

**AGENDA**  
**City of Brevard**  
**Brevard Planning Board**  
**Regular Meeting**  
**Tuesday, May 19, 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: March 17, 2015
- III. New Business:
  - 1. Application #15-129, Jay Egolf, Proposed Text Amendment to Unified Development Ordinance Chapter 12.11.A.1
  - 2. Proposed Text Amendment - Railroad Avenue Mixed Use Zoning District
- IV. Old Business: None
- V. Other Business
- VI. Adjourn

MINUTES  
BREVARD PLANNING BOARD  
March 17, 2015

Brevard Planning Board met for a regular meeting on Tuesday, March 17, 2015, at 6:00 PM in Council Chambers of City Hall.

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

**Staff Present:** Josh Freeman, Planning Director  
Daniel Cobb, Assistant Planning Director – Long Range Planning  
Aaron Bland, Long Range Planner  
Janice H. Pinson, Board Secretary

**Others:** Glenda McCarson, Blue Ridge Community College  
Chase McKelvey, Maurice Jones – Chase Insurance  
Derek McKissock – Transylvania Times

**I. Welcome and Introduction of Planning Board Members -**

At 6:00 PM Vice Chair, Kimsey Jackson, called the meeting to order and the Board members introduced themselves. The Chair called for a moment of silent reflection.

**II. Approval of Minutes –**

Approval of Minutes of the January 27, 2015 meeting, J. Perkins moved for approval as written, seconded by D. Loftis and unanimously approved.

**III. New Business –**

**A. Chapter 3.12.D.6 – Amendment to Clarify Dimension.**

A. Bland presented and gave a brief overview stating that these are very minor changes to the UDO to clear up some minor points to make day to day operations less confusing and to make things clearer for the applicant(s).

A. Bland explained that the ordinance requires for a Type A buffer, 10 foot in width, when an accessory structure reaches 500 sq. ft. or larger and lies next to a general residential zoning district with the exemption if the property is an agricultural use or meets a distance requirement. The distance requirement now reads, “not less than 24 feet” and the proposed change would read, “greater than 24”.

**B. Chapter 3.23.E.10.c - Amendment to Mobile Food Vendor Requirements.**

A. Bland presented stating that currently the ordinance states that mobile vendors must have a basis of operation such as a restaurant or commissary, the intent is to mirror state health code guidelines but it does not exactly do so and questions from vendors pointing out that they are not the same have prompted this change so that our ordinance will match the State Administrative Code word for word and have even added a reference to the State's code.

A. Bland stated that neither of these amendments changes the spirit or intent of the ordinance, the change is just for clarification.

S. Park ask staff what would happen if the State changed their guidelines and A. Bland responded that the ordinance would remain in effect until amendments were made to update.

D. Loftis posed questions as to whether the changes would change the mobile food vendors means or limit their operations.

Staff replied that it would not change or limit their operations.

Motion to approve \_\_\_\_\_, seconded \_\_\_\_\_, unanimously approved.

**III. Old Business –**

**A. Blue Ridge Community College, Application #14-456 for Proposed Text Amendment to Unified Development Ordinance, Chapter 12.9.B.iii.**

J. Freeman, Planning Director, we are revisiting this matter from a previous meeting. The original application was a request to allow all Institutional Campus (IC) zoned districts the right to have an 85 sq. ft. ground sign.

The Board was concerned about the 85 sq. ft. sign allowance and requested that Staff revisit and bring forth a new zoning overlay district. Staff has prepared recommendations for approval of the Asheville Highway Overlay District which would include the area from Food Lion to Blue Ridge Community College, which is the commercial corridor strip of Brevard.

D. Loftis stated concerns that this is a simple fix but not appropriate in accordance with the City's strategic plan. She further stated that a better approach would be to determine what kind of signs are needed, what they should look like, stating that this is just her individual opinion.

K. Thompson expressed similar concerns and questioned staff about the possibility of placing a moratorium on sign permits for a period of time.

J. Freeman explained that the process had been started to break the sign ordinance down into pieces. He further stated that proposals have been received and staff is in the process of reviewing so that recommendations can be made to the City Manager to hire a firm to rewrite the architectural standards using the form based codes approach which focuses on project and building design, signage, etc. This process would begin with the central business district and then move through the different sections of the city and develop form based codes. Over time this would restructure the entire ordinance.

J. Freeman stated that city council can enact a moratorium on certain types of development projects and that can include any changes to ordinances. He said that there is usually a set time for a moratorium, such as 90 days.

D. Cobb was called upon to answer how long the form based codes process would take and he responded probably nine (9) to twelve (12) months.

S. Park stated he felt that simplest solution was the original discussion, 2 months ago that in Institutional Campus (IC) zoned districts, that as long as it was adjacent to the main corridor and not on a secondary road facing residentially zoned properties that it would have very little impact.

J. Freeman presented the Asheville Highway Overlay District to the Board and there was detailed discussion of different scenarios of what properties would be affected by the change and the ordinance as it applies to signage. He explained the overall layout and history of the zoning districts as approved by City Council to date.

D. Loftis, K. Thompson and J. Perkins all expressed concerns about changing the feel of the present commercial corridor as it transcends from neighborhood mixed use (NMX) to the corridor mixed use (CMX) zoning district and to the effect that changes would have to the general residential (GR) zoned properties.

K. Thompson stated that she wanted to be clear about the options stating: 1) Return to the original plan to increase sign size requirements in the institutional campus (IC) district. 2) Narrowing of the proposed corridor (Asheville Highway Overlay District) limiting the availability to intrude into general residential (GR) districts.

J. Freeman explained that the other options would be to deny or to change the boundaries of the proposed corridor district but that a decision was required to be made by March 28<sup>th</sup>. The board would need to give precise direction to staff to make the revisions or staff could make revisions and a special meeting could be called to review revisions.

K. Jackson, Chair, stated that the decision before the board would be to deny; request to see changes and call a special meeting or to approve changes and let staff proceed to council with changes without review.

J. Perkins noted concerns that the next item on the agenda was a similar conversation and that this indicates that our current ordinance is failing to meet the needs and desperately needs a professional review for revisions.

K. Thompson made a motion that we accept the proposal for an overlay sign district for the Asheville corridor but following different lines than have been presented, which we will specify and to separate the two (2) things for discussion.

K. Jackson stated the motion as approval of the Asheville Corridor Overlay District with modifications. The motion was seconded by J. Perkins.

There were detailed discussions about the width of the overlay district. The motion was amended to include the revisions to the proposed district to limit the band at the outer limits to 40 foot with a portion of the band running with the center line of the road. Amended motion carried unanimously.

Glenda McCarson, thanked the board on behalf of Blue Ridge Community College, stating that the process had been painstaking especially for staff and stated that she now has a new view of what it takes to work in the Planning Department.

#### **B. Proposed Amendments to City of Brevard Unified Development Ordinance.**

J. Freeman explained that these amendments were initiated by City Council in a workshop to review ways to streamline processes. Three (3) primary things happened, one of which had already happened, which was to eliminate the Technical Review Committee. 2. The elimination of the Community Appearance Commission from the development review process and the committee supports this decision. This board will be repurposed through direction of council. 3. The Planning Board would be removed largely from final master plan review for planned development districts, only if there were no major modifications. Staff cannot approve major modifications but can proceed on approval of modifications that are consistent with the board's original spirit and intent and can also remand to the board for approval.

J. Freeman went over the requested board modifications and stated that staff recommended approval of the amendments. J. Perkins made motion to approve, seconded by D. Loftis, unanimously approved.

#### **C. Chase McKelvey, Application #15-087, for Proposed Amendment to UDO, Chapter 12.**

J. Freeman, Planning Director, explained that Chase McKelvey, owner of Chase Insurance and Tony Duscio (former?) owner of Tony's Deli appeared before City Council on November 17, 2014 during the public participation section of the agenda and asked that City Council provide relief from their situation. City Council provided general direction to Staff to prepare and present amendments to the UDO to satisfy the situation for McKelvey and Duscio and to provide additional flexibility for other, similar group development projects. There were no specifics provided by Council.

J. Freeman then explained to the Board that the current ordinance does not include the structure of ground signs in the measurement requirements but the sign itself, brackets, etc. He stated that the Board is aware of the 85 square foot maximum sign allowance in Corridor Mixed Use (CMX) district and the current signage for Chestnut Square measure 79 square feet, leaving the applicants with not enough space to do anything meaningful. He gave further history that the developer designed the sign as it is, and that was there business choice at the time of construction. He further explained that this was not a city ordinance decision but a private business decision by the developer not to provide a space on their ground sign for each tenant of the shopping center. During the development stages of the project Staff did plead with the developer to allow space for a sign for each tenant but were unsuccessful.

J. Freeman gave the five (5) reasonable options available to Council to satisfy the McKelvey/Duscio request as follows:

- 1) Option 1: Amend UDO Section 12.9.B.1.ii to increase the maximum allowable size of ground signs in CMX zoning districts. Staff estimates that, in order to satisfy the McKelvy / Duscio request, the maximum allowable sign size would need to increase from 85 square feet to 110 square feet. This approach would apply to all CMX zoning as shown on the attached map, not just the ground sign at Chestnut Square.
- 2) Option 2: Amend 12.11.A to allow larger ground signs in group development projects. Again, Staff estimates that, in order to satisfy the McKelvy / Duscio request, the maximum allowable sign size would need to increase from 85 square feet to 110 square feet. This, also, would apply to all group developments as shown on the attached map.
- 3) Option 3: Option 1 and Option 2 could be blended to limit the larger sign allowance to group developments within CMX.
- 4) Option 4: Use Option 2, but limit the geographic applicability to group developments within the Asheville Highway Sign Overlay District, the establishment of which was proposed by Staff in response to Planning Board concerns associated with the Blue Ridge Community College text amendment.
- 5) Option 5: Do nothing.

Ed Buckley requested to address the Board stating that in addition to the applicants before you there are two (2) other unoccupied spaces in the shopping center and when those spaces are filled if you only allow the 85 square feet option, it is only a temporary solution, you will be dealing with this matter all over again and this is not business friendly.

J. Freeman pointed out to K. Jackson, Chair, that if the Board is going to engage in public dialogue they need to be fair to everyone.

Maurice Jones introduced himself as first a member of City Council and stated that Council realizes there are things in the UDO that need to be addressed and those are forthcoming. He stated that he was an independent agent at Chase Insurance and proceeded to state that the major issue is that the measurements of the current sign were incorrect.

J. Freeman explained to the Board that the disagreement as to the measurements was not brought up because it is a separate issue and is a Board of Adjustment matter, not a matter for this Board to resolve and that a formal application had not been submitted. He further stated that he was trying to resolve the most efficient way that he could and that a Board of Adjustment hearing would slow the process. He requested that his scenarios be presented and given a fair shake to come to a faster resolution.

Maurice Jones stated that he wanted to put his City Council hat back on and stated that he appreciates the hard work of the Planning Department. Putting his businessman hat back on, he had been dealing with this situation for 8 months and that Staff had been dealing with it for over a year.

K. Jackson, Chair, ask how many locations are there total that would need a sign. Maurice Jones responded that 4 additional signs, for a total of six (6) were needed.

There was further discussion of adding additional signs and how to accommodate all of the businesses in the development.

D. Loftis made a motion to table and give Staff time to review the ordinance and come up with reasonable changes that can be made to allow for flexibility in interpretation, seconded by S. Park, unanimously approved.

S. Park, wanted to address the comment as to business friendly. He stated that he did not see a lot that had been done to be over prohibited or restrictive for the businesses in our area and that this sign is the perfect example of allowing developers to do whatever they want without thought and I further that people might look at this and say well this is business friendly allowing developers to do what they want. So I think that whatever decision Planning Board or City Council end up making it is not a question of business friendly but of what is best for the businesses and what is best for the community.

K. Thompson asked questions about the possibility of placing a moratorium on sign permits until form based codes were in place so that they could make a better educated decision.

J. Freeman said he would prepare a primer on moratoriums for the Board and also try to get a sense of a timeline on form based codes and present to the Board.

**IV. Other Business – Election of Chair**

K. Jackson requested nominations for Chair, D. Loftis nominated Kimsey Jackson, seconded by J. Perkins, unanimously approved.

K. Thompson nominated Demi Loftis for the position of Vice Chair, seconded by S. Park, unanimously approved.

K. Thompson requested more notification of applicants that City Council is considering for positions on the Planning Board and more notification, if available, of knowledge if a board member is resigning or their term is expiring.

J. Freeman stated that we would provide the roster for the board in their next agenda packets.

J. Freeman thanked the Board for the great job that they are doing and for their service.

**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 8:58 PM.

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R. Kimsey Jackson, Vice Chair

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Janice H. Pinson, Board Secretary

## BREVARD PLANNING BOARD - ACTIVE

- Created June 4, 1945
- Seven Members
- Four appointed by Municipal Gov.
- Three appointed by County Commissioners
- Staggered three year terms
- Two consecutive term limits
- Terms of City Appointees start in Sept.
- Term of County Appointees start in Dec.
- See City Code, UDO Chapter 15 for City Appt.membership Info
- Regular meetings 3rd Tuesday each month @ 7 p.m. @ Municipal Bldg.

### \*\* CITY APPOINTED \*\*

Members	Address	Phone	Email	Appointed	Term Expires	Comments
Demetria B. Loftis (Vice Chair)	321 Allison Creek Trail P.O. Box 389 Brevard, NC 28712	553-8192 11/W	<a href="mailto:demi1oftis@gmail.com">demi1oftis@gmail.com</a>	12/3/2012	9/2015-	Replaced Parker Platt. Aug. 2011 Karla A Resigned.
Kathryn "Katie" Thompson	231 Maple Street Brevard, NC 28712	877-5619 11	<a href="mailto:katiethomnc@gmail.com">katiethomnc@gmail.com</a>	12/2013-	9/2016-	Replaced Paul Welch.
James E. "Jimmy" Perkins	251 Park Avenue Brevard, NC 28712	553-1908 C 877-3804 11	<a href="mailto:iperkrph@yahoo.com">iperkrph@yahoo.com</a>	10/4/2014	9/2017-	Replaced vacancy of former member Norah Davis.
Seyl Park	485 Maple Street Brevard, NC 28712	507-3970 C	<a href="mailto:seylpark@gmail.com">seylpark@gmail.com</a>	1/7/08 R 8/2009 R 12/2012	9/2009 9/2012 9/2015	Unexp. Term of Milton Lynch 8/2003 - 12/2007

### \*\* COUNTY APPOINTED \*\*

Members	Address	Phone	Email	Appointed	Term Expires	Comments
R. Kimsey Jackson - Chair	537 Rosman Hwy. P.O. Box 207 Brevard, NC 28712	508-2540 C 884-3791 11	<a href="mailto:rkj1934@gmail.com">rkj1934@gmail.com</a>	1/2008 R 12/13/10 R 12/10/13	12/2010 12/2013 12/2016	Replaces Roy Cowan 1/2001 - 12/2007

Frank Porter	P.O. Box 1022 305 Country Club Circle Brevard, NC 28712	883-6400 H	<a href="mailto:frank.porter@comporium.net">frank.porter@comporium.net</a>	4/13/2015	12/2017-	Replaced Coty Ferguson. Unexpired term > 50%, eligible for two full terms.
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VACANT

**PAST MEMBER**

Member	Address	Phone	Email	Appointed	Term Expires	Comments
Coty Ferguson (County)	656 Cashiers Valley Road Brevard, NC 28712	215-6150 C	<a href="mailto:coty.ferguson@gmail.com">coty.ferguson@gmail.com</a>	2/17/2014	12/2014	Replaced Rick Lasater. Resigned 9/17/14 per Janice Pinson's email.
Nora D. Davis (City)	265 Resada Drive Brevard, NC 28712	877-4070	<a href="mailto:ndavis@icfl.com">ndavis@icfl.com</a>	12/6/00 R 8/15/11	9/2011 9/2014	Nora - unexp term of Katie Baer. Nora - unexp. Term of Katie Baer. 8/15/11 on Council agenda for re-appt consideration, expire 9/2014 if re-appt. Katie Baer appt to fill unexp. Term of Janet McCall
Gary Daniel (Vice Chair) (County)	89 Deerwoode Lane Brevard, NC 28714	862-3587 H 508-6918 W	<a href="mailto:gDaniels@citcom.net">gDaniels@citcom.net</a>	4/25/05 R 1/14/08 R 12/13/10 R 12/10/13	12/2007 12/2010 12/2013 12/2016	Unexp term of J. Alderman. BOC waived term limits.



# The City of *Brevard* North Carolina

## PLANNING BOARD STAFF REPORT

MAY 19, 2015

**Title:** Group Developments - Ground Sign Location  
**Speaker:** Daniel P. Cobb, AICP, CFM, CZO, Assistant Planning Director  
**From:** Daniel P. Cobb, AICP, CFM, CZO, Assistant Planning Director  
**Prepared by:** Daniel P. Cobb, AICP, CFM, CZO, Assistant Planning Director  
**Approved by:** Joshua S. Freeman, AICP, CFM, Planning Director

**Executive Summary:** Planning Board will consider and offer recommendations regarding proposed amendments to Brevard City Code, Unified Development Ordinance, Chapter 12, Signs.

**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.

**Fiscal Impact:** None.

**Policy Impact:** No specific policy exists to inform the proposed text amendment. Policy issues pertain to community character, aesthetics, and the advertisement needs of businesses and institutions within the City of Brevard; the Planning Board should carefully consider these factors in formulating its recommendation to City Council.

**Attachments:**

Attachment 01: Non-Residential and Mixed Use Group Developments within the Regulatory Jurisdiction of the City of Brevard.

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**Exhibit A**  
**(Ordinance Number 2015-\_\_)**

**Chapter 12 Signs**  
**Subsection 12.11.A.1**

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**12.11. - Additional standards for planned development districts, group developments, institutional campuses, and other similar projects.**

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**A. *Ground signs visible from a public street.* One ground sign may be permitted at each development entrance provided that:**

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1. No part of any ground sign shall be closer than ~~500~~300 feet to any part of another ground sign within the same development along the same street frontage.
  2. No part of any ground sign shall be closer 250 feet to any part of any other ground sign within the same development.
  3. A ground sign may be situated at the convergence of two public streets upon which the development fronts but where no entrance is located. However, signs permitted under this provision shall be considered as situated upon both converging streets and shall be separated from all other ground signs within the same development in accordance with 12.11.A.1 and 2., above.
  4. Developments that are divided by a public street shall be considered as separate developments for the purposes of this subsection.
  5. No other ground signs will be permitted except in accordance with Section 12.11, below.
  6. These requirements shall apply regardless of whether such developments are subdivided into individual parcels.
  7. All other requirements of this Chapter shall apply to such ground signs. Ground sign size and height requirements shall be the same as the base district within which the development is located.
  8. Out-parcels as defined in Chapter 19 of this ordinance shall be allowed one ground sign in accordance with Section 12.9(B).

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**B. *Wall signs visible from a public street.* Individual businesses and buildings located within planned development districts, group developments, institutional campuses, and other similar projects may have the following:**

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1. One wall sign which shall not to exceed 50 square feet or 50 percent of the surface area of the wall upon which the sign is located, whichever is the lesser.

