AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, August 25, 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. Planning Board Draft Minutes — 06.23.2026

VI. Unfinished Business

a. TXT-26-0007 - Building Height

VII. New Business

a. TXT-26-0008 - Parking Standards

VIII. Remarks

IX. Adjourn

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Agenda Posted, Website (08/18/2026)
V. Gass, Clerk to the Board

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

MINUTES
BREVARD PLANNING BOARD
June 23rd, 2026
COUNCIL CHAMBERS CITY HALL

The Brevard Planning Board met for a regular meeting Tuesday, June 23rd, 2026, at 5:30 PM in the Council Chambers at City Hall.

Members' Present:	Greg Hunter, Chair Karen Darity Reid Wood Jerry Yunker Alan Mercaldo Michael Hinds
Members' Absent:	Peter Chaveas
Staff Present:	Emily Brewer, Senior Planner Paul Ray, Planning Director Stephanie Holland, Planner Vith Gass, Board Clerk

I. Welcome

At 5:32PM, 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

R. Wood made a motion to approve the agenda. K. Darity seconded, unanimously carried.

V. Approval of Minutes

G. Hunter motioned to approve the May minutes. A. Mercaldo, second, passed unanimously.

VI. Public Comments

None.

VII. Unfinished Business

None.

VIII. New Business

a. TXT-26-0006 – Fats, Oil and Grease (FOG)

E. Brewer immediately introduced a proposed text amendment aimed at regulating Fats, Oils, and Grease (FOG) and presented her staff report, a portion of which follows:

> **Background & Discussion**
>
> FOG stands for fats, oils, and grease (e.g., meat fats, shortening, lard, cooking oils). These substances have the potential to cause clogs in the sanitary sewer/wastewater collection system, leading to sewer back-ups and sanitary sewer overflows. Most FOG is non-soluble, meaning it does not dissolve in water. FOG and other pollutants, including "flushable" wipes (which are not actually flushable), build up in the wastewater collection system, causing costly blockages and environmental degradation. Under North Carolina Division of Water Resources regulations, all municipalities operating a wastewater collection system are required to implement and enforce a Fats, Oils, and Grease (FOG) Program to protect public health and the environment. The City is currently developing a robust FOG reduction program to be implemented and monitored by wastewater treatment plant operators. These policy changes are underway and will live in the sewer usage regulations in the Code of Ordinances. As such, they do not need to be reviewed by the Planning Board. However, the UDO needs to be amended to include FOG program compliance as a required submittal in the development process. The proposed change is included as Attachment 1.
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> Addressing policy alignment, E. Brewer explained that because FOG programs and wastewater treatment operations are not addressed in the City's Comprehensive Land Use Plan, the amendment is technically neutral, neither consistent nor inconsistent with current adopted plans. She emphasized, however, that a FOG enforcement program is an explicit state law requirement, and amending the development regulations is a necessary step to bring the City into full legal compliance.

Following the delivery of the staff report, A. Mercaldo asked for clarification on whether the written regulations were complete. E. Brewer confirmed that no formal monitoring or enforcement mechanism exists yet, though the city does currently utilize an educational component. She emphasized that a full enforcement program is a new requirement under state law, which is why the comprehensive policy is currently under review. Brewer

explained that this minor, single-line amendment is a necessary step to pave the way for a much larger text amendment that will eventually live in the code of ordinances.

A. Mercaldo then clarified that the Board's role is purely procedural—giving a recommendation to reference a framework that is still being built—and noted that City Council would not officially act to adopt it as a whole until the Chapter 70 updates are entirely finished, with which Brewer agreed.

A. Mercaldo made a motion to adopt as written. The motion was seconded by M. Hinds and passed unanimously.

b. TXT-26-0007 Building Height

Emily Brewer introduced the agenda item as an ongoing work in progress intended for open, informal discussion. She clarified that staff have not yet prepared a final proposal; instead, the session's purpose is to evaluate the advantages and disadvantages of various complex building height measurement methods. Brewer concluded by inviting continuous questions and feedback from the Board throughout the presentation.

E. Brewer delivered the staff report. An excerpt of the presentation follows:

> **Background:** Building height regulations play a critical role in shaping the scale and character of development and ensuring compatibility with surrounding properties. While height limits are commonly expressed as a maximum number of feet, the method used to calculate height can significantly affect the actual appearance and visual impact of a building, particularly in communities with varied topography. In mountainous areas, slopes can result in buildings that comply with a numerical height limit but appear substantially taller when viewed from lower elevations, adjacent properties, or public rights-of-way. Traditional height measurement methods may also lead to extensive grading or allow large, exposed walls that alter the natural landscape and community character. As development and redevelopment continue to occur on sites with varying terrain, it is important to evaluate whether the City's current approach to measuring building height adequately reflects the unique conditions present in the region. Alternative methods used by mountain communities often incorporate measurements from natural grade or limitations on exposed wall height to better address the visual impacts of development on sloping sites.
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> **Case Studies and Illustrations:** E. Brewer detailed that building height regulations depend on linear height, ground-level elevation, and specific roof measurement

points, with sloped lots posing the greatest challenge to fair calculations. Current local ordinances define maximum height as the distance from the highest adjacent grade to the eave, parapet, or deck line, capping it at 35 feet in most districts and 50 feet in specific zones. Read the full analysis at Raleigh City Planning.

E. Brewer outlined that current steep slope regulations, which restrict height based on pre-development grades over 35%, fail to address the visual impact of structures from the downhill side. These regulations are limited to specific elevations, failing to regulate the perceived scale and roof design of buildings on slopes located elsewhere in town. To address these issues, a uniform slope-height calculation method and updated roof-type framework are needed for consistent enforcement.

S. Holland noted a potential conflict where mandated minimum roof pitches increase building height, which, if combined with measuring height to the ridge, places an unintended burden on development scale. Holland advised that forcing steeper roof pitches while strictly regulating ridge height requires careful coordination to avoid contradictory regulations. To proceed, consider integrating this analysis into a staff report or as part of a formal ordinance amendment discussion.

E. Brewer reframed the issue as an opportunity rather than a challenge. She emphasized the importance of aligning the building height regulations with the town's new architectural standards**.** Because elements like scale, proportion, setting, and form dictate a building's overall impact, she urged the board to integrate both frameworks into a cohesive policy.

R. Wood asked for clarification on whether the regulations apply to all roof pitches or just the main roof**.** S. Holland clarified that the ordinance makes a distinction, applying specific standards to the main roof while providing different allowances for secondary structures like dormers or shed roofs.

E. Brewer noted that updating the building height ordinance allows the town to overhaul historically ineffective developer incentives. By fixing the flawed calculation framework that previously made height bonuses unappealing, the town can introduce effective density and height bonuses to successfully encourage affordable housing and community development.

A. Mercaldo asked for clarification on whether the intent was to disincentivize high roofs. E. Brewer clarified that the goal is instead to use building height as an incentive for other public benefits. She explained that developers could receive a height allowance increase in exchange for providing affordable housing or exceeding open space requirements. R. Wood added that increased height also allows developers to build more units, which Brewer confirmed.

E. Brewer emphasized that building height limits require a balance between preserving community scale and allowing the density needed on a dwindling land supply. While strict rules artificially shrink building sizes—harming housing and commercial inventory—flexible height regulations can actually reduce grading and site disturbance on steep slopes. Brewer concluded that the initiative aims to uphold local architectural standards without creating administrative barriers on Brevard's unique, sloped terrain.

M. Hinds asked if the minimum height rules were intended to optimize local density. S. Holland clarified that while certain building types lack a strict minimum height, they do require a minimum number of stories. This standard ensures proper density and urban form in downtown and downtown-transition zones. Additionally, Holland explained that the minimum roof pitch requirements are purely aesthetic, meant to promote a traditional architectural look rather than low-sloped, modern styles.

E. Brewer and M. Hinds highlighted that public engagement for Brevard's architectural standards focused heavily on preserving the town's distinct visual identity. Because different areas require specific roof pitches to reflect local history—such as flat parapets downtown versus sloped roofs elsewhere—roof pitch was integrated as a critical design requirement rather than a tool to regulate density or color.

E. Brewer explained that downtown density requirements necessitate at least two stories, with a focus on form-based architectural standards rather than strict density. Using a comparative example between Virginia Beach and Norfolk, Virginia, she demonstrated how different regulatory methods for measuring building height from the lowest adjacent grade versus the front door to the roof midpoint can yield varied outcomes despite similar structural designs.

E. Brewer stated that current standards inadequately address diverse, modern roof designs, necessitating an ordinance update. She proposed a standardized, visual measurement method for various roof types—including flat, hip, gabled, and mansard—to ensure consistent building scale and improved regulatory accuracy. You can read the full analysis at E. Brewer's presentation.

G. Hunter requested clarification from S. Holland regarding the definition of "coping" and whether it is identical to a parapet wall. Holland clarified that coping specifically refers to the top cap or protective covering of a parapet wall.

E. Brewer noted that, across other cities, measuring from the base of the parapet (the roofline) is more common than measuring from the top of the parapet wall.

J. Yunker observed that, based on the illustrated diagram, hip and mansard roof designs would theoretically provide less usable interior space relative to the other three configurations. He raised concerns regarding the potential for the proposed regulations to become excessively complex, an assessment with which E. Brewer concurred.

E. Brewer introduced a 10-slide visual progression utilizing a baseline structure on a sloped parcel to illustrate variations among height calculation methodologies. Brewer emphasized that the exact locus of measurement on a roof structure represents a critical regulatory variable. She noted that while Brevard's current framework utilizes an eave calculation, most jurisdictions employ the midpoint of a sloped roof. Utilizing a baseline reference height of 35 feet—and noting a 50-foot allowance in alternative zoning districts—Brewer advised that numerical height limits may require reevaluation contingent upon the chosen methodology. She concluded that calculating height from the average finished grade to the roof midpoint is a widely accepted standard that remains simple to administer.

E. Brewer reviewed various baseline reference grade methods and their practical impacts on sloped terrain. She noted that Brevard's current framework—measuring from the highest adjacent grade to the eave - is uniquely restrictive and virtually nonexistent in other jurisdictions. Brewer contrasted this with other standard methodologies:

- *Lowest Adjacent Grade:* Measures the lowest point among the midpoints of each building facade. This method significantly restricts down-slope development and risk encouraging excessive site grading.

- *Midpoint of Highest and Lowest Grades:* Offers a balanced compromise between design flexibility and visual impact. It is easy to calculate for commercial or multi-family projects requiring formal plan reviews but poses administrative challenges for single-family homes where detailed grading plans are typically not required.

- *Exposed Wall Height:* Sets a strict cap (e.g., 30 feet) on any single facade to prevent towering, exposed walls on downward slopes.

- *Story-Based Calculations:* Focuses on the number of floors rather than total feet, though this approach would require precise definitions determining when basements or attics qualify as full or half stories.

E. Brewer highlighted a hybrid approach used by some Western North Carolina jurisdictions, such as Buncombe County.

E. Brewer stated that pairing an overall height allowance with an exposed wall height cap prevents massive, looming facades on downward slopes while enabling creative, terraced designs that step down with the natural topography. She suggested that the board will likely need to adopt a hybrid regulatory framework.

E. Brewer outlined two primary paths forward for the amendment:

1. *The Simplified Approach:* Modify the specific measurement points within the town's existing framework while fully maintaining Brevard's strict steep slope protections.

2. *The Hybrid Approach:* Implement a multi-layered calculation that sets a total building height limit alongside strict maximum exposed wall heights or story counts to control structural bulk and encourage architectural massing variations.

E. Brewer concluded by reminding the board that because Brevard's current regulations exclude roof height, transitioning to a midpoint calculation method would effectively reduce allowed building volumes. For example, if a standard roof adds 10 feet to a structure, measuring to the midpoint reduces a building's functional envelope by 5 feet. Consequently, the town must adjust its numerical height limits dynamically to avoid inadvertently shrinking future developments. She concluded by noting that height bonuses could serve as a valuable future development incentive and opened the floor for board discussion on the presented regulatory directions.

Following to E. Brewer's presentation, M. Hinds noted that managing building height on steep terrain presents unique challenges, citing local developments where structures on sloped parcels exhibit compliant front elevations but feature excessively tall, exposed walls on rear and side elevations. Brewer concurred, adding that regulatory efforts are significantly constrained by North Carolina land-use statutes. Under state law, municipalities are legally preempted from enforcing architectural or design standards on residential structures containing four units or fewer (single-family, duplex, triplex, and quadplex). As a result, Brewer emphasized that building height metrics represent the town's sole statutory mechanism for regulating structural mass and bulk within low-density residential zoning districts.

G. Hunter noted that the proposed hybrid model conforms with the board's prior consensus regarding terraced architectural configurations. Citing Jailhouse Hill as a localized case, Hunter stated that a terraced framework successfully mitigates the visual impact of

expansive, monolithic building facades on the streetscape, yielding a more compatible aesthetic scale. E. Brewer concurred, noting that the primary intent of the steep slope framework remains the minimization of site and natural grade disturbance. Brewer recommended utilizing finished grade metrics rather than pre-development natural grade calculations, specifically for developments situated below the 2,250-foot elevation threshold, to optimize administrative efficiency. She concluded that while the current height plane was originally calibrated to mirror natural topography, transitioning to finished grade standards provides a more enforceable administrative framework.

G. Hunter inquired about the scope of the proposed height restrictions, asking how much residential property would be impacted and if the affected areas would primarily be located on the north side of town. E. Brewer clarified that, realistically, very few residential properties would be impacted by the changes.

S. Holland asserted that the distinction would matter in the case of townhomes; while they are regulated under the single-family framework, they would be subject to these specific standards.

K. Darity requested clarification regarding irregular residential lots, inquiring if future single-family developments would be subject to a definitive height limitation framework. E. Brewer confirmed that managing these specific configurations is the primary objective of the proposed ordinance update. Brewer explained that because North Carolina statutory provisions preempt local governments from enforcing architectural design standards on lower-density configurations (single-family, duplex, triplex, and quadplex), height measurement parameters represent the town's sole legal mechanism to regulate structural bulk and scale.

E. Brewer noted that while baseline limits fluctuate by zoning district - including a 35-foot maximum in the General Residential district—a staff evaluation of a steep, irregular parcel revealed that the down-slope elevation variance was restricted to approximately five feet. She stated that while the lower facade of the structure measured between 35 and 40 feet, the minimal deviation underscores how the scale and slope of an exposed wall can profoundly impact a neighborhood's architectural character without necessitating expansive structural changes.

J. Yunker inquired about the case study’s roof pitch and any potential impacts on fire department operations. E. Brewer clarified the structure features a minimal pitch and confirmed that public safety officials consider the height changes an operational non-event due to their 100-foot ladder capabilities. Furthermore, S. Holland noted that the fire

department views road access and hydrant placement as far more critical operational constraints than vertical building height.

A. Mercaldo emphasized that height regulations should prioritize a development's public visual impact over technical formulas. He voiced concerns that tall, high-density structures at high elevations conflict with community character, and he endorsed a hybrid framework combining exposed wall height caps with terraced designs to prevent out-of-scale development on slopes.

