

**AGENDA
(REVISED)
City of Brevard
Brevard Planning Board
Regular Meeting
Tuesday, August 18, 2015 at 7:00 PM
Council Chambers, City Hall
95 W. Main Street, Brevard NC 28712**

- I. Welcome and Introduction of Planning Board Members
- II. Approval of Minutes: May 19, 2015; August 3, 2015
- III. New Business:
 - A. Application #TA15-000002 of Doug Harris, Harris Architects, for Proposed Text Amendment to Unified Development Ordinance Chapter 5.17 Encroachments.
- IV. Old Business: None.
- V. Other Business: None.
- VI. Adjourn.

Revised Agenda posted and emailed to T. Times, August 11 , 2015. jhp

MINUTES
BREVARD PLANNING BOARD
MAY 19, 2015

Brevard Planning Board met for a regular meeting on Tuesday, May 19, 2015, at 7:00 PM in Council Chambers of City Hall.

Members Present: Kimsey Jackson, Chair
Demi Loftis, Vice Chair
Katie Thompson
Jimmy Perkins
Seyl Park
Frank Porter

Staff Present: Josh Freeman, Planning Director
Daniel Cobb, Assistant Planning Director
Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Chair, Kimsey Jackson, called the meeting to order and the Board members introduced themselves. The Chair called for a moment of silent meditation.

II. Approval of Minutes –

Approval of Minutes of the March 17, 2015 meeting, J. Perkins moved for approval as written, seconded by D. Loftis and unanimously approved.

III. New Business –

1. Application #15-129, Jay Egolf, Proposed Text Amendment to Unified Development Ordinance Chapter 12.11.A.1.

Susan Johnston, Egolf of Brevard stated that their request to amend the ordinance was to allow for them to have a directional sign at their entrance at the stop light. She stated that it is for safety reasons and also because their entrance is before their branding signs, making it difficult for customers and transporters to see before they have passed the entrance and then making it necessary for them to go to the next light at the Marathon station which is also the entrance to the hospital and make a u-turn, and that this traffic signal also has a right directional turn for the traffic leaving the hospital.

J. Perkins stated that the new entrance is a great improvement, safety wise and aesthetically and that this is a valid request.

D. Cobb, Staff, presented his staff report, explaining that Egolf of Brevard is considered a group development and making reference to Chapter 19 of the UDO as it pertains to group developments as follows:

Background: Jay Egolf of Egolf Motors would like to place an additional ground sign at the northernmost entrance of his property located at 1235 Asheville Highway. Egolf Motors is considered a *group development* (defined below), and as such, additional signage is allowed. However, additional ground signs at entrances to group developments are only permissible if they are separated from other ground signs by at least 500'. In this case the proposed location is less than 500', Mr. Egolf proposes to reduce this distance to 300'.

While small directional signs indicating entrances, exists, and parking lot directions are allowed without the issuance of a permit, they may only be up to two square feet per side. Mr. Egolf would like a larger sign (32 square feet) as indicated by his application for a ground sign.

This specific request is to modify UDO chapter 12, section 12.11.A.1.

Discussion: UDO Chapter 19 provides the following definition of a group development:

Group development:

[1.] Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (Examples may include, but are not limited to, summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes, or any other combination of primary structures).

[2.] Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.

Attachment 01 shows all identified group developments within the City of Brevard. It is important to note that this amendment is specific to regulations regarding PDD's, group developments, and institutional campuses with expansive highway frontages. Traditional commercial properties with one entrance will not benefit from this particular amendment, as it is specific to ground signs along the same street frontage.

In addition to the requirements mentioned above, Planning Board should remember the City's access management standards as detailed in Chapter 9 of the UDO. Wherein the allowable number of driveways per development (potential locations for additional signs) is tightly controlled. For example, only developments with an excess of 500' of highway frontage are allowed two driveways, which would allow a maximum of two signs under the proposed amendment.

Staff / Board Recommendation: Staff does not offer a recommendation on this matter.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend approval of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments, with recommended modifications.
3. Recommend denial of the proposed text amendments as presented.

In its review, the Planning Board may request additional information from Staff, and may take up to 45 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Thursday, June 25, 2015.

D. Cobb pointed out to the Board the properties that would be affected by the ordinance change.

K. Jackson requested clarification on the distance between entrance and product signage.

D. Cobb explained that it was less than 500 feet, but greater than 300 feet.

D. Loftis ask if there were any plans to do landscaping in front of the property.

S. Johnston, Egolf of Brevard, responded that she knew of none at this time.

D. Loftis ask staff for clarification of landscaping requirements for new development.

D. Cobb explained that the request was not for new development on the property or their probably would be landscaping requirements but that the request was for a sign.

S. Park asked if future group developments would have the same 300 foot requirement.

D. Cobb responded that they would, but that access management requirements would still be required to be met. This would require a large tract of land to accommodate the requirement on the Asheville Highway of 500 feet between driveways and intersections and 400 feet between driveway cuts.

F. Porter requested the exact measurement; D. Cobb measured and stated it is approximately 341 feet. Also including that the setback requirements would be 12 foot from side, 10 foot from front property lines and that clear visibility from stop light would be a requirement.

K. Thompson expressed her concerns for accommodating the request of one property and affecting more properties in doing so.

D. Loftis stated that she would like to send a message to Egolf that there is a need to add landscaping to the front of the property. Stating that tourism is important to Brevard, that Brevard is growing for the better and that Highway 280 is an important gateway into Brevard.

S. Johnston stated that she would certainly convey that message to Egolf.

S. Park made a motion to approve, seconded by J. Perkins, unanimously approved.

2. Proposed Text Amendment – Railroad Avenue Mixed Use Zoning District

J. Freeman gave a brief history leading up to the proposed text amendment, stating that the Official Zoning Map for the Railroad Avenue neighborhood is the map that the Planning Board approved and sent forward for Council's approval. He gave a brief overview of the map explaining the biggest changes, some areas being changed to residential mixed use to allow for greater density and the creation of the new zoning district, Railroad Avenue Mixed Use Zoning District replacing the current neighborhood mixed use (NMX) and general industrial (GI) to again provide higher density residential uses and opportunities to blend commercial and light industrial uses. Staff report is attached hereto, labeled Exhibit "A" and incorporated herein by reference.

J. Freeman went through the revisions page by page for the Board and for the audience.

K. Jackson pointed out to the Board the changes were in blue and mark outs are in red and otherwise there are no changes to the UDO.

J. Freeman stated that there are changes that have nothing to do with the Railroad Avenue Plan but that this was a good time clean up some other items.

J. Freeman went through the use matrix for the Railroad Avenue Mixed Use Zoning District.

K. Thompson voiced concerns about the indoor firing range in a high density residential area. Stating that the residents in this area will already see changes to their neighborhood that are not normal to residential neighborhoods.

J. Freeman explained that the facility would have to be built to comply with the noise ordinance.

Jacob Dinkins, 500 West Probart Street, ask if the public could make comments.

K. Jackson, Chair stated that they may do so.

Jacob Dinkins stated that the neighborhood would not be in favor of a firing range indoor or outside.

Carol Persek, 584 West Probart Street, also stated her opposition to an indoor or outdoor firing range.