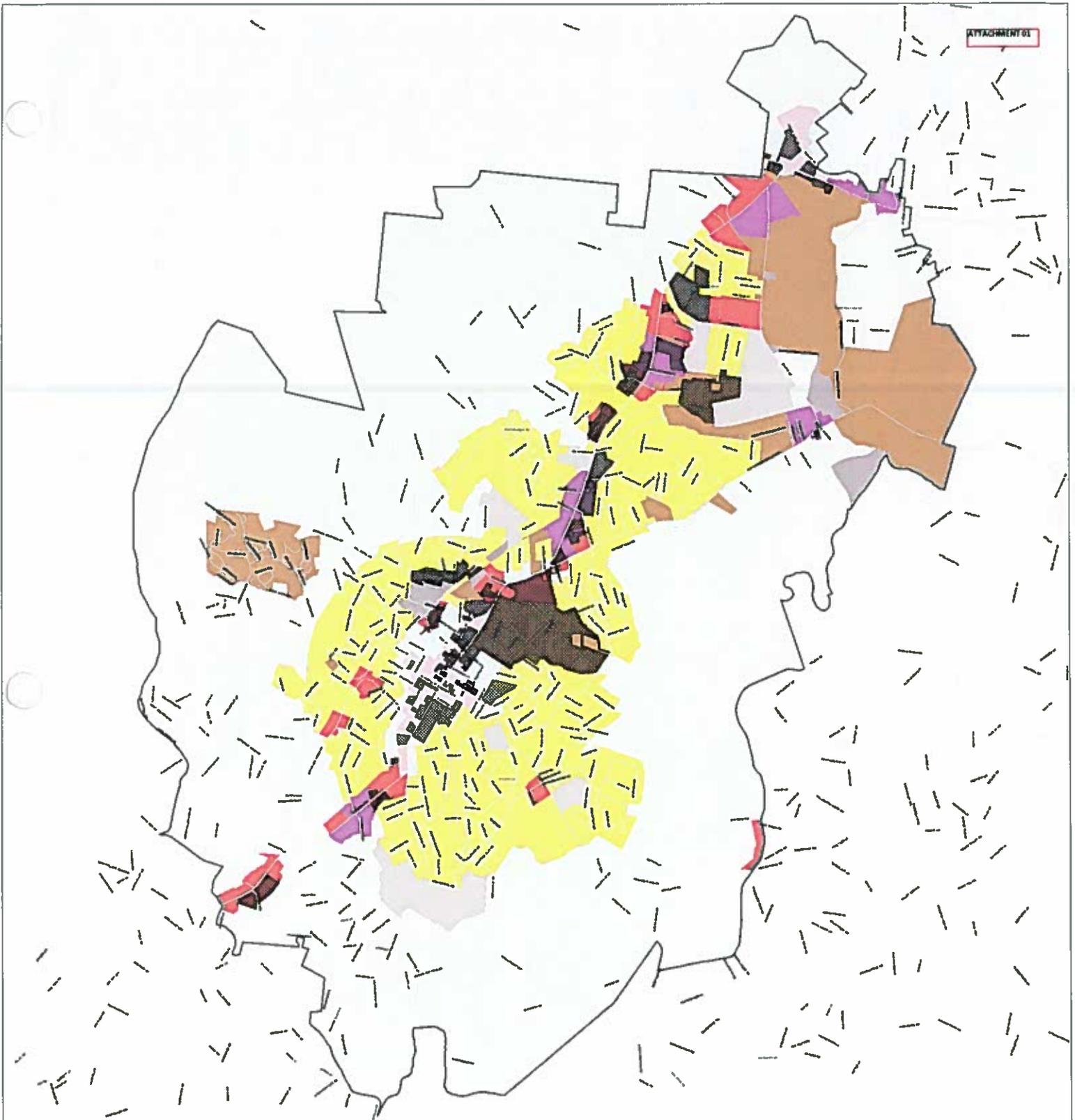
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2. For buildings having frontage on more than one public right-of-way, signs may be placed on both walls fronting the public right-of-way.
3. One identification sign not to exceed 16 square feet. That sign may be located on the rear or side of the business.
4. One menu reader board for each drive-through restaurant establishment. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.
5. One suspended or projection identification sign per business establishment, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign. Suspended or projected identification signs shall be located at the main entrance of the business.
6. The aggregate area of all wall signs, including building identification signs, business identification signs, identification signs, suspended signs, projection signs, menu reader boards, and product information signs, shall not exceed 50 percent of the total surface area of the front wall space of the business (surface area of said wall shall be computed excluding windows and doors).

C. *Internal development signage.*

1. There shall be no limit to the number signs posted within an Institutional Campus, group development, planned development district, or other similar developments, when such signs are in no way visible from any public street or right-of-way, or any adjacent property.
2. Ground signs permitted under this provision shall comply with Section 12.11.A.1 and 2., above.
3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area per side of sign up to a maximum of 64 square feet of aggregate surface area per sign, and shall not exceed five [feet] in height.

D. *[Compliance:]* Otherwise, signs permitted the development under this section shall comply with all other requirements of this chapter, and other forms of signage within the development shall comply with all requirements of this chapter.



- Legend**
- Group Developments
  - City of Brevard Regulatory Jurisdiction
  - Streets**
  - General Industrial
  - Corridor Mixed Use
  - Downtown Mixed Use
  - Neighborhood Mixed Use
  - Residential Mixed Use
  - Institutional Campus
  - General Residential (5)
  - General Residential (4)
  - Special District

This map identifies non-residential & mixed use, multi-unit group developments within the regulatory jurisdiction of the City of Brevard.

Group Developments are defined as follows:

(1) [Developments of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or group of tracts) not subdivided into the customary streets and lots and designed for accessibility by separate driveways, easements or other arrangements normally permitted within the underlying zoning. (Examples may include, but are not limited to, summer camps, school campuses and resorts, shopping centers, recreational 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.]

There are approximately 120 non-residential group developments comprised of 200 parcels of record, and covering a land area of 9,420.34 acres.

**NON-RESIDENTIAL AND MIXED USE GROUP DEVELOPMENTS WITHIN THE REGULATORY JURISDICTION OF THE CITY OF BREVARD**



**ORDINANCE NO. 2015-\_\_**

**AN ORDINANCE AMENDING THE CITY OF BREVARD  
UNIFIED DEVELOPMENT ORDINANCE CHAPTER 12  
TO MODIFY SIGN LOCATION DIMENSIONAL STANDARDS**

WHEREAS, the City of Brevard received a citizen request to amend the Unified Development Ordinance; and,

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 12 be amended to modify dimensional standards for locations of signs within group developments; and,

WHEREAS, a public hearing was conducted on (update after Planning Board) by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance, Chapter 12 be amended to make the adjustments as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Amendments to Brevard City Code, Unified Development Ordinance, Chapter 12. Signs, Subsection 12.11.A.1 Additional standards for planned development districts, group developments, institutional campuses, and other similar projects, as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 05. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the (update after Planning Board)

\_\_\_\_\_  
Jimmy Harris  
Mayor

ATTEST:

\_\_\_\_\_  
Desiree D. Perry, CMC, NCCMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael K. Pratt  
City Attorney



RECEIVED  
3/31/15

#15-129

# 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: Jay Egolf  
Telephone: Office: (828) 884-4151  
Cell: (828) 243-3969  
Email: jayegolf@egolfmotors.com  
Address: 1235 Asheville Highway  
Brevard, NC 28712

Signature: Jay Egolf  
Date: 3-31-15

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: Jay Egolf  
Telephone: 884-4151  
Email: jayegolf@egolfmotors.com  
Address: 1235 Asheville Highway  
Brevard, NC  
28712

PIN # 8596-09-7857-000

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

12.11.A.1

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):

\_\_\_\_\_  
\_\_\_\_\_  
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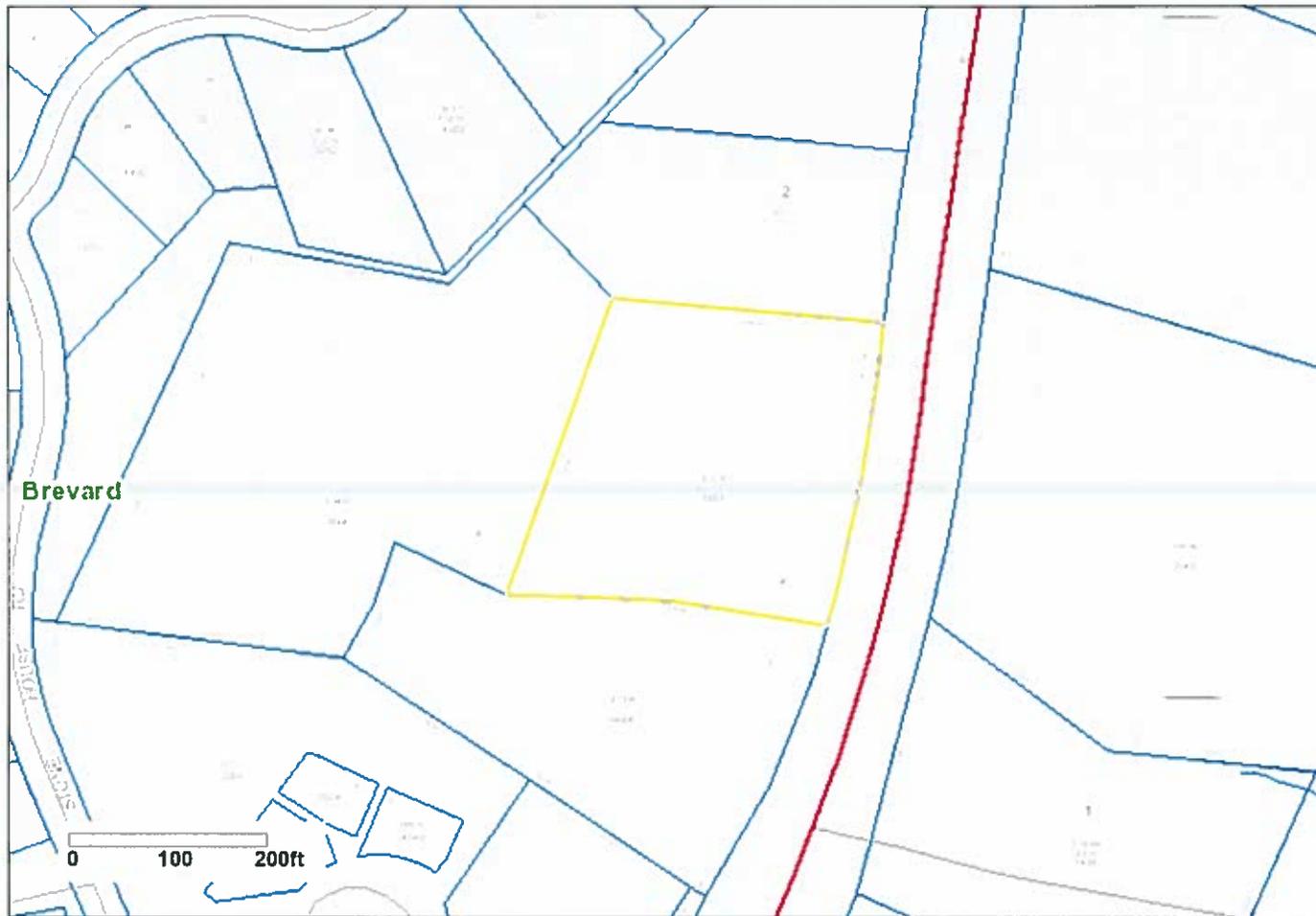
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AMENDMENT TEXT (Insert proposed amendment text here or in attached document):

**12.11. - Additional standards for planned development districts, group developments, institutional campuses, and other similar projects.**

A. Ground signs visible from a public street. One ground sign may be permitted at each development entrance provided that:

1. No part of any ground sign shall be closer than ~~500~~ 300 feet to any part of another ground sign within the same development along the same street frontage.



### Transylvania County, NC

**Disclaimer:** The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length direction of a line, and areas.

#### Parcels

<b>PIN:</b> 8596-09-7857-000	<b>Sale Date:</b> 201409	<b>Sale Inst:</b> EA
<b>Owner Name:</b> Egolf Properties LLC	<b>COUNTY_ID:</b> B122 02006 0B	<b>Sale Imp:</b> I
<b>Owner Address:</b> 1235 Asheville Hwy	<b>FIREDIST:</b> FR02	<b>Land Value:</b> 567000
<b>City:</b> Brevard	<b>Acres:</b> 2.09798683	<b>Assessed Value:</b> 1119860
<b>State:</b> NC	<b>Waterfront:</b> N	<b>Building Value:</b> 513860
<b>Zip:</b> 28712	<b>Land Area:</b> 2.1	<b>XFOB_VALUE:</b> 39000
<b>Deed Book:</b> 00702	<b>Land Units:</b> AC	<b>ACCOUNT_NO:</b> 70257020
<b>Deed Page:</b> 0578	<b>TWSP:</b> 0B	<b>Legal Address:</b> US HWY 64

#### Attributes at point: N: 569899, E: 890728

<b>Fire Districts</b> Fire District: FR02	<b>Voting Tabulation Districts (VTD)</b> Name: Brevard 3	<b>Precincts</b> Description: B3_BREVARD #3
<b>Brevard Zoning</b> District: Corridor Mixed Use		

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.andassoc.com>

# CITY OF BREVARD

## STATEMENT OF FEES

### CUSTOMER INFORMATION

Customer name: Egolf of Brevard Telephone: 884-4151  
 Contractor name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Development Permit Number 15-129  
 Location (911 Property Address): \_\_\_\_\_  
 Billing address: \_\_\_\_\_  
 Tax ID or Fed. #: \_\_\_\_\_

### FEES

Category	Fee	Account Code	By
Business License		10-1260-0300	
Utility Account Deposit		30-2360-0200	
Water Tap Fee		30-3730-0100	
Sewer Tap Fee		30-3730-0200	
Water Impact Fee <sup>1</sup>		35-3730-0100	
Sewer Impact Fee <sup>1</sup>		35-3730-0200	
Zoning Permit	<u>200.<sup>00</sup></u>	10-3350-0200	<u>Box</u>
Stormwater Fee-In-Lieu		35-1010-0480	
Parking Fee-In-Lieu		10-3350-0600	
Sidewalk Fee-In-Lieu		35-1010-0460	
Sign Permit Fee		10-3350-0200	
Miscellaneous Bonds		10-2010-1000	
Other (Describe)			
Total Fee <sup>2</sup>	<u>200.<sup>00</sup></u>	Receipt Number: <u>312179 -</u> <u>312180</u>	Date: <u>4/9/15</u>

\*Note to Planning Staff: Knox Box fees should be collected separately and forwarded to the vendor.

Please bring this form with you to the Water Dept to pay fees and we will be happy to give you a receipt for necessary permits.

Day meter to be set (if applicable): \_\_\_\_\_



The City of  
**Brevard**  
North Carolina

**CATEGORY:** New Business  
**DATE:** May 19, 2015  
**TO:** City of Brevard Planning Board  
**CC:** NA  
**FROM:** Joshua S. Freeman, AICP, CFM, Planning Director  
**REGARDING:** Zoning Map Amendments, Railroad Avenue

**EXECUTIVE SUMMARY:** Planning Board will consider and provide a recommendation upon proposed text amendments associated with pending amendments to the Official Zoning Map within the Railroad Avenue neighborhood (previously considered and favorably recommended by the Board).

**DISCUSSION:** Proposed text amendments would establish regulations for a new Railroad Avenue Mixed Use zoning district as outlined in the Railroad Avenue Small Area Plan, which was favorably recommended by City Planning Board in the fall of 2014. Other, miscellaneous text amendments are also included in the proposed amendments, which are attached hereto. The associated zoning map amendments, which were previously considered and recommended by the Board, are attached for reference.

**POLICY IMPACT:** The proposed text amendments are necessary in order to implement the zoning map amendments as outlined in the Railroad Avenue Small Area Plan, which was favorably recommended by City Planning Board in the fall of 2014.

**FISCAL IMPACT:** NA.

**STAFF COMMENTS:** Staff recommends approval of the proposed amendments as presented.

1 CHAPTER 2. - DISTRICT PROVISIONS

2

3 2.1. - General intent and establishment of districts.

4 A. *Base districts.*

5 1. In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of  
6 zoning regulation by district, the City of Brevard and its extra-territorial jurisdiction (hereafter, the  
7 "regulatory jurisdiction"), as indicated on the official zoning map is hereby divided into various  
8 districts that set forth uniform regulations for the development of land within each district.

9 2. The purpose of these district regulations is to provide a comprehensive plan for the use of land  
10 and buildings in conditions of good health and safety and in conditions of orderly community  
11 development. These regulations shall apply to all land and structures within the respective zoning  
12 district.

13 B. *Establishment of base districts, and purpose statements.* This ordinance establishes the following base  
14 districts for use as zoning categories

15 1. *General Residential (GR4 and GR6).* The General Residential District is intended for the city's  
16 existing predominately-residential neighborhoods as well as provide for new primarily-residential  
17 development in accordance with this pattern. These districts are differentiated only by the density  
18 of the overall development relative to the planning goals of the city as set forth in the Land-Use  
19 Plan.

20 2. *Residential Mixed-Use (RMX).* The Residential Mixed-Use District is intended to provide for areas  
21 of higher density residential development in close proximity (within 1/4—1/2 mile) to existing and  
22 planned commercial centers such as the Downtown Mixed Use District. The intent is to create  
23 higher density residential areas that compliment commercial districts with physical proximity and  
24 pedestrian connectivity. Different housing types and lot styles are encouraged.

25 3. *Neighborhood Mixed-Use (NMX).* The Neighborhood Mixed-Use District is coded to provide  
26 pedestrian-scaled, higher density residential homes and opportunities for limited scale  
27 commercial activities along existing mixed-use corridors, in areas of transition, and at the  
28 functional center of new neighborhoods. Development in this district should encourage pedestrian  
29 activity through construction of mixed-use buildings and connections to adjacent neighborhoods.  
30 Buildings in this district are typically small and detached.

31 4. *Railroad Avenue Mixed-Use (RAMX).* The Railroad Avenue Mixed-Use District is intended to  
32 provide pedestrian scaled, higher density residential uses and opportunities for a blend of  
33 commercial and light industrial uses in an area of transition at the functional center of an existing  
34 neighborhood. The district is distinguished from other mixed-use districts in that it accommodates  
35 site layouts, building forms and architectural styles that are consistent with the industrial history  
36 of the geographic context in which the district is situated.

37 5.4. *Downtown Mixed-Use (DMX).* The Downtown Mixed-Use District is coded for the traditional  
38 downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically,  
39 street level commercial and upper level office and residential. Higher densities of residential  
40 development are encouraged. It is the purpose of these regulations to encourage vitality by  
41 excluding certain activities which have a negative effect on the public realm through auto-  
42 dominated or non-pedestrian oriented design or uses.

43 6.5. *Corridor Mixed-Use (CMX).* The Corridor Mixed-Use District is coded to facilitate convenient  
44 access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the  
45 city's major thoroughfares. In addition, this district is established to assure the continuation of the  
46 natural beauty and green appearance of the major thoroughfares leading into the city, for

Commented [JF1]: This section establishes the new zoning district.

- 47 enhancement of the appearance of newly developed and redeveloped properties, and for the  
48 promotion of public safety by limiting the number and location of access points.
- 49 76. *Institutional Campus (IC)*. The Institutional Campus District is coded to allow for the continued  
50 and future use, expansion, and new development of academic and religious campuses, as well  
51 as government and health-care facilities. Unlike regular buildings which are oriented towards  
52 public streets, campus buildings are introverted towards spaces within the campus such as  
53 quadrangles.
- 54 87. *General Industrial (GI)*. This district is primarily for general industrial land uses and a broader  
55 variety of operations, including manufacturing, processing, and assembling of parts and products  
56 and distribution of products at wholesale or retail. The standards established for general industrial  
57 areas are designed to promote sound permanent industrial development.
- 58
- 59 C. *Establishment of conditional zoning districts*. In addition to the base districts established above, and  
60 as authorized under G.S. 160A-382 and G.S. 153A-342 the following conditional districts are  
61 established which correspond to the above-referenced districts but which require the submission of a  
62 master plan as a prerequisite to any development. These districts are intended to allow for the  
63 establishment of specific land uses not otherwise permitted in the underlying base district, subject to  
64 applicable conditions of the approving authority, while insuring compliance with all other applicable  
65 provisions of this ordinance. These districts are not intended to relieve hardships that should be  
66 resolved by means of a variance, or to provide the design and dimensional flexibility of development  
67 overlay districts listed in Section 2.1(D), below. The procedure for the establishment of these districts  
68 is found in Chapter 16 of this ordinance.
- 69 1. General Residential Conditional Zoning District 10 (GR 10 CD).  
70 2. Residential Mixed-Use Conditional Zoning District (RMX CD).  
71 3. Neighborhood Mixed Use Conditional Zoning District (NMX CD).  
72 4. Corridor Mixed Use Conditional Zoning District (CMX CD).  
73 5. Central Business District Conditional Zoning District (CBD CD).  
74 6. General Industrial Conditional Zoning District (GI CD).
- 75 D. *Overlay districts*. In accordance with North Carolina General Statute 160A-382, the following overlay  
76 districts are established. These overlay districts impose additional requirements on properties within  
77 one or more underlying base or conditional districts.
- 78 1. *Manufactured Home Overlay District (MHD)*. The purpose of the MHD is to allow for the continued  
79 placement of manufactured homes "by right" in areas where manufactured housing is a historical  
80 housing form. Manufactured homes shall be subject to the design requirements of Chapter 5 as  
81 well as other provisions of this ordinance. Manufactured home parks shall require a special use  
82 permit in all parts of the city in which they are permitted.
- 83 E. *Planned Development (PD)*. A Planned Development (PD) is a base zoning district classification which  
84 may only be assigned by means of conditional zoning pursuant to the procedures and criteria set forth  
85 in Section 16.8. This zoning classification is intended to provide an effective means for the city to  
86 manage the impacts of large-scale developments or developments in sensitive contexts and to provide  
87 developers with the flexibility for creative design approaches. The following developments may only  
88 be authorized for development in a Planned Development (PD) zoning district:
- 89 ♦ Any development where the total ground floor area of all principal structures equals or exceeds  
90 100,000 square feet;
- 91 ♦ Any group development containing 25 or more structures or units;
- 92 ♦ Any subdivision of land proposing 50 or more lots or condominium units;

93 ♦ Any development for which the developed area is proposed to include ten or more acres of land  
94 (inclusive of required recreation and open spaces).