R. Wood advised that height regulations must evaluate all structural elevations, cautioning against the assumption that a facade will remain permanently hidden. He noted that future demolition or site modifications on neighboring parcels could unexpectedly expose previously obscured walls, making it critical for the ordinance to account for visual impacts on all sides of a building.

P. Ray commented that the primary objective should be regulating the height and scale of expansive, blank walls. Both A. Mercaldo and R. Wood concurred with this assessment.

G. Hunter observed that the hybrid approach aligns with current slope frameworks and recalled that the standard 35-foot height cap was historically tied to the local courthouse eave line. He questioned whether the town should raise this baseline or introduce height incentives. P. Ray clarified that the 35-foot restriction is standard across all zone districts except for the Business Mixed-Use (BMX) district, which maintains a 50-foot allowance.

A. Mercaldo inquired if a variance was required for the hotel development due to its roof design, noting a public rumor regarding the proposed rooftop structure. P. Ray clarified that the rumor likely stemmed from a past variance granted to the French Broad Place building. Ray explained that the town measured heights differently at that time, and a variance was ultimately approved because the developer added an ornamental rooftop feature that exceeded the district's 50-foot height limit.

A. Mercaldo asked whether church steeples are exempt from the standard height regulations. E. Brewer confirmed that they are, noting that under the town's architectural standards, structures like church steeples and towers are permitted to exceed standard height allowances by a specific margin and are excluded from overall building height calculations.

G. Hunter inquired about the specific height parameters required to incentivize developers within 50-foot commercial zones. E. Brewer noted that because current height caps are not overly restrictive, local developers have never requested height bonuses. S. Holland clarified that if updated measurement methods inadvertently reduce allowable building envelopes

town-wide, a bonus framework should be introduced to allow developers to regain that lost capacity. Brewer added that while height is an industry-standard incentive used by other municipalities to secure community benefits like affordable housing, it remains a purely proactive consideration for Brevard's future ordinance updates.

G. Hunter brought the discussion back to the maximum exposed wall height, noting that under a hybrid model, it could reach up to 50 feet. E. Brewer responded by comparing this to a 35-foot example, which she noted is common across Western North Carolina outside of downtown areas. She proposed capping the maximum exposed wall height at 25 or 30 feet. Brewer explained that on flat sites, the exposed wall height is the actual limiting factor rather than the building height. By setting the limit to 25 or 30 feet, the regulation would successfully prompt architecturally be terracing and scaling on sloped sites, without artificially reducing the allowed building mass on flat sites.

A. Mercaldo opened the discussion by questioning the need to alter the current numbers, arguing that changes should not be made unless past instances have shown the existing figures to be problematic. E. Brewer offered a caveat, explaining that if the underlying calculation method changes, keeping the same numbers would significantly alter the real-world results. S. Holland supported this reasoning, pointing out that changing the definitions of the roof or what is being measured provides a valid reason to adjust the numbers. Brewer further illustrated this by noting that switching the measurement point from the roof eave to the midpoint of a sloped roof would naturally change the outcomes. It might not be a huge difference, but it could be a couple of feet. Because we are now counting part of the roof, maybe the number should be bumped up to 40 feet instead. That is an example of why we might want to tweak the numbers, especially if we start to alter these other definitions.

A. Mercaldo advocates for using simple, fixed points rather than complex, arbitrary averages to determine building heights, aiming to benefit both developers and the public. While E. Brewer agrees on seeking simplicity, she notes that while midpoints pose a greater challenge for residential development, they are manageable within the context of comprehensive commercial project plans.

G. Hunter and A. Mercaldo agree that measuring strictly from the eaves while allowing steeper roof pitches can create overly massive visual structures. To prevent this unwanted bulk without increasing height limits, Hunter suggests transitioning to measuring building height from the midpoint or the top of the roof.

R. Wood supports using the roof midpoint because it aligns with standard jurisdiction practices and fairly accounts for varying roof slopes. A. Mercaldo agrees that measuring a midpoint is simpler than calculating an average slope, while Wood notes that eave

measurements fail to capture the massive structural differences between steep and shallow roof pitches.

R. Wood endorsed the roof midpoint standard, noting its widespread use in other jurisdictions and ARB submittals as an effective way to account for varying slopes. A. Mercaldo observed that midpoint calculations are less complex than determining average slopes. Wood and Holland emphasized the impact on residential development, noting that eave-only measurements ignore the roof structure entirely. They highlighted that a steep 14:12 pitch can add a full story or story-and-a-half to a home's actual mass compared to a shallow 3:12 pitch.

J. Yunker suggested an alternative regulatory approach: utilizing a standardized ratio for the maximum exposed wall height rather than fixed footage limits like 25 or 30 feet. Yunker argued that a ratio (e.g., two-thirds or three-quarters) would introduce built-in flexibility and ensure the standard is perfectly scalable regardless of the building's overall size. By applying this consistent ratio to both the uphill and downhill slopes, the regulation would naturally preserve the same visual effect without bogging developers down in rigid number limits. E. Brewer supported this strategy, confirming it was an excellent idea to consider.

P. Ray shared a real-world example involving the City Camper project to illustrate that the current ordinance is broken. He noted that due to the lot's slope and the current calculation method, a planned four-story building was technically measured as being only eight feet tall. Ray also expressed interest in J. Yunker's proposed ratio approach, characterizing it as a flexible and interesting idea.

E. Brewer asked the committee for input on how to determine the reference elevation, noting the shared desire for an easily calculable method.

A. Mercaldo suggested utilizing the roof's midpoint on the lower side of the building. J. Yunker pointed out a vulnerability with using absolutely lowest or highest-grade points, explaining that developers can easily manipulate site designs to work around them. In contrast, Yunker noted that an average grade forces a design to truly fit the natural terrain. M. Hinds connected this back to the ratio concept, explaining that the ratio model requires a solid, fixed baseline to work properly. Hinds warned that an average grade could cause the ratio to fluctuate wildly between the front and back elevations, whereas pairing the ratio with a roof midpoint provides the stable, fixed baseline necessary to make the system function correctly.

A. Mercaldo clarified whether the "average grade" pertains strictly to the immediate structure itself rather than the broader lot or topography. He asked if the calculation only evaluates the adjacent grade between a building's opposing walls.

E. Brewer confirmed that it is always relative to the structure. She outlined a few standard compliance methods:

- *The Site Plan Method:* Averaging the individual elevations taken from the midpoints of each of the building's footprint lines to map a mathematical plane.

- *The Split Midpoint Method:* Locating a single midpoint between the highest and lowest adjacent grades, which is often simpler to calculate.

E. Brewer pointed out that while multiple methodologies exist, jurisdictions rarely rely on standalone highest or lowest grades. Using average or midpoint systems relative to the building footprint is standard practice.

G. Hunter compared the data requirements of the two calculation methods. He noted that an average grade requires at least four data points, providing a more accurate assessment than a midpoint, which only requires two and while analyzing that the averaging method would result in a significantly more complicated submittal process for single-family homeowners.

E. Brewer explained that a complex calculation method is feasible for steep slope developments because these projects are already subject to rigorous plan submittal requirements. She noted that it is much easier for staff to process complicated data within the framework of a commercial or steep slope application. The primary concern she reiterated arises when applying these complex standards to straightforward residential projects—such as an individual landowner looking to build a single house without the infrastructure of a large-scale development team.

G. Hunter proposed a dual standard to address the complexity issue, suggesting that the ordinance could require an average elevation calculation for commercial projects while utilizing a simpler midpoint calculation for residential developments. E. Brewer noted that while she has not personally seen the two sectors separated in this manner, it is a viable option. She supported the approach, confirming that it logically aligns regulatory standards with the existing submittal paperwork applicants are already preparing, thereby preventing any new administrative burdens for single-family homebuilders.

E. Brewer summarized the overarching direction of the committee, noting a shared consensus that the updated ordinance must effectively regulate building bulk and scale. She observed that the board favors moving away from standalone metrics like the highest adjacent grade, leaning instead toward a hybrid framework that utilizes midpoints or averages to actively manage structural mass alongside traditional height limits. Both A. Mercaldo and J. Yunker affirmed that this summary accurately captured the core intent and direction of their conversation.

IX. Final Remarks

M. Hinds closed the session on a lighter note, joking that the July recess effectively grants the board a 60-day window to deliberate on the complexities of the issue. Following laughter from the room, A. Mercaldo shared that he intends to drive around town during the break to visually gauge existing structures and evaluate how a 35-foot standard paired with a midpoint calculation would translate in practice. R. Wood added a final word of support for the ratio concept, calling it a highly innovative approach. Finally, K. Darity underscored the discussion by emphasizing the vital structural and administrative differences that must be maintained between residential and commercial frameworks.

X. Adjournment

The meeting concluded following a motion to adjourn from A. Mercaldo, which was seconded by R. Wood. The meeting officially adjourned at 6:35 PM.

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Greg Hunter, Chair

Date Signed: _____

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Edievith Gass, Board Clerk

DRAFT

CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

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.
7. Stormwater management concept plan in accordance with Section 17.13.
8. Fats, oils, and grease (FOG) control plan in accordance with CHAPTER 70 of Brevard City Code of Ordinances.

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.

COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS TXT-26-0006

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 to the City's zoning regulations is **neither consistent nor inconsistent** with the City's adopted plans and policies, including the Building Brevard 2030 Comprehensive Land Use Plan.

STAFF REPORT
Planning Board, Tuesday, August 25, 2026

Title:	TXT-26-0007 - Building Height
Speaker:	Emily Brewer, AICP, Senior Planner
Prepared by:	Emily Brewer, Senior Planner
Approved by:	Paul Ray, Planning Director

Background

Building height regulations are a balancing act between protecting community character and scale and promoting appropriate density and development. Building height can have a significant effect on the character of the City's neighborhoods, commercial areas, and downtown, but overly restrictive height standards can also limit housing opportunities, constrain redevelopment, and result in greater site disturbance when development is forced to spread horizontally rather than vertically.

The existing regulations measure building height from the highest adjacent grade to the eave of the roof. This can result in buildings that technically comply with the maximum height standards while still presenting substantial exposed walls, especially on sloping sites. The proposed amendments address this issue by using a combination of story height, overall building height and exposed wall height.

This is a staff-initiated text amendment to revise the City's approach to regulating building height by establishing a more predictable, context-sensitive method that distinguishes between smaller buildings and taller structures. The amendments are intended to address concerns about building scale, visual bulk, and development on sloping sites and improve the procedures for clear and objective application.

At the June meeting, Staff held a work session with Planning Board and discussed different approaches to measuring building height and balancing these competing priorities.

Discussion

The proposed amendments establish two regulatory approaches based on the number of stories:

- **Buildings of One or Two Stories:** One- and two-story buildings would be regulated primarily through a maximum number of stories and a 14-foot maximum story height. This provides a straightforward standard for smaller-scale development without requiring applicants to perform the more detailed grade and exposed wall calculations applicable to taller buildings.
- **Buildings of Three or More Stories:** Buildings containing three or more stories would be subject to additional maximum building height and maximum exposed wall height standards. Building height would be calculated from the average finished grade to a defined roof measurement point, and applicants would be

required to provide building elevations demonstrating compliance with both standards.

By distinguishing between building types and applying more detailed review only where necessary, the amendment reduces unnecessary complexity for smaller projects while providing stronger oversight for taller buildings where visual and contextual impacts are greater.

For buildings with three or more stories, the measurement points are further defined and better account for the architectural features of a building and the topography of the area. In the current regulations, the reference elevation from which building height is measure was the highest adjacent grade or 10 feet higher than the lowest adjacent grade, whichever is less. The proposed amendments modify that to account for the elevation of the entire building pad by taking an average of the finished grade to determine the reference elevation to measure from. Furthermore, the calculation method is clearly identified in the ordinance language to ensure this is clearly defined and consistently applied. Building height is then measured from the reference elevation to top of the building. The current ordinance defines this as the roofline — the parapet of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. This does not account for the impact of different types of roofs on the bulk of a structure. The proposed amendments incorporate the roof into the calculation. Staff has proposed increasing the maximum building height by 5 feet in each zoning district to account for the change in measurement.

Overall, the amendments are a shift from a single-dimensional height limit that can be manipulated to a more comprehensive approach that considers how buildings are perceived in the development context. They balance the need to protect community character and scale with opportunities for housing, redevelopment, and economic growth, especially in downtown and commercial areas. By combining clear measurement standards, topography-sensitive regulations, and targeted controls for taller buildings, the amendments improve predictability for applicants and staff while ensuring that building height and massing better reflect the City’s development goals and the unique conditions of Western North Carolina.

Policy Analysis
These amendments are consistent with the following elements of the Building Brevard 2030 Comprehensive Plan:

- GOAL 2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- LUH-7: Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.
- LUH-8: Evaluate current standards for building height downtown.
- LUH-24: Refine zoning districts and slope regulations in constrained areas.

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 G.S. 160D-604. The BPB shall make one of the following recommendations with regard to a petition to amend the text of a development regulation:

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

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.6. Density and dimensional requirements.

2.6.2. Building height and massing.

A. *Purpose*:

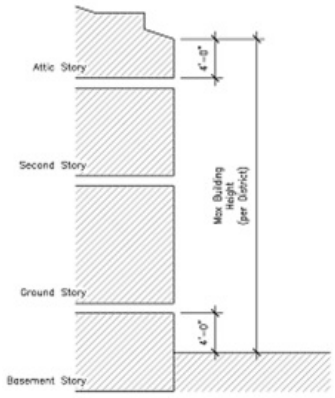
1. The purpose of this section is to regulate building height and massing in a manner that ensures compatibility with surrounding development, limits excessive vertical bulk, encourages variation in building form, and better accommodates development on sloping sites.

B. *Story Height:*

1. A building story shall not exceed 14 feet in height from finished floor to finished floor.
2. Basements that emerge less than 4 6 feet from grade or attics not exceeding 4 6 feet at the knee-wall shall not constitute a story.

2.

FIGURE 2.6.2-A: BUILDING HEIGHT MEASUREMENTFIGURE 2.6.2-A: NUMBER OF STORIES



C. *Buildings of One or Two Stories:*

1. Buildings containing one or two stories shall be regulated by number of stories and the maximum story height.

D. *Buildings of Three or More Stories:*

Commented [EB1]: Do we want a "purpose" statement here?

The purpose of this section is to establish a multi-layered approach to regulating building height and massing. These standards are intended to limit the overall height of buildings, control exposed wall height and structural bulk, limit excessive vertical stacking, encourage variation in building massing, and better accommodate development on sloping sites.

1. Buildings containing three or more stories shall be regulated by the maximum building height and maximum exposed wall height.
2. Building height and massing dimensions vary based on the zoning district.

~~B. ***Maximum building height***. The maximum building height for a structure varies based on zoning district.~~

TABLE 2.6.2-A: MAXIMUM BUILDING HEIGHT BY RIGHT		
District	**Maximum Height by Right**	**Maximum Exposed Wall Height**
GR4	40 feet~~35 feet~~	30 feet
GR8	40 feet~~35 feet~~	35 feet
RMX	40 feet~~35 feet~~	35 feet
NMX	40 feet~~35 feet~~	35 feet
PGX	40 feet~~35 feet~~	35 feet
DMX	55 feet~~50 feet~~	50 feet
CMX	55 feet~~50 feet~~	50 feet
IC	55 feet~~50 feet~~	50 feet
GI	55 feet ~~50 feet~~	50 feet
Note: Projects or development that do not meet the above standards may apply for conditional zoning in accordance with Section 2.1.C.		