F. Porter and K. Jackson both commented that they would not be opposed to an indoor firing range.

D. Loftis stated that she felt the need to listen to the residents.

Roberta Miller, 122 West French Broad Street, referring to the use matrix stated that the headings are very hard to follow and she would not have a problem with an indoor range in a manufacturing district but that the format is hard to follow, therefore making it hard to understand. She also voiced density and setback concerns for the proposed district.

J. Freeman explained that the properties being discussed are not residential properties.

Jacob Dinkins, Carol Persek and Roberta Miller all stated that in the purple district/manufacturing district that they saw no problem allowing an indoor firing range.

S. Park stated he felt the use was more appropriate elsewhere. J. Perkins agreed that it should be left out, that he saw no need to place in this district.

K. Thompson made a motion to remove indoor firing range in this new district, seconded by S. Park. Upon vote, K. Thompson, S. Park, F. Porter, D. Loftis, J. Perkins, voted in favor and K. Jackson opposed.

There was further review and discussion.

J. Perkins pointed out several formatting changes that he felt needed to be addressed to make the document easier to read. He further pointed out the need to clean up inconsistency when making reference to Planned Development District in the document.

J. Leder, 290 Peliter Lane, stated that he represents the Lumberyard. He stated that developers need more flexibility. He personally does not want to see a gun range in the district but also knows that the area needs to remain flexible to the developer that wants to create a business and jobs for the area. He feels that a special use permit would have been a good option for the allowing or not of a gun range.

R. Miller asked Staff how strongly Staff has the capacity to enforce a special use permit.

J. Freeman responded that City Council makes the final decision about enforcement but that in the 10 years he has been with the City approximately 90%.

D. Loftis made a motion to approve with changes that were noted, seconded by K. Thompson. There was discussion about bringing the changes back for review but the Board made the decision to vote on the motion as presented. Motion carried unanimously.

III. Old Business – None.

IV. Other Business-

J. Freeman welcomed, Frank Porter to the Board. Mr. Porter presented a letter of reference to the Board which is attached hereto and labeled "Exhibit B".

VI. Adjourn-

There being no further business, S. Park made a motion to adjourn, seconded by J. Perkins, the Board unanimously voted to adjourn at 8:40 PM.

R. Kimsey Jackson, Chair

Janice H. Pinson, Board Secretary

MINUTES
BREVARD PLANNING BOARD
Special Called
Joint Planning Board and City Council Work Session
August 3, 2015 – 5:30 PM

The Brevard Planning Board held a special called joint work session with the Brevard City Council for the purpose of hearing a presentation on Form Based Code. The joint work session was held on Monday, August 3, 2015, at 5:30 PM in the Council Chambers of City Hall with Planning Board Chairman Kimsey Jackson and Mayor Jimmy Harris presiding.

- Planning Board Members Present:** Kimsey Jackson, Chair
Demi Loftis, Vice Chair
Katie Thompson
Jimmy Perkins
Seyl Park
Frank Porter
Chris Strassner
- City Council Members Present:** Mayor Jimmy Harris
Mayor Pro Tem Mac Morrow
Maurice Jones
Ann Hollingsworth
Charlie Landreth
Wes Dickson (Mr. Dickson joined the meeting at 5:45PM)
- Staff Present:** Jim Fatland, Interim City Manager & Finance Director
Daniel Cobb, Interim Planning Director
Aaron Bland, Planner
Janice H. Pinson, Board Secretary
Desiree Perry, City Clerk
Jill Murray, Deputy Clerk/HR Specialist
- Others:** Derek McKissock – Transylvania Times
Gary Daniels, City Council Candidate

A. Welcome and Call to Order –

Mayor Jimmy Harris called the meeting to order, welcomed those present, introduced Council members, and explained tonight's Work Session is a joint meeting with Brevard Planning Board to hear a presentation on Form Based Code. Special Called Meeting has been properly noticed and is open to the public.

Kimsey Jackson, Chair, also called the meeting to order and the Planning Board members were introduced.

B. Certification of Quorum –

The City Clerk certified a quorum of City Council present. A quorum of Brevard Planning Board was also in attendance.

C. Approval of Agenda –

Agenda was accepted as presented.

D. Presentation – Form Based Code –

Mr. Cobb introduced Mr. Demetri Baches of Metrocology. The purpose for tonight's joint work session is to hear Mr. Baches' presentation on Form Based Code (FBC). Last fiscal year the City budgeted \$50,000 for the Form Based Code project. Five request for proposals were received; of the five received Staff believes the one received from Metrocology best suits the City's needs as their Proposal includes addressing the technical side of the code, as well as, a strong outreach to the community. Tonight is the kick-off meeting for the Project.

"A form-based code (FBC) is a way to regulate development that controls building form first and building use second, with the purpose of achieving a particular type of "place" or built environment based on a community vision." ¹

Mr. Baches provided a power-point presentation (power point on file) to illustrate and describe areas that will be considered when working with Brevard's staff and Council in the process of creating Form Based Code. Considerations include: (a) zoning vs design, (b) coding vs design, (c) engineering vs design, and (d) economic, environmental and social. Components of both residential and commercial will be sensitive to design and density in areas best suited for vehicle traffic. He explained a goal is for the City to act like a master developer – looking at all components – resulting in a fine tuned master plan for Brevard. Development of the Form Based Code will take approximately two (2) years.

Recent discussions and information provided to Council back in December, 2014, from Joe Minicozzi, Urban 3 LLC, along with the information offered by Mr. Ed McMahon of the Urban Land Institute, in the community presentation of, "The Dollars and Sense in Protecting Community Character" will be beneficial to the City in the Form Based Code process.

Briefly discussed: Value in allowing increased density where appropriate; determine if the community desires to function as a car or pedestrian form, cannot be both – while both are considered, one has to be the goal; and, an increased interest in development and re-development is beginning to take place in Brevard and what, if any, stop-gap measures could be done over the next couple of years as the Form Based Code is being put into place.

Planning Board and Council members thanked Mr. Baches for his presentation.

E. Adjourn-

There being no further business, Ms. Hollingsworth moved, seconded by Mr. Landreth, the City Council special called meeting be adjourned. Motion carried and the Council meeting was adjourned at 7:07 PM.

There being no further business J. Perkins moved, seconded by D. Loftis, the special called meeting of the Planning Board be adjourned. Motion carried and the meeting adjourned at 7:07 PM

R. Kimsey Jackson, Chair

Janice H. Pinson, Board Secretary

Minutes Approved: _____

¹ Part 1: What is Form-Based Code? by Mary Madden and Joel Russell, December 5, 2014.
<http://plannersweb.com>



The City of Brevard North Carolina

PLANNING BOARD STAFF REPORT

August 18, 2015

Title: Setback Encroachment Text Amendment
Speaker: Daniel P. Cobb, AICP, CFM, CZO, Planning Director
From: Daniel P. Cobb, AICP, CFM, CZO, Planning Director
Prepared by: Daniel P. Cobb, AICP, CFM, CZO, Planning Director

Executive Summary: Planning Board will consider and offer recommendations regarding proposed amendments to Brevard City Code, Unified Development Ordinance, Chapter 5 – Building Types and Architectural Standards, specifically 5.17 – Encroachments.

Background: On July 27, 2015 Planning Staff received an application for a text amendment from Doug Harris of Harris Architects. The request is to allow additional encroachments into setback areas including roof overhangs, gutters, uncovered porches, stoops, stairs, patios, balconies, bay windows, and chimneys.