95 Finally, inasmuch as planned developments allow for flexibility in building location and proximity, thus  
96 allowing appropriate densities while protecting sensitive areas, they are encouraged in steep slope and  
97 flood plain areas where site conditions limit the development area.

98 1. *General intent/purpose of planned developments.* The planned development zoning district  
99 classification allows projects of innovative design and layout that would not otherwise be  
100 permitted under this ordinance because of the strict application of zoning district or general  
101 development standards. Planned development zoning encourages innovative land planning and  
102 design concepts by:

103 ♦ Reducing or eliminating the inflexibility that sometimes results from strict application of zoning  
104 and development standards that were designed primarily for individual lots;

105 ♦ Allowing greater freedom in selecting the means to provide access, light, open space, and  
106 design amenities;

107 ♦ Allowing greater freedom in providing a mix of land uses in the same development, including  
108 a mix of housing types, housing prices, lot sizes, densities, and non-residential uses in a planned  
109 development;

110 ♦ Promoting quality urban design and environmentally sensitive development by allowing  
111 development to take advantage of special site characteristics, locations, and land uses; and

112 ♦ Encouraging quality urban design and environmentally sensitive development by allowing  
113 increases in base densities when such increases can be justified by superior design or the  
114 provision of additional amenities such as public and/or private open space.

115 In return for greater flexibility in site design requirements, planned developments are expected to  
116 deliver exceptional quality community designs that preserve critical environmental resources,  
117 provide above-average open space amenities, incorporate creative design in the layout of  
118 buildings, open space and circulation; assure compatibility with surrounding land uses and  
119 neighborhood character; and provide greater efficiency in the layout and provision of roads,  
120 utilities, and other infrastructure. Planned development districts shall not be used as a means of  
121 circumventing the city's adopted land development regulations for routine developments.

122 2. *Designation procedure.* A Planned Development (PD) District shall only be created by means of  
123 conditional zoning pursuant to the procedure set forth in Section 16.8, which shall include  
124 submission, review, and approval of a planned development master plan or preliminary master  
125 plan as defined in Section 16.7. Simultaneous submission of a site and/or subdivision plan is  
126 optional.

127 3. *General use and development standards for PD Districts.*

128 (a) *Uses allowed.* A planned development may contain only those uses specified in the  
129 ordinance creating the PD district. Such uses may include any of the uses indicated in the  
130 use matrix contained in Section 2.C, provided such uses are consistent with the Land Use  
131 Plan.

132 (b) *Mixed uses encouraged.*

133 (1) Mixed use developments are strongly encouraged in PD zoning districts, including the  
134 mixing of principal residential uses with principal non-residential uses. Mixed use  
135 development may occur by having two or more principal uses located in the same  
136 building (e.g., retail on ground floor, office space above) or by having two or more  
137 principal uses located in different buildings sited on the same lot or parcel (e.g.,  
138 freestanding child day care center located on the same parcel as an office building).

139 Unless otherwise provided in the ordinance creating a planned development district,  
140 mixed use developments shall comply with the Traditional Neighborhood Development  
141 specific standards contained in Section 2.E.8, below.

142 (2) Planned developments containing both residential and non-residential uses shall be  
143 designed, located, and oriented on the site so that non-residential uses are directly  
144 accessible to residents of the development. For the purposes of this section, "directly  
145 accessible" shall mean pedestrian and vehicular access by way of improved sidewalks  
146 or paths and streets that do not involve leaving the planned development or using a  
147 major thoroughfare. "Directly accessible" does not necessarily mean that non-  
148 residential uses need to be located in a particular location, but that the siting of such  
149 uses considers the accessibility of the residential component of the development to the  
150 non-residential use.

151 (c) *Applicable standards.*

152 (1) Development in a PD district shall comply with the standards contained in the following  
153 chapters of the Unified Development Ordinance: Chapter 4, General Lot and Structure  
154 Provisions; Chapter 6, Environmental Protection; Chapter 9, Circulation and  
155 Connectivity; Chapter 11, Lighting; Chapter 13, Infrastructure Improvement  
156 Requirements. Provided, however, the General Lot and Structure Provisions in Section  
157 4.4.D, whereby all subdivisions of land are required to front on a public street, may be  
158 modified by means of the ordinance creating a planned development district.

159 (2) The ordinance creating a PD district shall establish the following standards for  
160 development which may vary from applicable standards contained in the Unified  
161 Development Ordinance. If the ordinance creating a PD district fails to provide any of  
162 the standards required by this paragraph, any development in the district shall comply  
163 with the applicable standards contained in Brevard City Code.

- 164 a. Density and dimensional requirements (Section 2.3).
- 165 b. Additional use standards (Chapter 3).
- 166 c. Building types and architectural standards (Chapter 5).
- 167 d. Open space (Chapter 7), which shall be adequate to meet the needs of the  
168 proposed development.
- 169 e. Tree protection and landscaping (Chapter 8).
- 170 f. Parking standards (Chapter 10).
- 171 g. Signs (Chapter 12).

172 (3) Development and land use in a PD district shall comply with the requirements of  
173 Chapters 14 through 19 of the UDO.

174 (4) The ordinance creating the PD district shall specify whether phasing is proposed as well  
175 as the process, if applicable, for the review and approval of such phases, including any  
176 future subdivision of the property. Any references to final master plan in this section  
177 may apply to the entire planned development or an individual phase of such  
178 development.

179 4. *Transportation and circulation system.* The planned development's master plan shall demonstrate  
180 a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and  
181 pedestrian circulation. The on-site transportation system shall be integrated with the off-site  
182 transportation circulation system of the city. If a preliminary master plan has been utilized in  
183 establishing a planned development district, final approval of the transportation and circulation  
184 system may be deferred to review of a final master plan for the entire development or any  
185 individual phase thereof. In such event, the planning board may condition final master plan  
186 approval on the developer's agreement to fund transportation and circulation improvements

187 identified in a traffic impact analysis or other submittal or reasonably related thereto. Failure by  
188 the developer to agree to such conditions shall constitute a major modification pursuant to Section  
189 16.8.E.4(b).

190 5. *Off-street parking and loading.* The planned development's master plan shall comply with the off-  
191 street parking and loading requirements of Chapter 10, below, except that variations from these  
192 standards may be permitted if a comprehensive parking and loading plan for the development is  
193 submitted as part of the master plan that is suitable for the development and consistent with the  
194 intent and purpose of the off-street parking and loading standards of this ordinance. If a  
195 preliminary master plan has been utilized in establishing a planned development district, final  
196 approval of the off-street parking and loading requirements may be deferred to review of a final  
197 master plan for the entire development or any individual phase thereof.

198 6. *Landscaping.* Landscaping shall comply with the standards of Chapter 8, below, except that  
199 variations from these standards may be permitted where it is demonstrated that the proposed  
200 landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on  
201 surrounding properties, creates attractive streetscapes and parking areas, and is consistent with  
202 the urban design objectives and/or character of the area. Notwithstanding the foregoing, no  
203 variations from Section 6.7 shall be permitted.

204 7. *Open space.* Each planned development shall provide open space adequate to meet the needs  
205 of its residents, employees, and/or invitees. Such open space shall, at a minimum, comply with  
206 the requirements of Chapter 7, below.

207 8. *Traditional neighborhood development.* Unless the ordinance creating a PD district specifies  
208 otherwise, PD districts which contain residential uses shall incorporate the following traditional  
209 neighborhood development design principles:

210 (a) All neighborhoods shall have identifiable centers and edges.

211 (b) Edge lots shall be readily accessible to retail and/or recreation by non-vehicular means (a  
212 distance not greater than  $\frac{1}{4}$ – $\frac{1}{2}$  mile).

213 (c) Uses and housing types shall be mixed and in close proximity to one another.

214 (d) Street networks shall be interconnected and blocks small.

215 (e) Sidewalks and other pedestrian infrastructure shall be interconnected and comprehensive.

216 (f) Civic uses shall be given prominent sites throughout the neighborhood.

217 (g) The entire land area of the development shall be divided into blocks, streets, lots and open  
218 space areas.

219 (h) Similar land categories shall generally front across streets. Dissimilar categories should abut  
220 at rear lot lines. Corner lots which front on streets of dissimilar use should be set back the  
221 same as the adjacent use with the lesser setback.

222 (i) The long axis of streets exceeding 500 feet in length shall have appropriate termination with  
223 either a public monument, specifically designed building facade, or a gateway to the ensuing  
224 space.

225 (j) Open space shall be centrally located so that it is within walking distance from all locations  
226 within the planned development. No portion of the planned development shall be further than  
227 760 feet (1/8 mile) from a public open space as defined in Chapter 7

228 (k) Dimensional standards shall be established in accordance with neighborhood design but  
229 shall be generally consistent with those found in the RMX, NMX and DMX Districts.

230 9. *Land use allocations.* The applicant shall specify the land use allocation in a planned development  
231 incorporating residential uses. Unless a different land use allocation is approved in the ordinance  
232 creating the PD district, land use allocation for such development shall be required to comply with  
233 the following table.

Land Use	Minimum	Maximum
Single-Family	15%	75%
Multi-Family	10%	40%
Lodging/Office/Retail	2%	40%
Civic	2%	None

234

235 (Note: The figures in the table above are to be calculated as the net development area, excluding  
236 street rights-of-way.)

237 10. *Land use areas.* If a preliminary master plan has been utilized in establishing a planned  
238 development district, said plan may divide the district into land use areas and specify use and  
239 other development standards which shall apply to such land use area. The preliminary master  
240 plan may also depict transition zones between any such land use areas which shall permit  
241 deferring the determination of the precise boundaries between land use areas until final master  
242 plan review.

243 2.2. - Use categories and tables of permitted uses.

244 A. All uses permitted in this Code have been divided into nine general categories as detailed below and  
245 are generally defined as follows:

246 1. *Residential:* Premises available for long-term human habitation by means of ownership and  
247 rental, but excluding short-term leasing or rental of less than a month's duration.

248 2. *Lodging:* Premises available for short-term human habitation, including daily and weekly rental.

249 3. *Office/service:* Premises available for the transaction of general business and the provision of  
250 services, but excluding retail sales and manufacturing, except as a minorly component.

251 4. *Retail/restaurants:* Premises available for the commercial sale of merchandise, prepared foods,  
252 and food and drink consumption, but excluding manufacturing.

253 5. *Entertainment/recreation:* Premises for the gathering of people for purposes such as arts and  
254 culture, amusement, and recreation.

255 6. *Manufacturing/wholesale/storage:* Premises available for the creation, assemblage, storage, and  
256 repair of items including their wholesale or retail sale.

257 7. *Civic/institutional:* Premises available for organizations dedicated to religion, education,  
258 government, social service, health care, and other similar functions.

259 8. *Infrastructure:* Uses and structures dedicated to transportation, communication, information, and  
260 utilities.

261 9. *Temporary uses:* Uses as defined in Chapter 19 of this ordinance.

262 B. Interpretation of use matrices.

- 263 1. Any use not listed in the use matrix and not otherwise explicitly permitted within this ordinance is  
 264 prohibited, unless the administrator determines that it falls within the same class as a listed use  
 265 as set forth below.
- 266 2. Uses not listed as a permitted (P), permitted with additional standards (PS) or requiring a special  
 267 use permit (SUP) are presumed to be prohibited from the applicable zoning district, except that  
 268 prohibited uses may be permitted within the applicable zoning district through the application of  
 269 a conditional zoning district in accordance with the provisions set forth in Chapter 16
- 270 3. In the event that a particular use is not listed in the use matrix, and such use is not listed as a  
 271 prohibited use and is not otherwise prohibited by law, the administrator shall determine whether  
 272 a materially similar use exists in this chapter. Should the administrator determine that a materially  
 273 similar use does exist, the regulations governing that use shall apply to the particular use not  
 274 listed and the administrator's decision shall be recorded in writing. Should the administrator  
 275 determine that a materially similar use does not exist, this chapter may be amended to establish  
 276 a specific listing for the use in question in accordance with the provisions set forth for text  
 277 amendments in Chapter 16
- 278 4. The administrator may determine that a use is materially similar if:
- 279 (a) The use is listed as within the same structure or function classification as the use  
 280 specifically enumerated in the use matrix, as determined by the Land-Based Classification  
 281 Standards ("LBCS") of the American Planning Association [Reference:  
 282 <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it  
 283 falls within the same LBCS classification and meets the requirements of subsection (b)  
 284 below.
- 285 (b) The proposed use shall not generate average daily trips exceeding other uses proposed in  
 286 the zoning district by more than ten percent, as determined by the Institute of Transportation  
 287 Engineers, Trip Generation (7th ed., 2003, or as subsequently updated)(the "ITE Manual"),  
 288 which document is hereby incorporated by this reference. If the proposed use trip generation  
 289 is not specifically listed in the ITE Manual, a use considered materially similar shall be used.  
 290 The administrator may also refer to similar local traffic studies.
- 291 5. In order to assist in interpretation of the use matrix, the LBCS numbers where applicable are  
 292 enumerated. In interpreting the use matrix, the following rules of construction shall apply:
- 293 (a) If a use is listed for a specific classification, while a more general classification within the  
 294 same industry classification is also listed for another use, the specific classification governs.  
 295 The specific use is not permitted in all districts where the uses coded to the general  
 296 classification are permitted simply because they share a similar LBCS code number. The  
 297 numbers increase as the classifications get more specific.
- 298 (b) Some uses are listed separately, but fall within the same LBCS classification. The uses  
 299 within one such classification are not permitted in all of the zoning districts as the others  
 300 simply because they fall within the same LBCS classification.
- 301 C. Use matrix. The following matrix sets forth the manner by which certain uses may be permitted within  
 302 the various districts set forth above.
- 303 1. "P" denotes those uses that are permitted "by right."  
 304 2. "—"denotes those uses that are not permitted within the given district.  
 305 3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance  
 306 with the provisions set forth in Chapter 16. Additional standards for certain uses requiring a  
 307 special use permit are set forth in Chapters 3 and 5 of this ordinance.  
 308 4. "PS" denotes those uses that are permitted with additional standards, which are set forth in  
 309 Chapter 3

- 310 5. "GD" denotes those uses may be permitted as a Group Development in accordance with the  
 311 provisions set forth in Chapter 16  
 312 6. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.  
 313 7. "CD" denotes those uses that are permitted by means of the Conditional Zoning District process,  
 314 which includes Planned Development Districts and Traditional Neighborhood Developments.

BASE DISTRICT	GR	RMX	RAMX	NMX	DMX	CMX	IC	GI
<b>Residential</b>								
Dwelling—Single Family (Site-built) <sup>(a)</sup>	P	P	<u>P</u>	—	—	—	P	—
Dwelling—Duplex	P	P	<u>P</u>	P	—	—	P	—
Dwelling—Town Home or Condominium Structure	GD	P	<u>P</u>	P	P	P	P	—
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	SUP	P	<u>P</u>	P	P	P	P	—
Dwelling—Multifamily more than 4 units/bldg	—	P	<u>P</u>	P	P	P	P	—
Dwelling—Secondary	PS	PS	<u>PS</u>	PS	PS	PS	PS	—
Family Care Home (Less than 6 residents)	P	P	<u>P</u>	P	P	P	P	—
Home Occupation	PS	PS	<u>PS</u>	P	P	P	P	—
Housing Service for the Elderly	SUP	P	<u>P</u>	P	P	P	P	—
Live-Work Units (See Subsection (e) below)	P	P	<u>P</u>	P	P	P	P	—
Manufactured Home (single unit) <sup>(b)</sup>	MHD	MHD	<u>—</u>	MHD	MHD	MHD	MHD	—
Manufactured Home Park	SUP	SUP	<u>—</u>	—	—	—	—	—
Recreational Vehicle	—	—	<u>—</u>	—	—	—	—	—
<b>Lodging</b>								

Commented [JF2]: This section outlines the uses that are allowed in the new RAMX zoning district. This list of allowable uses was crafted by staff to be rather generous in the range of allowable uses. It is distinguished from most other mixed use districts in the range of manufacturing uses that are permitted.

Bed and Breakfast Home	PS	PS	<u>PS</u>	PS	PS	PS	PS	—
Bed and Breakfast Inns	SUP	PS	<u>PS</u>	PS	PS	PS	PS	—
Accessory Rental Cottage/Cabins <sup>(d)</sup>	PS	PS	<u>PS</u>	PS	—	—	—	—
Hotels/Motels/Inns	—	—	<u>P</u>	—	P	P	P	—
Rooming or Boarding House	—	—	<u>PS</u>	P	P	P	P	—
Recreational Vehicle Park	—	—	<u>—</u>	—	—	—	—	—
<b>Office/Service</b>								
Animal Services	—	—	<u>P</u>	P	P	P	P	P
Artist Workshop	<del>PS</del>	P	<u>P</u>	P	P	P	P	P
ATM	—	—	<u>P</u>	P	P	P	P	—
Banks, Credit Unions, Financial Services	—	—	<u>P</u>	P	P	P	P	P
Business Support Services	—	SUP	<u>P</u>	P	P	P	P	P
Adult/Child Day Care Home (Less than 6)	PS	PS	<u>PS</u>	PS	PS	PS	PS	—
Adult/Child Day Care Center (6 or more)	—	PS	<u>PS</u>	PS	PS	PS	PS	PS
Community Service Organization	—	SUP	<u>P</u>	P	P	P	P	P
Drive Thru Service	—	—	<u>—</u>	SUP	SUP	P	—	—
<u>Equipment Rental (Indoor)</u>	<u>—</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>P</u>
<u>Equipment Rental (Outdoor)</u>	—	—	<u>—</u>	—	—	P	—	P
Funeral Homes	—	—	<u>PS</u>	PS	PS	PS	PS	—
Group Care Facility (6 or more residents)	—	P	<u>P</u>	P	P	P	P	—

Government Services	—	P	<u>P</u>	P	P	P	P	P
Kennels	—	—	<u>SUP</u>	SUP	—	PS	—	PS
Medical Services—Clinic, Urgent Care Center	—	SUP	<u>SUP</u>	SUP	P	P	P	—
Medical Services—Doctor office	—	P	<u>P</u>	P	P	P	P	—
Post Office	—	—	<u>P</u>	P	P	P	P	—
Professional Services	SUP	P	<u>P</u>	P	P	P	P	P
Personal Services	—	P	<u>P</u>	P	P	P	P	—
Studio—Art, Dance, Martial Arts, Music	—	P	<u>P</u>	P	P	P	P	—
Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
Vehicle Services—Minor Maintenance/Repair <sup>(d)</sup>	—	—	—	SUP	SUP	PS	PS	PS
<b>Retail/Restaurants</b>								
Accessory Retail	—	—	<u>P</u>	—	—	—	—	PS
Alcoholic Beverage Sales Store	—	—	<u>P</u>	SUP	P	P	—	—
Auto/Mechanical Parts Sales	—	—	<u>P</u>	<u>P</u>	P	P	—	P
Bar/Tavern/Night Club	—	—	<u>P</u>	SUP	P	P	—	—
Drive-Thru Retail/Restaurants	—	—	—	—	SUP	PS	—	—
Gas Station	—	—	—	SUP	SUP	PS	—	PS
General Retail	—	—	<u>P</u>	P	P	P	P	—
Restaurant	—	—	<u>P</u>	P	P	P	P	P
Shopping Center—Neighborhood Center	—	—	<u>GD</u>	GD	GD	GD	—	—

