



# COVID-19 Emergency Response Toolkit for Businesses

This toolkit has been compiled to help businesses navigate and respond to capacity restrictions, social distancing guidelines, and customer preferences during the COVID-19 pandemic. To help address the economic impact of COVID-19 on our local economy, the City of Brevard encourages businesses to think creatively about using both private and public property during the State of Emergency. Many of the more creative uses listed in this toolkit will require the new, fee-free COVID-19 Use Permit for the duration of the Transylvania County State of Emergency. Because the uses listed within this toolkit are not exhaustive, we encourage you to contact the City of Brevard Planning Department at (828) 885-5630 or at 95 W. Main Street, Brevard, NC 28712 if you are unsure about whether your proposed use requires a permit. The City Planning staff look forward to working with Brevard businesses in developing creative responses to COVID-19 that enhance our local economy!

## **CITY OF BREVARD PLANNING DEPARTMENT**

Address:  
95 West Main Street  
Brevard, NC 28712  
(828) 885-5630

Version: July 2020

## **Disclaimer**

Such activities conducted based on recommendations and examples in this toolkit shall not conflict or override any Executive Order of the Governor of the State of North Carolina or the President of the United States and shall comply with all local, state, and federal laws, especially pertaining to health and safety.

## TRANSYLVANIA COUNTY STATE OF EMERGENCY

Transylvania County declared a State of Emergency on March 20, 2020. Both the City of Brevard and the Town of Rosman assented to the action. As part of this declaration, the Transylvania County Emergency Operations Plan is in full force and in effect until the Emergency Declaration is rescinded. During the State of Emergency, the City Manager is allowed to ensure that policies and procedures are issued and enforced as needed to provide for optimum protection of public health and safety within the jurisdiction.

### CONTENTS

<b>WHAT CAN I DO WITHOUT A PERMIT?</b>	<b>3</b>
<b>USING CITY SIDEWALKS</b>	<b>3</b>
<b>CURBSIDE PICKUP AREAS</b>	<b>4</b>
<b>PUBLIC DINING AREAS</b>	<b>4</b>
<b>LIGHTING</b>	<b>4</b>
<b>COVID-19 USE PERMITS</b>	<b>4</b>
<b>EXAMPLES OF USES THAT REQUIRE A COVID-19 USE PERMIT</b>	<b>5</b>
<b>USING PRIVATE PROPERTY</b>	<b>5</b>
<b>USING CITY SIDEWALKS AND PUBLIC OUTDOOR SPACES</b>	<b>5</b>
<b>SERVING ALCOHOL OUTSIDE</b>	<b>6</b>
<b>TEMPORARY STRUCTURES AND TENTS</b>	<b>6</b>
<b>SIGNS</b>	<b>6</b>
<b>CLOSING STREETS</b>	<b>7</b>
<b>APPLYING FOR A COVID-19 USE PERMIT</b>	<b>7</b>
<b>GENERAL REQUIREMENTS</b>	<b>8</b>
<b>COVID-19 USE PERMIT APPLICATION</b>	<b>9</b>
<b>ADDITIONAL RESOURCES</b>	<b>11</b>



### Using City Sidewalks

Businesses that front on and abut a city sidewalk may display and sell goods, wares, and merchandise from the sidewalk without a permit if they meet the following requirements:

- The following amounts of sidewalk area are permitted to be used without a permit:
  - On sidewalks  $\geq 12$  feet in width, excluding the curb, the maximum distance shall be 36 inches.
  - On sidewalks  $\geq 7$  and  $< 12$  feet in width, excluding the curb, the maximum distance shall be 24 inches.
  - On sidewalks  $< 7$  feet in width, excluding the curb, no items shall be placed on the sidewalks or streets.
- The authority for merchants to sell from city sidewalks without a permit does not extend to city streets, and is limited to those sidewalk areas immediately abutting their own property.
- Items may include, but are not limited to, merchandise, display cases, and dining furniture. Without a permit, all items must be removed from public sidewalks at the end of every business day.
- Dining furniture and outdoor seating requirements:
  - Must be placed adjacent to the wall(s) of the business.
  - No portion of any table or chair may protrude beyond the allowed space.
  - Tables and chairs may not obstruct access to building entrances and exits.
  - Merchants with sidewalk dining areas are responsible for cleanliness and are subject to all applicable Health Department regulations. This may mean placing a trash can by tables if there is not a public one nearby.
  - Umbrellas over tables are permissible but must provide a clearance of a minimum of 78 inches from the lowest point of their canopy.
  - Advertising messages may not be displayed from tables, chairs, or umbrellas.

If you would like to use more space than allotted, including use of the bricked area of the sidewalk, or if you would like to keep items out when the business is closed, you must apply for a COVID-19 Use Permit.



## WHAT CAN I DO WITHOUT A PERMIT?

### Curbside Pickup Areas

Curbside pickup areas are currently being evaluated by the Downtown Master Plan Committee. In the coming weeks, the City will announce the process and plan for placing curbside pickup signs throughout the downtown. Please keep an eye out for more information coming soon.