Currently UDO chapter 5.17 allows for encroachments of awnings and handicapped ramps under certain conditions. Included with this staff report are three (3) versions of chapter 5 for reference. Attachment 1 includes the language as it currently exists, Attachment 2 includes the proposed language by the applicant, and Attachment 3 includes Staff's recommended changes.

Discussion: Setbacks are currently defined in the UDO as *"the distance from the street right-of-way to the closest edge of a structure or sign."* That principle is specifically referenced in Chapter 2 of the UDO and expanded to include setbacks from side and rear property lines, in addition to the right-of-way (which is typically in the front yard).

The setback is measured from the appropriate property boundary (front, side, or rear) to the nearest edge of the structure. Structures in the UDO are defined as:

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

Roof overhangs, gutters, uncovered porches, stoops, stairs, balconies, bay windows, and chimneys are currently considered part of the structure and factored into the setback

measurement. Patios, driveways, and other similar areas that are at grade are not included in that measurement.

There are currently a number of options available for allowing encroachments into setback areas including variances approved by the Board of Adjustment (UDO Ch.16.13), administrative reductions in setback requirements to protect floodplain or other environmentally sensitive areas (UDO Ch.2.3.B.5), and site specific permitting procedures such as the planned development district (UDO Ch.16.8.A.2).

The majority of land suitable for development within the corporate limits of Brevard is built upon, providing additional avenues for encroachments into setback areas for design elements mentioned above could increase the potential for infill development. However, the Board should remember that by allowing encroachments into a setback area the house may then be built in such a manner that the walls of the structure are built up to the setback lines and the design elements above would extend beyond. This would allow an overall increase in the total size, mass, and appearance of a home.

A number of communities across the state allow encroachments of some kind into the setback areas, please refer to the applicant's narrative (Attachment 4) and a summary table (Attachment 5) of other communities for examples.

Since the UDO's adoption in April of 2006 of there have been 802 permits issued for new construction, additions, and alterations (all of which were subject to setback standards). During that timeframe there were 13 applications for variances. While balconies, bay windows, and chimneys may be required for a particular architectural design they don't necessarily provide a functional benefit to the home as roof overhang or gutter system would.

Considering the information above, Staff is of the opinion that with the current processes available for setback encroachments is sufficient and recommends amending the ordinance only to allow for encroachments of uncovered stairs, porches, and roof overhangs (including gutters). Text to this effect is included as Attachment 3.

Staff / Board Recommendation: Staff recommends approval of the text amendment as presented in Attachment 3.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend approval of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments, with recommended modifications.
3. Table discussion until a later date.
4. Recommend denial of the proposed text amendments as presented.

In its review, the Planning Board may request additional information from Staff, and may take up to 45 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Thursday, October 1, 2015.

Fiscal Impact: None.

Policy Impact: Current land use regulations, policies, pedestrian plans and the draft comprehensive plan all encourage dense development to allow for and encourage walkable and pedestrian-friendly neighborhoods. Increasing setback encroachments as described in Attachment 3 will preserve these goals while at the same time increasing potential for new development and additions to existing structures, increasing property values, and ultimately increasing revenue for the City and County.

Attachments:

- 1- Original text from UDO Chapter 5.17
- 2- Proposed text for Chapter 5.17 (applicant version)
- 3- Staff-recommended text for Chapter 5.17
- 4- Applicant application and narrative
- 5- Summary table of allowable encroachments from other jurisdictions

1 **Chapter 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS**

2 **5.17 Encroachments**

3 Certain architectural features are permitted to encroach across parcel lines, into setback
4 areas, and into rights-of-way. The following standards shall be established for
5 encroachments:

6 **A. Awnings:**

7 Awnings on structures within commercial and mixed-use zoning districts may
8 encroach upon the front setback area and rights-of-way provided that the following
9 conditions are met:

- 10 1. Awnings shall be supported by means of a frame attached directly to the
11 structure receiving beneficial use of the awning. In no case shall awnings be
12 supported by a frame attached to a sidewalk or other public right-of-way.
- 13 2. Storefront awnings projecting the width of the sidewalk pedestrian zone must
14 be attached to the building at 14' above the grade of the sidewalk. Awnings
15 may only project two-thirds the width of the sidewalk pedestrian zone if
16 attached lower than 14' above the grade of the sidewalk.
- 17 3. Awnings shall not project into the furniture / landscape zone of any sidewalk,
18 nor over a street or adjacent on-street parking, and, in no event, shall they
19 project further than 7 feet from the face of the building.
- 20 4. The lowest point of any awning shall be at least nine feet above the grade of
21 the sidewalk.
- 22 5. All awnings in other zoning districts shall be considered a part of the structure
23 for purposes of measuring and complying with area and setback regulations.

24 **B. Handicapped Ramps:**

25 The Administrator may approve the installation of handicapped landings, ramps,
26 and similar structures as additions to existing structures, even though such
27 additions do not meet the minimum setback requirements of this Ordinance,
28 provided such additions meet the following criteria:

- 29 1. They are intended for the sole purpose of providing handicapped access to an
30 existing structure.
- 31 2. They fully conform to North Carolina Building Code and are designed to
32 minimize setback deviations to the maximum extent possible.
- 33 3. Prior to the issuance of any permit the Administrator shall inspect the site of
34 the proposed addition and may impose such conditions as are necessary to

35 minimize any conflicts that may arise from the construction thereof, including
 36 the encroachment of such additions upon setback lines.

37 4. No such addition shall encroach into a public or private right-of-way or
 38 easement, regulatory floodway, or surface water protection area.

39 **5.18 Computation of Building Height:**

40 **A.** Building height” is measured as the vertical distance above a reference elevation measured
 41 to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a
 42 mansard roof. The height of a terraced or stepped building is the maximum height of any
 43 segment of the building. The height limitations of this Code shall not apply to church spires,
 44 belfries, cupolas, and domes not intended for human occupancy, monuments, water towers,
 45 observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles,
 46 masts and antennas; provided evidence from appropriate authorities is submitted to the
 47 effect that such building or structure will not interfere with any airport zones or flight
 48 patterns.

49 **B.** The reference elevation shall be selected using the greater of either of the following:

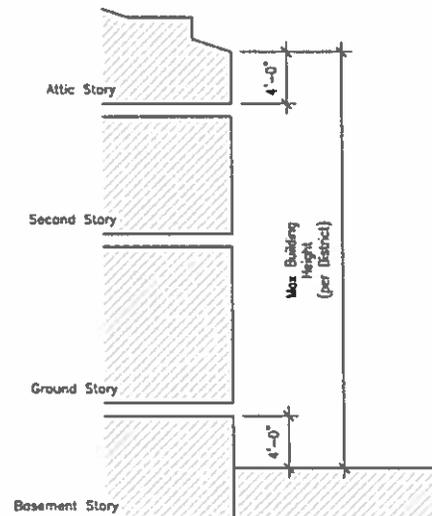
- 50 1. The elevation of the highest adjoining sidewalk or ground surface within a
 51 five-foot horizontal distance of an exterior wall of the building when such
 52 sidewalk or ground surface is not more than 10 feet above the lowest grade;
 53 or,
- 54 2. An elevation 10 feet higher than the lowest grade when the sidewalk or
 55 ground surface described in paragraph 1, above is more than 10 feet above
 56 the lowest grade.