Shopping Center—Community Center	—	—	=	—	—	GD	—	—
Vehicle/Heavy Equipment Sales—Indoor	—	—	PS	PS	PS	PS	—	PS
Vehicle/Heavy Equipment Sales—Outdoor	—	—	=	—	—	PS	—	PS
<b>Entertainment/Recreation</b>								
Amusements, Indoor	—	—	P	SUP	P	P	SUP	P
Amusements, Outdoor	—	—	=	SUP	SUP	P	—	P
Cultural or Community Facility	SUP	P	P	P	P	P	P	—
Meeting Facilities	—	SUP	P	P	P	P	P	—
Recreation Facilities, Indoor	SUP	SUP	P	SUP	P	P	P	P
Recreation Facilities, Outdoor	SUP	P	P	P	P	P	P	P
Theater, Movie	—	—	P	—	P	P	—	—
Theater, Live Performance	—	SUP	P	SUP	P	P	P	—
<b>Manufacturing/Wholesale/Storage</b>								
Contractors Office and Equipment Shed	PS	=	P	=	P	P	P	P
Inert Debris Storage or Disposal Facilities	—	—	=	—	—	—	—	PS
Junkyard	—	—	=	—	—	—	—	SUP
Laboratory—Medical, Analytical, Research and Development	—	—	P	—	—	SUP	SUP	P
Laundry, Dry Cleaning Plant	—	—	=	—	—	SUP	P	P
Manufacturing, Light	—	—	P	—	—	SUP	—	P

Manufacturing, Neighborhood	-	-	<u>P</u>	P	P	P	P	P
Manufacturing, Heavy	-	-	=	-	-	-	-	SUP
Media Production	-	-	<u>P</u>	P	P	P	P	P
Metal Products Fabrication, Machine or Welding Shop	-	-	<u>P</u>	SUP	SUP	P	-	P
Mini-Warehouses	-	-	<u>P</u>	-	-	SUP	-	P
Recycling—Small Collection Facility	-	-	=	-	-	SUP	SUP	P
Research and Development	-	-	<u>P</u>	-	P	P	P	P
Storage—Outdoor Storage Yard as a Primary Use	-	-	=	-	-	SUP	-	P
Storage—Warehouse, Indoor Storage	-	-	<u>P</u>	-	-	SUP	-	P
Wholesaling and Distribution	-	-	<u>P</u>	-	-	P	-	P
<b>Civic/Institutional</b>								
Campground/Artist Colony/Summer Camp	SUP	SUP	<u>SUP</u>	SUP	-	-	SUP	-
Cemeteries	PS	PS	=	PS	PS	PS	PS	-
Colleges/Universities	-	-	<u>P</u>	SUP	P	P	P	-
Hospital	-	-	=	-	P	P	P	-
Jail	-	-	=	SUP	SUP	P	P	P
Public Safety Station	SUP	SUP	<u>P</u>	P	P	P	P	P
Religious Institutions	SUP	P	<u>P</u>	P	P	P	P	-
Schools—Elementary and Secondary	SUP	P	<u>P</u>	P	P	P	P	-

Schools—Vocational/Technical	SUP	P	<u>P</u>	P	P	P	P	P
<b>Infrastructure</b>								
Wireless Telecommunication Facility—Stealth	P	P	<u>P</u>	P	P	P	P	P
Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Utilities—Class 1 and 2	P	P	<u>P</u>	P	P	P	P	P
Utilities—Class 3	—	—	<u>P</u>	—	—	—	—	P
<b>Miscellaneous Uses</b>								
Adult Establishment	—	—	—	—	—	—	—	SUP
Outdoor Firing Range	—	—	—	—	—	—	—	SUP
Indoor Firing Range	—	—	<u>P</u>	—	SUP	SUP	SUP	SUP
Agriculture	P	—	<u>P</u>	—	—	P	P	P
Parking	PS	P	<u>P</u>	P	P	P	P	P
Swimming Pool—Residential Accessory Use	PS	PS	<u>P</u>	PS	PS	PS	PS	—
Swimming Pool—Primary Use	—	SUP	<u>P</u>	SUP	PS	PS	PS	—
Fences	PS	PS	<u>P</u>	PS	PS	PS	PS	PS
Human Crematories	—	—	<u>P</u>	PS	PS	PS	P	P
<b>Temporary Uses and Structures</b>								
Carnivals or Circus	—	—	—	—	—	PS	PS	PS
Farmers Market	—	—	<u>PS</u>	PS	PS	PS	PS	—
Religious Meeting	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS

Contractor's Office and Equipment Shed (Temporary)	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS
Seasonal Structures	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS
Satellite Real Estate Sales Office	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS
Special Event	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS
Temporary Vendors	—	—	<u>PS</u>	PS	PS	PS	—	—
Vending Pushcarts	—	—	<u>PS</u>	—	PS	—	—	—
Mobile Food Vendors	—	—	<u>PS</u>	PS	PS	PS	PS	PS

315

316 (e) Within NMX, DMX, and CMX districts, single family structures are permitted only as town homes  
 317 or multi-family structures; on the second or higher floor of any structure where the ground floor is used  
 318 for non-residential purposes; or as part of a group development, or conditional district, in which event  
 319 they shall not be subject to the foregoing limitation.

320 (b) Manufactured homes are permitted with standards in the Manufactured Home Overlay District.

321 (c) Accessory rental cottage/cabins are permitted with standards in association with approved bed  
 322 and breakfasts.

323 (d) Vehicle services are permitted within institutional campuses only for the purposes of maintaining  
 324 vehicles associated with the operation of the campus and for instructional classes. For example, a  
 325 college may operate a maintenance shop for the campus fleet, as well as, for instructional classes.  
 326 Other vehicle service operations shall not be permitted within institutional campuses.

327 (e) Non-residential uses within a live-work unit must be listed within Chapter 2, Section 2.2 (C. Use  
 328 Matrix) as a permissible use within the district in which the live-work unit is proposed, and such non-  
 329 residential use must be approved by means of the appropriate permitting process. Non-residential  
 330 enterprises and residential units within any live-work unit that is located within a General Residential  
 331 District shall have a common tenant. In districts where residential building types are not permitted,  
 332 live-work units may be permitted within pre-existing non-conforming residential structures.

333 <sup>(f)</sup> Allowable uses of land within Conditional Zoning Districts, Planned Development Districts, and  
 334 Traditional Neighborhood Developments shall be determined by City Council and enumerated within  
 335 site specific development ordinances associated with such projects. Note subsection 2.4.A.2. below.

336 2.3. — "By Right" Density and dimensional requirements.

**Commented [JF3]:** These amendments are unrelated to RRAVE.

Deletions shown below are proposed to clean up and reduce confusion as to the application of these rules in a conditional zoning process. City Council has broad discretion to establish site-specific standards via the conditional zoning process; the limitations deleted below are unnecessary and in fact in conflict with Council's discretion as outlined in NCGS 160A.

District	Minimum Lot Size/Project Area <a href="#">By Right</a>	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density <a href="#">By Right</a>	Maximum Ground Floor Area Each Principle Structure <a href="#">By Right</a>	Principal Structure Ground-Floor Area With SUP (See 2.3(A) and 2, below)
GR4	None	20 acres	4 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR6	None	20 acres	6 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR-10 CD	None	20 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RMX	None	10 acres	<del>15</del> 10 du/ac, 15 SUP	4,000 sq. ft.	>4,000 sq. ft.
RMX-CD	None	10 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RAMX	<a href="#">None</a>	<a href="#">10 acres</a>	<a href="#">None</a>	<a href="#">10,000 sq. ft.</a>	
NMX	None	10 acres	<del>10 du/ac, 15 SUP</del> <a href="#">None</a>	10,000 sq. ft.	>10,000 sq. ft.
NMX-CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
DMX	None	10 acres	<del>10 du/ac, 15 SUP</del> <a href="#">None</a>	10,000 sq. ft.	>10,000 sq. ft.
DMX-CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
CMX	None	10 acres	<del>15 du/ac</del> <a href="#">None</a>	20,000 sq. ft.	>20,000 sq. ft.
CMX-CD	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
IG	None	None	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
GI	None	None	DU Not Permitted	50,000 sq. ft.	>50,000 sq. ft.

GI-CD	None	None	DU Not Permitted	20,000 sq.-ft.	>20,000 sq.-ft.
CD / PDD / TND	To be determined by approving authority				

Commented [JF4]: This text replaces the aforementioned deletions.

337

338 A. *Development intensity.*

- 339 1. The following development types are considered group developments that may be permitted by  
340 the technical review committee in accordance with Chapter 16
- 341 (a) Groupings of two or more principal structures or principal uses built on a single lot, tract or  
342 parcel of land (or grouping thereof) not subdivided into the customary streets and lots and  
343 designed for occupancy by separate families, businesses or other enterprises normally  
344 permitted within the underlying district (Examples include but are not limited to summer  
345 camps, school campuses and hospitals, shopping centers, industrial parks, and apartment  
346 complexes);
- 347 (b) Minor subdivisions, as defined in Chapter 19, resulting in the establishment of condominium  
348 buildings, lots or spaces, town homes, and other projects for which zero lot line development  
349 is proposed; or,
- 350 (c) Individual structures designed to accommodate a variety of distinct uses may be considered  
351 as a group development at the discretion of the administrator.
- 352 2. [Reserved.] The density, dimensional, and setback requirements, which are set forth in Section  
353 2.3, may be modified by City Council by means of the Conditional Zoning District, Planned  
354 Development District, Traditional Neighborhood Development processes as set forth herein and  
355 in Chapter 16 of this Ordinance.

356 B. *Front yard setbacks.*

Minimum Front Yard Setbacks		
District	Setback from Right-of-Way (See 2.4(B)(1))	Commercial Service/Alley/Rear Lane (See 2.3(B)(3))
GR (4, 6, <del>10-CD</del> )	15 feet	Edge of right-of-way
RMX/ <del>RMX-CD</del>	10 feet	Edge of right-of-way
<u>RAMX</u>	<u>Edge of right-of-way</u>	<u>Edge of right-of-way</u>
NMX/ <del>NMX-CD</del>	Edge of right-of-way	Edge of right-of-way

Commented [JF5]: These amendments are unrelated to RRAVE.

Deletions shown below are proposed to clean up and reduce confusion as to the application of these rules in a conditional zoning process. City Council has broad discretion to establish site-specific standards via the conditional zoning process; the limitations deleted below are unnecessary and in fact in conflict with Council's discretion as outlined in NCGS 160A.

DMX/ <del>C8D-CD</del>	Edge of right-of-way	Edge of right-of-way
CMX/ <del>CMX-CD</del>	10 feet	Edge of right-of-way
IC ( <del>2.4, 2.3</del> )	40 feet	Edge of right-of-way
GI/ <del>GI-CD (2.4, 2.3)</del>	40 feet	Edge of right-of-way
<u>CD / PDD / TND</u>	To be determined by approving authority	

357

- 358 1. Front yard setbacks as set forth below shall be measured from the edge of the right-of-way of the  
359 roadway. For private streets, a right-of-way in accordance with Chapter 13 shall be assumed by  
360 the administrator. The administrator may impose additional setbacks based upon specific  
361 guidance from the *City of Brevard Comprehensive Transportation Plan*, the *City of Brevard*  
362 *Downtown Master Plan* and other district or small area/master plans, the *City of Brevard*  
363 *Comprehensive Pedestrian Plan*, the *City of Brevard Street Schedule*, or other plans or policies  
364 of the city.
- 365 2. IC and GI setbacks as listed above shall only apply to public streets within and adjacent to the  
366 subject campus or project. Internal setbacks shall be to the edge of the right-of-way or assumed  
367 right-of-way.
- 368 3. Setbacks as listed in the preceding table may not account for landscaping requirements set forth  
369 in Chapter 8 of this ordinance.
- 370 4. [Reserved.]
- 371 5. The administrator may approve deviations from required setbacks by up to 20 percent of the  
372 required area in accordance with Chapter 16 in order to protect right-of-way or in deference to  
373 the steep slope, surface water protection, and other requirements of this ordinance, as well as  
374 the flood damage prevention requirements of Chapter 34 of Brevard City Code.
- 375 6. Structures located on corner lots or multi-fronted lots shall conform to the front yard setbacks as  
376 set forth herein along all streets upon which such lots front.
- 377 7. The administrator shall require additional setbacks as necessary to account for existing or  
378 proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-  
379 street parking, and other improvements that deviate from a standard street cross-section.
- 380 8. The administrator shall deduct appropriate setbacks as necessary to account for one-way streets.
- 381 C. *Side and rear yard setbacks.*

District	Side Yard Setback	Setback Between Buildings New Development Without Partwall	Rear Yard Setback
GR (4, 6, <del>10CD</del> )	6	6	25

**Commented [JF6]:** Deletions shown below are proposed to clean up and reduce confusion as to the application of these rules in a conditional zoning process. City Council has broad discretion to establish site-specific standards via the conditional zoning process; the limitations deleted below are unnecessary and in fact in conflict with Council's discretion as outlined in NCGS 160A.

RMX/ <del>RMX-CD</del>	6	6/10 (MF)	<del>25</del> 10
RAMX	0/10 from GR district	6/10 (MF)	0/10 from GR district
NMX/ <del>NMX-CD</del>	0/ <del>10</del> 30 from residential-GR district	6/10 (MF)	<del>25</del> 10
DMX/ <del>DMX-CD</del>	0/10 from GR district	0 Default to NC Building & Fire Codes	0/10 from GR district
CMX/ <del>CMX-CD</del>	0/ <del>30</del> 20 from residential-GR district	0	10/ <del>20</del> 40 from residential-GR district
IC	40 foot setback along all external boundaries		
GI/ <del>GI-CD</del>	40 foot setback along all external boundaries		
CD / PDD / TND	To be determined by approving authority		

Commented [JF7]: Standards for new RAMX.

Commented [JF8]: These amendments are unrelated to RRAVE.

New standard for DMX to provide some separation between buildings in DMX and adjacent properties that are located in a residential or other non-DMX zoning district.

382

383 1. Zero-lot line development (i.e. town homes, condominiums and similar structures) and other  
 384 structures using partiwalls are permitted subject to other requirements as set forth in this  
 385 ordinance.

386 D. Accessory structures.

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 6, <del>10</del> CD)	3	6	3	10
RMX/ <del>RMX-CD</del>	0	3	0	3
RAMX	0	3	0	3
NMX/ <del>NMX-CD</del>	0	3	0	3
DMX/ <del>DMX-CD</del>	0	0	0	0

Commented [JF9]: Deletions shown below are proposed to clean up and reduce confusion as to the application of these rules in a conditional zoning process. City Council has broad discretion to establish site-specific standards via the conditional zoning process; the limitations deleted below are unnecessary and in fact in conflict with Council's discretion as outlined in NCGS 160A.

Commented [JF10]: Standards for new RAMX.

CMX/ <del>CMX-CD</del>	0	0	0	0
IC	40 foot setback along all external boundaries			
GI/ <del>GI-CD</del>	40 foot setback along all external boundaries			
<u>CD / PDD / TND</u>	To be determined by approving authority			

387

388 E. Other structure and lot dimensional requirements.

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

**Commented [JF11]:** Deletions shown below are proposed to clean up and reduce confusion as to the application of these rules in a conditional zoning process. City Council has broad discretion to establish site-specific standards via the conditional zoning process; the limitations deleted below are unnecessary and in fact in conflict with Council's discretion as outlined in NCGS 160A.

**Commented [JF12]:** Standards for new RAMX.

389

390 1. Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use  
 391 permit. See the requirements for large structures as set forth in Chapter 5, Section 5.14. See  
 392 computation of building height as set forth in Chapter 5, Section 5.17

393 2. The approving authority may authorize the establishment of lots in GR, RMX, and NMX districts  
 394 that do not meet the minimum width requirements set forth above. However, the following  
 395 standards shall apply:

396 (a) Such lots shall have frontage upon a public street.

- 397 (b) Off-street parking shall be provided in the rear of the principal structure and shall not be  
398 located in the side yard or front yard of the lot.
- 399 (c) Off-street parking shall be accessed by a commercial service street, alley, or rear lane.  
400 Provided that all lots meet minimum public street frontage requirements of this ordinance.  
401 Such travel lane may be situated upon a private easement or right-of-way.
- 402 3. Front and side yard setbacks for infill structures shall be consistent with or equal to the average  
403 setbacks for all principal structures within 300 feet or one block length (whichever is greater).  
404 Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be  
405 as stated above. Other setback modifications are permitted through the provisions of Chapter 16  
406 of this ordinance.
- 407 4. ~~Upon a determination that there is no practical alternative that would effectively facilitate access~~  
408 ~~to a structure, the Administrator may permit. Handicapped ramps and steps are permitted to~~  
409 ~~encroach into the front setback areas and side setback in accordance with Chapter 4.~~
- 410 5. No structure or land use shall encroach upon any public or private easement or public or private  
411 right-of-way or easement unless otherwise provided for by this ordinance.

Commented [JF13]: Expands administrators authority to allow for ADA access and general ingress / egress into homes. Staff encounters this type of situation with considerable frequency and requests this expanded authority.

412 2.4. - Traditional Neighborhood Development (TND) specific standards.

413 A. Specific district provisions.

- 414 1. *Development size (Minimum—Maximum): 20 acres—200 acres.*  
415 *(Note: Projects in excess of 200 acres should be developed as multiple Traditional*  
416 *Neighborhoods, each individually subject to all such provisions.)*
- 417 (a) The entire land area of the TND shall be divided into blocks, streets, lots and open space  
418 areas.
- 419 (b) Similar land categories shall generally front across streets. Dissimilar categories shall abut  
420 at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the  
421 same as the adjacent use with the lesser setback.
- 422 (c) The long axis of streets exceeding 500 feet in length shall have appropriate termination with  
423 either a public monument, specifically designed building facade, or a gateway to the ensuing  
424 space.
- 425 (d) No portion of the TND is further than 760 feet (1/8 mile) from a public open space as defined  
426 in Chapter 7
- 427 (e) Open space shall be centrally located so that it is within walking distance (¼—½ mile) from  
428 all locations within the TND. All required open space shall be in accordance with the  
429 provisions of Chapter 7
- 430 (f) Dimensional standards: The dimensional standards shall be established in accordance with  
431 the neighborhood design but shall be generally consistent with those found in the RMX, NMX  
432 and DMX Districts.
- 433 2. *Land allocation by use.*  
434 *(Note: The figures in the table below are to be calculated as the net development area, excluding*  
435 *street rights-of-way.)*

Land Use	Minimum	Maximum
Single-Family Uses	15%	75%

<b>Two-Family and Multi-Family Uses</b>	<b>10%</b>	<b>40%</b>
<b>Lodging/Office/Retail Uses</b>	<b>2%</b>	<b>40%</b>
<b>Civic Uses</b>	<b>2%</b>	<b>None</b>
<b>Open Space</b>	<b>Per Chapter 7</b>	

436

1 CHAPTER 3. - ADDITIONAL USE STANDARDS

2

3 3.1. - Purpose and intent.

4 This chapter specifies additional requirements that must be met by all the uses listed as uses permitted  
5 with additional standards (PS) or special use permits (SUP) within Chapter 2 or as otherwise specified  
6 within this ordinance.

7 3.2. - Applicability.

8 These standards apply to a particular use when it is designated as a use permitted with additional  
9 standards or as a use requiring a special use permit. They do not apply when a use is permitted by right. It  
10 is possible that the same use may be permitted-by-right in one district, in which case the standards  
11 contained in this chapter would not apply, and permitted with additional standards or as a special use in a  
12 different district, in which case they would.

13 3.3. - Enforcement.

14 A. The administrator shall, from time to time, inspect uses or establishments that have been permitted in  
15 accordance with this chapter to insure compliance with this ordinance and valid permits.

16 B. The owner or operator of any such use or establishment shall give the administrator free access to  
17 such building, structure, dwelling, or premises at any reasonable hour for the purpose of such  
18 inspection.

19 C. The administrator shall take reasonable steps to insure violations of special use permits, or permits  
20 with additional standards are remedied in accordance with the procedures set forth in Chapter 18 of  
21 this ordinance.

22 D. The administrator shall have the authority to revoke permits with additional standards. Special use  
23 permits may be revoked by the board of adjustment.

24 E. A permittee may appeal a decision of the administrator in accordance with the procedures set forth in  
25 Chapter 18 of this ordinance.

26 3.4. - Standards.

27 A. The requirements of this chapter apply to the indicated use when such use is either a use permitted  
28 with additional standards or a use requiring a special use permit. These standards are in addition to  
29 other applicable standards contained in this ordinance.

30 B. In addition to the requirements set forth in this chapter and elsewhere in this ordinance, the board of  
31 adjustment shall have broad authority to attach other conditions to a special use permit as are  
32 necessary for the protection of the public health, safety and welfare.

