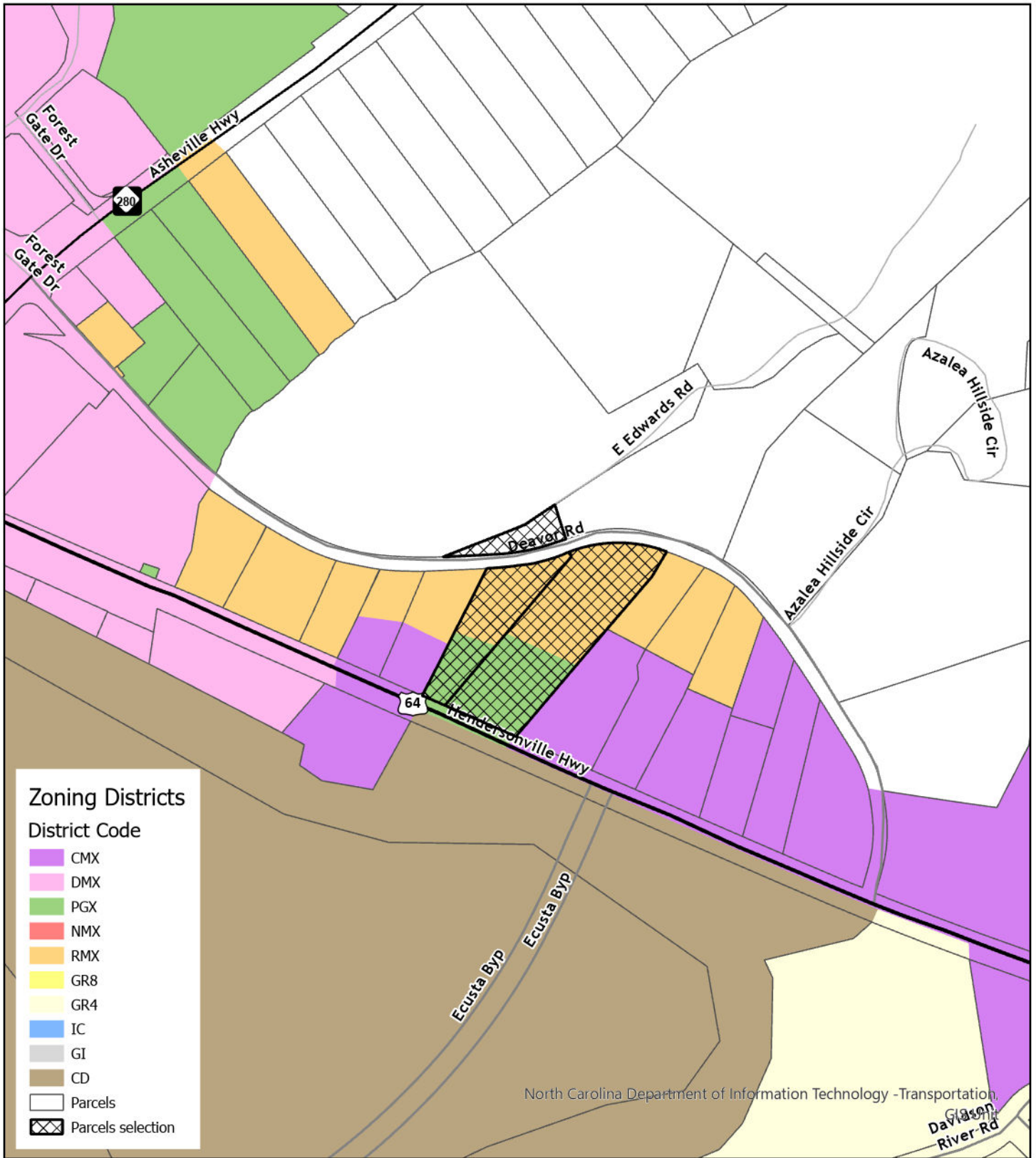
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*NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.*

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

- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing the existing district with a more context-sensitive district.
- The rezoning will eliminate the confusion of split zoning.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCODT R-5799 intersection improvement project.
- The rezoning is consistent with the above element of the Comprehensive Land Use Plan.
- The rezoning is consistent with the Future Land Use Map, as amended by Ordinance 2025-04.

# Rezoning #REZ-26-0003 Exhibit A



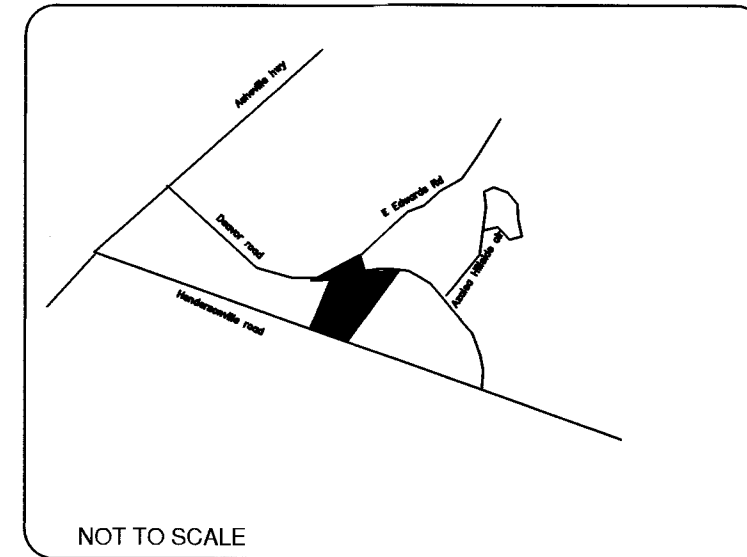
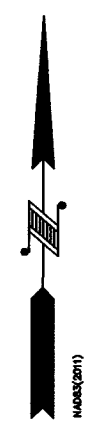
This map was prepared by the City of Brevard Planning Department.