Commented [EB2]: Increased all heights by 5 feet to account for building height being measured to the midpoint of the roof

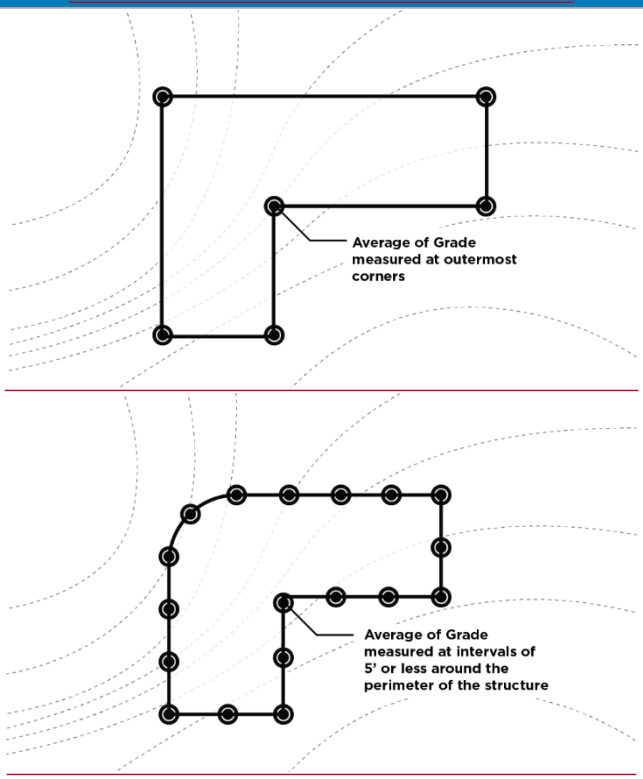
3. ***~~Computation of building height:~~*** "Building height~~"~~ is measured as the vertical distance ~~above a reference elevation measured~~ from the average finished grade plane to the applicable building height measurement point, as established below.
   a. The average grade is determined by measuring the grade at the outermost corners of each elevation of the structure and calculating the average. Alternatively, average grade may be determined by measuring the grade at intervals of five feet or less around the perimeter of the structure and calculating the average.

~~1. The reference elevation shall be selected using the greater of either of the following:~~

~~a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade; or,~~

~~An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection B.1, above is more than 10 feet above the lowest grade.~~

FIGURE 2.6.2-B: CALCULATION OF AVERAGE GRADE



b. The building height measurement point shall be determined based on the type of roof, as follows:

i. ~~to the parapet or roof line of~~ the highest point of the coping or roof deck on a flat roof,

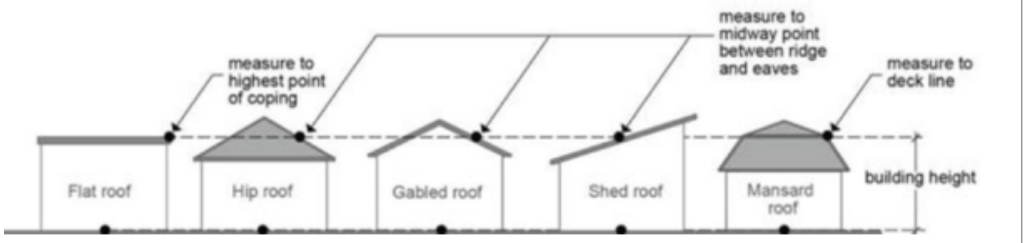
ii. ~~the eave of a pitched roof~~the midpoint between the ridges and eaves on a hip roof, gabled roof, or shed roof, or

iii. the deck line of a mansard roof. ~~The height of a terraced or stepped building is the maximum height of any segment of the building.~~

~~b.~~iv. Where a building incorporates more than one roof form, the applicable measurement point shall be determined for each distinct roof form or building mass. The highest applicable measurement point shall be used to establish the building's overall maximum height.

Commented [EB3]: Image of this too

FIGURE 2.6.2-B: DETERMINATION OF BUILDING HEIGHT MEASUREMENT POINT



~~3. *Items not included in calculation*: The height limitations of this section shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns.~~

4. Exposed wall height shall be measured vertically from the lowest adjacent finished grade of the wall to the building height measurement point for the roof form directly associated with the wall being measured, as established by this section.

~~C. *Maximum story height*.~~

~~1. A building story shall not exceed 14 feet in height from finished floor to finished floor.~~

~~2. Basements that emerge less than 4 feet from grade or attics not exceeding 4 feet at the knee-wall shall not constitute a story.~~

D. *Bulk and massing on sloping sites.*

1. Buildings on sloping sites are encouraged to utilize step-back or terraced building approach to reduce the visual bulk of the structure and site grading.
2. Retaining walls, fill, excavation, or other grading shall not be used to manipulate the average grade plane for purposes of circumventing the maximum building height, exposed wall height, or story requirements.

E. *Exceptions*: The following shall not be subject to the height and massing provisions of this section:

1. Architectural building extensions, such as towers and cupolas; provided they comply with the applicable provisions of Section 5.9.
2. Cases where the administrator waives the development review process, in accordance with Section 16.3; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns. This includes, but is not limited to, flagpoles, water towers, utility poles, and other similar structures.

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-14, § 1(Exh. A), 4-7-25)

CHAPTER 5. ARCHITECTURAL STANDARDS

5.6. General design requirements.

5.6.7. Ground floor finishing height.

A. All buildings with a residential ground floor use shall have a minimum ground floor finished floor height of 24 inches along the front façade to provide adequate privacy and separation from the street.

B. All buildings with non-residential ground floor uses shall have a ground floor finished floor height of 0 inches min to 6 inches max along the front façade.

(Ord. No. 2025-14, § 1(Exh. A), 4-7-25)

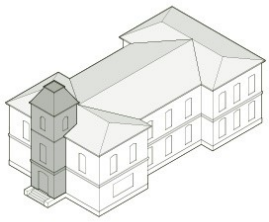
Commented [EB4]: Do we want to change this to 12 inches?

5.9. Building extensions.

5.9.1. Towers.

A. A tower is a portion of a building that is significantly taller than it is wide and projects above the roofline of the rest of the structure. Towers are iconic architectural elements that combine functionality and symbolism to elevate a building's importance against the rest of the city.

FIGURE 5.9.1-A: TOWER ILLUSTRATION



B. *Use.*

1. Towers shall be reserved for civic or institutional structures.

2. With administrative approval, towers may be used, by exception, to hide overruns and other structures protruding from the roofline.

C. *Dimensions*.

1. The footprint of a tower shall be no larger than 20 feet by 20 feet. Circular towers must also fit within this area.
2. Towers can extend up to 20 feet above the maximum building height, as established by Section 2.6.2.

Commented [EB5]: No change - included for reference

D. *Placement*. One or more tower facades shall be located forward of the remaining building façade.

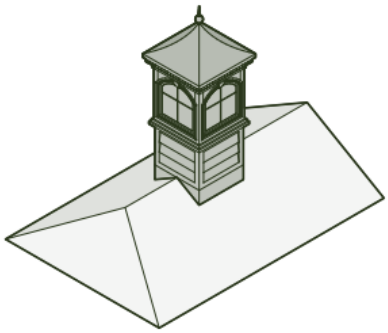
E. *Materials*. Towers shall use same façade and roof materials as the rest of the building (see Architectural Styles).

(Ord. No. 2025-14, § 1(Exh. A), 4-7-25)

5.9.2. Cupolas.

A. Similar to towers, cupolas may also be used to create urban landmarks, though their base begins at the building's roofline, instead of projecting from the façade.

FIGURE 5.9.2-A: CUPOLA ILLUSTRATION



B. *Dimensions*.

1. The footprint of a cupola shall be no larger than 10 feet by 10 feet.
2. Cupolas are limited to square, hexagonal, or octagonal in shape.
3. Cupolas can extend up to 10 feet above the maximum building height, as established by Section 2.6.2.

Commented [EB6]: No change - included for reference

C. *Placement*. Cupolas shall only be placed on the rooftop of a structure.

D. *Materials*. Base and cap materials may differ from rest of building if they conform to selected Architectural Style.

(Ord. No. 2025-14, § 1(Exh. A), 4-7-25)

CHAPTER 6. ENVIRONMENTAL PROTECTION

6.4. Steep slope area requirements.

In accordance with G.S. 160D-703(d), the provisions contained in this section shall apply to all areas within the planning jurisdiction of the City of Brevard that are classified as "moderately steep slope areas" and "steep slope areas". These provisions do not limit or negate the effect of other provisions of this ordinance which may apply to steep slope areas.

A. ***Applicability****:*

1. This section shall apply to any land-disturbing activity, building permit, or any other development proposal on a parcel located at or above 2,250 feet in elevation above mean sea level and with an average slope of 25% or greater.
    a. "Moderately steep slope" areas are defined as those areas with a slope of 25% to 34%.
    b. "Steep slope" areas are defined as those areas with a slope of 35% or greater.
    c. A parcel is considered at or above the elevation if any area within the parcel boundaries is at or above the stated elevation.
2. The provisions in this section are intended to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the community.

B. ***Determining slope*****:** Slope shall be determined in accordance with the methods and procedures contained herein.

1. Prior to commencing any development or land-disturbing activity and prior to issuing any permits and/or other approvals, the calculated slope for the parcel(s) shall be approved by the Planning Department.
    a. Parcels where no portion of the lot is located at or above 2,250 feet in elevation above mean sea level are exempt from this requirement.
    b. Incidental improvements and additions to existing structures, accessory structures less than 1,000 square feet in ground floor area, and interior renovations are exempt from this requirement.
2. Calculations and supporting documentation shall be submitted to the Planning Department for review prior to or in conjunction with the applicable submittals. The administrator shall: (a) request additional information; (b) request revisions to the slope calculation submittal; or (c) issue written concurrence with the determination of slope, as submitted.
    a. Each slope calculation and supporting documentation submitted to the Planning Department for review shall include a scaled map, accurately showing the topography for the entire land tract and the parcel boundaries.
    b. In cases where the applicant or property owner does not agree with the determination made by the administrator, the alternative slope analysis shall be heard and decided on by the Board of Adjustment, following a notice of appeal filed with the City Clerk.
3. Slope shall be determined through use of one of the following methods:
    a. The approved contour interval formula:

FIGURE 6.4-A: SLOPE CONTOUR INTERVAL FORMULA
Slope **(S%)** is equal to the total length **(L)** of contour lines in feet within a given parcel, multiplied by the contour interval **(I)** of said parcel, then multiplied by .0023, divided by the area **(A)** of the parcel. Or, S% = (L x I) .0023 / A
The calculation shall use the smallest contour interval for which maps are available or at a minimum of five-foot intervals. .0023 is the product of two constants, one of which converts feet into acres and one of which converts a decimal fraction into a percentage, the value of .0023 is the percentage of one square foot of one acre.

b. Analysis conducted and sealed by a professional surveyor, engineer, or landscape architect using recognized, industry-accepted methods.

i. The administrator may require slope calculations to be sealed by a professional surveyor, engineer, or landscape architect for projects with over an acre of disturbed area.

4. Slope shall be rounded to the nearest whole number and noted on all development plans required by this ordinance.

5. Areas placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities may be removed from the calculation of parcel slope.

a. The applicant shall provide the legal documentation for permanent protection and a closed perimeter line delineating the revised boundaries for calculating slope.

b. Nothing shall limit the ability of moderately steep slope areas, steep slope areas, conservation easements, or other means of permanent land protections to be included in the total parcel area for the means of calculating density.

C. ***Geotechnical analysis:***

1. Development in steep slope areas shall be required to undergo geotechnical analysis by a registered professional engineer to determine the stability of the underlying geology and soils to support the proposed project. The geotechnical analysis report shall be required to be submitted prior to the issuance of a zoning permit.

2. If a geotechnical analysis has been performed for subdivision approval that includes building pad analysis of the individual lots, it is unnecessary to submit a new analysis for each lot, provided the location of structures on each lot does not change by more than 20 feet in any one direction.

D. ***General standards for development projects with moderately steep slope areas and/or steep slope areas:***

1. Development plans shall be designed to minimize disturbance to the natural landform and should not destroy the visual quality and community character.

a. To the extent possible given topographic and other physical constraints, land disturbance should be confined to portions of the lot not considered to be steep slope areas.

b. Developers shall make reasonable efforts to preserve and protect existing natural features of the slope, such as trees and other plant materials, and rock outcroppings which may help to stabilize the slope.

c. Buildings, parking, and other improvements should be clustered on less steep and less sensitive areas of the site to reduce the amount of grading.

d. Projects are encouraged to demonstrate terrain-adaptive design and construction techniques.

2. Proposed land-disturbing activity shall meet all applicable local and State regulations relating to soil erosion and sedimentation control.
3. Land disturbance shall be limited to the minimum required for building foundations, driveways, stormwater management measures and immediate areas surrounding these elements as required by this ordinance.
   a. With the exception of approved stockpiling or restoration efforts, substantial earth moving beyond that required for the installation or construction of approved buildings, structures, driveways, or stormwater management measures shall not be permitted.
4. When grading is necessary, it should be blended with the natural land form as much as possible. Rigid contouring should be avoided, and contours should be rounded to appear undulating and natural.
5. The approving authority shall have the right to impose such conditions as are necessary to protect public health, safety, and welfare for projects in moderately steep slope or steep slope areas as authorized under the provisions of this section because the minimum standards set forth in this ordinance are insufficient given the exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development.
   a. Such conditions shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety or welfare. Such conditions may, without limitation, pertain to the following:
      i. The retention and planting of vegetation;
      ii. Sedimentation and erosion controls;
      iii. Cut and fill slope design and stabilization;
      iv. The degree of land disturbance;
      The location, form and design of proposed structures and driveways so as to minimize land disturbance and ensure structural integrity; and
      v. The location, form and design of streets and utilities, so as to minimize land disturbance and ensure structural integrity.
   b. The administrator may reduce the required setbacks in accordance with Section 2.7.1 in order to facilitate compliance with this section.

E. ***Conditional zoning districts with steep slope areas:***

1. It is strongly encouraged that any proposed development project containing extensive steep slope areas be considered in accordance with the procedures for conditional zoning districts, which process allows for creative designs that may enhance development potential while achieving the steep slope protection requirements of this section.
2. City Council may allow development on steep slope areas by means of a conditional zoning district. Council may require the clustering of structures and impose any other necessary condition upon the design of the development in order to minimize impacts and uphold the intent of this section.