57 **C.** Story:

58 The habitable level of a building, which level shall not exceed 14 feet in height from
 59 finished floor to finished floor. Basements
 60 that emerge less than 4 feet from grade or
 61 attics not exceeding 4 feet at the knee-
 62 wall shall not constitute a story.

63 **D.** Items Not Included in Calculation:

64 The height limitations of Chapter 2,
 65 Section 2.3(E) of this Ordinance shall not
 66 apply to church spires, belfries, cupolas,
 67 and domes not intended for human
 68 occupancy, monuments, water towers,
 69 observation towers, transmission towers,
 70 chimneys, smokestacks, conveyors,
 71 flagpoles, masts and antennas; provided
 72 evidence from appropriate authorities is
 73 submitted to the effect that such building



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or structure will not interfere with any airport zones or flight patterns.

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1 **Chapter 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS**

2 **5.17 Encroachments**

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4 areas, and into rights-of-way. The following standards shall be established for
5 encroachments:

6 **A. Awnings:**

7 Awnings on structures within commercial and mixed-use zoning districts may
8 encroach upon the front setback area and rights-of-way provided that the following
9 conditions are met:

- 10 1. Awnings shall be supported by means of a frame attached directly to the
11 structure receiving beneficial use of the awning. In no case shall awnings be
12 supported by a frame attached to a sidewalk or other public right-of-way.
- 13 2. Storefront awnings projecting the width of the sidewalk pedestrian zone must
14 be attached to the building at 14' above the grade of the sidewalk. Awnings
15 may only project two-thirds the width of the sidewalk pedestrian zone if
16 attached lower than 14' above the grade of the sidewalk.
- 17 3. Awnings shall not project into the furniture / landscape zone of any sidewalk,
18 nor over a street or adjacent on-street parking, and, in no event, shall they
19 project further than 7 feet from the face of the building.
- 20 4. The lowest point of any awning shall be at least nine feet above the grade of
21 the sidewalk.
- 22 5. All awnings in other zoning districts shall be considered a part of the structure
23 for purposes of measuring and complying with area and setback regulations.

24 **B. Handicapped Ramps:**

25 The Administrator may approve the installation of handicapped landings, ramps,
26 and similar structures as additions to existing structures, even though such
27 additions do not meet the minimum setback requirements of this Ordinance,
28 provided such additions meet the following criteria:

- 29 1. They are intended for the sole purpose of providing handicapped access to an
30 existing structure.
- 31 2. They fully conform to North Carolina Building Code and are designed to
32 minimize setback deviations to the maximum extent possible.
- 33 3. Prior to the issuance of any permit the Administrator shall inspect the site of
34 the proposed addition and may impose such conditions as are necessary to
35 minimize any conflicts that may arise from the construction thereof, including
36 the encroachment of such additions upon setback lines.

37 4. No such addition shall encroach into a public or private right-of-way or
38 easement, regulatory floodway, or surface water protection area.

39 C. Roof overhangs & gutters:

40 1. Roof overhangs and gutters may encroach into front, rear, or side yard
41 setbacks by up to two feet (2').

42 D. Uncovered porches, stoops, stairs, and patios:

43 1. Uncovered porches, stoops, stairs, and patios, intended primarily for means
44 of ingress and egress, nominally in line with the first floor above grade or any
45 floor below that, may encroach into front, side, or rear yard setbacks up to
46 one-third (1/3) of the required setback dimension up to a height of four feet
47 (4') above the elevation of the floor being served. The area of each porch or
48 patio, not including landings between runs of stairs, shall be no greater than
49 fifty square feet (50sf). No more than one (1) encroachment per side shall be
50 permitted.

51 E. Balconies and bay windows:

52 1. Covered or uncovered balconies and bay windows may encroach into front or
53 rear setbacks up to three feet (3') into the required setback dimension.
54 Balconies or bay windows may not exceed ten feet (10') in width. Cumulative
55 total of balconies and bay windows projecting into the setback shall not
56 exceed thirty three percent (33%) of the total width of each elevation.

57 F. Chimneys:

58 1. Chimneys may encroach into front, rear, or side setbacks by up to three feet
59 (3'). Width of the chimney encroachment shall not exceed that necessary for
60 the fireplace, flue, and the typical building walls enclosing the fireplace or
61 flue.

62 **5.18 Computation of Building Height:**

63 **A. Building height** is measured as the vertical distance above a reference elevation measured
64 to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a
65 mansard roof. The height of a terraced or stepped building is the maximum height of any
66 segment of the building. The height limitations of this Code shall not apply to church spires,
67 belfries, cupolas, and domes not intended for human occupancy, monuments, water towers,
68 observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles,
69 masts and antennas; provided evidence from appropriate authorities is submitted to the
70 effect that such building or structure will not interfere with any airport zones or flight
71 patterns.

72 **B. The reference elevation shall be selected using the greater of either of the following:**

73 **1. The elevation of the highest adjoining sidewalk or ground surface within a**
74 **five-foot horizontal distance of an exterior wall of the building when such**

75 sidewalk or ground surface is not more than 10 feet above the lowest grade;
76 or,

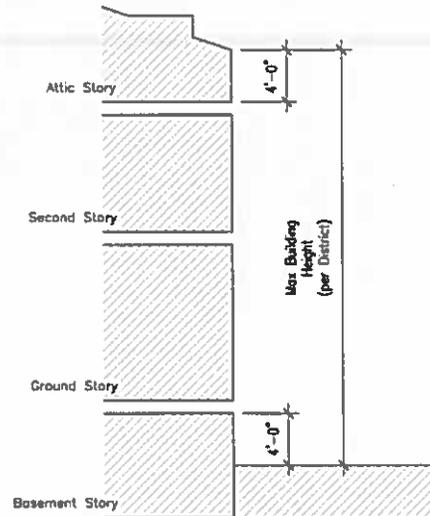
77 2. An elevation 10 feet higher than the lowest grade when the sidewalk or
78 ground surface described in paragraph 1, above is more than 10 feet above
79 the lowest grade.

80 C. Story:

81 The habitable level of a building, which level shall not exceed 14 feet in height from
82 finished floor to finished floor. Basements
83 that emerge less than 4 feet from grade or
84 attics not exceeding 4 feet at the knee-
85 wall shall not constitute a story.

86 D. Items Not Included in Calculation:

87 The height limitations of Chapter 2,
88 Section 2.3(E) of this Ordinance shall not
89 apply to church spires, belfries, cupolas,
90 and domes not intended for human
91 occupancy, monuments, water towers,
92 observation towers, transmission towers,
93 chimneys, smokestacks, conveyors,
94 flagpoles, masts and antennas; provided
95 evidence from appropriate authorities is
96 submitted to the effect that such building
97 or structure will not interfere with any airport zones or flight patterns.