The information depicted is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.



26, 123

Plot file 26 slide 123



I, Fulton V. Clinkscales, Jr., certify that this plat was drawn under my supervision from an actual survey performed under my supervision (deed description recorded in Book 930, page 698, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 930, page 698; that the ratio of precision as calculated is 1:10,000; that the Global Positioning System (GPS) survey and the following information was used to perform the GNSS survey:

Class of survey: A  
 Positional accuracy: 0.05'  
 Type of GPS field procedure: RTK  
 Dates of survey:  
 Datum/Epoch: NAD83(2011)  
 Published/Fixed-control use: VRS  
 Geoid model: 2018  
 Combined grid factor(s): 0.99990249  
 Units: US Survey Feet

This plat was prepared in accordance with G.S. 47-30 as amended

G.S. 47-30(f)(11)(d) This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

*F.V. Clinkscales, Jr.*  
 Fulton V. Clinkscales, Jr.  
 L-2614

I hereby certify that the subdivision plat shown is exempt from the subdivision provisions of the Brevard Unified Development Ordinance. The plat has been found to comply with the zoning regulations of the Brevard Unified Development Ordinance, and has been approved by the City of Brevard for recording in the Office of the Register of Deeds of Transylvania County, provided that this plat is recorded within thirty (30) days of the date of my signature below.

*Paul C. Ray* 5/7/2026  
 Review Officer Date

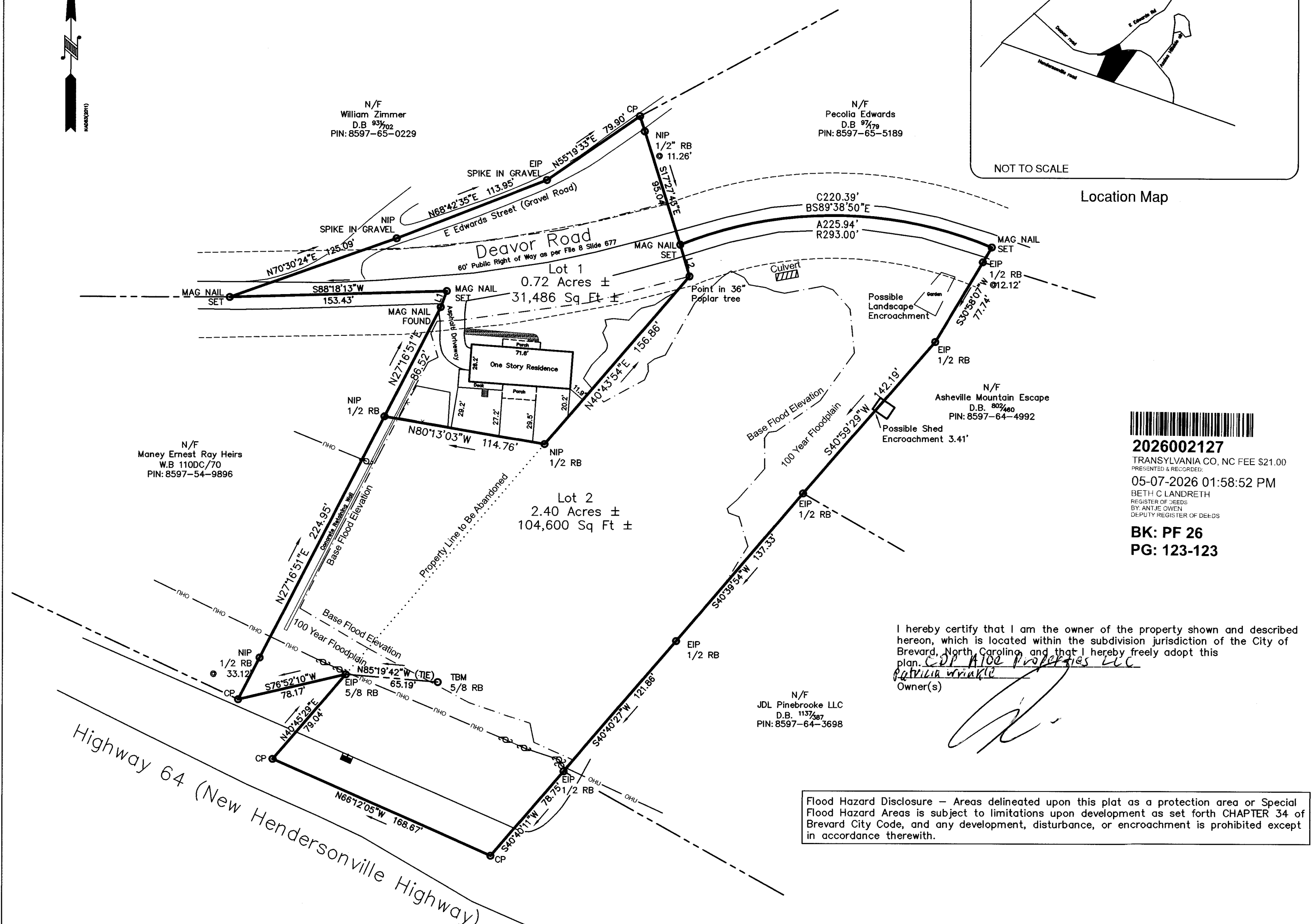
Filed and recorded in the Register of Deeds Office for Transylvania County, N.C. this \_\_\_\_\_ day of April, 2025 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in Slide \_\_\_\_\_