33 C. In addition to the requirements set forth in this chapter and elsewhere in this ordinance, the  
34 administrator may attach other conditions to a use permitted with standards as are necessary for the  
35 protection of the public health, safety and welfare and to reduce conflicts between the use and  
36 surrounding neighborhood; i.e., traffic, noise attenuation, special parking needs, and hours of  
37 operation.

38 3.5. - Adult establishments ~~(CMX, G) special use permit~~

39 Because of their very nature, adult establishments are recognized as having serious objectionable  
40 operational characteristics, particularly when they are located near a residential zoning district or certain  
41 existing land uses. Special regulation of these establishments is necessary to insure that these adverse  
42 effects will not contribute to a downgrading or blighting of neighboring properties.

**Commented [JF1]:** Remove this text from this and all subsequent subsection titles. Text is unnecessary and redundant with the use table in Chapter 02, and in some cases is inconsistent with the use table in Chapter 02.

- 43 A. *Standards.*
- 44 1. No portion of a lot for an adult establishment may be located within a 300-foot radius  
45 (determined by a straight line and not street distance) of any place of worship, school (public  
46 or private), specialty school, day care facility, public park, hospital or IC district, or any  
47 residential zoning district. No portion of the lot on which the adult establishment is located  
48 shall be situated within 300 feet of another adult establishment.
- 49 2. The owner/operator of the adult establishment must have a current, valid business license.  
50 The owner/operator and employees must make disclosure of criminal record and consent to  
51 a criminal records check. Persons with a record of sex offenses will be denied a business  
52 license or employment.
- 53 3. The owner/operator must be in full compliance with Article II, Chapter 42, of the Brevard City  
54 Code.
- 55 4. No adult establishment shall adversely impact public services and facilities such as parking,  
56 traffic, police, etc., and the secondary effects of such uses shall not adversely impact  
57 adjacent properties. In this regard, secondary effects include, but are not limited to, noise,  
58 crime, transients, light, stormwater runoff, parking, pedestrian circulation and safety.
- 59 5. There shall be no more than one adult establishment business in the same building,  
60 structure, or portion thereof. No other principal or accessory use may occupy the same  
61 building, structure, property, or portion thereof with any adult establishment business.
- 62 6. The structure in which the adult establishment is located shall contain no sleeping quarters.
- 63 7. The adult establishment shall not be open for business between the hours of 12:00 midnight  
64 and 12:00 noon. The establishment shall be closed on Sundays.
- 65 8. If dancers are employed as a feature of the adult establishment, the performing areas for  
66 such dancers shall be separated from patrons by at least ten feet.
- 67 9. If viewing booths are provided, such viewing booths shall be designed so as to allow the  
68 body of the person occupying the booth to be completely visible from a portion of the  
69 premises open and available to the public.
- 70 10. The applicant shall propose and implement a site-lighting plan that is consistent with Chapter  
71 11 of this ordinance.
- 72 11. An adult establishment may be advertised by one sign on the premises that is not greater  
73 than 70 square feet in size in which may be illuminated in compliance with Chapter 13. No  
74 printed material, video, photograph, written text, live show, or other visual presentation  
75 format shall be visible from outside the walls of the establishment, nor shall any live or  
76 recorded voices, music, or sounds be heard from outside the walls of the establishment.
- 77 B. *Variances.* Upon making the following findings, the BOA may vary the radius requirements  
78 contained in paragraph 3.5(A(1)), above:
- 79 1. Practical difficulties or unnecessary hardships would result from the strict enforcement of the  
80 radius requirements;
- 81 2. The proposed use will not be injurious to property or improvements in the affected area;
- 82 3. The proposed use will not enlarge or encourage the development of a blighted condition  
83 within an area;
- 84 4. The permitting of an adult establishment in the area will not be contrary to any governmental  
85 program of neighborhood conservation, rehabilitation, improvement or revitalization; and
- 86 5. All of the conditions in for special use permits as set forth in Chapter 16 have been met.
- 87 C. *Revocation of special use permits.* After notice and hearing, the BOA may revoke the special use  
88 permit upon one or more of the following grounds:

- 89 1. Failure to comply with the aforementioned standards;
- 90 2. Employment of any person under the age of 21;
- 91 3. Operating an establishment disruptive of peace and good order as evidenced by lack of
- 92 sufficient on-premises security or by a conviction of a criminal offense, a material element of
- 93 which occurred on the premises of the adult establishment.
- 94 4. Admittance of patrons younger than 21 years of age.
- 95 5. Excessive criminal activity on or near the premises if the BOA finds that the operation of the
- 96 adult establishment is related to such criminal activity or attracts transients or other persons
- 97 who have been involved or are likely to be involved in such criminal activity.
- 98 6. Violation of any provision of Chapter 16 pertaining to special use permits.
- 99 7. Violation of any specific condition or requirement of the board of adjustment.

100 3.6. - Kennels ~~(CMX, GI, permitted with standards; NMX, permitted by special use permit)~~

101 The following standards shall apply to all private, public and commercial kennels, breeding facilities,  
 102 and pet day care establishments.

- 103 A. Outside runs, holding pens, exercise areas or other open-air type enclosures and shelters shall
- 104 be located at least 200 feet from any dwelling, other than that of the owner/operator, and at least
- 105 50 feet from adjoining property lines.
- 106 B. Kennels shall be located in the side or rear yard area of any principal structure on the same parcel
- 107 of land.
- 108 C. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.
- 109 D. All kennels shall be surrounded by fence, wall, earthen berm, or type B buffer yard.
  - 110 1. Within NMX districts, all holding pens and runs shall be indoors, within an entirely enclosed
  - 111 structure. The approving authority may permit one outdoor exercise area, provided, however,
  - 112 that animals shall not utilize outdoor exercise areas between the hours of sunset and sunrise
  - 113 as set forth in the most recent Sunrise-Sunset Table as published by the North Carolina
  - 114 Wildlife Resources Commission.
  - 115 2. Within NMX districts, the barking of dogs and other noises associated with the care and
  - 116 sheltering of animals that originate from within a kennel structure shall not be audible from
  - 117 the exterior of such kennel structure, and solid walls and ceilings, noise-cancelling materials,
  - 118 noise-cancelling electronic devices and other noise-cancelling practices and technologies
  - 119 shall be utilized as necessary and appropriate to achieve this requirement. The approving
  - 120 authority may require the operator to provide documentation and certification that a proposed
  - 121 new or expanding kennel will comply with this requirement.
- 122 E. A waste management plan that demonstrates compliance with applicable state and local
- 123 regulations and which ensures sanitary handling of animal waste and prevents contamination or
- 124 pollution of adjacent lands or water bodies shall be submitted to and approved by the
- 125 administrator prior to establishment of such uses.
- 126 F. Kennels shall at all times adhere to all other applicable state and local regulations.
- 127 G. Kennels shall at all times maintain a sanitary and humane environment.
- 128 H. The approving authority may impose additional conditions upon the operation of any kennel,
- 129 including but not limited to hours of operation, the size and scale of a kennel, or the number of
- 130 animals to be housed within a kennel.
- 131 I. The administrator shall conduct an annual inspection of all Kennels and shall report any violation
- 132 to the approving authority. After reviewing the findings of the administrator and upon conclusion
- 133 of the kennel operator's due process procedures as set forth in Chapters 16 and 18 of this

134 ordinance, the approving authority may revoke permits for the operation of any kennel that has  
135 been found to be in violation of this ordinance.

136 (Ord No 03-2011, § 2, 3-21-2011)

137 3.7. - Cemetery (~~GR, RMX, NMX, DMX, CMX, IC~~) ~~permitted with standards.~~

138 A. There shall be no embalming or cremation facilities as either a principal or accessory use except where  
139 permitted by right.

140 B. Setbacks from all street rights-of-way and adjacent properties to a wall or grave shall be a minimum  
141 of ten feet.

142 C. Cemetery roads and parking areas shall be made of asphalt or other durable dustless surfaces. The  
143 administrator may waive curb and gutter requirements for cemetery roads upon a determination that  
144 such will not result in erosion or uncontrolled stormwater runoff. Other road and parking standards,  
145 stormwater management, and sedimentation/erosion standards shall apply.

146 D. Sidewalk requirements within cemeteries may be waived provided that safe pedestrian circulation can  
147 be assured. Sidewalk requirements shall apply along all public rights-of-way. Sidewalks shall connect  
148 any structure or gathering place within a cemetery to adjacent public and private sidewalks and to  
149 parking areas.

150 E. Mausoleums are permitted subject to the principal structure requirements of the district in which the  
151 cemetery is located.

152 3.8. - Adult/child day care centers and homes ~~permitted with standards.~~

153 A. The following standards apply to all day care establishments.

154 1. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on  
155 adjacent public streets.

156 2. Parking spaces shall not be located in front of the building except as permitted by Chapter 10,  
157 Section 10.5(G) of this ordinance.

158 3. All day care establishments shall at all times be properly licensed by the State of North Carolina  
159 and all other appropriate governmental entities.

160 5. All equipment shall be stored in the side or rear yard.

161 B. The following additional standard apply to child day care centers (greater than six children). (RMX,  
162 NMX, DMX, CMX, IC, GI) ~~permitted with standards~~

163 Play space must be provided in accordance with the regulations of North Carolina Department of  
164 Human Resources.

165 C. The following additional standards apply to child day care homes (less than six children)

166 1. Child day care homes shall provide ample open area in the form of a rear yard with a minimum  
167 of 2,500 square feet suitable for children's play. Child day care homes located adjacent to parks  
168 are exempt from this provision.

169 2. No structural or decorative alteration which would alter the single-family character of an existing  
170 or proposed residential structure or which would be incompatible with surrounding residences  
171 shall be permitted.

172 D. The following additional standard applies to adult day care homes.

173 No structural or decorative alteration which would alter the single-family character of an existing or  
174 proposed residential structure or which would be incompatible with surrounding residences shall be  
175 permitted.

176 (Ord No 8-07, § 1(B), 5-21-07)

177 3.9. - Bed and breakfast home (includes boarding houses and hostels) ~~(GR, RMX, NMX, DMX, CMX, IC)~~  
178 ~~permitted-with-standards.~~

- 179 A. Other than a business identification sign as provided for in paragraph J, below, no display of goods,  
180 products, services, or other advertising shall be visible from outside the building.
- 181 B. The manager of the facility shall reside on the premises.
- 182 C. The facility may employ no more than one full-time equivalent (FTE) employee who does not reside  
183 on the premises.
- 184 D. On-premise retail sales shall not be a component of the bed and breakfast home.
- 185 E. No activities other than lodging, a morning meal, and an evening and/or afternoon refreshment shall  
186 be provided.
- 187 F. Activities shall be provided for overnight guests only.
- 188 G. Off-street parking shall be provided as required by Chapter 10 of this ordinance. Parking shall be  
189 located on the same lot on which the bed and breakfast home is located, at the rear of the lot and  
190 screened with vegetation from adjacent properties and from the street.
- 191 H. No more than one accessory structures shall be used to accommodate guests.
- 192 ~~I. —No home of less than 2,500 heated square feet shall be used for a bed and breakfast home.~~
- 193 J. Signage shall be limited to a single sign, not to exceed four square feet, attached to the home.
- 194 K. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- 195 L. Bed and breakfast homes shall comply with N.C. State Building Code requirements that are in effect  
196 at the time the use is begun, subject to the requirements of Chapter 14 of this ordinance.

17 3.10. - Bed and breakfast inns (includes boarding houses and hostels) ~~(GR) special use permit; (RMX,~~  
198 ~~NMX, DMX, CMX, IC) permitted-with-standards.~~

- 199 A. Bed and breakfast inns shall be located a minimum of 500 feet from all other bed and breakfast inns,  
200 bed and breakfast homes, and boardinghouses. In calculating the 500-foot distance between bed and  
201 breakfast inns or homes, or boardinghouses, measurements shall be taken from the closest property  
202 line of the existing facility to the closest property line of the lot of the proposed bed and breakfast inn.  
203 Existing, legally-established bed and breakfast inns that do not meet this separation requirement of  
204 500 feet are permitted to expand within the subject property to the maximum limits allowed under this  
205 chapter, as long as all applicable development standards are met.
- 206 B. Accessory rental cottages/cabins associated with a bed and breakfast inn shall meet the following  
207 standards:
  - 208 1. Accessory cottages may be utilized for guest accommodation purposes as part of a bed and  
209 breakfast inn use.
  - 210 2. Accessory cottages shall be constructed in association with an approved bed/breakfast inn that  
211 is located on the same parcel of land. Accessory cottages shall not be permitted when the  
212 principal structure is not also utilized as a bed and breakfast inn.
  - 213 3. The number of accessory cottages and guest bedrooms in the accessory cottage(s) cannot  
214 exceed the number of guest bedrooms in the principal structure.
  - 215 4. Such accessory cottages shall have, or shall be constructed to have, architectural compatibility  
216 with the principal structure.
  - 217 5. An accessory cottages to a bed and breakfast inn shall not exceed 50 percent of the gross floor  
218 area of the principal structure.
  - 219 6. Accessory cottages shall not exceed the height of the principal structure on the lot.

- 220 7. At least one parking space shall be provided per accessory cottage. Parking shall be provided  
 221 on-site in proximity to each unit or in a common parking area. Parking spaces shall be located in  
 222 the rear yard or side yard of the bed and breakfast. Parking for accessory cottages shall be  
 223 accessed by the main drive servicing the bed and breakfast and shall not have independent and  
 224 direct access to a public road.
- 225 8. Other accessory structures such as gazebos and small recreational shelters may be permitted by  
 226 the administrator provided that such structures are to be utilized for functions and activities directly  
 227 related to the operation of the bed and breakfast inn.
- 228 9. Accessory cottages shall be situated at least 20 feet from any side or rear property line, and  
 229 screened from adjacent properties along all side and rear property lines by a Type B buffer yard.  
 230 Front yard setbacks for accessory cottages shall be the same as the principle structure.
- 231 C. The following standards concern accessory activities and functions associated with a bed and  
 232 breakfast inn.
- 233 1. Activities and functions at the bed and breakfast inn shall be provided for overnight guests only  
 234 and shall be limited to breakfast and an afternoon and/or evening refreshment.
- 235 2. Passive recreation-related outdoor activities such as tea-time are allowed outside the principal  
 236 structure or any accessory structure(s) and shall not require the issuance of a temporary use  
 237 permit.
- 238 3. In addition to functions for overnight guests, bed and breakfast inns may conduct other activities  
 239 such as social gatherings, outdoor and indoor weddings, parties, and other special functions that  
 240 involve guests other than registered overnight guests. Such activities shall not require the  
 241 issuance of a temporary use permit unless such activities are paying events that are in addition  
 242 to the bed and breakfast function of the subject property. Temporary use permits may be issued  
 243 at the discretion of the administrator who may impose such conditions as are necessary to protect  
 244 the health, safety, and welfare of the neighborhood and guests.
- 245 4. No commercial activities other than providing lodging for registered guests shall be permitted.
- 246 ~~D. No home of less than 2,500 heated square feet shall be used for a bed and breakfast inn.~~
- 247 E. Off-street parking shall be provided as required by Chapter 10 of this ordinance. Parking shall be  
 248 located on the same lot on which the bed and breakfast inn is located, at the rear of the lot and  
 249 screened from adjacent properties and from the street in accordance with Chapter 8 of this ordinance.
- 250 F. Signage shall be limited to a single sign, not to exceed eight square feet, with a maximum height of  
 251 four feet. The sign may be located in the front yard and indirectly lighted.
- 252 G. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- 253 H. Bed and breakfast inns shall comply with N.C. State Building Code requirements.
- 254 3.11. - Drive-thru/through retail/restaurants ~~(DMX) special use permit; (NMX, CMX) permitted with~~  
 255 ~~standards; drive-thru/through services (DMX) special use permit; (NMX, CMX) permitted with standards.~~
- 256 A. Drive-through stacking lanes, windows, and associated equipment shall not be permitted within 100  
 257 feet of a residential district or residential use.
- 258 B. Drive-through windows and services shall be located and accessed only at the rear or side of the  
 259 building and shall not be located between the principal structure and a public street. Service lanes  
 260 shall not be located between the building and the street.
- 261 C. When situated at the side of the building, windows and services shall be located at least 20 feet back  
 262 from the front facade of the building.
- 263 D. Vehicle storage for drive-through uses shall be located outside of, and physically separated from, the  
 264 right-of-way of any street. This area shall not interfere with the efficient internal circulation of the site,  
 265 adjacent property, or adjacent street right-of-way.

Commented [JF2]: Remove the square footage limitation to provide additional flexibility and opportunity for B&Bs.

- 266 E. Service lanes shall be a minimum of 80 feet long for a single stacking lane or 80 feet per lane when  
 267 there is more than one service lane. A service lane is measured from the curb cut to the service area  
 268 or the order area if an outdoor order area precedes the service area. Service lanes do not have to be  
 269 linear. Stand-alone automatic teller machines shall provide stacking distance for four vehicles outside  
 270 of any right-of-way, parking area, or travel lane.
- 271 F. Drive through service lanes shall provide a minimum of ten stacking spaces on site for restaurant and  
 272 food sale uses with drive-through facilities and a minimum of six stacking spaces on site for banking,  
 273 pharmacies and similar non-food-related-uses with drive-through facilities.
- 274 G. A service lane is not required for accessory facilities where vehicles do not routinely stack up while  
 275 waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.  
 276 A service lane is required for full-service drive-through automobile cleaning establishments.
- 277 H. Service lanes shall be designed so that they do not interfere with parking, parking access and vehicle  
 278 circulation. Crossings shall be situated so as to minimize conflicts between pedestrians and vehicles.  
 279 Where service lanes are traversed by pedestrian crossing areas, such crossings shall be clearly  
 280 marked. Warning signage may be required at the discretion of the administrator in the interest of  
 281 pedestrian safety.
- 282 I. All service lanes shall be clearly identified by means of striping, landscaping, curbing, and the like.
- 283 J. Site access and egress shall be shared by the drive-through and inside customer service functions.
- 284 K. The drive-through service lane shall first exit into other circulation lanes within the same project, and  
 285 then onto a public street via the same exit curb cut as the other circulation lanes within the same  
 286 project.
- 287 L. Service lanes shall be designed for a one-way traffic pattern only.
- 288 M. The drive-through shall be limited to a maximum of two service lanes and one additional lane for an  
 289 automated teller machine (ATM).
- 30 N. Drive-through facilities shall be screened from off-site view from adjacent properties by a Type A buffer  
 291 with a minimum width of ten feet.
- 292 O. Speaker box sounds from the drive-through lane shall not unreasonably disturb the peace and quiet  
 293 of abutting residential property.
- 294 P. A traffic impact study may be required by the approving authority.
- 295 3.12. - Accessory structures (all residential districts) ~~permitted with standards.~~

- 296 A. *Principal buildings required.* The construction of an accessory structure or building is not permitted  
 297 unless a principal building is located on the lot, except as set forth below. Accessory and principal  
 298 buildings may be constructed concurrently.
- 299 1. Garden sheds may be permitted in the absence of a principal structure subject to the following  
 300 requirements:
- 301 a. Garden sheds shall be no larger than 120 square feet in size;
- 302 b. Garden sheds shall be single-story;
- 303 c. Garden shed shall not be connected to water, sewer, or electricity; and
- 304 d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and  
 305 other implements necessary for the maintenance of gardens and grounds.
- 306 2. Accessory structures utilized for agricultural purposes in association with bona-fide agricultural  
 307 operations may be permitted in the absence of a principal structure.
- 308 3. Chicken coops and chicken runs, as defined in Chapter 14-1 of Brevard City Code, may be  
 309 permitted upon parcels of land where no principal structure is present, subject to the requirements

310 set forth in Brevard City Code, Chapter 14, Animals and Fowl; Article I, Generally; Sections 14-1,  
311 Definitions, and 14-6, Keeping fowl.

312 B. *Maximum number permitted.* In residential districts, no more than two accessory buildings or uses  
313 shall be permitted per lot, except for bona-fide agricultural enterprises, approved bed and breakfast  
314 inns, and camps.

315 C. *Permitted uses.*

316 1. The following uses are permitted within residential accessory structures:

317 • Parking shed or garage;

318 • Gazebo;

319 • Pool house;

320 • Equipment enclosure;

321 • Customary home occupation;

322 • Playhouses;

323 • Swimming pools subject to the requirements of Section 3.28;

324 • Artist studio space;

325 • Sauna;

326 • Workshop;

327 • Conservatory;

328 • Rental cottage;

329 • Tree houses;

330 • Garden sheds;

331 • Chicken coops and runs as defined in Chapter 14-1 of Brevard City Code, subject to the  
332 requirements set forth in Brevard City Code, Chapter 14, Animals and Fowl; Article I, Generally;  
333 Sections 14-1, Definitions, and 14-6, Keeping fowl.