### Public Dining Areas

There are several locations throughout downtown with public chairs and tables. Feel free to direct take-out customers to those areas. Restaurants may not use the public furniture to serve alcohol.

### Lighting

- Decorative lights, such as non-moving, holiday string lights are permitted by right.
- Lighting installed on private property for outdoor uses shall be installed to prevent light spillage to adjacent properties or roadways.
- Flickering, rotating, flashing, or search lights are prohibited.

## COVID-19 USE PERMITS

The City has created a new permit, without an application fee, for special events and temporary uses during the pandemic. For the duration of the State of Emergency, the COVID-19 Use Permit will replace Special Event and Temporary Use Permits when applicable. The permit encompasses temporary uses on both public and private property.

COVID-19 uses may be permitted for a period of no more than 90 days. After the initial 90 days, permits can be renewed throughout the duration of the State of Emergency. Once the State of Emergency is recalled, temporary uses must be removed within 1 week.

In the consideration of any temporary use, structure, or special event, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety, and welfare of the public. The administrator shall have the right to require smaller dimensions based upon factors such as, but not limited to, pedestrian and vehicular safety and adequate sight distances. The administrator will also consider the most up-to-date social distancing and health guidelines when approving permit applications.



### Examples of Temporary Uses that Require a COVID-19 Use Permit

- Special event on private property
- Special event on public property (park, greenway, or similar)
- Musical events
- Temporary structures and tents on public or private property
- Street closures
- Public alley closure (when using a public alley for private use)
- Public sidewalk closure (when using more than the sidewalk allotments by right)
- Public parking space closure
- Serving alcohol on public property

In addition to the specific special events and temporary uses listed above, the administrator may, at his or her discretion, issue a permit for other temporary uses. We encourage businesses to be creative and contact the Planning Department with ideas.

### Using Private Property

With a permit, businesses may use private parking lots that serve the business for temporary uses, structures, and special events. The use must have the same hours of operation as the business.

The proposed use shall be situated at least 10 feet from all property lines and any road right-of-way. It shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking spaces. Businesses may only obstruct travel ways within parking lots if the proposed use does not hinder the flow of traffic or endanger the safety of motorists or pedestrians. The space to be used for special events and temporary uses shall be clearly delineated and separated from areas of active vehicle operation.

### Using City Sidewalks and Public Outdoor Spaces

Businesses, which front or abut city sidewalks, that would like to use more of the public sidewalks than is allowed without a permit, must submit a COVID-19 Use Permit application. Examples requiring a permit include:

- Using more space than allotted adjacent to the building
- Using the bricked area of the sidewalk
- Keeping items out when the business is closed
- Using public alleys

In no event shall any merchant be permitted to fully obstruct a city sidewalk.

If you would like to use a public park or greenspace for a specific event for your business due to capacity restrictions, such as a workshop or a different type of special event, please contact the Planning Department at (828) 885-5630 or at 95 W. Main Street, Brevard, NC 28712.



## Serving Alcohol Outside

**All businesses serving alcohol must first abide by the restrictions of current NC Executive Orders (Phases 1, 2, 3, etc.). Businesses serving alcohol must be permitted with the North Carolina Alcoholic Beverage Control (ABC) Commission. If you have questions, contact the Brevard Police Department at 828-883-2212 or at 114 W. Jordan Street, Brevard, NC 28712.**

Any sale of alcoholic beverages in an outdoor temporarily-designated area on public property, requires a COVID-19 Use Permit from the City, signed off by the Police Department. The permit is only valid for the designated area. Please contact the Police Department for guidelines on extending your premises to an outdoor temporarily-designated area for serving alcohol.

The COVID-19 Use Permit holder shall be solely responsible for assuring compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as set forth in Brevard City Code and the North Carolina General Statutes.

The Chief of Police, Zoning Administrator, or their representatives, shall have the authority to immediately cause alcohol sales and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit, the requirements of Brevard City Code; City Council's Resolution 2020-12 entitled, Authorizing a Special Event Designed to Help Downtown Businesses Re-Opening When Allowed by the Governor's Order, enacted on May 18, 2020; any Order from the Governor entered in response to the COVID-19 pandemic; or that continuation of alcohol sales and consumption would pose an immediate threat to the public health, safety, and welfare.

## Temporary Structures and Tents

Applicants shall provide flame retardancy certifications for all tents. Merchants using tents are required to have at least one 5lb ABC (2A-10bc rated) fire extinguisher. In addition, no open flames or cooking is allowed inside or within 20 feet of any tent,

Temporary structures aside from tents shall not exceed 120 square feet.

## Signs

If you are planning on installing temporary signage at this time, please contact the Planning Department to discuss the proposed signage. Signs on or behind window glass are permitted by right, but all other signage requires a permit.



## Closing Streets

At the request of the Heart of Brevard, the City may close the 1 block of East Main Street and the 1 block of West Main Street, on either side and directly adjacent to Broad Street, to vehicular travel on Friday and Saturday evenings. During these closures, businesses will be allowed to expand their services into the closed public right-of-way. Heart of Brevard will submit a site plan depicting the zones for each participating business in lieu of individual COVID-19 Use Permits.