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1 **Chapter 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS**

2 **5.17 Encroachments**

3 Certain architectural features are permitted to encroach across parcel lines, into setback
4 areas, and into rights-of-way. The following standards shall be established for
5 encroachments:

6 **A. Awnings:**

7 Awnings on structures within commercial and mixed-use zoning districts may
8 encroach upon the front setback area and rights-of-way provided that the following
9 conditions are met:

- 10 1. Awnings shall be supported by means of a frame attached directly to the
11 structure receiving beneficial use of the awning. In no case shall awnings be
12 supported by a frame attached to a sidewalk or other public right-of-way.
- 13 2. Storefront awnings projecting the width of the sidewalk pedestrian zone must
14 be attached to the building at 14' above the grade of the sidewalk. Awnings
15 may only project two-thirds the width of the sidewalk pedestrian zone if
16 attached lower than 14' above the grade of the sidewalk.
- 17 3. Awnings shall not project into the furniture / landscape zone of any sidewalk,
18 nor over a street or adjacent on-street parking, and, in no event, shall they
19 project further than 7 feet from the face of the building.
- 20 4. The lowest point of any awning shall be at least nine feet above the grade of
21 the sidewalk.
- 22 5. All awnings in other zoning districts shall be considered a part of the structure
23 for purposes of measuring and complying with area and setback regulations.

24 **B. Handicapped Ramps:**

25 The Administrator may approve the installation of handicapped landings, ramps,
26 and similar structures as additions to existing structures, even though such
27 additions do not meet the minimum setback requirements of this Ordinance,
28 provided such additions meet the following criteria:

- 29 1. They are intended for the sole purpose of providing handicapped access to an
30 existing structure.
- 31 2. They fully conform to North Carolina Building Code and are designed to
32 minimize setback deviations to the maximum extent possible.
- 33 3. Prior to the issuance of any permit the Administrator shall inspect the site of
34 the proposed addition and may impose such conditions as are necessary to
35 minimize any conflicts that may arise from the construction thereof, including
36 the encroachment of such additions upon setback lines.

37 4. No such addition shall encroach into a public or private right-of-way or
38 easement, regulatory floodway, or surface water protection area.

39 C. Roof Encroachments:

40 1. Overhangs and gutters may encroach into front, rear, or side yard setbacks by
41 up to two feet (2').

42 D. Stairs and porches:

43 1. Uncovered porches and stairs, intended primarily for means of ingress and
44 egress, nominally in line with the first floor above grade or any floor below
45 that, may encroach into front or rear yard setbacks up to one-third (1/3) of
46 the required setback dimension, but in no case any closer than five (5) feet to
47 any property line. The area of each porch or stairs, not including landings
48 between runs of stairs, shall be no greater than fifty square feet (50sf). No
49 more than one (1) encroachment per side shall be permitted.

50 2. No such addition shall encroach into a public or private right-of-way or
51 easement, regulatory floodway, or surface water protection area.

52 **5.18 Computation of Building Height:**

53 **A. Building height'' is measured as the vertical distance above a reference elevation measured**
54 **to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a**
55 **mansard roof. The height of a terraced or stepped building is the maximum height of any**
56 **segment of the building. The height limitations of this Code shall not apply to church spires,**
57 **belfries, cupolas, and domes not intended for human occupancy, monuments, water towers,**
58 **observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles,**
59 **masts and antennas; provided evidence from appropriate authorities is submitted to the**
60 **effect that such building or structure will not interfere with any airport zones or flight**
61 **patterns.**

62 **B. The reference elevation shall be selected using the greater of either of the following:**

63 **1. The elevation of the highest adjoining sidewalk or ground surface within a**
64 **five-foot horizontal distance of an exterior wall of the building when such**
65 **sidewalk or ground surface is not more than 10 feet above the lowest grade;**
66 **or,**

67 **2. An elevation 10 feet higher than the lowest grade when the sidewalk or**
68 **ground surface described in paragraph 1, above is more than 10 feet above**
69 **the lowest grade.**

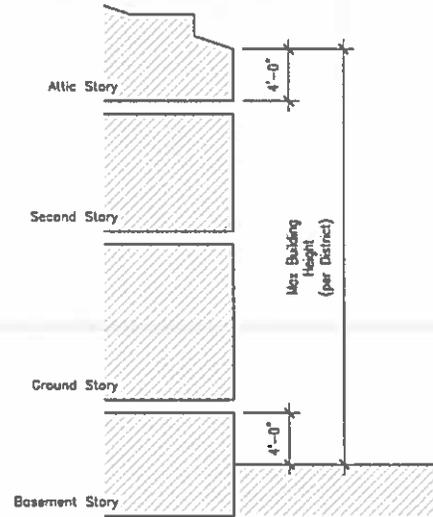
70 **C. Story:**

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The habitable level of a building, which level shall not exceed 14 feet in height from finished floor to finished floor. 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. Items Not Included in Calculation:

The height limitations of Chapter 2, Section 2.3(E) of this Ordinance 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.





TA 15-000002 Attachment 4

CITY of BREVARD

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

Planning Department
(828) 885-5630

-APPLICATION FOR TEXT AMENDMENT-

This application form shall be submitted with all requests for amendment to Brevard City Code. Completed applications and a \$200 application fee may be submitted to the City of Brevard Planning Department, 95 West Main Street, Brevard NC 28712.

APPLICANT CONTACT:

Name: Dave Harris Harris Architects
 Telephone: 828.883.5535
 Email: dharris@harrisarch.com
 Address: 33 West Probert St
Brevard NC 28712
 Signature: [Signature]
 Date: 7.27.15

APPLICANT'S AGENT CONTACT (By my signature, above, I hereby authorize the following individual(s) to represent me in this proposed amendment to Brevard City Code.):

Name: same
 Telephone: _____
 Email: _____
 Address: _____

BREVARD CITY CODE SECTION PROPOSED FOR AMENDMENT (Insert applicable Brevard City Code references):

5.17 Encroachments Add paragraphs C, D,
E & F : see attached

JUSTIFICATION FOR AMENDMENT (State the reason for the text amendment here or in attached document. Reference existing City policy support for the proposed amendment. Attach any external data to support proposed amendment):

see attached

TEXT AMMENDMENT PROPOSAL
Submitted by Harris Architects
July 27, 2015

1. RELATED SECTIONS FROM BREVARD UNIFIED DEVELOPMENT ORDINANCE

2.3. - Density and dimensional requirements.

• *B. Front yard setbacks.*

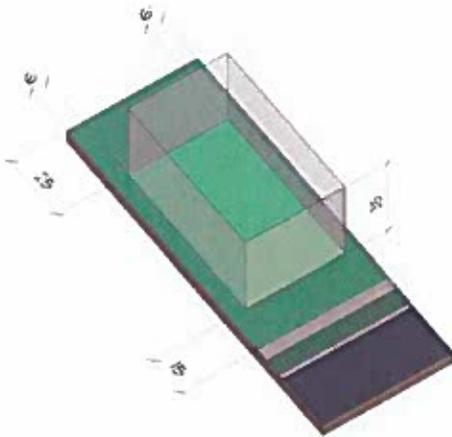
GR (4, 6, 10 CD)	15 feet	Edge of right-of-way
RMX/RMX CD	10 feet	Edge of right-of-way
NMX/NMX CD	Edge of right-of-way	Edge of right-of-way
DMX/CBD CD	Edge of right-of-way	Edge of right-of-way
CMX/CMX CD	10 feet	Edge of right-of-way
IC (2.4, 2.3)	40 feet	Edge of right-of-way
GI/GI CD (2.4, 2.3)	40 feet	Edge of right-of-way
PD	To be determined by approving authority	