334 2. Accessory structures providing common facilities for residential developments (clubhouse, pool  
335 house, etc.) shall be permitted subject to all other requirements of this ordinance.

336 D. *Requirements.*

337 1. Where an accessory structure is structurally attached to a principle structure or is less than six  
338 feet distant from a main building, it shall be subject to, and must conform with, all regulations of  
339 this ordinance applicable to principle structures.

340 2. Trash containers, mechanical equipment and outdoor storage shall be located only within the rear  
341 or side yards.

342 3. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be  
343 placed in any front, side or rear yard. Doghouses may be placed in side and rear yards only.

344 4. Accessory structures shall be located only in side or rear yards of residential lots, except for bona-  
345 fide agricultural enterprises. The administrator shall make a determination as to the side and rear  
346 yard for accessory structures proposed to be located on lots fronting more than one street.

347 5. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except  
348 as otherwise provided in this ordinance.

349 6. Accessory structures with a footprint of more than 500 square feet shall be buffered from the  
350 adjacent residential development with a type A buffer yard. Accessory structures located on a  
351 bona fide farm and accessory structures located not less than 24 feet from a property line shall  
352 be exempt from this buffering requirement.

353 (Ord No 2012-22 § 2(Exh A) 8-20-2012)

354 3.13. - Concomitant structures ~~permitted with standards.~~

355 A. The construction of a concomitant structure or building is not permitted unless a principal building is  
356 located on the lot. Concomitant and principal buildings may be constructed concurrently.

357 B. Up to two concomitant structures may be permitted at the discretion of the administrator. Additional  
358 concomitant structures shall be considered as principal structures and may be permitted as group  
359 developments.

360 C. Concomitant structures shall be located only in side or rear yards.

361 D. Concomitant structures shall otherwise conform to all requirements applicable to principal structures.

362 E. The addition of a concomitant structure to a lot containing a non-conforming use, structure, or other  
363 condition shall be considered as an expansion of the principal use or principal structure for the  
364 purposes of Chapter 14 of this ordinance, and all relevant requirements shall apply to the non-  
365 conforming principal structure, non-conforming principal use, or other non-conforming condition.

366 (Ord No 15-08, § 10. 12-5-08)

367 3.14. - Dwelling—Secondary ~~(GR, RMX, NMX, DMX, CMX, IC) permitted with standards.~~

368 A. Secondary dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged  
369 and designed to meet housing needs. Secondary dwelling units shall be accessory and subordinate  
370 to the primary living quarters.

371 B. Not more than one secondary dwelling unit is permitted on any lot.

372 C. A secondary dwelling unit shall be located in the side or rear yard of a single family or two-family use  
373 lot subject to the requirements of this section.

374 D. Secondary dwelling units shall not be considered additional dwelling units for the purpose of  
375 determining minimum lot size or maximum density as set forth in Chapter 2 of this ordinance.

376 E. Secondary dwelling units shall be constructed according to North Carolina Building Ordinance.

377 F. No secondary structure shall exceed two stories in height.

378 G. Secondary dwelling units may be created as an independent structure, as an addition to an existing  
379 primary structure, or as a second story within detached garages.

380 H. The floor area of a secondary dwelling unit shall not exceed 800 square feet. The ground floor area of  
381 a detached garage shall not be considered as part of the total square footage of any secondary  
382 dwelling that is built as the second story of a detached garage; provided, however, such ground floor  
383 garage area shall not be subsequently converted to dwelling space.

384 I. At least one parking space shall be provided per unit.

385 J. Secondary dwelling units shall be located, designed, constructed, landscaped and decorated to  
386 complement the appearance of the principal building.

387 K. The location of windows on dwelling units on adjacent parcels shall be taken into consideration in the  
388 design and placement of windows within the secondary dwelling unit. The administrator may impose  
389 reasonable conditions regarding the design of the structure in order to protect the privacy of existing  
390 dwelling units on adjacent parcels.

391 (Ord. No. 8-07, § 1(C), 5-21-07; Ord. No. 07-10, § 2(Exh. B), 4-5-2010)

392 3.15. - Gas station ~~(NMX, DMX) special-use permit; (CMX, GI) permitted with standards.~~

393 A. Location of pumps, canopies, and associated service areas.

394 1. Automobile pumps, canopies, and associated service areas are prohibited in any established  
395 front yard abutting a street. Rather, they shall be located in the side or rear yard of the principal  
396 structure.

397 2. Automobile pumps, canopies, and associated service areas for gas stations on double-fronted  
398 lots and corner lots shall be situated in accordance with the adjacent schematic. On double-  
399 fronted lots, the canopy must be located in the front yard of the street of lesser classification and  
400 the principal building shall be built to the street of higher classification. On corner lots, the principal  
401 building shall be built to the corner.

402 3. All areas where vehicles are stored temporarily shall be considered as parking lots and must  
403 comply with the provisions of Chapter 10 of this ordinance. All such vehicle storage areas shall  
404 be located to the rear of the building.

405 B. Car wash facilities must be located in the rear yard of the principal structure and screened from view.

406 C. Lighting provided by canopies shall comply with the specifications contained in Chapter 11 of this  
407 ordinance.

408 D. No outdoor public address system which is audible beyond the boundaries of the property shall be  
409 permitted.

410 E. Any gas station that is also a vehicle service station shall conform with the requirements of Section  
411 3.16, below.

412 F. Canopies shall be screened from visibility from adjacent residential uses or districts by a Type A buffer  
413 yard.

414 3.16. - Vehicle ~~s~~services—Major repair/body work ~~and (CMX, GI) permitted with standards;~~ ~~v~~vehicle  
415 ~~s~~services—Minor maintenance/repair ~~(d) (NMX, DMX, CMX, GI) special-use permit; (CMX, IC, GI)~~  
416 ~~permitted with standards.~~

417 A. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply  
418 with the provisions of Chapter 10. All such vehicle storage areas shall be located at the rear or side of  
419 the building.

420 B. No outdoor automobile work areas shall be located in front of the building.

421 C. All auto work areas shall be screened from adjacent properties.

422 D. Storage of vehicles for 15 days or more or junking of vehicles is prohibited.

423 E. Vehicles in storage shall be covered or fenced off and not visible from the public right-of-way.

424 F. Tires, equipment, replacement parts and/or accessories shall be stored inside. Discarded parts shall  
425 not be stored outside.

426 G. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public  
427 rights-of-way, including streets and sidewalks.

428 H. The sale of vehicles is prohibited except as part of an approved vehicle sales establishment in  
429 appropriate districts as set forth in Chapter 2 of this ordinance.

430 I. Vehicles stored on-site for more than 60 days shall be stored within or behind the principal structure  
431 or other structures, covered or screened, and not visible from the public right-of-way.

432 J. Any fuel island shall conform to the requirements of Section 3.4.11, above.

- 433 K. Service areas shall be screened from visibility from adjacent residential properties or districts by a type  
434 A buffer yard.
- 435 3.17. - Inert debris storage or disposal facilities ~~(G4) permitted with standards.~~
- 436 A. Such facilities shall be operated for the disposal of land clearing waste, inert debris, untreated wood,  
437 and yard trash (i.e., leaves, brush, etc.) only. All other types of materials are prohibited.
- 438 B. No parking area or driveway shall be located within 50 feet of residentially zoned property.
- 439 C. Access roads shall be paved, with a width of at least 12 feet per travel lane, and properly maintained  
440 at all times.
- 441 D. All unpaved roads, travel ways and/or parking areas must be treated to prevent dust from adverse  
442 affecting adjacent properties.
- 443 E. Mud and debris shall be contained on site and shall not be deposited on off-site properties and streets.  
444 Tires shall be properly cleaned and loads shall be properly secured before leaving the property so as  
445 to prevent the discharge of mud and debris.
- 446 F. Debris reduction methods such as chipping and mulching shall be utilized to reduce the amount of  
447 debris permanently withheld on-site. Application materials shall include a written description of  
448 proposed debris reduction methods.
- 449 G. Permanent control measures are required to retain all non-compacted soils on-site. An NCDENR-  
450 approved sedimentation and erosion control permit, as well as other applicable permits, shall be  
451 presented to the administrator prior to permit approval.
- 452 H. Facilities shall not be located within the 100-year flood plain or the regulatory floodway.
- 453 I. Facilities shall not cause or contribute to the taking of any endangered or threatened species of plants,  
454 fish, or wildlife.
- 455 J. Facilities shall not result in the destruction or adverse modification of the critical habitat of endangered  
456 or threatened species as identified in 50 CFR Part 17, as it may be amended from time to time.
- 457 K. Facilities shall not damage or destroy an archaeological or historical site; nor shall they be located  
458 within a listed or designated historic district.
- 459 L. Facilities shall not cause an adverse impact on a public park, forest, recreation or scenic area, or any  
460 lands included in the state nature and historic preserve.
- 461 M. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
- 462 N. Facilities shall not be permitted on protected mountain ridges.
- 463 O. Adequate suitable soils shall be available for cover, either from on or off site.
- 464 P. Land clearing and inert debris landfills shall meet the following surface and ground water requirements:
- 465 1. Facilities shall not cause a discharge of pollutants into waters of the state in violation of the  
466 requirements of the National Pollutant Discharge Elimination System (NPDES), Section 402 of  
467 the Clean Water Act, as amended;
- 468 2. Facilities shall not cause a discharge of dredged materials or fill material into waters of the state  
469 in violation of the requirements of Section 404 of the Clean Water Act, as amended;
- 470 3. Facilities shall not cause non-point source pollution of waters of the state that violates assigned  
471 water quality standards; and
- 472 4. Waste shall be placed above the seasonal high water table.
- 473 Q. The facility shall meet the following minimum site requirements:
- 474 1. There shall be a buffer of 50 feet from the waste boundary to all surface waters.

- 475 2. There shall be a buffer of 100 feet from the disposal area to property lines, residential dwellings,  
476 commercial or public buildings, and wells.
- 477 3. No structure shall be constructed within 50 feet of a debris deposit following the closure of a land  
478 clearing and inert debris landfill.
- 479 4. A facility shall be bounded on all sides by a type C buffer yard.
- 480 5. The minimum lot size for facilities shall be five acres and the total disposal area must be less than  
481 two acres in size.
- 482 6. A facility shall be totally enclosed by a security fence or wall at least eight feet in height. All  
483 entrances and exits shall be secured and locked during non-operating hours.
- 484 R. Operating hours are limited to from 7:00 a.m. to 7:00 p.m. (except where requested by the Transylvania  
485 County Emergency Management Coordinator or the City of Brevard Public Works Director in response  
486 to a period of inclement weather).
- 487 S. Applicants shall submit operational plans as part of the application process. Approved operational  
488 plans shall be followed as specified for the facility.
- 489 T. The facility shall only accept such land clearing and inert debris as is specified in the permit for the  
490 facility.
- 491 U. Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size,  
492 whichever occurs first.
- 493 V. One hundred twenty calendar days after completion of any phase of disposal operations, or upon  
494 revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil  
495 cover sloped to allow surface water runoff in a controlled manner. The administrator may require  
496 further action in order to correct any condition which is or may become injurious to the public health,  
497 or a nuisance to the community.
- 498 W. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving  
499 the site and to prevent excessive on site erosion.
- 500 X. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 120 calendar  
501 days upon completion of any phase of landfill development.
- 502 Y. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent  
503 unauthorized access during non-operating hours. An attendant shall be on duty at all times while the  
504 landfill is open for public use to assure compliance with operational requirements and to prevent  
505 acceptance of unauthorized wastes.
- 506 Z. Surface water shall be diverted from the working face and shall not be impounded over waste.
- 507 AA. Solid waste shall not be disposed of in water.
- 508 BB. Open burning of solid waste is prohibited.
- 509 CC. A sign shall be posted at the facility entrance showing the contact name and telephone number in case  
510 of an emergency along with the permit number of the facility. The permit number requirement is not  
511 applicable for facilities not requiring an individual permit.
- 512 DD. Permits for land clearing and inert debris storage or disposal facilities shall expire after a period of five  
513 years, and permitted operations shall accept no more materials until a permit has been re-issued.
- 514 EE. In addition to all other application materials required by Chapter 16 of this ordinance, the owner of a  
515 facility shall submit a certified survey depicting the property on which the landfill is to be located. Upon  
516 approval by the administrator, the owner shall file such survey with the Transylvania County Registrar  
517 of Deeds' Office.
- 518 FF. When the land on which the land clearing and inert debris landfill is sold, leased, conveyed, or  
519 transferred in any manner, the deed or other instrument of transfer shall contain in the description  
520 section, in no smaller type than that used in the body of the deed or instrument, a statement that the

521 property has been used as a land clearing and inert debris landfill and a reference by book and page  
522 to the recordation of the notification.

523 3.18. - Home occupations ~~(GR, RMX) permitted with standards; (NMX, DMX, CMX, IC) permitted.~~

524 A. A home occupation is a permitted accessory to any single-family dwelling unit in accordance with the  
525 following requirements. These standards are designed to protect the character of residential zoning  
526 districts, which are intended and reserved primarily for residential uses.

527 B. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not  
528 change the essential residential character of the dwelling or the neighborhood.

529 C. Home occupation activities shall be confined to the interior of an approved structure. A home  
530 occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the  
531 dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or  
532 other accessory structure that meets the requirements of this ordinance.

533 D. The use shall employ no more than two persons who are not residents of the dwelling.

534 E. [Reserved.]

535 F. There shall be no visible display of stock in trade which is sold on the premises.

536 G. There shall be no outdoor storage or visible evidence of equipment or materials used in the home  
537 occupation, excepting equipment or materials of a type and quantity that could reasonably be  
538 associated with the principal residential use.

539 H. The existence and operation of the home occupation shall not be visible and/or audible to neighboring  
540 residents from a street.

541 I. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.

542 J. Home occupation activities involving clients or customers on the premises or vehicular traffic to and  
543 from the premises (including delivery vehicles) shall be limited to the hours of 8:00 a.m. to 5:00 p.m.,  
544 Monday through Friday. All visits and vehicular traffic to and from the premises (including delivery  
545 vehicles), which are attributable to the operation of any home occupation except child day care homes,  
546 shall have a weekly average of no more than three visits per day.

547 K. No business identification or advertising signs are permitted.

548 L. A minimum of two parking spaces shall be provided. Parking areas and driveways shall be paved.

549 M. Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be  
550 subject to all applicable water and sewer capacity impact fees as per Brevard City Code, Chapter 70  
551 Utilities.

552 N. Home occupations shall comply with all applicable requirements of any federal, state, or local agency  
553 with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of  
554 approval by any relevant agency.

555 O. Responsibilities of the administrator and applicant(s):

556 1. The administrator shall consider applications to establish a home occupation and may approve  
557 such applications upon a determination that the proposed use would be in keeping with the spirit  
558 and intent of, and satisfy all requirements of this section.

559 2. The administrator may impose any necessary condition upon the operation of a home occupation,  
560 shall monitor home occupations and conduct site inspections to ensure compliance with this  
561 ordinance and any condition of approval, and shall revoke any permit for the operation of a home  
562 occupation and cause the use to be terminated in accordance with the procedures set forth in  
563 Chapter 18 of this ordinance upon a determination that such use is in violation of this ordinance  
564 or any condition of approval.

565 3. The administrator shall have broad authority to deny any application for home occupation if in the  
566 opinion of the administrator, the proposed use would not be in keeping with the spirit and intent  
567 of this section. The burden of proving that a proposed home occupation would be in keeping with  
568 the spirit and intent of, and satisfy all requirements of this section as well as any condition of the  
569 administrator, shall lie with the applicant.

570 4. In reviewing any application for home occupation and in the monitoring and enforcement of any  
571 approved permit for home occupation the administrator shall strongly consider the expectation  
572 that the residential use and character of each residentially zoned neighborhood be preserved and  
573 shall take into consideration this unique characteristics of any proposed use and its relationship  
574 to the site and surrounding properties in considering whether such use would be suitable as a  
575 home occupation.

576 P. Uses permitted as home occupations:

577 1. Examples of uses that may be permitted as home occupations include but are not limited to  
578 telecommuting professionals; professional services such as those provided by an architect,  
579 engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle  
580 cleaning; and may include other uses defined in Chapter 19 or listed upon the use matrix in  
581 Chapter 2 of this ordinance when such uses can be performed in a manner that is strictly in  
582 keeping with the spirit and intent of, and satisfy all requirements of, this section.

583 2. Uses involving the fabrication of products may be permitted provided, however, the home  
584 occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or  
585 create any by-product or effect, which produces noise, electrical or magnetic interference,  
586 vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory  
587 structure housing the home occupation. Examples of such uses include but are not limited to  
588 baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other  
589 similar small scale craft production or fabrication. This provision shall not be construed to  
590 authorize industrial uses within residential zoning districts.

591 3. Home occupations may include child day care homes as defined in Chapter 19 of this ordinance.

592 4. Home occupation shall not include any use that is primarily retail in nature. It is the intention of  
593 his section that goods and merchandise produced as part of any home occupation be sold off-  
594 site; any on-site retail activity must be incidental to the purpose of this home occupation.

595 Q. Duration of permit:

596 1. Home occupation permits are temporary, and shall not establish a vested right to renewal. Home  
597 occupation permits shall be valid for a period of one year from the date upon which approval is  
598 granted. Permits approved prior to the enactment of this section shall not be subject to this  
599 requirement.

600 2. Applicants may apply for renewal of home occupation permits. Applications for renewal shall  
601 include a written report demonstrating compliance with the previously approved permit.

602 3. The administrator may approve applications for renewal of a home occupation permit upon  
603 determining that the applicant has demonstrated continued compliance with the spirit and intent  
604 of this section and any prior conditions of approval. The administrator may modify prior conditions  
605 of approval and may impose any necessary, additional conditions. The administrator may deny a  
606 request for permit renewal and require the applicant to terminate the home occupation or relocate  
607 the home occupation to an appropriate commercial or missed-use zoning district upon a  
608 determination that the home occupation operated in violation of a requirement of this section or  
609 other applicable condition or requirement; or, that the home occupation has generated  
610 unanticipated effects that are detrimental to the residential character of the neighborhood in which  
611 the home occupation is located.

612 (Ord No. 13-07, § 1.9-17-07)

613 3.19. - Manufacturing, heavy-(G1)-special-use permit.

- 614 A. Primary access to heavy manufacturing uses shall be from a street that is classified no less than a  
615 minor thoroughfare.
- 616 B. A traffic impact study in accordance with Section 17.13 shall accompany the application for a permit.  
617 The improvements recommended by the study shall be constructed by the applicant as a condition of  
618 approval.
- 619 3.20. - Professional services ~~(GR) special-use permit; (all other districts) permitted.~~

620 It is the intent of this ordinance to permit the location of certain professional services in residential  
621 zones, provided that such location does not compromise the residential character nor create activity inimical  
622 to the maintenance of the normal peace and quiet of the neighborhood.

- 623 A. *Number of buildings.* When professional services are offered in a residential district, no more than  
624 one principal building shall be permitted on any lot less than one acre in size and no more than  
625 three principal buildings shall be permitted on any lot one acre or more in size. This restriction  
626 applies regardless of whether such buildings are used as residences or professional offices or  
627 both.
- 628 B. *Building size.* No building shall exceed 3,000 square feet of floor area. When more than one  
629 building is permitted on a lot under this section, the total floor area for all buildings shall not exceed  
630 6,000 square feet exclusive of open carports or shelters.
- 631 C. *Building character.* The overall general appearance of all buildings shall be residential in  
632 character.
- 633 D. *Number of offices.* No more than two principal professionals shall be permitted in any building.
- 634 E. *Number of employees.* No more than six employees shall be permitted in any building exclusive  
635 of principal professional personnel.
- 636 F. *Parking facilities.* No more than ten spaces shall be provided for any building, with none located  
37 in the front yard area except as permitted by Chapter 10, Section 10.5(G) of this ordinance.  
638 Driveways shall be established in accordance with Chapter 13 of this ordinance.
- 639 G. *Hours of operation.* Normal hours of operation shall be between 8:00 a.m. and 6:00 p.m., Monday  
640 through Saturday, excluding national holidays. Professional services may be provided outside  
641 these time frames only in emergencies. Overnight care or service is not permitted.
- 642 H. *Signs.* Each building in which professional services are offered under this section may have one  
643 identification sign with a maximum sign area of eight square feet. The sign may be either a wall  
644 or ground sign. No other outside sign or identifying structure is permitted. Signs shall not exceed  
645 five feet in height and shall not be illuminated.
- 646 I. *Vehicles.* Vehicles normally kept or housed on-site must be regular passenger-carrying vehicles,  
647 including pickup trucks of not more than three-fourths ton capacity. Such vehicles may not bear  
648 any business identification signs greater than three square feet in size. Trucks over three-fourths  
649 ton rated capacity, ambulances and other vehicular equipment are not permitted.