## APPLYING FOR A COVID-19 USE PERMIT

If you would like to apply for a COVID-19 Use Permit, please use pages 9 and 10 of this toolkit or contact the City of Brevard Planning Department at (828) 885-5630 or at 95 W. Main Street, Brevard, NC 28712. Please include the following items as part of the application:

- A site plan.
  - Example 1: Placement of items on a sidewalk with the dimensions of items and the pedestrian travel way clearly marked.
  - Example 2: Dimensions and placement of a tent or temporary structure on a parking lot.
- Written permission for the operation of the temporary use, structure, or special event by the owner(s) of the subject property. For proposed uses on public property, the COVID-19 Use Permit acts as the written permission.
- Proof of liability insurance for any proposed use on public property.
- Proof of Police Department approval for serving alcohol.
- Certificate of Flame Resistance for tents.

The administrator may require a reimbursable bond, depending on the proposed use. In addition to the COVID-19 Use Permit, it is recommended that applicants reach out to the following entities regarding other requirements:

- Transylvania Public Health Department: Food service
- Transylvania County Building and Inspections: Installation of temporary structures and tents
- City of Brevard Police Department: Alcoholic beverage service



## GENERAL REQUIREMENTS

The following requirements must be met whether the use requires a permit or is allowed by right.

- All uses or activities in response to restrictions as part of the State of Emergency shall clearly be of a temporary nature.
- Whether or not a proposed use requires a permit from the Planning Department, the business owner shall satisfy all other requirements of the Director of Public Health, the Building Inspector, the ABC Commission, Chief of Police, and Fire Marshal.
- The use shall not create hazards or have adverse impacts related to parking, drainage, fire protection, nor shall it obstruct pedestrian or vehicular travel.
- Merchants are responsible for picking up, removing, and disposing of all trash or refuse.
- Creating sound or noise through voice, instruments, or electronic devices and sound systems in an effort to attract attention to the business is not permitted. Busking is prohibited in Brevard. Musicians and musical events may be allowed with a COVID-19 Use Permit.
- The temporary use shall not occur within 10 feet of any driveway, any city alley open to vehicular traffic, any crosswalk at an intersection, or any fire hydrant.
- The Chief of the City Fire Department shall be the determining authority as to the identification of an obstruction to a fire hydrant, and shall have full authority to remove or cause to be removed any obstacle which he deems an obstruction to a fire hydrant.
- If it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any law enforcement officer of the City may direct merchants to move to another location.





**For Internal Office Use Only:**

**Applicant Consultation Date:** \_\_\_\_\_

**Bond Requirement** – Y/N      Amount: \_\_\_\_\_

The Planning Director or other approving authority may require a reimbursable bond. The purpose of the bond is to provide an instant surety in the event there is damage (whether accidental or intentional) to any City Property; or to address any condition that manifests, due to an overt act or an act of omission by any permitted participant of the COVID-19 Use that requires additional City personnel to remedy that condition.

Bond deposited in the amount of \$\_\_\_\_\_ as specified by the Planning Director, has been received by Cash \_\_\_\_\_ or Check \_\_\_\_\_

Bond returned to applicant by: \_\_\_\_\_      Date: \_\_\_\_\_

Bond invoked by City [attached written finding as to circumstances]

Authorized by: \_\_\_\_\_      Date: \_\_\_\_\_

**REVIEWED and RECOMMENDED for:**      APPROVAL: \_\_\_\_\_      DISAPPROVAL: \_\_\_\_\_

Police Department: \_\_\_\_\_      Date: \_\_\_\_\_

Fire Department: \_\_\_\_\_      Date: \_\_\_\_\_

Submit written concerns and comments below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COVID-19 USE APPROVED BY:** \_\_\_\_\_      **Date:** \_\_\_\_\_



# Additional Resources

## CITY OF BREVARD

Address:  
95 West Main Street  
Brevard, NC 28712  
(828) 885-5630

COVID-19 Information:  
<https://www.cityofbrevard.com/469/COVID-19>

## BREVARD/TRANSYLVANIA CHAMBER OF COMMERCE

Address:  
175 East Main Street  
Brevard, NC 28712  
(828) 884-8900

COVID-19 Information:  
<https://brevardncchamber.org/covid-19/>

Transylvania True:  
<https://brevardncchamber.org/transylvaniatrue>

## HEART OF BREVARD

Address:  
175 East Main Street  
Suite 200  
Brevard, NC 28712  
(828) 884-3278

COVID-19 Information:  
<https://www.brevardnc.org/covid-19>

## TRANSYLVANIA COUNTY PUBLIC HEALTH

Address:  
106 East Morgan Street  
Suite 105  
Brevard, NC 28712  
(828) 884-3135

COVID-19 Information:  
[https://transylvaniahealth.org/covid-19\\_news/](https://transylvaniahealth.org/covid-19_news/)

## NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

COVID-19 Information:  
<https://covid19.ncdhhs.gov/>