F. ***Grading extent:***

1. The maximum extent of grading on a property with moderately steep or steep slope areas shall be reduced to support the goals and objectives of this section. This shall be governed by the following table:

TABLE 6.4-A: MAXIMUM GRADING EXTENT BY SLOPE OF PARCEL	
Average Existing Slope	**Maximum Percent of Site Graded**
25% - 29%	70%
30% - 34%	60%
35% - 39%	50%
40% - 44%	35%
45% or greater	20%

2. Additional grading may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.

TABLE 6.4-B: MAXIMUM GRADING EXTENT CREDITS	
Credit	**Conditions**
10%	Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways.
10%	The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities.
10%	Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

3. Additional grading may also be permitted as part of a conditional zoning district.

G. ***Density:***

1. Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. This shall be governed by the following table:

TABLE 6.4-C: MAXIMUM RESIDENTIAL DENSITY BY SLOPE OF PARCEL	
Average Existing Slope	**Residential Density**
35% - 39%	20% reduction of underlying zoning district
40% - 44%	50% reduction of underlying zoning district
45% or greater	70% reduction of underlying zoning district

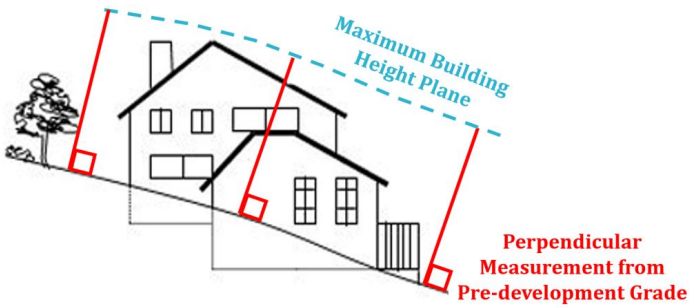
2. Additional density may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.
   a. The maximum residential density shall not exceed the maximum residential density permitted in the underlying zoning district as outlined in Section 2.6, unless such provisions are specified in a conditional zoning district.

TABLE 6.4-D: MAXIMUM RESIDENTIAL DENSITY CREDITS	
Credit	**Conditions**
10%	Grading is limited to 10% of more under the maximum allowed under this section
10%	Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways.
10%	The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities.
10%	Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

~~H. *Building height:*~~

~~1. The maximum height of principal structures in steep slope areas shall be limited to 35 feet measured perpendicular from the pre-development grade to the top of the built structure.~~

~~FIGURE 6.4-B: ILLUSTRATION OF MAXIMUM BUILDING HEIGHT IN STEEP SLOPE AREAS~~



~~2. The property owner is encouraged to utilize step-back or terraced building approach to reduce the visual bulk of the structure.~~

~~3. Accessory structures shall not exceed 15 feet in height on any side.~~

~~4. Applicants shall provide architectural plans and building elevations to demonstrate compliance with this section.~~

~~I.~~H. ***Tree and vegetation preservation:***

1. Landscaping / vegetation preservation plans, in accordance with Section 17.9, shall be required for all development projects on steep slopes to ensure compliance with this section.

2. Plant materials should be used that blend with the hillside. Landscape schemes that are rough, natural, and/or subdued in character are encouraged.
3. All trees and other specified vegetation shall be preserved except in the area approved for grading or within 20 feet of the building footprints.
   a. Non-native or invasive species may be removed.
4. ~~In the event a property owner desires to remove trees and other protected vegetation required to be preserved in this section, they may submit an alternative landscape plan for consideration by the Brevard Planning Board.~~
   ~~a. This alternative landscape plan must contain:~~
      ~~i. a tree survey of the property showing which trees and other protected vegetation will be removed and which will remain;~~
      ~~ii. the location of any structures, driveways, and other impervious surfaces; and~~
      ~~iii. an explanation of the reason(s) for removal of required trees and other protected vegetation, including a statement of how the removal of the required trees and other protected vegetation supports the purposes of this section or how such removal can be mitigated consistent with the purposes of this section.~~
   ~~b. The Planning Board may approve, approve with conditions, or deny the alternative landscape plan. If conditions are established, they shall be enforceable in accordance with the provisions of the development permit.~~

~~J.~~I. ***Infrastructure:***

1. Infrastructure shall be installed in steep slope areas in accordance with the provisions of this section and any other applicable provisions in CHAPTER 13.
2. Roads and driveways created on parcels with steep slopes should follow the natural terrain, unless necessary to accomplish the purpose.
3. The approving authority shall have the authority to modify infrastructure requirements and impose such conditions as are necessary to minimize the disturbance caused by the installation of infrastructure in steep slope areas.
   a. Modifications and conditions shall be intended to minimize disturbance and increase the safety and stability of infrastructure, and shall not be granted or imposed to reduce cost to the developer.
   b. Modifications and conditions may relate but shall not be limited to pavement width, sidewalk width, curb and gutter design and width, and shoulder design. The maximum road grade requirement shall not be modified.
4. *Culs-de-sac:*
   a. The required turnaround on a dead-end street in a steep slope area shall have a roadway diameter of not less than 50 feet.
   b. If the street length does not exceed 300 feet and if construction difficulties will not permit a turnaround, the use of a "Y" or "T" or other turning space of a design such as will allow a vehicle with a wheel base of at least 20 feet to complete a turning movement with a maximum of one backing movement may be permitted.
5. *Grading*:

a. Grading shall not be required for the full right-of-way in steep slope area if the administrator determines that full grading will prevent convenient access to adjoining property or will destroy the natural beauty of the site by excessive cut and fill.

b. Shoulder fill slopes shall not be steeper than 40%.

(Ord. No. 3-07, §§ 2, 3, 2-5-07; Ord. No. 15-08, §§ 17, 18, 12-5-08; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2023-22, § 1(Exh. A), 6-5-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

CHAPTER 19. DEFINITIONS

19.3. Definitions.

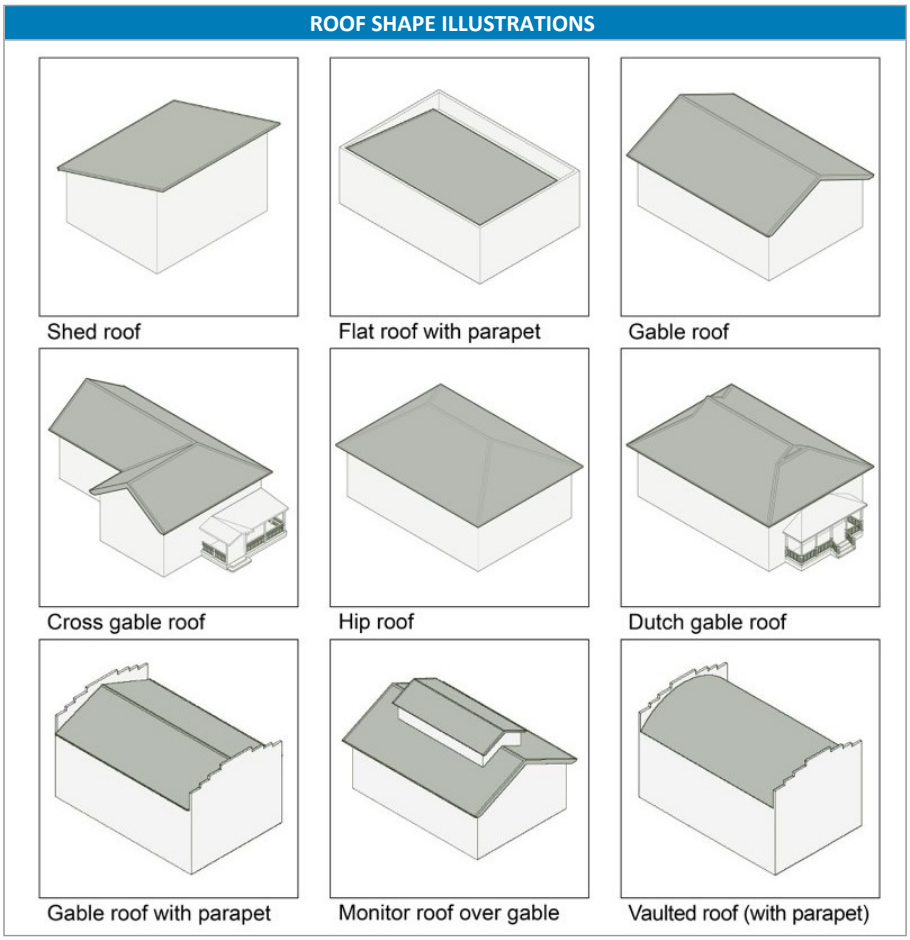
Average grade: The average elevation of the finished ground surface points at the points where the building intersects the finished grade.

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

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

Natural grade*:* The highest elevation where the base of a sign and the ground meet.

Roof shape: The shape of a building roof, which is highly related to architectural style. Common examples include Gable, Hip, Flat, and Shed.



Story: The habitable level of a building, existing from finished floor to finished floor or ceiling.

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

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

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

Building Brevard 2030 Comprehensive Land Use Plan

- ***GOAL 2:*** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
- ***Land Use & Housing-7:*** *Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.*
- ***Land Use & Housing-8:*** *Evaluate current standards for building height downtown.*
- ***Land Use & Housing-24:*** *Refine zoning districts and slope regulations in constrained areas.*

STAFF REPORT
Planning Board, Tuesday, August 25, 2026

Title:	TXT-26-0008 - Parking Standard Revisions
Speaker:	Emily Brewer, AICP, Senior Planner
Prepared by:	Emily Brewer, Senior Planner
Approved by:	Paul Ray, Planning Director

Background & Discussion
Session Law 2026-39, adopted July 1, 2026, removed the ability for local governments to require a minimum amount of off-street parking for development. In response to these changes, staff recommends removing the City's minimum off-street parking requirements from the Unified Development Ordinance in advance of the law's effective date of January 1, 2027. Eliminating minimum parking requirements will allow the amount of parking provided to be determined by the needs of individual developments and market demand rather than by fixed regulatory ratios. This approach is consistent with the State's direction toward reducing unnecessary regulatory barriers to housing and development while allowing property owners and developers greater flexibility in site design.

In 2023, City Council adopted comprehensive amendments to the City's parking regulations. This included establishing a three-tiered approach to parking requirements that varied based on development character. The intent was to have parking minimums in lower-density areas that are less walkable and don't have available public parking, while establishing maximum parking requirements for dense, heavily commercial zoning districts where development is more likely to provide too much parking rather than too little. This proposal amends the parking structure to have two tiers — one with and one without maximums.

Removal of parking minimums also supports the City's broader goals related to housing affordability, infill development, and efficient use of land. Required parking can increase development costs, consume land that could otherwise support housing or commercial space, and increase impervious surface and associated stormwater impacts. Eliminating minimums does not prohibit or discourage the provision of parking; rather, it allows applicants to determine the appropriate amount and configuration of parking based on the characteristics of the development and its anticipated users. The parking maximums and design standards will help to prevent excessive surface parking and ensure that parking areas are integrated in a manner consistent with the City's land use and development patterns.

Policy Analysis
The Building Brevard 2030 Comprehensive Land Use Plan explicitly calls out parking requirement amendments as an opportunities to better link land use with transportation:

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

Parking affects virtually every aspect of a city's function, including land use, transportation, economic development, community health and wellness, and public safety. As such, this action step supports many of the Plan's overarching goals and objectives:

- GOAL 2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- GOAL 4: Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.
- GOAL 7: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.

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 G.S. 160D-604. The BPB shall make one of the following recommendations with regard to a petition to amend the text of a development regulation:

1. Adoption of the amendment as written;
2. Adoption of the amendment as revised by the Board; or
3. 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. Session Law 2026-39
3. Consistency Statement

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.4. Group development.

2.4.2. Cluster home development.

A. ***Purpose***: A cluster home development allows for small lot residential development in a manner that organizes multiple dwellings around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents.

B. ***Applicability:***

1. Cluster home development may take one of the following forms:
    a. A development may be designed with individual lots with shared stewardship of the common areas.
    b. A development may be designed as a multi-dwelling development, subject to the use limitations below.
2. Cluster home development shall comply with the group development standards established herein and the following standards.

C. ***Use Limitations:***

1. The following housing types are permitted in a cluster home development:
    a. Dwelling - Single-family
    b. Dwelling - Duplex
    c. Dwelling – Multifamily 3-4 units/building
    d. Dwelling – Townhome
2. Accessory dwelling units are prohibited within a cluster home development.

D. ***Density and buildings***:

1. The maximum allowable density of a cluster home development shall be equal to 50% greater than the underlying base zoning district.
2. Cluster home developments shall have a minimum of three detached residential buildings.
3. All principal buildings within the cluster home development shall front on a street or a common open space.
4. Each principal building within the cluster home development is permitted one accessory structure less than 120 SF.
5. A maximum of two accessory structures shall be allowed within a cluster home development project for shared use. This includes any shared community buildings, storage sheds, etc. The maximum ground floor area for accessory structures shall not exceed 50% of the aggregate ground floor area of the principal structures. Gazebos and other structures that are amenities within the common areas are exempt.

E. ***Setbacks:***

1. Individual lots or building sites within the cluster home development are exempt from the base zoning district setback requirements. However, the base zoning district setbacks apply to the cluster home development parcel.

2. Dwelling units oriented towards a common open space area shall provide a six feet minimum setback from the common area. Such setback does not count toward any required common area.

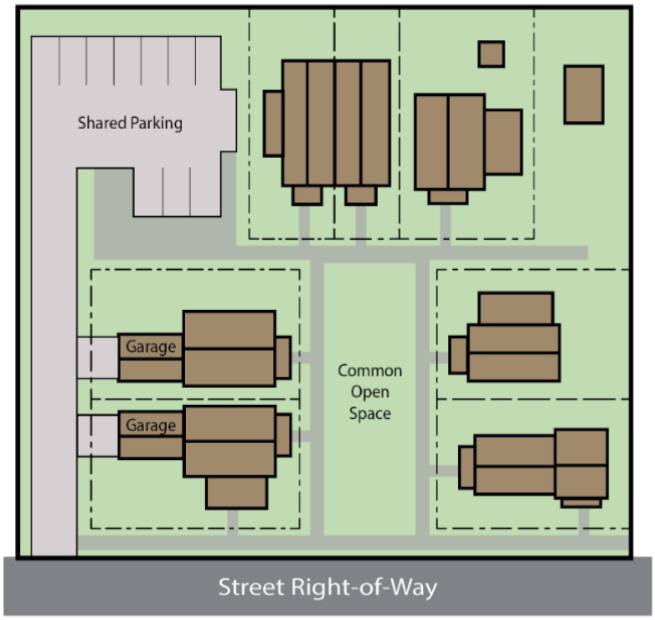
F. ***Common open space***: Common open space areas shall meet the following standards:

1. The common open space shall include a central green, lawn or garden areas, playground, plaza, or other greenspace / feature as a central focal point.
2. The minimum size of the common open space area is 3,000 square feet or 500 square feet per dwelling unit, whichever is greater. This requirement shall replace any open space required in accordance with CHAPTER 7.
3. The common open space area shall maintain a minimum width of 30 feet, shall be contiguous and centrally located, and shall front on a public street.
4. A maximum of 30% of the common open space may be hardscape.

G. ***Parking***: In addition to the parking standards in CHAPTER 10, parking for a cluster home development shall meet the following standards:

1. ~~Required o~~Off-street parking may be provided on individual development sites within the cluster home development or in a shared parking area serving multiple dwellings on site.
2. Parking shall not be located:
   a. between principal structures,
   b. between principal structures and the street,
   c. between principal structures and the required common area, or
   d. within any required common area.