650 3.21. - Vehicle/heavy equipment sales.

- 651 A. *In general.* The following requirements shall apply to all vehicle/heavy equipment sales  
652 establishments.
- 653 1. *Equipment display storage.* No equipment for sale or rent may be displayed in any front yard, nor  
654 shall such displays be permitted to encroach on any required landscaping areas or buffer yards.
- 655 2. *Outdoor PA systems.* No outdoor public address system shall be permitted which can be heard  
656 beyond the boundaries of the property.
- 657 3. *Maintenance and repair.* Maintenance and repair of bicycles may be permitted indoors.  
658 Otherwise, vehicle services shall not be permitted as part of any vehicle/heavy equipment sales  
659 establishment unless vehicle services is otherwise permitted within the district.

660 B. *Vehicle/heavy equipment sales—Indoor.* In addition to the requirements set forth in 3.21A, above, the  
661 following additional requirements shall apply to indoor vehicle/heavy equipment sales establishments.

662 1. *Vehicle display.* All vehicles for sale or display shall be located indoors.

663 3.22. - *Wireless telecommunication facility.*

664 In recognition of the Telecommunications Act of 1996, it is the intent of the City of Brevard to allow  
665 wireless telecommunication providers the opportunity to locate towers and related facilities within its  
666 jurisdiction in order to provide an adequate level of service to its customers while protecting the health,  
667 safety, and welfare of the citizens of Brevard. Wireless telecommunication facilities may be incompatible  
668 with other types of uses, most notably residential; therefore special regulations are necessary to ensure  
669 that any adverse affects to existing and future development are mitigated.

670 A. *Stealth permitted.* Telecommunications facilities in all districts shall be designed and installed in  
671 a manner to make them unobtrusive. All facilities shall be mounted so that the personal wireless  
672 service facilities do not extend beyond the top of the building or structure on which they are  
673 mounted. Facilities shall be designed to blend in with the existing structure or buildings with similar  
674 colors or other techniques as appropriate.

675 B. *Towers (CMX) special use permit, (GI) permitted with standards.*

676 1. *Antenna standards.*

677 a. Antennas shall not interfere with the usual and customary radio and television reception  
678 accepting broadcast facilities as provided for in the regulations of the Federal  
679 Communications Commission.

680 b. Antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide  
681 the city each year with a copy of any FCC and FAA license issued.

682 c. Antennas shall be restricted to the minimum standards of lighting required by the FAA.  
683 Antennas required by the FAA to have flashing lights shall utilize a dual lighting system  
684 consisting of a white strobe light for daytime lighting and a red flashing light for nighttime  
685 lighting.

686 d. Antennas and related mechanical equipment placed on structures other than towers  
687 shall be concealed antennas. Antennas located on top of buildings or other structures  
688 shall not exceed 30 percent of the building height. In no event shall an antenna extend  
689 beyond the structure in any direction greater than 25 feet.

690 e. Antennas and supporting electrical and mechanical equipment shall be a neutral color  
691 that is identical to, or closely compatible with, the color of the supporting structure so  
692 as to make the antenna and related equipment as visually unobtrusive as possible.

693 f. Antennas erected solely for a residential, noncommercial individual use, such as  
694 residential television antennas, satellite dishes, or ham radio antennas, are exempt from  
695 these requirements.

696 2. *Tower standards.*

697 a. Towers shall be positioned to contain on-site any ice-fall or debris from tower failure.  
698 The distance from the tower's base to any property line shall equal or exceed the tower's  
699 fall radius.

700 b. Towers shall be restricted to the minimum standards of lighting required by the FAA.  
701 Strobe lights shall be red at night and may be either red or white during daylight unless  
702 otherwise required by federal or state regulation.

703 c. A single sign, two square feet in size, shall be displayed in a visible location near the  
704 tower. The sign shall contain a number to be assigned to the company and a telephone  
705 number for 24-hour emergency contact. No other signs shall be permitted on the facility.

- 706 d. Towers shall be set back from any residential district or use a distance equivalent to the  
707 fall radius of the tower or 200 feet, whichever is greater.
- 708 e. The base of the tower, along with any individual guy wires, shall be enclosed by a  
709 commercial grade fence a minimum of eight feet in height.
- 710 f. If the tower is between 120 feet and 200 feet in height, the tower shall be engineered  
711 and constructed to accommodate at least one additional telecommunication antenna.
- 712 g. At the time a tower is approved, the owner shall provide written authorization that the  
713 tower and its accessories may be shared by other telecommunication antenna(s). The  
714 owner shall record in the register of deeds' office a letter of intent prior to the issuance  
715 of the building permit. This letter shall bind all subsequent owners of the approved  
716 tower.
- 717 h. If the city or county determines that the proposed tower will be situated in a location that  
718 will enhance the city and/or county's telecommunication system, the applicant shall,  
719 prior to the issuance of a building permit, agree to allow the city and/or county to co-  
720 locate its telecommunication equipment at fair market value.
- 721 i. No telecommunication tower shall exceed 200 feet in height.
- 722 j. Towers shall either maintain a galvanized steel finish or, subject to any applicable  
723 standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.  
724 The design of the tower and related structures shall, to the extent possible, use  
725 materials, colors, textures, screening and landscaping that will blend the tower facilities  
726 to the natural setting and built environment.
- 727 k. A vegetation screen consisting of two staggered rows of evergreen trees shall surround  
728 the perimeter of the property containing the base of the tower and related equipment.  
729 Evergreen vegetation shall be of sufficient density to serve the purpose of a solid screen  
730 to keep the tower area itself from being visible from any public right-of-way or adjacent  
731 property.
- 732 l. The applicant shall provide written proof that the proposal complies with all applicable  
733 FAA and FCC regulations.
- 734 3. *Replacement of existing towers.* Towers existing at the time of this ordinance may be  
735 replaced one time only with a taller tower, and reviewed for approval by the administrator in  
736 lieu of the BOA, provided the replacement tower conforms to the standards detailed in  
737 Section 3.22(B(2)), above, as well as the following standards:
- 738 a. The height of the replacement tower may not exceed the height of the original tower by  
739 more than 50 feet.
- 740 b. The replacement tower shall be located in as close proximity to the base of the original  
741 tower as reasonably possible, and in any event, no more than 50 feet from the base of  
742 the original tower.
- 743 c. The replacement tower shall utilize monopole construction and shall be designed and  
744 equipped with the technological and structural capability to accommodate at least one  
745 other wireless communication carrier or provider.
- 746 d. The owner of the replacement tower shall provide the planning director with an affidavit  
747 stating that at least one other wireless communications carrier needs a wireless  
748 communications facility within 1,250 feet of the subject site and that such carrier has  
749 agreed to co-locate on the replacement tower.
- 750 e. The setback requirement in Section 3.22(B(2(d))), above, may be exempted provided  
751 certified drawings from an engineer are given attesting that the proposed replacement  
752 tower and debris would fall within the boundary lines on which the tower is located.

753 f. The base of the replacement tower shall be screened to the extent practical on a case  
754 by case basis. Solid screen (fencing) or vegetative screens, or both, shall be utilized  
755 based upon Chapter 8 of this ordinance.

756 3.23. - Temporary uses permitted with standards.

757 A. *General requirements.*

758 1. Temporary uses, structures and special events shall be established for operation only after the  
759 issuance of a temporary use or special event permit and a city privilege license, the fees for which  
760 shall be set forth in the Schedule of Taxes, Fees and Charges of the annually adopted Budget  
761 Ordinance for the City of Brevard.

762 2. In the consideration of any temporary use, structure or special event, the administrator shall have  
763 broad discretion to impose such conditions as may be necessary to protect the health, safety and  
764 welfare of the public.

765 3. In addition to the specific temporary uses and structures listed below, the administrator may, at  
766 his or her discretion, issue a permit for other temporary use provided that:

- 767 a. The use is clearly of a temporary nature;
- 768 b. The use is limited to a period not to exceed 90 days except as otherwise provided; and
- 769 c. The use is in keeping with the requirements and is consistent with the spirit and intent of the  
770 district in which it is proposed, and of this ordinance.

771 4. In addition to the standards contained in the following sections, applicants for operation of a  
772 temporary use, structure or special event shall demonstrate compliance with each of the following  
773 requirements:

- 774 a. The use shall clearly be of a temporary nature.
- 775 b. The use shall not obstruct any public travel way except by specific approval by the city and  
776 will cause no traffic congestion;
- 777 c. The use shall not create a nuisance to surrounding uses.
- 778 d. The use shall not create hazards or adverse impacts related to parking, drainage, fire  
779 protection, or other adverse impacts.
- 780 e. The operator shall provide a plan for the management of waste generated by the use, and  
781 sanitary facilities if the administrator or health department deems it is necessary.
- 782 f. The operator shall satisfy all other requirements of the director of public health, the building  
783 inspector or the fire marshal.
- 784 g. The operator shall secure a business license, street closure permit, sidewalk closure permit,  
785 or parade permit if required.

786 h. *Parking:*

787 i. A minimum of five parking spaces shall be designated for use by patrons of the  
788 temporary use, structure or special event. In all cases, the applicant shall demonstrate  
789 that there will be adequate parking for the existing uses as well as the temporary use,  
790 structure or special event.

791 ii. Temporary use, structures, and special event may be permitted within developed  
792 parking lots that serve a principle structure(s), the hours of operation of which are the  
793 same as the use, structure or event, only when the number of existing parking spaces  
794 exceeds the minimum number of spaces that are required for the principle structure(s)  
795 by a minimum of five parking spaces, plus the number of parking spaces to be rendered  
796 unusable within the area of the use, structure, or event.

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- i. Area. The total area of a temporary use or special event, including tents, display areas, and other appurtenances of the use, shall not exceed 2,000 square feet. This requirement shall not apply to the following categories of temporary uses or special events:
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- i. Special events, upon approval by the administrator.
- ii. Farmers markets.
- iii. Carnivals and circuses.
- iv. Religious meetings.
- v. Temporary vendors on undeveloped, vacant lots.
- vi. Temporary vendors on developed properties containing principle structures, where the hours of operation of the principle structure does not conflict or overlap with the hours of operation of the temporary use, and when the property is wholly owned or leased by the operator of the temporary use.
- 809 j. Tents and structures:
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- i. Applicants shall provide flame retardancy certifications for all tents.
- ii. Temporary structures shall not exceed 120 square feet. Tents, satellite real estate sales offices and contractor's offices and equipment sheds shall not be subject to this requirement.
- iii. Seasonal greenhouses, tents, and other temporary structures may be permitted for a period not to exceed 90 days. These structures must be removed on the expiration date of the permit.
- iv. A contractor's office and equipment shed may be permitted in any district for a period covering the construction phase of a project, not to exceed one year, provided that such office be placed on the property on which the project is situated.
- v. The administrator may approve the temporary set-up and occupancy of recreational vehicles (or other temporary dwellings in consultation with the building inspector) when the principal residence of the occupant has been destroyed by wind, fire, movement of earth, or other manmade or natural disaster, and subsequent to such event having been declared a disaster by the Mayor of the City of Brevard, the County Manager of the County of Transylvania, the Governor of the State of North Carolina, or the President of the United States. In no case shall such a vehicle or temporary dwelling be set up or occupied for a period exceeding 180 days. The setup or occupancy of a recreational vehicle shall not be permitted within the City of Brevard for any other reason whatsoever, except as otherwise provided for in this ordinance.
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- 830 k. Site layout:
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- i. Temporary uses, structures and special events shall be arranged so as to maximize public safety, to minimize conflicts among vehicles and pedestrians, to minimize conflicts with existing, permanent uses.
- ii. Temporary uses, structures and special events shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.
- iii. Temporary uses, structures and events may obstruct travel ways within parking lots only upon determination by the administrator that such obstruction will not impede commerce, hinder the flow of traffic or endanger the safety of motorists or pedestrians. Uses, structures or events shall be clearly delineated and separated from areas of active vehicle operation by means of traffic safety cones, signage, flagging, or other approved means.

- 845           lv. Temporary uses, structures and special events shall be situated at least ten feet from  
846 points of ingress and egress, and shall not obstruct the sight triangle at any intersection.  
847 Ingresses and egresses to the temporary uses, structures and special events shall be  
848 designated.
- 849           l. The administrator shall require an operations and site plan for each temporary use, structure,  
850 or special event, and shall require written permission for the operation of the temporary use,  
851 structure or special event by the owner(s) of the subject property.
- 852           m. The administrator may require that the operator provide a performance bond in the amount  
853 of 150 percent of the cost of removal of the use and restoration of the site.
- 854           n. The temporary use, structure or special event shall comply will all other applicable provisions  
855 of City Code.
- 856 **B. Carnivals and circuses.**
- 857           1. Carnivals and circuses may be permitted for a period not to exceed 21 days.
- 858           2. Carnivals and circuses shall only be permitted within undeveloped, vacant lots, or within  
859 developed parking lots that serve a principle structure, which structure is unoccupied for the  
860 duration of the carnival or circus.
- 861           3. Carnivals and circuses shall not employ registered sex offenders.
- 862 **C. Farmers market.**
- 863           1. Farmers markets may be permitted for a period of one year.
- 864           2. Vendors and products:
- 865           a. Vendors may offer seasonal horticultural, agricultural, aquacultural or forest products,  
866 including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers,  
867 Christmas trees, and similar products.
- 868           b. Vendors may offer value-added horticultural, agricultural, aquacultural or forest products  
869 which were produced by the vendor, including but not limited to baked goods, meat, dairy,  
870 honey, cider, preserves, reishes, jams, jellies and similar products.
- 871           c. Vendors may offer hand-made crafts and works of art which were produced by the vendor;  
872 provided, however, that such products shall not exceed 25 percent of all products sold within  
873 the venue on any given day of operation.
- 874           d. Vendors may offer food items prepared by the vendor; provided, however, that such products  
875 shall not exceed 25 percent of all products sold within the venue on any given day of  
876 operation, and provided that the vendor shall comply with all applicable requirements of the  
877 director of public health and the North Carolina Department of Agriculture.
- 878           e. The sale of live animals is prohibited.
- 879           f. All vendors, including vendors utilizing vending push carts, shall situate products for sale, as  
880 well as associated vehicles, push carts, tents, tables or other materials within a designated  
881 vending space as delineated upon a site plan provided to the administrator in accordance  
882 with paragraph C.3., below.
- 883           3. The operator shall provide the administrator an operations plan, operating rules, and a list of the  
884 names of the vendors (persons, firms or corporations) who shall provide merchandise for sale as  
885 part of the market. The list shall generally describe the type of item to be sold by each said vendor.  
886 The updated versions of the aforementioned documents shall be provided with the renewal of the  
887 temporary use permit on an annual basis, or as otherwise required by the administrator.
- 888 **D. Religious meetings.**
- 889           1. Religious meetings may be permitted in a tent for a period not to exceed 30 days.

890 2. Religious meetings shall be permitted only within undeveloped, vacant lots, or within developed  
891 parking lots that serve a principle structure provided that the hours of operation of the principle  
892 structure do not conflict or overlap with the hours of operation of the religious meeting.

893 E. *Temporary vendors.*

894 1. Temporary vendors, excluding vending pushcart operators, may be permitted one tent, which  
895 shall not exceed 1,500 square feet in area. Temporary vendors shall employ no other temporary  
896 structure.

897 2. Signage.

898 a. Temporary vendors, excluding vending pushcart operators, may be permitted one banner.  
899 Such banner shall be affixed to the wall of the tent or table, and shall not exceed 32 square  
900 feet in size.

901 b. Temporary vendors, excluding vending pushcart operators, may be permitted one A-frame  
902 sign. Such sign shall not exceed eight square feet per side, nor shall it exceed four feet in  
903 height, and shall be placed in compliance with all applicable setbacks for ground signs within  
904 the zoning district in which the use is located. Such signs shall be removed at the end of  
905 each business day.

906 3. Prohibited conduct. No temporary vendor shall:

907 a. Sell, barter, exchange or attempt to sell any goods, wares or merchandise from any city  
908 street or from any vehicle or trailer. This prohibition shall not apply to vending carts as set  
909 forth below. This prohibition may be waived by the administrator for special events  
910 recognized by the city, provided that the applicant satisfies all permit requirements of section  
911 66-7 and complies with article I of chapter 66 and other applicable provisions of Brevard City  
912 Code.

913 b. Vend on any street or sidewalk where vending is otherwise prohibited.

914 c. Vend between 9:00 p.m. and 7:00 a.m. of the following day, except during city-approved  
915 festivals and events.

916 d. Sell food or beverages for immediate consumption unless the operator has available for  
917 public use his own or a public litter receptacle which is available for his patrons' use and no  
918 more than ten feet distant from his pushcart or mobile food unit.

919 e. Leave the designated location without first picking up, removing and disposing of all trash or  
920 refuse remaining from sales made.

921 f. Solicit or conduct business with persons in motor vehicles.

922 g. Sell anything other than that which the operator is licensed to vend.

923 h. Sound or permit the sounding of any device which produces noise, or use or operate any  
924 sound system, radio, sound amplifier or speaker to attract the attention of the public.

925 i. Vend within 50 feet of any driveway entrance to a police or fire station, or within ten feet of  
926 any other driveway or of any alley.

927 j. Vend within ten feet of the crosswalk at any intersection.

928 k. Vend within ten feet of any fire hydrant or fire escape.

929 l. Allow any item relating to the operation of the vending business to lean against or hang from  
930 any building or other structure lawfully placed on public property, without the owner's  
931 permission.

932 m. Vend within ten feet of any building.

933 4. Application for permit. The application for a temporary vending permit shall include:

- 934 a. The name, home and business address of the applicant, and the name and address of the  
935 owner of the vending business or of the cart to be used in the operation of the vending  
936 business.
- 937 b. A description of the type of food, beverage or merchandise to be sold.
- 938 c. A description (including the size) and a photograph of any pushcart to be used in the  
939 operation of the business, including the license and registration number of any motor vehicle  
940 used in the operation of the business.
- 941 d. Two prints of a full-face photograph, taken not more than 30 days prior to the date of the  
942 application, of any person who will sell or offer for sale any food, beverage or merchandise.
- 943 e. A copy of any approval required by the county health department, building inspector, or fire  
944 marshal.
- 945 f. Proof of an insurance policy, issued by an insurance company licensed to do business in the  
946 state, protecting the permittee and the property owner (including the city in the case of  
947 pushcart operators) from all claims for damages to property and bodily injury, including  
948 death, which may arise from operations under or in connection with the permit. Such  
949 insurance shall name the property owner as additional insured and shall provide that the  
950 policy shall not terminate or be canceled prior to the expiration date without 30 days' advance  
951 written notice to the city. Policies covering pushcart operators shall conform to the minimum  
952 coverage requirements as set forth by the city manager.
- 953 g. The federal and state tax identification numbers of the owner of the business, and copies of  
954 the owner's pre-printed North Carolina sales and use tax forms for the months of proposed  
955 operation.
- 956 5. All permits issued under this section shall be displayed in a prominent location at all times during  
957 the operation of the vending business.
- 958 6. Any temporary vendor's permit may be denied, suspended or revoked by the administrator for  
959 fraud or misrepresentation in the application for the permit or in the conduct of the business, for  
960 conduct of the business in such a manner as to create a public nuisance or constitute a danger  
961 to the public health, safety, welfare or morals, or for conduct which is contrary to the provisions  
962 of this chapter or any condition of permit approval.
- 963 7. Non-agricultural roadside vendors:
- 964 a. Non-agricultural vendors may be permitted to operate for a period not to exceed 90 days,  
965 after which such vendors shall vacate the premises and shall not be reestablished for a  
966 period of 45 days.
- 967 8. Agricultural roadside vendors:
- 968 a. Agricultural vendors may be permitted to operate for a period not to exceed 180 days, after  
969 which such vendors shall vacate the premises and shall not be reestablished for a period of  
970 45 days.
- 971 b. Agricultural vendors shall only offer seasonal horticultural, agricultural, aquacultural or forest  
972 products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried  
973 flowers, Christmas trees, and similar products.
- 974 9. Vending pushcarts:
- 975 a. To relieve any potential for traffic hazard or pedestrian congestion, or any safety hazard  
976 resulting therefrom, the number of vending carts with active permits within the central  
977 business district at any given time shall not exceed four.
- 978 b. No vendor selling from a pushcart on the sidewalk shall:
- 979 i. Leave any pushcart unattended.