• *E. Other structure and lot dimensional requirements.*

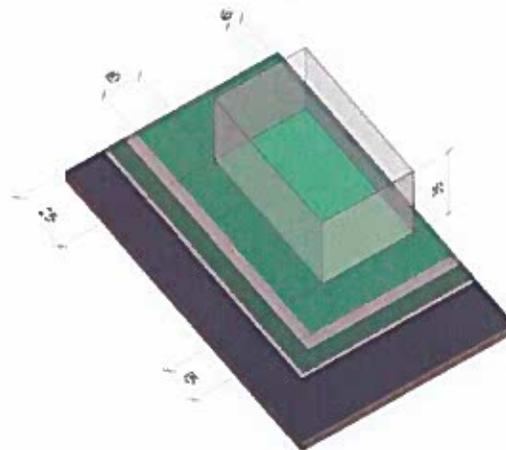
District	Height By Right (1)	Min. Lot Width at Building Line and Right-of-Way Line (2)
GR (4, 6 10 CD)	35 feet	30 feet
RMX/RMX CD	35 feet	30 feet
NMX/NMX CD	35 feet	20 feet
DMX/CBD CD	50 feet	0 feet
CMX/CMX CD	50 feet	0 feet
IC	50 feet	60 feet
GI/GI CD	50 feet	60 feet
PD	To be determined by approving authority	

**Proposed Text Amendment
July 27, 2015**

- 1. Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in [Chapter 5, Section 5.14](#). See computation of building height as set forth in [Chapter 5, Section 5.17](#).
- 2. The approving authority may authorize the establishment of lots in GR, RMX, and NMX districts that do not meet the minimum width requirements set forth above. However, the following standards shall apply:
 - (a) Such lots shall have frontage upon a public street.
 - (b) Off-street parking shall be provided in the rear of the principal structure and shall not be located in the side yard or front yard of the lot.
 - (c) Off-street parking shall be accessed by a commercial service street, alley, or rear lane. Provided that all lots meet minimum public street frontage requirements of this ordinance. Such travel lane may be a situated upon a private easement or right-of-way.
- 3. Front and side yard setbacks for infill structures shall be consistent with or equal to the average setbacks for all principal structures within 300 feet or one block length (whichever is greater). Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be as stated above. Other setback modifications are permitted through the provisions of [Chapter 16](#) of this ordinance.
- 4. Handicapped ramps are permitted to encroach into the front setback and side setback in accordance with [Chapter 4](#).
- 5. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this ordinance.

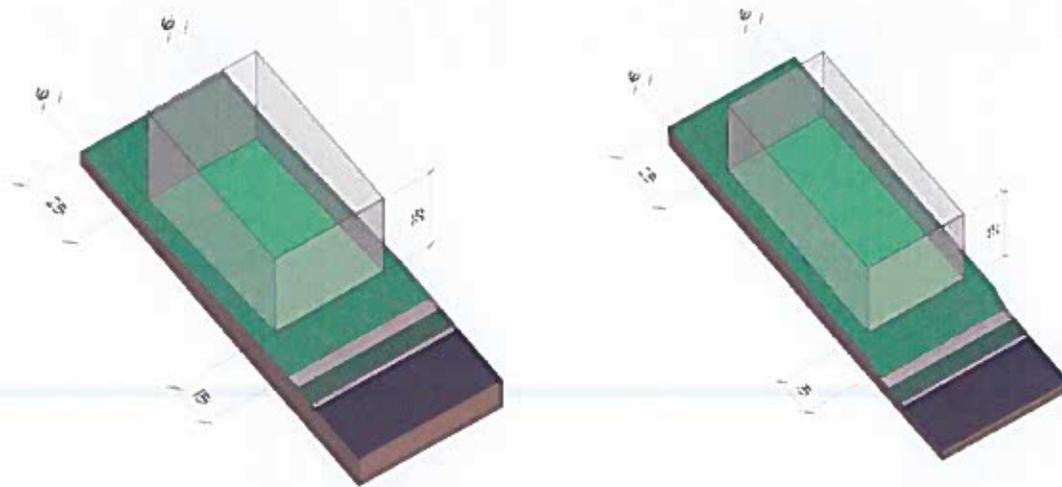


Existing Zoning Envelope - Typical GR6 Lot



Existing Zoning Envelope - Corner GR6 Lot

Proposed Text Amendment
July 27, 2015



Existing Zoning Envelope - Downhill GR6 Lot

Existing Zoning Envelope - Uphill GR6 Lot

• **5.17. - Encroachments.**

Certain architectural features are permitted to encroach across parcel lines, into setback areas, and into rights-of-way. The following standards shall be established for encroachments:

- A. *Awnings:* Awnings on structures within commercial and mixed-use zoning districts may encroach upon the front setback area and rights-of-way provided that the following conditions are met:
1. Awnings shall be supported by means of a frame attached directly to the structure receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way.
 2. Storefront awnings projecting the width of the sidewalk pedestrian zone must be attached to the building at 14 feet above the grade of the sidewalk. Awnings may only project two-thirds the width of the sidewalk pedestrian zone if attached lower than 14 feet above the grade of the sidewalk.
 3. Awnings shall not project into the furniture/landscape zone of any sidewalk, nor over a street or adjacent on-street parking, and, in no event, shall they project further than seven feet from the face of the building.
 4. The lowest point of any awning shall be at least nine feet above the grade of the sidewalk.
 5. All awnings in other zoning districts shall be considered a part of the structure for purposes of measuring and complying with area and setback regulations.
- B. *Handicapped ramps:* The administrator may approve the installation of handicapped landings, ramps, and similar structures as additions to existing structures, even though such additions do not meet the minimum setback requirements of this ordinance, provided such additions meet the following criteria:
1. They are intended for the sole purpose of providing handicapped access to an existing structure.
 2. They fully conform to North Carolina Building Code and are designed to minimize setback deviations to the maximum extent possible.
 3. Prior to the issuance of any permit the administrator shall inspect the site of the proposed addition and may impose such conditions as are necessary to minimize any conflicts that may arise from the construction thereof, including the encroachment of such additions upon setback lines.

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July 27, 2015

4. No such addition shall encroach into a public or private right-of-way or easement, regulatory floodway, or surface water protection area.

2. SIMILAR PROVISIONS FROM OTHER JURISDICTIONS

2.1 Andrews, NC -

Section 1105. Projections into Required Open Space.

Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except as follows:

- (1) The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above shall project into a minimum side yard more than twenty-four (24) inches.
- (2) Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard not more than three and one-half (3 ½) feet, and the ordinary projections of chimneys and flues may be permitted by the Zoning Administrator where same are so placed as not to obstruct the light and ventilation.

2.2 Hendersonville, NC -

5-27-5.3.3 Encroachments. Balconies, stoops, chimneys and bay windows are permitted to encroach into any setback up to five feet.

5-27-5.4 Specific Standards for Single-Family and Two-Family Detached Dwellings.

Minimum Setbacks: Front: 15 feet

Sides: 20% of lot width. The entire setback may be allocated to one side.

Rear: 10 feet

Minimum Lot Width: 50 feet

Maximum Height: 2 ½ stories.

Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, roof overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet.

ARTICLE XII

DEFINITION OF TERMS

Section 12-1 Interpretation of Commonly Used Terms and Words.

Building, Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutter and similar fixtures) and the street or highway right-of-way when measured perpendicularly thereto.

2.3 Waynesville, NC

• 4.3.4 Encroachments.

The features listed below may encroach into a required yard.