FIGURE 2.4.2-A: ILLUSTRATIVE DIAGRAM OF CLUSTER HOME DEVELOPMENT



(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

2.4.3. Neighborhood development.

A. ***Applicability***:

1. Neighborhood development standards shall apply to a predominately residential group development designed as individual lots with shared stewardship of common areas and infrastructure.
2. These standards shall apply to any project with 8 or more lots and/or shared infrastructure.
3. Neighborhood development shall comply with the group development standards established herein and the following standards.

B. ***Use limitations:***

1. Neighborhood development shall be predominately residential, subject to the use matrix in Section 2.2.

C. ***Street access***:

1. All lots intended for development are required to front on a road in accordance with the lot requirements of Section 4.2.
2. Roads and driveways shall meet the requirements of CHAPTER 13. If the roads are to be dedicated to the City of Brevard for maintenance, they shall be built in compliance with public road standards.

D. ***Density and buildings:***

1. The maximum allowable density of a neighborhood development shall be equal to the underlying base zoning district.

E. ***Setbacks:***

1. All lots established as part of a neighborhood development shall comply with the setback requirements of the base zoning district.

F. ***Parking***: In addition to the parking standards in CHAPTER 10, parking for a neighborhood development shall meet the following standards:

1. ~~Required o~~Off-street parking may be provided on individual development sites within the neighborhood development or in a shared parking area serving multiple dwellings on site.

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

2.4.4. Manufactured home park.

A. ***Applicability***:

1. Manufactured home park standards shall apply to a residential group development with three or more manufactured homes or manufactured home spaces designed as a cohesive whole and maintained either by a single entity or in shared stewardship by residents.
2. Manufactured home park may take one of the following forms:
   a. A development may be designed with individual lots with shared stewardship of the common areas.
   b. A development may be designed as a multi-dwelling development, subject to the use limitations below.
3. Manufactured home parks shall comply with the group development standards established herein and the following standards.

B. ***Use limitations***:

1. The following housing types are permitted in a manufactured home park:

a. Manufactured home.

2. Accessory dwelling units are prohibited within a manufactured home park.

C. ***Density and buildings***:

1. The maximum allowable density of a manufactured home park shall be equal to 50% greater than the underlying base zoning district.
2. All principal buildings within the manufactured home park shall front on a street or interior road.
3. Each principal building within the manufactured home park is permitted one accessory structure less than 120 SF.
4. A maximum of two accessory structures shall be allowed within a manufactured home park for shared use. This includes any shared community buildings, storage sheds, etc. The maximum ground floor area for accessory structures shall not exceed 50% of the aggregate ground floor area of the principal structures. Gazebos and other structures that are amenities within the common areas are exempt.

D. ***Setbacks***:

1. Individual lots or manufactured home sites within the manufactured home park group development are exempt from the base zoning district setback requirements. However, the base zoning district setbacks apply to the manufactured home park parcel.

E. ***Parking***: In addition to the parking standards in CHAPTER 10, parking for a manufactured home park shall meet the following standards:

1. ~~Required o~~Off-street parking may be provided on individual development sites within the manufactured home park or in a shared parking area serving multiple dwellings on site.
2. Parking shall not be located:
   a. between principal structures,
   b. between principal structures and the street,
   c. between principal structures and the required common area, or
   d. within any required common area.

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.4. Buffers and screening.

A. ***Applicability:***

1. These regulations shall apply to the following:
   a. New construction of a principal building or buildings;
   b. Expansion of an existing principal building resulting in an increase in the gross floor area of 25% or greater;
   ~~c. Expansion of an existing principal building resulting in an increase in required off-street parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; and~~
   ~~d. Change of use or expansion of an existing use resulting in an increase in required off-street parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; and~~

c. Expansion of an existing off-street parking area by 50% or 10 vehicle parking spaces, whichever is greater; or

~~e.~~d. Any changes to existing buffers and screening. In this case, only the element that is being changed or modified will be subject to these regulations.

2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections b, c, and d above.

3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in CHAPTER 6 of this ordinance.

B. ***Buffer yard types:***

1. *Type A buffer yard:*

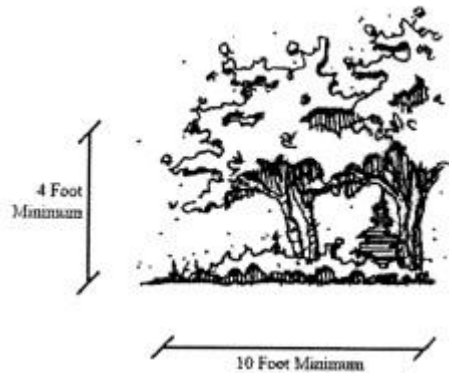
a. Minimum width: 10 feet.

b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.

c. Maximum horizontal openings: 20 feet.

d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity.

FIGURE 8.4-A: TYPE A BUFFER YARD



2. *Type B buffer yard:*

a. Minimum width: 20 feet.

b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.

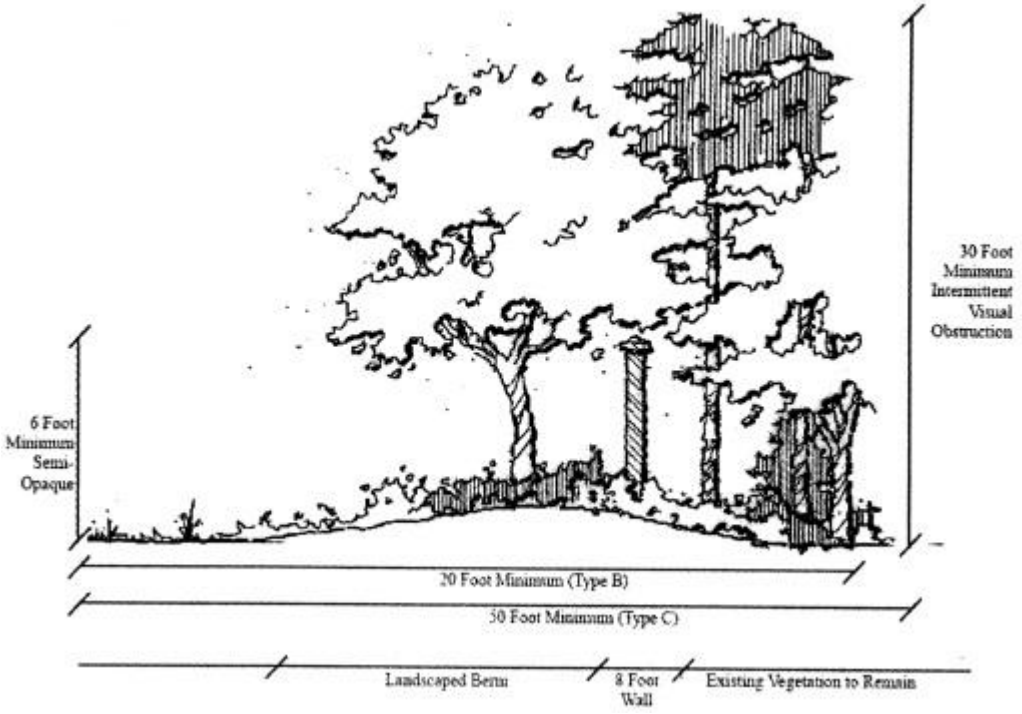
c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.

d. Performance standard: A buffer which is 20 feet in width and contains screening materials which at maturity provide semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in

width; and vegetative screening materials within semi-opaque areas shall contain horizontal openings no greater than 15 feet in width upon the plants' maturity.

3. *Type C buffer yard:*
   a. Minimum width: 50 feet.
   b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
   c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
   d. Performance standard: A buffer which is 50 feet in width and contains screening materials which at maturity provides semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six height up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; Vegetative screening materials within semi-opaque areas shall contain no horizontal openings greater than 15 feet in width upon the plants' maturity.

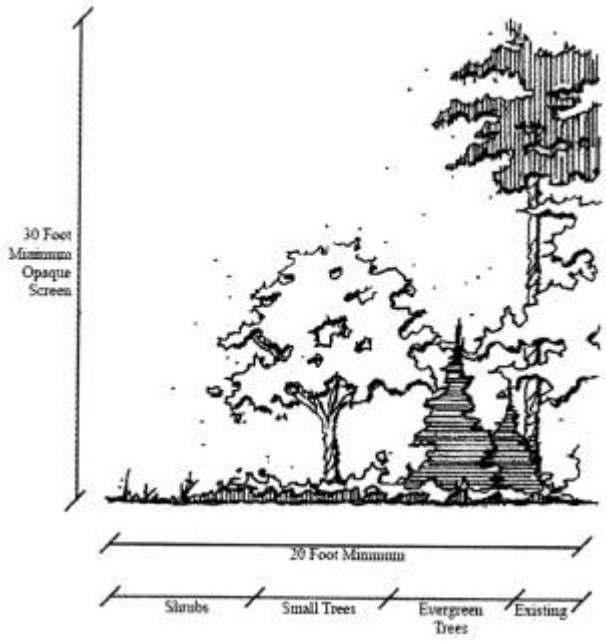
FIGURE 8.4-B: TYPE B AND TYPE C BUFFER YARDS



4. *Type D buffer yard:*
   a. Minimum width: 30 feet.
   b. Minimum height and opacity: Ground to 30 feet—Opaque.
   c. Maximum horizontal openings: None permitted.

d. Performance standard: A buffer which is 30 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

FIGURE 8.4-C: TYPE D BUFFER YARD



5. *Type E buffer yard.*
   a. Minimum width: 25 feet.
   b. Minimum height and opacity: Ground to 30 feet—Opaque.
   c. Maximum horizontal openings: None permitted.
   d. Performance standard: A buffer which is 25 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screen materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

C. *Fences, walls, and berms:*

1. Fences, walls, or earthen berms may be substituted for all or a portion of the shrub requirement in all buffer types. In addition, existing vegetation within the buffer shall be maintained and may receive partial or total credit towards screening requirements. All berms, if provided, shall not exceed a slope with maximum rise of one foot to a run of two feet (a ratio of 1:2) and a maximum height of four feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. Berms taller than four feet shall be approved by the administrator on a case by case basis.

D. *Required buffer yards:*

1. A buffer yard is intended to give spatial separation and to decrease visual contact between incompatible uses. Buffer yards shall be required in accordance with the tables below when any use is being established

on a property that abuts an existing developed lot or less intense zoning district. More stringent buffer yard requirements may apply to certain specified uses as set forth in CHAPTER 3 of this ordinance.

2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

TABLE 8.4-A: REQUIRED BUFFER YARDS BY ZONING DISTRICT

		Adjacent District							
		GR	RMX	NMX	PGX	DMX	IC	CMX	GI
District in Which Development is Located	GR	None	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	None	D
	PGX	B	A	A	None	None	None	None	D
	DMX	B	A	A	A	None	None	None	D
	IC	B	B	A	A	A	None	None	None
	CMX	D	D	D	D	D	None	None	None
	GI	E	E	E	E	E	E	None	None

3. In addition to the buffer yards required between districts as set forth above, buffer yards shall be required for certain types of development *within* certain zoning districts and associated conditional districts, as follows. This requirement applies regardless of the adjacent district. However, where conflicts occur between 8.4.D.2, above, and this section, the more restrictive requirement shall apply.

TABLE 8.4-B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT

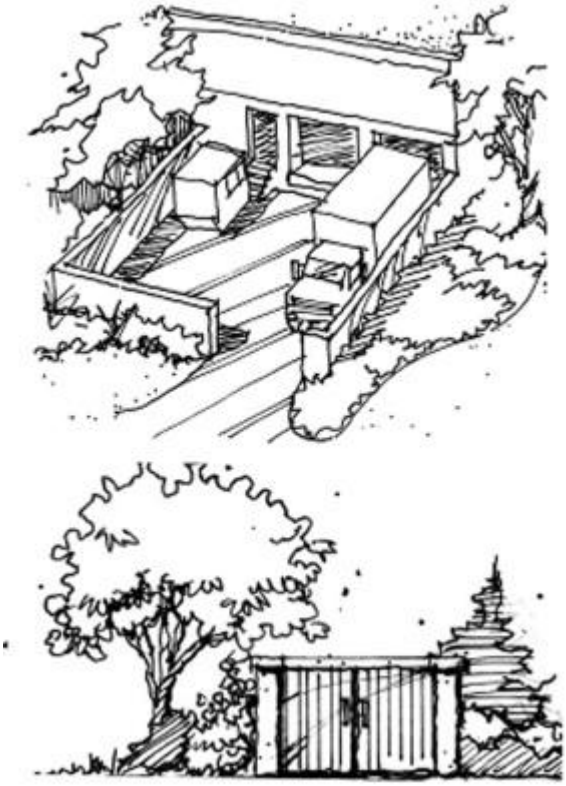
		New Multifamily (more than 4 units/bldg.)	Non-Residential Group Development
District in Which Development is Located	GR	B	B
	RMX	B	B
	NMX	B	B
	PGX	B	B
	DMX	B	B
	CMX	B	D
	IC	B	B
	GI	NA	E

4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed along the perimeter of the property or project; however, when there are irregular topographic conditions (such as the perimeter of the property is at a lower grade

than the use being screened) the approving authority may require the relocation of the required buffer yard in order to better serve its purpose.

6. Natural vegetation, vegetation required for tree protection, riparian buffer areas, and other forms of existing vegetation may be utilized to satisfy these requirements when such natural and existing vegetation clearly satisfies the purpose of this section.
7. Off-site vegetation:
    a. Existing plant material on adjacent property may be credited toward buffer requirements, provided that such material is in a permanently protected area such as a conservation easement or similarly preserved area.
    b. Plant material, existing or proposed, on an adjacent property may be credited toward buffer requirements through use of a landscape easement.
8. Buffer requirements may be reduced or waived by the approving authority in the following circumstances:
    a. Such requirements would pose a safety hazard.
    b. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon city trees, as recommended by the city horticulturalist.
    c. Special use permits based solely upon building height or building ground floor square footage size, where such requirement would serve no useful purpose.
    d. When projects to which these requirements apply exhibit unifying architectural and landscape design characteristics that integrate the project into surrounding development, and when the landscape design of such a project clearly meets and exceeds the goal of these requirements such that these requirements become unnecessary.
9. Fences, walls and berms in buffers
    a. Where walls and berms are built within any required project boundary buffer, they shall meet the following requirements.
        i. Walls and berms within a buffer may be used to permit a reduction in the buffer up to 25 percent of the required width.
        ii. Walls and berms shall not be permitted within surface water protection areas, floodplains, and floodways.
        iii. Walls and berms shall conform to other applicable requirements of this ordinance.
        iv. All walls, when located within a buffer, shall be planted on the face towards the adjacent property with at least one upright shrub for every six feet of wall length.
        v. Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
        vi. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
        vii. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall, berm, or fence structure at the time of landscape plan approval.
        viii. Chain link and concertina wire fences shall be buffered by a Type A buffer yard on all sides.