Register of Deeds

State of North Carolina  
 Transylvania County

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

*Paul C. Ray* 5/7/2026  
 Review Officer Date



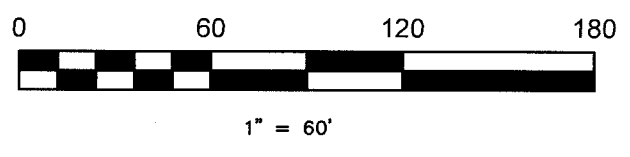
**2026002127**  
 TRANSYLVANIA CO, NC FEE \$21.00  
 PRESENTED & RECORDED:  
 05-07-2026 01:58:52 PM  
 BETH C LANDRETH  
 REGISTER OF DEEDS  
 BY: ANTJE OWEN  
 DEPUTY REGISTER OF DEEDS

**BK: PF 26**  
**PG: 123-123**

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the City of Brevard, North Carolina, and that I hereby freely adopt this plan. CDP Aloe Properties LLC  
*Paul C. Ray*  
 Owner(s)

Flood Hazard Disclosure - Areas delineated upon this plat as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth CHAPTER 34 of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith.

- NOTES:
- 1) The Basis of Bearings for this survey is NAD83(2011)
  - 2) Surveyor was not provided with a legal title search. There may exist easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts pertinent to this property that an accurate and current title search may disclose that are not shown on this plat.
  - 3) No underground utilities were located. Call before NCB11 before digging.
  - 4) All buildings, surface and subsurface improvements on and adjacent to the site are not necessarily shown. Subsurface and environmental conditions were not surveyed or considered as part of this survey.
  - 5) Area by coordinate computation.
  - 6) All distances are horizontal ground distances in US Survey Feet, unless otherwise noted.
  - 7) Portion of Subject Property is located within an area having a Zone Designation "AE" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 3700859700J, with a date of identification of 10/02/2009.
  - 8) Flood Plain shown on drawing is taken from LOMR-F Property Map by Epps Engineering Associates project number 15022 dated 01/13/16
  - 9) Portion of Subject Property Zoned Residential Mixed Use  
 Front Setback - 10'  
 Side Setback - 6'  
 Rear Setback - 25'
- Portion of Subject Property Zoned Pisgah Gateway Mixed Use  
 Front Setback - 15'  
 Side Setback - 6'  
 Rear Setback - 10'



LINE	BEARING	DISTANCE
L1	N20°38'48"E	12.07'
L2	S16°30'47"E	23.15'

**LEGEND:**

- NIP NEW IRON PIN (1/2" REBAR)
- EIP EXISTING IRON PIN
- CP CALCULATED POINT
- D.B. DEED BOOK
- P.B. PLAT BOOK
- Pg. PAGE
- PIN PROPERTY IDENTIFICATION NUMBER
- OT OPEN TOP PIPE
- RB REBAR
- R/W RIGHT OF WAY
- PIN PROPERTY IDENTIFICATION NUMBER
- OT OPEN TOP PIPE
- PROPERTY BOUNDARY LINE
- - - ADJOINING PROPERTY LINE
- - - OLD LOT LINE (TO BE REMOVED)
- - - ROAD RIGHT OF WAY LINE
- - - EASEMENT LINE

**Recombination Plat**  
**CDP Aloe Properties LLC**  
**(Owner)**  
**240 Deavor Road**  
**Brevard Township**  
**Transylvania County**  
**State of North Carolina**



FREELAND - CLINKSCALES & ASSOCIATES, INC. of NC  
 Engineers \* Land Surveyors  
 201 2nd AVE. EAST  
 HENDERSONVILLE, N.C. 28792  
 (828) 697-6539  
 info@caotnc.com

REF. PLAT BOOK	---
REF. DEED BOOK	930/698
TAX MAP	8597-64-2864 & 8597-64-1942
PARTY CHIEF	ACL
DRAWN	ACL
DATE	May 5, 2026
DWG. NO.	H46037

RLS: F. V. CLINKSCALES, JR., P.E.  
 NO: L-2614 Firm No. C-1562