A. **Arcades:** Building arcades, if provided, should be designed to avoid the swing of car doors parked parallel to the arcade. In addition the sidewalk within the arcade should be sufficient to accommodate the intended uses (i.e. outdoor seating) while providing suitable clearances per the American with Disabilities Act Accessibilities Guidelines (ADAAG).

B. **Awnings and Canopies:** All awnings and canopies, if provided, shall be supported by means of a frame attached directly to the building receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way. Awnings may encroach up to six (6) feet into any required front or street yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk.

C. **Bay Windows and Balconies:** Bay windows, balconies and similar features projecting from the principal building may encroach up to three (3) feet into any required yard.

D. **Cornices and Gutters:** Cornices and gutters may encroach up to two (2) feet into any required yard.

E. **Fences and Garden Walls:** Fences and garden/yard walls may encroach into required yards but, if higher than three and one-half (3½) feet, may not be placed within the site visibility triangle of a public street, private street or driveway contained either on the property or on an adjoining property. See Section 6.7.2 concerning the sight visibility triangle.

F. **Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three (3) feet to any property line.

G. **Porches, Decks, and Patios:** Uncovered and unenclosed porches, decks, patios, and other similar features not exceeding an average finished height above grade of 30 inches may encroach into the side and rear setback to within 5 feet of the property line.

H. **Public Rights-of-Way Encroachments (Air Rights):** With approval of the Town or NCDOT (whichever has authority over a street), upper story balconies or bay windows may encroach into the right-of-way, but shall be a minimum of 3 feet behind the curb.

I. **Steps and Stairs:** Uncovered and unenclosed steps and stairs may encroach up to six (6) feet into any required front or street yard but may not be closer than five (5) feet to any property line.

2.4 High Point, NC

9-4-12 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS**(e) ENCROACHMENTS INTO REQUIRED SETBACKS**

(1) **Encroachments Permitted in Required Setbacks:** The following are permitted in required setbacks provided there is no interference with any sight area:

a. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths; walkways, driveways, at-grade bridges, and open terraces; and

b. Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; HVAC equipment; mailboxes;

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outdoor fireplaces; public utility wires, poles, pumps and boxes; wells; bus shelters; gatehouses; fences or retaining walls subject to the requirements of Section 9-4-14 (Fences); or similar structures.

c. Handicapped ramps

(2) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:

a. Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet (2 1/2) into any required setback, but in no case shall be closer than three (3) feet to any property line.

b. Porches and decks may encroach into the required front and rear setbacks as follows:

<u>Type</u>	<u>Maximum Encroachment</u>	<u>Maximum Area</u>
Front Covered or Uncovered Porch or Stoop	5 feet into the street setback	35 sq. ft. (porch or stoop can be no larger in total area)
Rear Uncovered Deck or Porch Only	50% of the rear setback or street setback (for through lots)	None

2.5 Washington, NC

- **Sec. 40-148. - Projections into required yards.**

(a) The following structures are permitted in required setbacks, provided that compliance is maintained with the street visibility standards of the city:

- (1) Landscaping features, including, but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
- (2) Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; equipment; mailboxes; outdoor fireplaces; public utility lines, poles, pumps, and boxes; wells; fences or retaining walls subject to the requirements of subsection (b) of this section, or similar structures.
- (3) Handicap ramps, except for porches and landings.
- (4) Steps not connected to any above-grade structure.

(b) The following attached structures will be permitted to project into the specified yard for the following distance:

(1) The minimum required yard depths in all residential districts shall not apply to any lot in any block where lots comprising fifty (50) percent or more of the frontage on any one (1) side of the street within the block have been developed with a variation in depth of not more than eight (8) feet. In such cases, no building hereafter erected, moved, or structurally altered shall project beyond the average front yard depth so established; provided that this regulation shall not be construed as to require a front yard greater in depth than the minimum front yard setback required in the applicable district; provided, further, that no front yard depth need exceed the average of that provided for the two (2) adjoining buildings, one (1) on either side thereof, if such buildings are less than two hundred (200) feet apart, except no proposed building less than twenty (20) feet from any street line shall be permitted by this section.

(2) Cornices, overhanging eaves and gutters, windowsills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, fire towers, open unenclosed stoops, open unenclosed decks, and open unenclosed steps may project no more

**Proposed Text Amendment
July 27, 2015**

than two and one-half (2 1/2) feet into any required yard, but in no case closer than three (3) feet to any property line or in compliance with state building codes.

(3) Open unenclosed porches, excluding screened or glassed, may project no more than five (5) feet into a front or rear yard; provided such porch does not exceed thirty-five (35) square feet in surface area.

(4) Open unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides, except for necessary supports, may project into interior side or rear yards but shall be no closer than fifteen (15) feet to a side or rear yard adjoining a street right-of-way and no closer than five (5) feet to a side or rear property line.

(5) Gas pump islands can project into any yard in accordance with the bufferyard regulations, however, no gas pump island shall be located closer than ten (10) feet to a street right-of-way line.

(6) Canopies and awnings can project into any yard in accordance with the bufferyard regulations or the following requirements, whichever is greater:

- a. BIH district: not closer than five (5) feet to any street right-of-way.
- b. All other nonresidential districts: not closer than ten (10) feet to any street right-of-way.
- c. All residential districts: five (5) feet into any yard.

(Code 1993, § 27-59; Ord. No. 98-21, 11-9-1998; Ord. No. 05-5, § 1, 2-14-2005)

2.6 Black Mountain, NC

4.3.3 - Setbacks, corner lots and double frontage lots.

- B. Minimum setbacks shall be measured horizontally from the origin of the setback as the right-of-way, property boundary, or top of streambank, to the outside facade of the structure.
- *Setback:* The distance between the foot of any building or structure and any lot line or roadway right-of-way. Where no right-of-way is delineated and where property boundaries are located underneath the footprint of an existing road, then setback will be defined as the distance between the foot of any building or structure and the edge of the roadway or back of curb. On NCDOT maintained roads where roadway right-of-way is not established, setback is the distance between the foot of any building or structure and the back of the maintenance ditch or maintenance area (four feet from the edge of pavement).

3. SUPPORTING ARGUMENTS & CITY POLICY

3.1 City support of providing affordable housing - text amendment would allow greater flexibility and density in developing housing and make development more feasible and affordable.

3.2 City support for sustainable development - text amendment promotes development of housing on infill lots, close to town, jobs, and other amenities.

3.3 City support for economic development - text amendment would increase feasibility and design options for developing existing lots with irregular configurations and special topographic and site features.

3.4 Purpose of setback requirements and fundamental difference between the wall of a house (solid and up to 35' tall) and elements such as roof overhangs, stairs, and landings. All of these elements serve primarily functional roles, servicing the living areas of the house. All are also formally different in their form, mass, and scale than the mass of the house and the

Proposed Text Amendment
July 27, 2015

effect each has on the building's relationship to its site, neighboring properties and the open area of the setbacks.

3.5 Limits established by UDO should be the minimum possible while still effecting the desired results.

3.6 Eaves deep enough to be effective in protecting building shell from rain are important in our environment. Enforcement of setback requirements should not put property owners in a position of reducing roof overhangs or allowable building area.

3.7 Inconsistency in ordinance which differentiates between wood framed steps and masonry, stone or landscape timber steps.