FIGURE 8.4-D: ILLUSTRATIONS OF APPROPRIATE SCREENING OF DUMPSTERS AND LOADING AREAS



(Ord. No. 15-08, §§ 22, 23, 25, 12-5-08; Ord. No. 2018-22, § 1(Att. B), 9-17-18; Ord. No. 2020-24 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2021-31 , § 1(Exh. A), 6-21-21; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-58, § 1(Exh. A), 12-15-25; Ord. No. 2026-23, § 1(Exh. A), 6-1-26)

8.6. Parking area screening.

A. ***Applicability****:* The provisions of this section shall apply to the perimeter yard of all parking areas visible from the street, except residential developments with six or less off-street vehicle parking spaces, when any of the following occurs:

1. New construction of a principal building or buildings;

~~2.~~ Expansion of an existing off-street parking area by 50% or 10 vehicle parking spaces, whichever is greater; or~~Expansion of an existing principal building resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater;~~

~~3.~~2. ~~Change of use or expansion of an existing use resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or~~

~~4.~~3. Any new changes to parking area screening. In this case, only the element and/or material that is being changed or modified will be subject to these regulations.

B. ***Minimum planting:*** Semi-opaque screen from the ground to at least a height of three feet for screening of car lights and glare. (Minimum width: Ten feet).

C. ***Performance standard:*** This type functions as a semi-opaque screen around the perimeter of a parking area from the ground to at least three feet for the screening of car lights and glare. This shall only be required along the parking area that fronts the public right-of-way or any side of a parking area that is not protected by a required buffer yard. The location of such yards shall be determined by the administrator upon review. Effective screening devices may include solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the required height within two years of planting, or any combination of the above. Plantings which can achieve a mature height exceeding 30 inches shall not be planted in the sight triangle on each side of drives or streets.

D. ***Screening of open storage, above ground utilities, and dumpsters:*** Any open storage of merchandise, equipment, materials or goods other than those on display for retail sales, above ground utilities, and dumpsters areas shall be screened from view from any street right-of-way in accordance with the ratios (but not necessarily the minimum dimension) prescribed for type C buffer yards. Sub-grade dumpsters shall be exempt from the provisions of this section.

(Ord. No. 2021-35 , § 1(Exh. A), 8-16-21; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2026-23, § 1(Exh. A), 6-1-26)

8.7. Parking area landscaping.

A. ***Applicability:*** The provisions of this section shall apply to:

1. Interiors of all parking areas with more than 16 parking spaces or more than one tenth (1/10) of an acre in size;
2. Interiors of all new parking areas that bring the total to or exceed 16 spaces or more than one tenth (1/10) of an acre in size. In this case only the new parking area shall be subject to these regulations; and
3. Any new changes to existing parking area landscaping. In this case, only the elements that are being changed or modified will be subject to these regulations.

B. ***Stormwater management requirements:*** Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in CHAPTER 6 of this ordinance.

C. ***Minimum plantings:***

1. No parking space shall be more than 50 feet from the base of a canopy tree.
2. One 15-to-18-inch minimum height evergreen or deciduous shrub shall be required per 250 square feet of required landscaped vehicular use area. This rate may be varied by the administrator considering alternate shrub heights, ground covers, or other factors.

D. ***Performance standard:*** This type functions as a tree ceiling over a parking area providing shelter from sun and rain and minimizing the impact of runoff by providing "green" surface area on which to collect. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. All landscaped areas shall be separated from parking spaces. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.

E. ***Credits for preservation of existing trees in parking areas:*** Trees that are saved in a parking area (other than those in Tier 1 or Tier 2 Tree Save Areas in Section 8.3) can be used towards the interior tree landscape

requirement. Note that each tree preserved will require a minimum pervious area around it equal to its drip line.

(Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2026-23, § 1(Exh. A), 6-1-26)

CHAPTER 10. PARKING STANDARDS

10.1. Purpose and intent.

Parking areas, loading areas, and similar facilities are necessary elements in the urban environment. However, these facilities have been known to cause the following negative impacts:

A. Increased stormwater volume and velocity;

B. Increased surface pollutants;

C. Increased surface level heat and glare;

D. Reduction in the efficiency of the connecting street system; and,

E. Reduction in the operations of the surrounding pedestrian and bicycle network.

To mitigate these negative impacts, and to provide adequate service, the city has enacted standards to regulate the construction, expansion, and renovation of such facilities.

(Ord. No. 2023-53, § 1(Exh. A), 11-6-23)

10.2. Applicability.

A. This chapter shall apply when any of the following occurs:

1. New construction of a principal building or buildings;

~~1.~~2. Expansion of an existing off-street parking area by 50% or 10 vehicle parking spaces, whichever is greater; or

~~2. Expansion of an existing principal building resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater;~~

~~3. Change of use or expansion of an existing use resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or~~

~~4.~~3. Any new changes to off-street parking areas, including but not limited to repaving, restriping, or circulation changes. In this case, only the element and/or material that is being changed or modified will be subject to these regulations.

(Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2026-23, § 1(Exh. A), 6-1-26)

10.3. Off-street vehicle parking requirements.

A. ***~~General o~~Off-street parking requirements:***

1. Off-street parking ~~requirements~~ standards are structured in a ~~three~~two-tier system as follows:

a. **Tier 1:** ~~A minimum number of off-street parking spaces are required.~~ This tier is subject to ~~There are no~~ off-street parking maximums. Generally, zoning districts in this tier are less walkable and do not have available public parking or space for on-street parking.

~~b. **Tier 2:** A minimum number of off-street parking spaces are required. There are also off-street parking space maximums. Generally, zoning districts in this tier contain a mix of lower-density residential and commercial uses. Some off-street parking is necessary to preserve public rights-of-way, but many of these areas are more amenable to alternative modes of transportation.~~

~~c.~~b. **Tier ~~3~~2:** This tier is subject to ~~here is no required number of spaces for off-street parking, but there are~~ off-street parking space maximums. Generally, zoning districts in this tier consist of a mix of uses and are closer to public parking, greenways, and sidewalks. ~~dense, heavily commercial development.~~

2. The tiered parking requirements applies based on the zoning district. In the case of Planned Development Districts or Conditional Zoning Districts, the tier applicable to the base zoning district shall apply, unless otherwise specified in the adopting ordinance.

TABLE 10.3-A: TIERED PARKING REQUIREMENTS	
Parking Requirement Tier	**Zoning Districts**
Tier 1	General Residential (GR) and General Industrial (GI)
Tier 2	Residential Mixed-Use (RMX), Neighborhood Mixed-Use (NMX), Pisgah Gateway Mixed-Use (PGX), ~~and~~ Institutional Campus (IC), Downtown Mixed-Use (DMX) and Corridor Mixed-Use (CMX)
~~**Tier 3**~~	~~Downtown Mixed-Use (DMX) and Corridor Mixed-Use (CMX)~~

B. ***Off-street parking minimum and maximum vehicle parking ratios:***

TABLE 10.3-B: OFF-STREET ~~MINIMUM AND~~ MAXIMUM VEHICLE PARKING RATIOS							
Category	**Land Use**	**Tier 1**		~~**Tier 2**~~		**Tier ~~2~~3**	
		~~**Minimum**~~	**Maximum**	~~**Minimum**~~	~~**Maximum**~~	~~**Minimum**~~	**Maximum**
Residential							
Household Living	All household living uses, except as listed below	~~1.5 / d.u.~~		~~1 / d.u.~~	~~2 / d.u.~~		2 / d.u.
	Dwelling - Single-family	~~2 / d.u.~~		~~1 / d.u.~~	~~2 / d.u.~~		2 / d.u.
	Manufactured Home	~~2 / d.u.~~		~~1 / d.u.~~	~~2 / d.u.~~		2 / d.u.
Group Living	All group living uses, except as listed below	~~1 / d.u. or rooming unit~~		~~1 / d.u. or rooming unit~~	~~3 / d.u. or rooming unit~~		3 / d.u. or rooming unit
	Rooming or Boarding House	~~0.5 / rooming unit~~		~~0.5 / rooming unit~~	~~1.5 / rooming unit + 1 additional space~~		1.5 / rooming unit + 1 additional space

TABLE 10.3-B: OFF-STREET ~~MINIMUM AND~~ MAXIMUM VEHICLE PARKING RATIOS							
Category	**Land Use**	**Tier 1**		~~**Tier 2**~~		**Tier 2~~3~~**	
		~~**Minimum**~~	**Maximum**	~~**Minimum**~~	~~**Maximum**~~	~~**Minimum**~~	**Maximum**
Social Services	Group Care Facility	~~1 / d.u., rooming unit, or bed~~		~~1 / d.u., rooming unit, or bed~~	~~3 / d.u., rooming unit, or bed~~		3 / d.u., rooming unit, or bed
	Shelter	~~2 spaces~~		~~2 spaces~~	~~6 spaces~~		6 spaces
Lodging							
Overnight Accommo-dations	All overnight accommodations, except as listed below	~~1 / room or suite~~		~~0.5 / room or suite~~	~~1.5 / room or suite~~		1.5 / room or suite
	Short-term Rental	~~2 / rental unit~~		~~1 / rental unit~~	~~2 / rental unit~~		2 / rental unit
Camping	Campground / Recreational Vehicle Park	~~0.25 / campsite or RV parking site~~		~~0.2 / campsite or RV parking site~~	~~1 / campsite or RV parking site~~		1 / campsite or RV parking site
	Rental Cottage / Cabins	~~1 / room or suite~~		~~0.5 / room or suite~~	~~1.5 / room or suite~~		1.5 / room or suite
	Seasonal Camp	~~Varies, See Section 10.3.D~~		~~Varies, See Section 10.3.D~~	~~Varies, See Section 10.3.D~~		Varies, See Section 10.3.D
Commercial							
Eating and Drinking Establishments	All restaurants and other eating and drinking establishments	~~1 / 750 SF~~		~~1 / 750 SF~~	~~1 / 200 SF~~		1 / 200 SF
Personal Services	All personal services	~~1 / 500 SF~~		~~1 / 600 SF~~	~~1 / 300 SF~~		1 / 300 SF
Professional Services	All professional services, except as listed below	~~1 / 500 SF~~		~~1 / 600 SF~~	~~1 / 300 SF~~		1 / 300 SF
	Funeral Homes and Services	~~1 / 4 seats in main assembly area + 1 / 500 SF of office space~~		~~1 / 4 seats in main assembly area + 1 / 600 SF of office space~~	~~1 / 2 seats in main assembly area + 1 / 300 SF of office space~~		1 / 2 seats in main assembly area + 1 / 300 SF of office space
Retail	All retail and sales establishments, except as listed below	~~1 / 500 SF~~		~~1 / 600 SF~~	~~1 / 300 SF~~		1 / 300 SF
	Gas Station	~~1 / 500 SF of retail~~		~~1 / 500 SF of retail~~	~~1 / 400 SF of retail~~		1 / 400 SF of retail
Civic / Institutional							

TABLE 10.3-B: OFF-STREET ~~MINIMUM AND~~ MAXIMUM VEHICLE PARKING RATIOS							
Category	**Land Use**	**Tier 1**		~~**Tier 2**~~		**Tier 2~~3~~**	
		~~**Minimum**~~	**Maximum**	~~**Minimum**~~	~~**Maximum**~~	~~**Minimum**~~	**Maximum**
Educational	All educational uses, except as listed below	~~2 / classroom~~		~~2 / classroom~~	~~None~~		None
	Colleges / Universities	~~Varies, See Section 10.3.D~~		~~Varies, See Section 10.3.D~~	~~Varies, See Section 10.3.D~~		Varies, See Section 10.3.D
	Schools - Vocational / Technical	~~Varies, See Section 10.3.D~~		~~Varies, See Section 10.3.D~~	~~Varies, See Section 10.3.D~~		Varies, See Section 10.3.D
Governmental	All government uses	~~1 / 750 SF~~		~~1 / 1,000 SF~~	~~1 / 200 SF~~		1 / 200 SF
Medical	All medical offices and facilities, except as listed below	~~1 / 500 SF~~		~~1 / 600 SF~~	~~1 / 300 SF~~		1 / 300 SF
	Hospital	~~2.5 / patient room~~		~~2 / patient room~~	~~5 / patient room~~		5 / patient room
Places of Worship	All religious institutions or places or worship	~~1 / 6 seats in main assembly area + 1 / 500 SF of office space~~		~~1 / 6 seats in main assembly area + 1 / 600 SF of office space~~	~~1 / 2 seats in main assembly area + 1 / 300 SF of office space~~		1 / 2 seats in main assembly area + 1 / 300 SF of office space
Entertainment / Recreation							
Indoor Recreation	All indoor recreation facilities, except as listed below	~~1 / 500 SF~~		~~1 / 750 SF~~	~~1 / 250 SF~~		1 / 250 SF
	Cultural or Community Facility	~~1 / 6 seats in main assembly area + 1 / 500 SF of office space~~		~~1 / 6 seats in main assembly area + 1 / 600 SF of office space~~	~~1 / 2 seats in main assembly area + 1 / 300 SF of office space~~		1 / 2 seats in main assembly area + 1 / 300 SF of office space
	Live Performance Theater	~~1 / 8 seats~~		~~1 / 10 seats~~	~~1 / 2 seats~~		1 / 2 seats
	Movie Theater	~~1 / 8 seats~~		~~1 / 10 seats~~	~~1 / 2 seats~~		1 / 2 seats
	Special Event Venue	~~Varies, See Section 10.3.D~~		~~Varies, See Section 10.3.D~~	~~Varies, See Section 10.3.D~~		Varies, See Section 10.3.D
Outdoor Recreation	All outdoor recreation facilities	~~Varies, See Section 10.3.D~~		~~Varies, See Section 10.3.D~~	~~Varies, See Section 10.3.D~~		Varies, See Section 10.3.D
Agriculture							

TABLE 10.3-B: OFF-STREET ~~MINIMUM AND~~ MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		~~Tier 2~~		Tier 2~~3~~	
		~~Minimum~~	Maximum	~~Minimum~~	~~Maximum~~	~~Minimum~~	Maximum
Agriculture	All agricultural uses	~~1 / 500 SF of retail or administrative space~~		~~1 / 750 SF or retail or administrative space~~	~~1 / 300 SF of retail or administrative space~~		1 / 300 SF of retail or administrative space
Manufacturing / Wholesale / Storage							
Light Industrial and Manufacturing	All light industrial and manufacturing activities	~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~		~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~	~~1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space~~		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Heavy Manufacturing	All heavy manufacturing activities	~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~		~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~	~~1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space~~		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Storage and Disposal	All storage and disposal activities	~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~		~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~	~~1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space~~		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Wholesaling and Distribution	All wholesaling and distribution activities	~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~		~~1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space~~	~~1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space~~		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Extractive Industries	All extractive industries	~~Varies, See Section 10.3.D~~		~~Varies, See Section 10.3.D~~	~~Varies, See Section 10.3.D~~		Varies, See Section 10.3.D
Infrastructure							
Utilities	All utilities	~~N/A~~		~~N/A~~	~~N/A~~		N/A

TABLE 10.3-B: OFF-STREET ~~MINIMUM AND~~ MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		~~Tier 2~~		Tier ~~2~~3	
		~~Minimum~~	Maximum	~~Minimum~~	~~Maximum~~	~~Minimum~~	Maximum
Telecommuni-cations	All wireless telecommunication facilities	~~N/A~~		~~N/A~~	~~N/A~~		N/A
Transportation	All transportation uses	~~N/A~~		~~N/A~~	~~N/A~~		N/A
Note: All square footage in gross square feet. d.u. = dwelling unit.							

