

6-28-2026

Dear Members of the Planning & Zoning Board:

I respectfully request that the Planning & Zoning Board place on its next available agenda a proposed ordinance amendment establishing minimum maintenance and safety standards for commercial parking lots and other commercial property open to the public. This amendment would give the Village clear authority to require correction of hazardous conditions such as potholes and deteriorated pavement.

If the Council believes the current ordinances do not provide sufficient authority to address this long-standing public safety concern, then the appropriate remedy is to amend the ordinances—rather than leave the issue unresolved.

North Carolina’s Chapter 160D has *always* given municipalities authority over:

- **Public safety hazards**
- **Nuisance conditions**
- **Accessibility issues**
- **Commercial property conditions that affect the public**

This includes unpaved, deteriorated parking lots when they create hazards.

The Council saying “we have no authority” was never accurate — it was just never challenged.

Why “grandfather clause” does NOT apply to the General Store parking lot

1. Grandfathering only applies to *zoning or use*, not safety or nuisance conditions.

A property can be grandfathered for:

- its use (e.g., a store operating before zoning existed),
- its setbacks,
- its lot size,
- its building placement.

But no property is grandfathered against safety laws, nuisance laws, or ADA accessibility. Those apply regardless of age, regardless of surface, and regardless of zoning history.

SAMPLE - Draft Ordinance for Foxfire

This is a sample ordinance prepared for Foxfire, based on general standards used by another town in North Carolina.

Section X-XXX. Parking Lot Maintenance and Safety Standards

A. General Requirement All commercial parking lots, including entrances, exits, drives, and parking areas, must be maintained in a condition that is safe, passable, and free from hazards.

B. Surface Condition

1. Potholes, broken pavement, and unsafe depressions must be repaired within **30 days** of notice from the Village.
2. Parking surfaces must be maintained so that stormwater runoff does not create erosion, flooding, or nuisance conditions on adjacent properties or public streets.

C. Access and Traffic Flow Parking lots must be designed and maintained to allow safe vehicle movement following generally accepted geometric design principles.

D. Pedestrian Safety Parking areas must provide safe and comfortable passage for pedestrians, including clearly marked walkways where appropriate.

E. Enforcement Failure to maintain a parking lot in compliance with this section constitutes a violation of the Village Code and may result in civil penalties, daily fines, or other enforcement actions.