Prohibited



Proposed Text Amendment
July 27, 2015

Prohibited (continued)



Allowed



Proposed Text Amendment
July 27, 2015

Allowed (continued)



Uncertain Interpretation

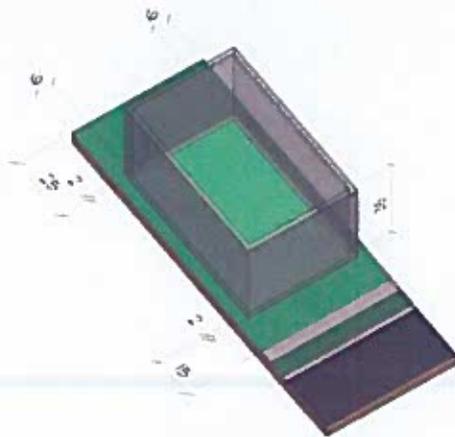


4. PROPOSED TEXT AMMENDMENT

5.17 Encroachments

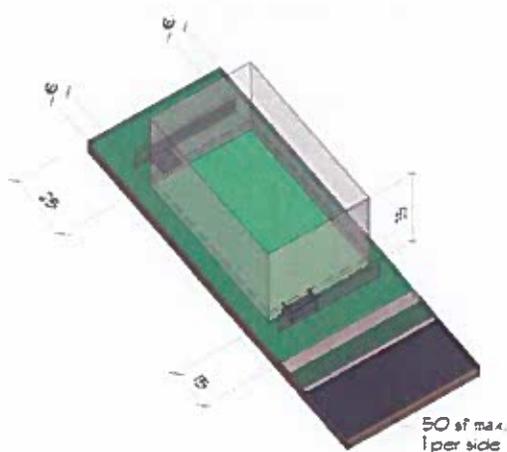
C. Roof Overhangs & Gutters - Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet (2').

Proposed Text Amendment
July 27, 2015

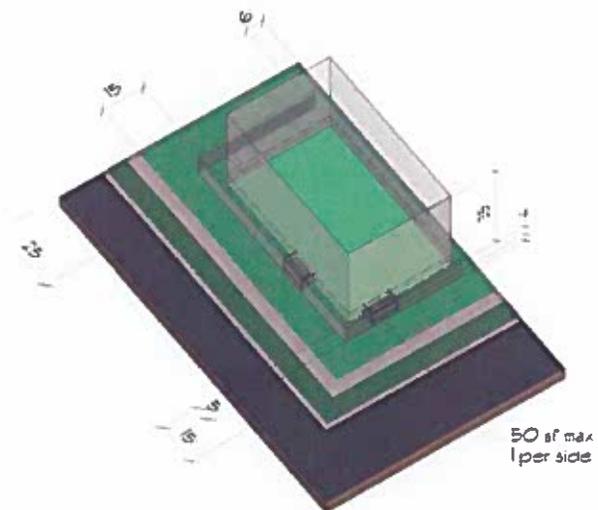


Proposed Roof Overhang and Gutter
Zoning Envelope (GR6) - Typical Lot

D. Uncovered Porches, Stoops, Stairs, and Patios - Uncovered porches, stoops, and stairs, and patios, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, side or rear yard setback up to one-third (1/3) of the required setback dimension up to a height of four feet (4') above the elevation of the floor being served. The area of each porch or patio, not including landings between runs of stairs, shall be no greater than fifty square feet (50sf). No more than one (1) encroachment per side shall be permitted.



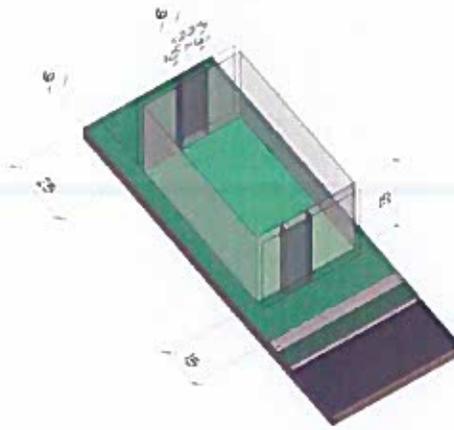
Proposed Porch, Stoop, Stair & Patio
- Zoning Envelope (GR6) - Typical Lot



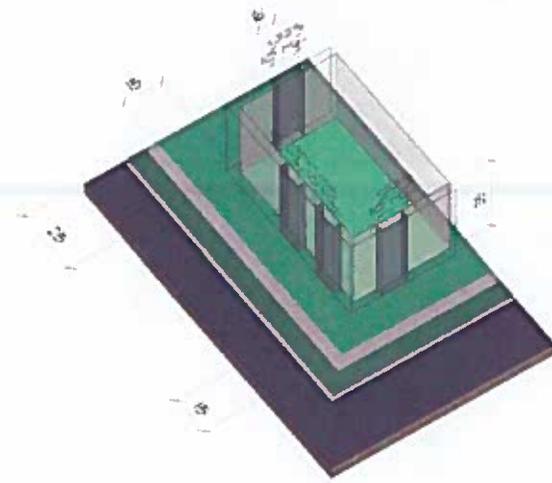
Proposed Porch, Stoop, Stair & Patio
- Zoning Envelope (GR6) - Corner Lot

Proposed Text Amendment
July 27, 2015

E. Balconies and Bay Windows - Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet (3') into the required setback dimension. Balconies or bay windows may not exceed 10' in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed thirty three percent (33%) of the total width of each elevation.

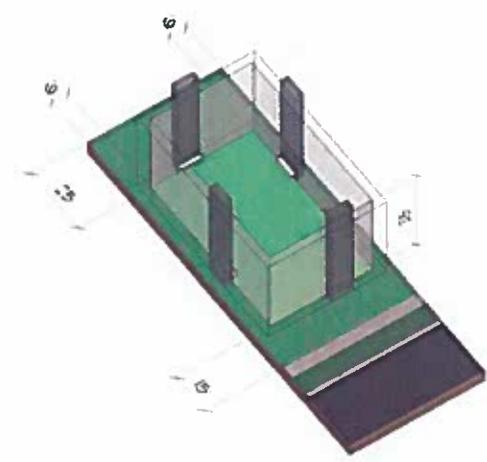


Proposed Balcony & Bay Window
- Zoning Envelope (GR6) - Typical Lot



Proposed Balcony & Bay Window
- Zoning Envelope (GR6) - Corner Lot

F. Chimneys - Chimneys may encroach into front, rear or side setbacks but up to three feet. Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue and the typical building walls enclosing the fireplace or flue.



Proposed Chimney - Zoning Envelope (GR6)
- Typical Lot

Example setback encroachment regulations	
Durham	
Chimney	Up to 30 square feet of yard
Sills/ornamental features	up to two feet
Cornices, eaves, awnings	up to five feet
Decks, uncovered terraces	up to four feet
Uncovered steps	no maximum standard
Montgomery County	
General encroachments	considering 20% allowance
Granville County	
Ramps, uncovered porches	up to seven feet, no closer than 10'
Matthews	
Cornices, eaves, steps, gutters	up to three feet
Decks, porch, greenhouse	no more than 25% of required rear setback
Jacksonville	
Sills, cornices, buttresses	up to two feet
Fire escapes, stairs, ramps	up to three feet
Chimney, HVAC, carports	up to 50% of setback
Onslow County	
Fire escapes, steps, balconies	up to four feet
Sills, cornices, eaves, gutters	up to two and a half feet