C. ***Calculation of off-street vehicle parking spaces:***

1. Vehicle parking spaces are calculated based on the principal use of the lot. When more than one principal use occupies the same lot, the number of spaces is the sum of separate requirements for each principal use.
2. When measurements of the number of required spaces result in a fractional number, the result is rounded to the nearest whole number.
3. Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area.

D. ***Uses without ~~minimum and~~ maximum off-street vehicle parking spaces:***

1. Some uses or combination of uses (some types of group developments, mixed-use projects, etc.) have widely varying parking demand characteristics making it impossible to specify a single off-street parking standard. For these uses, the administrator shall determine the appropriate requirements with one of the following methods:
   a. Apply the off-street parking ~~requirement~~ maximum specified for the listed use that is deemed most similar to the proposed use; or
   b. Establish off-street parking ~~requirements~~ maximum based on a parking study prepared by a qualified professional and provided by the applicant.
      i. Such a study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the administrator, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use.
      ii. Comparability will be determined by density, scale, bulk, area, type of activity, and location.

~~**E.** ***Minimum off-street vehicle parking exceptions:***~~

~~1. Public parking credit:~~

~~a. Public parking facilities located within 1,760 feet (1/3-mile) walking distance of the development site may be credited toward the minimum parking requirement at a rate of 1 space for every 5 public parking spaces.~~

~~b. Signage shall be provided that indicates the location of the public use spaces.~~

~~c. Residential uses are not eligible for this exemption.~~

~~2. Shared / combined parking:~~

~~a. The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. The administrator may adjust the minimum parking requirements at a rate of 1 space for every 2 shared spaces.~~

~~3. Tree preservation:~~

~~a. The minimum number of spaces required may be adjusted by the administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter) from being damage or removed, and where the site plan provides for the retention of said tree or trees.~~

~~b. The reduction shall not exceed 25% of the total minimum parking spaces required.~~

~~c. Invasive tree species as outlined in Section 8.2 of this ordinance are not eligible for this exemption.~~

~~4. Additional bicycle parking:~~

~~a. Additional bicycle parking spaces above the minimum required bicycle parking may reduce the number of required off-street parking spaces at a rate of 1 parking space for every 2 additional bicycle parking spaces.~~

~~b. The reduction of spaces granted with this exception shall not exceed 25% of the minimum off-street parking requirement.~~

~~5. Electric vehicle parking:~~

~~a. Off-street vehicle parking with EVSE-installed vehicular charging stations shall count toward satisfying the minimum off-street vehicle parking requirements.~~

~~b. All off-street vehicle parking with EVSE-installed vehicular charging stations shall meet the general provisions of Section 10.6.~~

~~6. Payment in lieu of parking spaces:~~

~~a. The minimum number of parking spaces required may, at the administrator's discretion, be reduced by up to 50% with a fee paid to the city in lieu of developing the parking space(s).~~

~~b. Payments in lieu of parking spaces may be approved as part of the development plan.~~

~~c. All payments made in lieu of parking spaces shall be made at the time of construction document approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered.~~

~~d. All funds received for payment in lieu of parking spaces shall be used for the acquisition, improvement, development, or redevelopment of public parking spaces within the city.~~

~~7. Upgrading preexisting non-conforming parking facilities:~~

~~a. The minimum number of spaces required may be reduced by up to 25% to allow an existing development to retrofit parking to conform to the existing parking area design and landscaping regulations.~~

~~F.~~E. ***Maximum off-street vehicle parking exceptions:***

1. Spaces reserved for the following are not included in calculating off-street vehicle parking maximums:
   a. Required accessible parking spaces in compliance with City, state and federal standards
   b. Parking spaces with EVSE-installed electric vehicle charging stations
   c. Loading / unloading spaces as required by this ordinance.
2. The administrator may grant exceptions to the maximum off-street parking up to 25% when the following conditions are met:

a. Parking spaces constructed with porous monolithic, pavers, or other pervious paving materials.

i. Pervious paving shall be considered surface improvements such as interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface.

ii. Sub-surface preparation to accommodate the water infiltration allowed through the surface material shall be required.

iii. Gravel and other surfaces that do not meet the surfacing requirements of Section 10.7 shall not be considered a pervious paving surface.

b. Parking spaces located in a parking area that is designed to control for stormwater run-off generated by a 25-year, 24-hour rain event, and in compliance with Section 6.6 of this ordinance.

3. Underground or above-grade parking:

a. The maximum off-street parking may be increased by up to 100% if the additional parking spaces are located underground, on a roof-top, or within a multi-story parking structure.

4. Satellite parking:

a. Additional s~~S~~atellite parking may be permitted, subject to certification by the administrator that the following requirements have been met

i. Satellite parking lots shall only be permitted in zoning districts where parking lots are permitted as a by-right primary use, as established in CHAPTER 2 and CHAPTER 3.

ii. The satellite parking spaces shall be located within 1,760 feet (1/3-mile) walking distance of a public entrance to the structure or lot containing the use for which such spaces are required.

~~ii.~~iii. The walking distance shall be measured along sidewalks, greenways, or other pedestrian facilities. The route must be ~~A~~ safe, direct, attractive, ~~lighted~~ and convenient for pedestrians. ~~route shall exist or be provided between the satellite parking and the use being served.~~

~~iii.~~iv. The continued availability of satellite parking spaces necessary to meet the requirements of this section shall be ensured by an appropriate condition that the continued validity of the zoning compliance or special use permit shall be dependent upon the permit holder's continued ability to provide the requisite number of parking spaces.

~~G.~~**F.** ***Accessible parking*****:**

1. Accessible parking shall be provided in accordance with the North Carolina State Accessibility Code.

~~***H. Compact car parking spaces:***~~

~~1.~~2. ~~For parking areas and structures with 20 or more off-street vehicle parking spaces, up to 25% of required vehicle parking spaces may be designed for compact vehicles and designated with the appropriate signage and/or markings.~~

(Ord. No. 3-07, § 9, 2-5-07; Ord. No. 13-07, § 1, 9-17-07; Ord. No. 2017-08, § 1(Exh. A), 3-20-17; Ord. No. 2018-04, § 1(Att. C), 2-19-18; Ord. No. 2020-12 , § 1(Exh. A), 6-29-20; Ord. No. 2020-27 , § 1(Exh. A), 10-19-20; Ord. No. 2021-44 , § 1(Exh. A), 9-20-21; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2023-60, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

10.4. Off street loading requirements.

A. Off-street loading spaces shall be required for the following uses:

1. A business that is expected to regularly receive or deliver goods;

2. A multi-use building with at least 3 different businesses and/or uses;
3. Manufacturing/Wholesale/Storage uses;
4. Multifamily housing development with 10 or more dwelling units; or
5. Any other use that is expected to regularly receive or deliver goods, as determined by the administrator.

B. Off-street loading spaces shall be required based on the gross floor area of the primary structure or structures on the parcel, according to the following ratios:

TABLE 10.4A: OFF-STREET LOADING RATIOS	
Square Feet	**Number of Spaces**
0—24,999	1
25,000—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

C. Required loading spaces shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles or materials ~~or to meet off-street parking requirements~~.

D. *Location*:

1. Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure(s). The administrator may grant exceptions to this requirement if deemed impractical or impossible given the layout of the existing structures and vehicular access.
2. Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
3. All off-street loading spaces shall be provided with adequate off-street maneuvering areas so that vehicles do not obstruct traffic during maneuvering.
4. Such space shall have access to an alley or commercial service street or, if there is no alley or service street, to a street.
5. No loading space or bay may intrude into any portion of a required setback, required parking space, parking area aisle, or driveway.
6. An off-street loading space shall have the minimum dimensions of 12 feet by 25 feet and be free and clear of obstruction at all times.

E. *Exceptions to loading space requirements*: The administrator may adjust the minimum loading space requirements in the following instances:

1. The joint use of shared off-street loading spaces between up to 4 uses is made by contract between adjacent property owners.
2. On-street loading spaces are provided for public use within 1,760 feet (1/3-mile) walking distance.

10.5. Off-street bicycle ~~parking~~ storage requirements.

A. *Applicability:* Off-street bicycle ~~parking~~ spaces for the secure storage of bicycles shall be required for the following uses:

1. Multifamily developments containing 8 or more dwelling units;
2. Group developments;
3. All overnight accommodation uses, except short-term rentals;
4. Any other development ~~requiring~~ that has 20 or more off-street vehicle parking spaces.

B. *Minimum amount of bicycle spaces:*

1. Two bicycle spaces shall be provided for every 20 ~~required~~ vehicle parking spaces ~~as determined by Section 10.3~~, with a minimum of one 4-bicycle rack.

C. *General provisions:*

1. Bicycle ~~parking~~ spaces may be provided through various types of facilities, so long as the facility meets the following requirements:
   a. Bicycle racks are securely anchored, and easily usable with both U-locks and cable locks and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
   b. Spacing of the racks shall provide clear and maneuverable access.
   c. Where a bicycle can be locked on both sides without conflict, each side can be counted as a required space.
2. Bicycle ~~parking~~ spaces shall remain accessible and not be rendered unusable by fixed or movable objects.

D. *Location:*

1. Bicycle racks are encouraged to be placed in well-lit, visible and convenient locations near building entrances and easily accessible from multi-use paths, if applicable.
2. Bicycle ~~parking locations~~ racks shall not impede pedestrian or motorized vehicle movement or circulation.
3. Bicycle racks may be located in the public right-of-way with approval from the City or the North Carolina Department of Transportation, as applicable, with an encroachment agreement.
4. The administrator may adjust bicycle ~~parking~~ space requirements to account for shared parking, buildings located in close proximity to one another, or the presence of public bicycle racks in close proximity.

(Ord. No. 2023-53, § 1(Exh. A), 11-6-23)

10.6. Off-street electric vehicle parking ~~requirements~~.

A. ***Applicability****:* All developments that have 50 or more off-street vehicle parking spaces are required to install ~~Off-street electric vehicle parking spaces installed with~~ electric vehicle supply equipment (EVSE) in accordance with this section. ~~shall be required for developments requiring 50 or more off-street vehicle parking spaces~~.

1. Multifamily developments where at least 25% of the units meet the definition of affordable housing shall be exempt from all electric vehicle parking space requirements.

B. ***Minimum amount of electric vehicle parking spaces:***

1. Two parking spaces shall be equipped with electric vehicle supply equipment ~~electric vehicle parking spaces shall be provided for every~~ out of every 50 ~~required~~ vehicle parking spaces ~~as determined by Section 10.3~~.

C. ***General provisions:***

1. Electric vehicle parking spaces shall be installed outside of the public right-of-way.
2. All ~~required~~ electric vehicle parking spaces shall be equipped with Level 2 or DC Fast Charging. Alternative electric vehicle charging equipment may be considered.
3. Electric vehicle parking spaces and all charging equipment shall be:
   a. Located outside of the public right-of-way;
   b. Placed outside of the critical root zone of any preserved tree; and
   c. Placed at least five feet from a newly planted tree.
4. Electric vehicle parking spaces shall be designated with the appropriate signage and/or markings.
5. Barriers, such as wheel blocks, bollards, and curbs, shall be placed between the electric vehicle parking space and the electric vehicle charging equipment.

(Ord. No. 2023-53, § 1(Exh. A), 11-6-23)

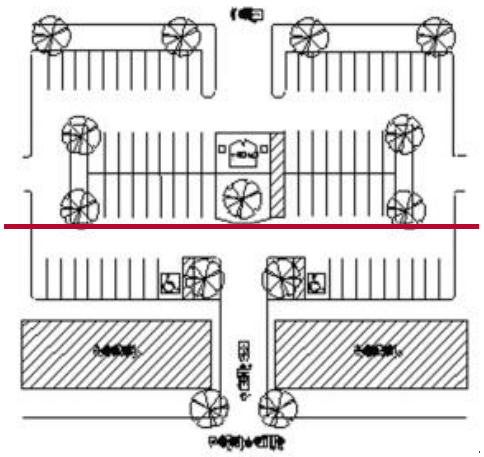
10.7. Off-street parking area design and construction standards.

A. ***Applicability***: The following shall apply to surface off-street parking areas.

B. ***General:*** Internal parking area design and circulation shall be subject to the review and approval of the approving authority, who may impose such conditions as are necessary in order to**:**

1. Ensure the safety of pedestrians and motorists;
2. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
3. Minimize delay and interference with traffic on streets and driveways;
4. Maximize sight distances from parking area exits and access driveways;
5. Facilitate safe and convenient movement of pedestrians from the parking spaces to the principal structure and/or other pedestrian facilities (e.g., sidewalks, multi-use paths, etc.).

~~FIGURE 10.7-A: ILLUSTRATIVE PARKING ARRANGEMENT~~



C. ***Location of off-street parking:***

1. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
2. For non-residential uses and multi-family development with more than 4 dwelling units, access configurations which require backing directly onto a street from a required off-street vehicle parking space are prohibited. Alleys and commercial service lanes are not considered streets for the purposes of this requirement.
3. Off-street parking shall not be permitted within any front yard setback area and shall not be permitted between a principal structure and the street upon which such structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.
    a. The following uses and parking types shall be exempt from this requirement above:
        i. Single-family and duplex residential structures in all zoning districts, except Downtown Mixed-Use (DMX) and Corridor Mixed-Use (CMX) ~~with Tier 1 and Tier 2 off-street parking requirements, according to Section 10.3~~.
        ii. Handicapped parking spaces as required by the North Carolina Accessibility Code or other federal, state, or local regulations.
        iii. Bicycle ~~parking~~ storage spaces required by this ordinance.
        iv. Structures developed as a permitted group development, provided the parking conforms with the relevant subsections of Section 2.4.
        v. ~~Existing non-residential and multi-family development undergoing significant improvement, substantial improvement or change of use~~Redevelopment that does not include the construction of a new principal building, as defined by this ordinance, provided that all newly created parking spaces associated with such redevelopment shall conform with this requirement.
    b. The approving authority, in consultation with the Technical Review Committee, may waive this requirement if it deems that compliance would be impractical due to existing site constraints, provided the development comes into compliance to the greatest extent possible.
4. Off-street parking shall not be permitted within any required open space or common areas.

D. ***Surfacing:*** All off-street vehicle parking area surfacing shall be constructed in accordance with the following specifications:

1. *Hard surface required:* All off-street parking areas including drives connecting such areas with the public street rights-of-way shall be constructed of permanent non-erodible surface treatment as follows:
    a. Poured concrete or asphalt.
    b. Masonry or concrete pavers; or
    c. Porous or semi-porous monolithic or paver materials;
2. The administrator may require the use of porous paving materials in all or a portion of the parking areas. Such instances may pertain to the following, without limitation
    a. To protect the root system of an existing tree or trees from damage
    b. To reduce the amount of impervious surface for stormwater calculation purposes, or
    c. To protect environmentally sensitive areas

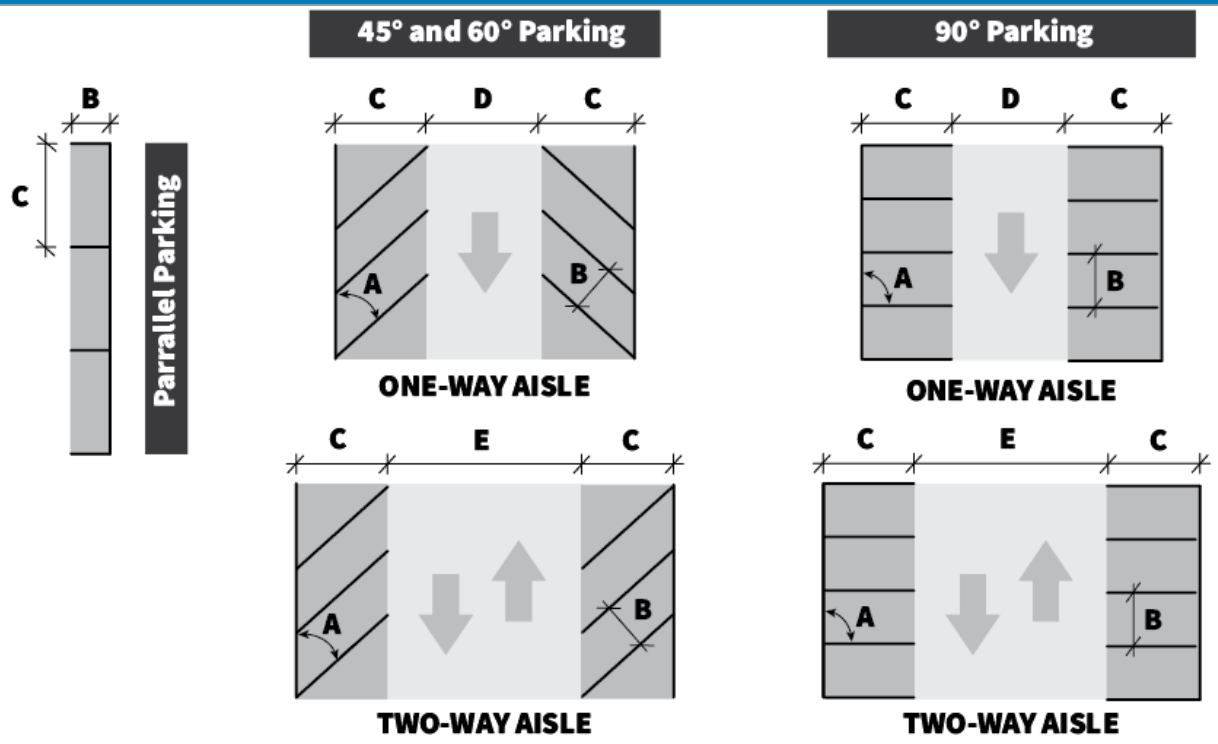
3. *Exceptions to hard surface requirement:* The following situations are exempted from the hard surface requirement.
   a. Parking for a single-family or duplex dwelling in GR districts;
   b. Parking for agricultural uses;
   c. A parking area used only as part of a permitted special event or temporary use permit;
   d. Outdoor recreational facilities that are open to the public;
4. *Non-paved areas:* Whenever an off-street parking area is exempt from the hard surface requirements, the administrator shall require the following:
   a. The non-paved parking areas shall be in compliance with the parking lot landscaping requirements in CHAPTER 8.
   b. Landscape aisles, space markings, or other spatial separations shall be provided to ensure that the parking spaces will be readily identifiable to the users.
   c. The perimeter of off-street parking areas encompassing the parking stalls and the side of any unpaved drive or aisle leading to said stalls, shall be edged with brick, pressure treated timbers, or cast in place concrete, and anchored into place. Alternate borders may be considered on a case-by-case basis.
   d. Landscaping or other measures shall be utilized to prevent the discharge of sediment off-site or into any body of water from an unpaved parking area.

E. ***Parking dimensions:***

1. Parking areas shall meet the following minimum dimensional requirements

TABLE 10.7-A: MINIMUM PARKING STALL AND AISLE DIMENSIONS				
Parking Angle (A)	**Stall Width (B)**	**Stall Depth (C)**	**One-Way Aisle Width (D)**	**Two-Way Aisle Width (E)**
0 / Parallel	8'	22'	N/A	N/A
45	9' (Standard) 8' (Compact)	17'6" (Standard) 16' (Compact)	16'	22'
60	9' (Standard) 8' (Compact)	18' (Standard) 16' (Compact)	18'	22'
90	9' (Standard) 8' (Compact)	18'6" (Standard) 16' (Compact)	22'	24'
Note: Refer to Figure 10.7B below.				

FIGURE 10.7-~~B~~A: PARKING STALL AND AISLE DIMENSIONS DIAGRAM



2. Other parking angles, aisle widths, and traffic flows will be considered on a case-by-case basis by the administrator and/or the Technical Review Committee.

3. *Compact car parking spaces:* For parking areas and structures with 20 or more off-street vehicle parking spaces, up to 25% of ~~required~~ vehicle parking spaces may be designed for compact vehicles and designated with the appropriate signage and/or markings.

~~3.~~4. All parking lots with one-way aisle are required to have the appropriate directional signage, permitted in accordance with Section 12.9, and at least two driveways, permitted in accordance with Section 9.3.

~~4.~~5. Nothing in this section shall be construed as an exemption from local Fire Code access requirements.

~~5.~~6. All parking areas with a hard surface shall delineate parking spaces with paint or other permanent materials. Pavement markings shall be white, at least 4" wide, and maintained in clearly visible condition.

~~6.~~7. *Tandem parking space*: Two spaces stacked (i.e., tandem) may be permitted provided all of the following criteria are met:

vii. The development is a Household Living Use and does not contain more than 4 dwelling units per building.

viii. Both spaces are assigned to one dwelling unit.

ix. The two vehicle parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.

x. The proposed layout is functional and will not create pedestrian or traffic hazards.

xi. The spaces comply with all other standards in this ordinance.

F. *Curbing required*:

1. All parking areas and circulation drives shall be curbed using a vertical curb with a minimum width of 1'6". Landscape islands and areas shall be similarly curbed to protect vegetation.
2. This requirement may be waived to permit sheet flow drainage into pervious areas as part of an approved engineered stormwater retention system.

G. ***Barriers***:

1. Barriers, such as wheel blocks, bollards, and curbs, shall be located along the perimeter of parking lots, internal sidewalks and pedestrian connections that abut parking spaces or driveways.
2. Such barriers shall be designed and located to prevent parked vehicles from extending beyond designated parking areas.

H. ***Maintenance****:* Parking lots shall be maintained to a reasonable drivable standard with visible pavement markings.

I. ***Landscaping****:* Parking lots shall be subject to the parking lot landscaping standards of Section 8.7.

J. ***Lighting****:* Parking lots shall be subject to the outdoor lighting standards of Section 11.3.

K. ***Stormwater management:***

1. Parking areas are subject to stormwater management requirements set forth in CHAPTER 6 of this ordinance.
2. It is strongly encouraged that parking area landscaping be incorporated into the approved stormwater management system for any project.

L. ***Connectivity:***

1. Adjacent parking areas shall be interconnected. Exceptions may be granted by the administrator in the case of existing natural barriers such as steep slopes, surface water protection areas, etc. between the sites.
2. Each parking area that is interconnected may reduce their minimum parking requirement by 10%.

M. ***Circulation drives:***

1. A circulation drive may be permitted around the front of the building but may not encroach into any required landscape area.
2. If provided, this drive shall be one-way and designed to be the minimal width required (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as unit pavers or stamped concrete.

FIGURE 10.7-~~C~~B: CIRCULATION DRIVES



Note: Circulation drives, if provided, should be minimized and treated with pedestrian-scaled materials.

N. ***Pedestrian connections:***

1. Off-street parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building. Barrier free access shall be provided across parking areas and between adjacent pedestrian generators such as commercial or public buildings.
2. All structures (other than single-family and duplex structures) shall be connected to the street and, if available, an adjacent public sidewalk, by a sidewalk. Sidewalks shall also connect other phases of the same development, and adjacent developments, as required by the administrator
3. In addition to any required sidewalk, barrier free access shall also include providing ramps at curbs, clear walkways between pre-cast wheel stops, and clearly delineated walkways on the parking area surface across travel lanes.
4. For lots of 36 spaces or greater, no parking space shall be more than 65 feet from a sidewalk that provide access to the entrance of the building or to other sidewalks connecting to the building. Sidewalk corridors a minimum of five feet in width shall be provided within the parking area or along the perimeter to provide safe building access for pedestrians.

FIGURE 10.7-DC: PEDESTRIAN CONNECTIONS



Note: Sidewalks must connect parking areas and streets to principal structures.

(Ord. No. 8-07, § 1(H), 5-21-07; Ord. No. 2015-24, § 01, 9-21-15; Ord. No. 2017-08, § 1(Exh. A), 3-20-17; Ord. No. 2018-04, § 1(Att. C), 2-19-18; Ord. No. 2021-41, § 1(Exh. A), 9-20-21; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

17.9. Landscape plan requirements.

A. A landscaping plan and/or vegetation preservation plan shall be required prior to any site disturbance for:

1. All non-residential uses;
2. All multi-family uses in a GR and RMX districts;
3. Any development in steep slope areas, in accordance with Section 6.4; and

4. Any other development where a landscaping plan and/or vegetation preservation plan is deemed necessary by the administrator due to the particulars of the project.

B. The plan shall contain the following information:

1. An accurate drawing of property boundaries.
2. A development summary including the total development acreage, proposed use(s), ~~required parking and provided~~ parking spaces, and total building square footage.
3. The location of proposed buildings, driveways, parking areas, ~~required~~ parking spaces, and traffic patterns.
4. The location of all overhead and underground utilities.
5. Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow.
6. General location, type and quantity of existing plant materials.
7. Existing plant materials and areas to be left in natural state.
8. Methods and details for protecting the critical root zone (CRZ) of existing plant materials during construction.
9. Locations, size and labels for all proposed plants.
10. Plant lists with common name, botanical name, quantity, and spacing and size of all proposed landscape material at the time of planting.
11. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, lights, courtyards, walks or paved areas. Berms shall have topo.
12. Planting and installation details as necessary to ensure conformance with all required standards as referenced in CHAPTER 9.

(Ord. No. 2023-22, § 1(Exh. A), 6-5-23; Ord. No. 2025-39, § 1 (Exh. A), 8-4-25)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2026-39
HOUSE BILL 162

AN ACT TO RESTRICT LOCAL GOVERNMENTS FROM REGULATING CERTAIN ASPECTS OF OFF-STREET PARKING SPACES AND TO MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY.

The General Assembly of North Carolina enacts:

PART I. PROHIBITING CERTAIN ZONING AND DEVELOPMENT LIMITATIONS RELATED TO OFF-STREET PARKING

SECTION 1.(a) G.S. 160D-702 reads as rewritten:

"**§ 160D-702. Grant of power.**

…

(c) A zoning or other development regulation shall not do any of the following:

(1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.

(2) Require ~~a~~ an off-street parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.

(2a) Require an off-street parking lot to meet a minimum number of parking spaces per development or structure, regardless of occupancy or use. The limitations of this subdivision shall not, however, apply to local governments located in the coastal area, as those terms are defined under G.S. 113A-103, except with respect to the following properties located in the coastal area:

a. Within the boundaries of a National Register Historic District or a local historic district.

b. That are either (i) individually listed in the National Register of Historic Places or (ii) individually designated as a local historic landmark.

c. Individual properties on the Study List for the National Register of Historic Places as maintained by the North Carolina State Historic Preservation Office or a national or State historic landmark, or properties located within a district on the Study List for the National Register of Historic Places as maintained by the North Carolina State Historic Preservation Office or a national or State historic landmark.

(3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

(4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.

…."

SECTION 1.(b) This section becomes effective January 1, 2027.

PART II. MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY

SECTION 2.(a) G.S. 143-214.7 reads as rewritten:

"**§ 143-214.7. Stormwater runoff rules and programs.**

…

(a1) Definitions. – The following definitions apply in this section:

(1) Built-upon area. – As defined in G.S. 143-214.7D.

(2) Development. – Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil. ~~When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law.~~

~~(2)~~(3) Redevelopment. – Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control to that of the previous development.

…

(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) ~~preexisting development~~ existing built-upon area or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. ~~When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity.~~ When development or redevelopment occurs at a site that has existing built-upon area, (i) the existing built-upon area shall not be included in the density calculations for additional stormwater control requirements, irrespective of whether the existing built-upon area is to be demolished, relocated, replaced, or remains in place during development activity, (ii) the existing built-upon area at the site is not subject to additional stormwater control requirements under this section, regardless of whether the existing built-upon area is demolished, relocated, replaced, or remains in place during the development activity, (iii) for purposes of determining the size of the area for which stormwater control measures are required for a development or redevelopment, built-upon area that existed before the development or redevelopment shall be applied on a square-foot-for-square-foot basis to reduce the built-upon area for which stormwater control measures are required, and (iv) stormwater control requirements cannot be applied retroactively to existing built-upon area, unless otherwise required by federal law. A property owner may elect to treat the stormwater resulting from the net increase in built-upon area above the ~~preexisting~~ existing built-upon area at the development or redevelopment for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances.

…

(b8) A local government may offer nonmandatory incentives that waive building, zoning, connection, or other regulations or fees; provide additional tax and financial benefits; or institute

other incentives for development or redevelopment that implements additional stormwater control measures beyond those required by this section and rules adopted thereunder.

…."

SECTION 2.(b) Each local government that implements a stormwater management program shall amend its stormwater ordinance to conform to G.S. 143-214.7(b3), as amended by subsection (a) of this section, within 12 months of the effective date of this section. Any local stormwater ordinance that is inconsistent with G.S. 143-214.7(b3), as amended by subsection (a) of this section, is void and unenforceable on and after that date. A local government may adopt, amend, or repeal ordinance provisions implementing G.S. 143-214.7(b8) at any time after the effective date of this section.

SECTION 2.(c) This section is effective when it becomes law and applies to stormwater rules and stormwater program amendments adopted on or after that date.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2026.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 3:04 p.m. this 6th day of July, 2026

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

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

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

Building Brevard 2030 Comprehensive Land Use Plan Goals

- ***GOAL 2:*** *Encourage a* ***development pattern*** *that respects Brevard's sense of place and prioritizes* ***livable communities****.*
- ***GOAL 4:*** *Create a built environment that prioritizes a* ***safe, active, multi-modal transportation system*** *and community health and wellness.*
- ***GOAL 7:*** *Support economic vitality and* ***grow the tax base****, cultivate local businesses, and attract sustainable industry.*
- ***GOAL 8:*** *Plan* ***for efficient, equitable, and resilient infrastructure*** *and services that maintain and improve quality of life throughout the city.*

Building Brevard 2030 Comprehensive Land Use Plan Actions

- ***Active Transportation and Community Health - 9:*** *Right-size parking requirements and develop incentives for multimodal access and alternative approaches to meeting parking demand.*