- 980 ii. Store, park or leave any pushcart overnight on any street or sidewalk.
- 981 iii. Vend within 75 feet of any other vending cart.
- 982 iv. Set up, maintain or permit the use of any table, crate, carton, rack or other device to  
983 increase the selling or display capacity of his pushcart or where such items have not  
984 been described in his application.
- 985 v. Allow any items relating to the operation of the vending business to be placed anywhere  
986 other than in, on or under the pushcart.
- 987 vi. Maintain any pushcart upon any street or sidewalk which impedes, endangers or  
988 interferes with the travel upon or use of the street or sidewalk.
- 989 vii. Set up a pushcart so as to block or impede ingress and egress to any structure.
- 990 c. If it becomes necessary for the regulation of traffic or the safety or convenience of  
991 pedestrians, any law officer of the city may direct vendors to move to another location. No  
992 person may refuse to comply with a law enforcement officer when the order is given under  
993 the authority of this section.
- 994 d. Size of pushcarts:
- 995 i. No pushcart shall exceed 48 inches in width or 72 inches in length.
- 996 ii. No pushcart shall exceed 60 inches in height, nor shall any canopy be less than 78  
997 inches in height at its lowest point.
- 998 iii. The administrator shall have the right to require smaller dimensions based upon such  
999 factors as, but not limited to, pedestrian and vehicular safety and adequate sight  
1000 distances.
- 1001 e. Minimum travel way. The pushcart shall be set up so that a minimum of five feet of pedestrian  
1002 passage is maintained along the sidewalk at all times.
- 1003 f. Operation during special events within the central business district. Vendor permits will be  
1004 invalid during special festivals and events in the within the central business district. However,  
1005 vendors may apply for permits from the sponsoring organization or committee to operate  
1006 within the area of the special event.
- 1007 10. Mobile food vendors:
- 1008 a. Mobile food vendors are licensed motor vehicles or mobile food units which offer for sale  
1009 and consumption food and beverages (excluding alcohol).
- 1010 b. Permits required.
- 1011 i. The owner, or authorized agent thereof, of any property upon which a mobile food  
1012 vendor(s) proposes to operate, shall secure a permit for the establishment of a mobile  
1013 food vendor site. Applicants shall provide such information as is deemed necessary by  
1014 the administrator to demonstrate compliance with this ordinance; such information shall  
1015 include, but shall not be limited to, a listing of the mobile food vendors authorized to  
1016 operate upon the subject property.
- 1017 ii. Mobile food vendors shall secure a permit to operate within the jurisdiction of the City  
1018 of Brevard. Applicants shall provide such information as is deemed necessary by the  
1019 administrator to demonstrate compliance with this ordinance; such information shall  
1020 include, but shall not be limited to, a listing of the mobile food vendor sites upon which  
1021 the vendor proposes to operate, as well as confirmation of compliance with all  
1022 applicable health regulations.
- 1023 iii. In the issuance of permits for mobile food vendor sites and mobile food vendors, the  
1024 administrator shall have broad discretion to assign such conditions as may be  
1025 necessary to protect the health, safety, and welfare of the public.

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- iv. Permits for mobile food vendor sites and mobile food vendors shall be valid for a period of one year, and shall be renewed annually. Permit fees shall be determined by Brevard City Council as set forth in the City of Brevard Schedule of Taxes, Charges and Fees.
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- c. Mobile food vendors must have a base of operations such as a restaurant or commissary and must report to said base daily for supplies, cleaning, and servicing.
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- i. If the base of operations is under different ownership than the mobile food vendor, a written agreement for use must be submitted as part of the zoning application.
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- ii. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public spaces.
- 1035  
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- d. There shall be no limit to the number of mobile food vendors per parcel so long as all other separation and site requirements as set forth below are met.
- 1037
- e. Separation and setbacks.
- 1038  
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- i. Mobile food vendors shall be subject to all site requirements as set forth in subsection 3.23.A.4.k. except as modified below.
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- ii. Setbacks, generally. Mobile food vendors shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.
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- iii. Separation between mobile food vendors. Mobile food vendors shall be situated at least 20 feet from one another.
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- iv. Separation between mobile food vendors and permanent structures.
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- a. Mobile food vendors shall be situated at least 25 feet from any permanent structures.
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- b. The administrator may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information. Such reductions shall be reviewed on a case-by-case basis, at the discretion of the administrator.
- 1055  
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- c. There shall be no reduction in separation between mobile food vendors and permanent structures within the downtown fire district.
- 1057  
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- d. Mobile food vendors shall be situated at least 200 feet from any residential structure that is located within a general residential (GR) zoning district.
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- e. Mobile food vendors must be set back a minimum of ten feet in all directions from fire hydrants.
- 1061
- f. Power.
- 1062  
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- i. Outside of the Heart of Brevard district, generators may be used to power the vending unit. Within the Heart of Brevard only dedicated power supplies shall be used.
- 1064  
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- ii. For dedicated power supplies the applicant must present documentation that power load supplied to the vehicle is sufficient to meet the vehicles needs while in operation.
- 1066  
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- iii. Vendors are subject to the requirements of the City of Brevard Noise Ordinance (chapter 38, noise ordinance), North Carolina Health Code, and North Carolina Building Code.
- 1069
- g. Restrooms must be available on site.

- 1070 h. Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m., except  
 1071 during an approved special event, when other operating hours may be established as part  
 1072 of the event.
- 1073 i. Vendors must vacate the site each day unless the vendor owns the site.
- 1074 j. Mobile food vendor operators or their designee must be present at all times during operation,  
 1075 except in the event of an emergency.
- 1076 k. Each food truck shall supply at least one waste receptacle which must be removed and  
 1077 emptied at the end of each day, City trash receptacles shall not be used for food truck waste.
- 1078 l. Signage.
- 1079 i. Mobile food vendors shall be limited to the following:
- 1080 a. One wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign  
 1081 shall be no larger than 32 square feet.
- 1082 b. One small A-frame sign not to exceed four feet in height and eight square feet of  
 1083 surface area may be placed within five feet of the vehicle or trailer to display daily  
 1084 specials, menus, or other similar information.

1085 3.24. - Junkyards and salvage operations and yards ~~(CMX, GI) permitted with standards.~~

1086 The following requirements apply to any property, establishment or place of business which is  
 1087 maintained, operated, or used for disposing, storing, keeping, buying, selling, or reclaiming scrap copper,  
 1088 brass, other metals, rope, rags, batteries, paper, trash, rubber, debris, chemicals, or waste, or for operation  
 1089 and maintenance of a property for disposing, storing, keeping, buying, selling, or reclaiming abandoned,  
 1090 wrecked, scrapped, ruined, or dismantled motor vehicles (including tractors, lawn-mowers, and other  
 1091 equipment) or motor parts, furniture, appliances, manufactured homes, mobile homes, recreational  
 1092 vehicles, and other mechanical equipment.

1093 The presence of any of the following shall constitute a junkyard and salvage operation and yard: four  
 1094 or more abandoned, wrecked, scrapped, ruined, or dismantled motor vehicles - or the motors, bodies,  
 1095 chassis, or frames thereof; two or more abandoned, wrecked, scrapped, ruined, or dismantled recreational  
 1096 vehicles, mobile homes, or manufactured homes - or any portion of the body, frame, or shell thereof; or four  
 1097 or more abandoned, wrecked, scrapped, ruined, or dismantled units of furniture, appliances mechanical  
 1098 equipment - or the dismantled components thereof.

- 1099 A. When allowed, junkyards and salvage operations and yards shall be subject to the following  
 1100 additional requirements:
- 1101 1. Stored materials will not pose a danger to adjacent and surrounding properties, or residents,  
 1102 due to noise, runoff, animal or insect populations or other factors. Fluids within any vehicles  
 1103 or equipment are to be drained/removed and under no circumstances shall fluids or other  
 1104 contaminants or pollutants be leaked or discharged onto the earth or into surface or ground  
 1105 waters.
- 1106 2. The facility shall be completely enclosed by a fence and shall be screened from view on all  
 1107 sides by a type D buffer yard. The fence shall be eight feet high, measured from the lowest  
 1108 point of grade, and shall be maintained in good condition.
- 1109 3. No stored materials shall be visible from ground level immediately outside the fence.
- 1110 4. The facility, including the required fence, shall be located at least 50 feet from all surface  
 1111 waters.
- 1112 5. The facility shall not contaminate soil or ground waters.
- 1113 6. The minimum lot size for any such facility is two acres.
- 1114 7. Facilities may not operate at any time other than between the hours of 7:00 a.m. and 6:00  
 1115 p.m., Monday thru Saturday.

- 1116 8. Except when an operator is on duty, facilities shall be adequately secured and locked by  
1117 means of gates, chains, berms, fences, etc., to prevent unauthorized access. An attendant  
1118 shall be on duty at all times while the facility is open for public use to assure compliance with  
1119 operational requirements and to prevent acceptance of unauthorized materials.
- 1120 9. The site shall not be located adjacent to residentially zoned property.
- 1121 10. No parking area or driveway shall be located within 50 feet of residentially zoned property.
- 1122 11. Access roads shall be paved, with a width of at least 12 feet per travel lane, and shall be  
1123 properly maintained at all times.
- 1124 12. All unpaved roads, travel ways and/or parking areas must be treated to prevent dust from  
1125 adversely affecting adjacent properties.
- 1126 13. Mud and debris shall be contained on site and shall not be deposited on off site properties  
1127 and streets. Tires shall be properly cleaned and loads shall be properly secured before  
1128 leaving the property so as to prevent the discharge of mud and debris.
- 1129 14. An NCDENR-approved sedimentation and erosion control permit, as well as other applicable  
1130 permits, shall be presented to the administrator prior to permit approval.
- 1131 15. Facilities shall not be located within the 100 year flood plain or the regulatory floodway.
- 1132 16. Facilities shall not cause or contribute to the taking of any endangered or threatened species  
1133 of plants, fish, or wildlife.
- 1134 17. Facilities shall not result in the destruction or adverse modification of the critical habitat of  
1135 endangered or threatened species as identified in 50 CFR Part 17, as it may be amended  
1136 from time to time.
- 1137 18. Facilities shall not damage or destroy an archaeological or historical site; nor shall they be  
1138 located within a listed or designated historic district.
- 1139 19. Facilities shall not cause an adverse impact on a public park, forest, recreation or scenic  
1140 area, or any lands included in a state nature and historic preserve.
- 1141 20. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section  
1142 404(b).
- 1143 21. Facilities shall not be permitted on protected mountain ridges.
- 1144 22. Gasoline, oils, antifreeze, and other chemicals, pollutants, and potential contaminants shall  
1145 be secured on-site and properly disposed of, and shall at no time be leaked, spilled, or  
1146 discharged onto the earth or into surface or surface or ground water.
- 1147 23. Facilities shall not cause a discharge of pollutants into surface waters, ground waters, or  
1148 waters of the state that is in violation of the requirements of the National Pollutant Discharge  
1149 Elimination System (NPDES) of the Clean Water Act, as amended.
- 1150 24. Facilities shall not cause non-point source pollution of waters of the state in violation of water  
1151 quality standards of the State of North Carolina.
- 1152 25. On-site stormwater retention facilities shall contain and treat all stormwater on-site.  
1153 Engineering documentation provided to the administrator shall affirm that stormwater  
1154 facilities are designed to retain and treat any potential pollutants on-site. Stormwater  
1155 requirements shall not be met by payment of a fee-in-lieu.
- 1156 26. A sign shall be posted at the facility entrance showing the permit number and a contact name  
1157 and number in case of an emergency. The permit number requirement is not applicable for  
1158 facilities not requiring an individual permit.
- 1159 B. Existing junkyards and salvage yards on parcels within CMX and GI Districts, which were in  
1160 operation prior to February 1, 2006, and which do not fully comply with the provisions above, shall

1161 have until January 1, 2011, to either come into full compliance with the requirements set forth  
1162 herein and secure a special use permit from the BOA or cease operations.

1163 C. Existing junkyards and salvage yards on parcels not located in CMX or GI Zoning Districts, which  
1164 were in operation prior to February 1, 2006, shall have until January 1, 2011, to come into full  
1165 compliance with the requirements set forth above, or cease operation. The administrator shall  
1166 consider such junkyards and salvage yards to be pre-existing non-conforming uses of land and  
1167 shall not permit any expansion in the area of any junkyard or salvage yard located outside of GI  
1168 Zoning Districts.

1169 D. Violations:

1170 1. The following actions shall constitute a violation of this ordinance, shall constitute a class I  
1171 misdemeanor, and shall be subject to the enforcement provisions of Chapter 18 of this  
1172 ordinance.

1173 a. Failure to comply with subsections 3.24(B) or 3.24(C), above.

1174 b. The unpermitted establishment of a new junkyard or salvage yard at any time;

1175 c. Any unpermitted expansion in the area of any junkyard or salvage yard at any time;

1176 d. Any violation of any requirement of subsection 3.24(A) by any permitted junkyard or  
1177 salvage yard at any time;

1178 e. Any violation of any requirement of subsection 3.24(A) by any pre-existing non-  
1179 conforming junkyard after January 1, 2011.

1180 2. In addition to the enforcement procedures of Chapter 18, such violations shall invalidate any  
1181 special use permit for the operation of a junkyard or salvage yard, and shall invalidate any  
1182 pre-existing non-conforming status as established in subsection 3.24(D), above.

1183 3. The board of adjustment shall revoke any special use permit and shall order the cessation  
1184 of operations of any junkyard or salvage yard found to be in violation of this ordinance, shall  
1185 set forth a reasonable time frame for the owner or operator to remedy the violation, and may  
1186 re-issue a special use permit only when such a junkyard or salvage yard is in full compliance  
1187 with this ordinance. If the owner and operator do not remedy the violation within the required  
1188 time frame, the administrator shall take action to cause the cessation of all operations and  
1189 to cause the owner and operator to remove the junkyard from the property.

1190 4. In accordance with the procedures set forth in Chapter 18 of this ordinance, the administrator  
1191 shall provide notification to the owner and operator of any pre-existing non-conforming  
1192 junkyard found to be in violation of this ordinance and shall provide sufficient time for the  
1193 owner and operator to remedy the violation. If the owner and operator do not remedy the  
1194 violation within the required time frame, the administrator shall take action to cause the  
1195 cessation of all operations and to cause the owner and operator to remove the junkyard from  
1196 the property.

1197 3.25. - Outdoor firing range ~~(GI) special use permit.~~

1198 These requirements are generally intended to apply to permanent firing ranges operated for profit or  
1199 by a club or organization or properties upon which regular or organized shooting events are held. They  
1200 shall not apply to the incidental and recreational use of firearms and clay target shooting in the extra-  
1201 territorial jurisdiction on private property upon which no firing range is constructed.

1202 A. These requirements are intended to apply to pistol and rifle firing ranges, as well as, clay target  
1203 and shot-gun shooting facilities. However, the zoning board of adjustment shall have the authority  
1204 to relax these standards as they apply to clay target and shot-gun shooting facilities upon a  
1205 determination that such standards would serve no useful purpose.

- 1206 B. Any pistol and rifle firing range shall be constructed to a standard that is at least as stringent as  
 1207 all standards set forth in the *National Rifle Association Range Source Book* and *EPA Publication*  
 1208 # *EPA-902-B-01-001 ("Best Management Practices for Lead at Outdoor Shooting Ranges.")*.
- 1209 C. Any clay target and shot-gun shooting facility shall be constructed to a standard that is at least as  
 1210 stringent as all standards set forth by the National Rifle Association (NRA).
- 1211 D. No outdoor firing range shall be permitted within 1,000 feet of a school, church, adult or child  
 1212 daycare, family care home, hospital, or group care facility. The firing range shall be set back a  
 1213 minimum distance of 100 feet from any street right-of-way or property line.
- 1214 E. Rifle and pistol firing ranges shall be surrounded by a natural earth embankment a minimum of  
 1215 15 feet high, to either side of the direction of fire and behind the target area.
- 1216 F. Firing ranges shall be surrounded on all sides by a type C buffer yard.
- 1217 G. Firing ranges shall be posted "No Trespassing—Danger—Shooting Range" at 100-foot intervals  
 1218 around the perimeter.
- 1219 H. For rifle and pistol ranges, lead particles shall at all times be contained on-site, and properly  
 1220 contained and disposed of. Appropriate devices shall be utilized to contain lead bullets and/or  
 1221 shot, and such devices shall be periodically cleaned and lead particulates properly disposed of.  
 1222 The detection of lead off-site shall be grounds for the revocation of a special use permit by the  
 1223 BOA. Appropriate measures are also to be used to contain and properly dispose of particulates  
 1224 at clay target and shot-gun facilities.
- 1225 I. At least one qualified individual in the sponsoring club or organization shall be certified (NRA or  
 1226 equivalent, or N.C. Criminal Justice standards) for shooting range supervision. Each facility shall  
 1227 adopt safety rules and regulations as determined by the sponsoring club or organization.
- 1228 J. Outdoor firing ranges shall only operate between the hours of 8:00 a.m. to 9:00 p.m., Monday  
 1229 through Saturday, unless other operating hours are specifically approved by the administrator.
- 1230 K. The BOA may attach such conditions to a special use permit for an outdoor firing range as are  
 1231 necessary to protect the public health, safety, and welfare.
- 1232 3.26. - Indoor firing range ~~(CMX, G) special use permit.~~
- 1233 A. The firing range shall be constructed to a standard that is at least as stringent as all standards set forth  
 1234 in the *National Rifle Association Range Source Book* and any applicable federal or state regulations  
 1235 or guidelines.
- 1236 B. Lead particles shall at all times be contained on-site and properly contained and disposed of.  
 1237 Appropriate devices shall be utilized to contain lead bullets and/or shot, and such devices shall be  
 1238 periodically cleaned and lead particulates properly disposed of. Ventilation systems shall be designed,  
 1239 and other appropriate steps shall be taken, to prevent the discharge of lead from within the structure  
 1240 housing the indoor firing range into the external environment and to prevent the exposure of clients  
 1241 and employees to unsafe (as defined by applicable federal or state standards) levels of lead. The  
 1242 detection of lead in the external environment on the same property as the indoor firing range or off-  
 1243 site, or unsafe levels of lead within the structure housing the indoor firing range, shall be grounds for  
 1244 the revocation of a special use permit by the BOA.
- 1245 C. Noise levels generated by the discharge of firearms within an indoor firing range shall not be  
 1246 discernable in the external environment to be measured as follows:
- 1247 1. By a decibel meter of 85DB;
- 1248 2. Located on the same parcel of land as the range;
- 1249 3. Located at all entrances, windows, ventilation outlets, and any other outlet to the external  
 1250 environment;
- 1251 4. Located at any shared wall, on the opposite side of such wall from the range;

- 1252 5. Welded by an independent, third party engineer or other qualified professional.
- 1253 6. The applicant shall submit documentation from a licensed professional engineer with relevant  
1254 experience, certifying that the range and the structure within which such range is to be housed  
1255 has been designed to satisfy all requirements set forth above as well as any additional  
1256 requirements of the BOA.
- 1257 D. At least one qualified individual in the sponsoring club or organization shall be certified (NRA or  
1258 equivalent, or NC Criminal Justice standards) for shooting range supervision. Each facility shall adopt  
1259 safety rules and regulations as determined by the sponsoring club or organization.
- 1260 3.27. Manufactured home park ~~(GR, RMX) special use permit.~~
- 1261 A. General description: The location of two or more manufactured homes or manufactured home spaces  
1262 on a parcel of land shall constitute a manufactured home park and shall be subject to the provisions  
1263 of this section.
- 1264 B. Manufactured home park special use permits are issued the board of adjustment in accordance with  
1265 the procedures set forth for special use permits and category III land development applications forth  
1266 in Chapter 16
- 1267 C. Upon issuance of a manufactured home park special use permit, the applicant shall have two years to  
1268 complete construction of site improvements as stated in such permit for the park or phase thereof.  
1269 Extensions may be granted by the administrator for good cause upon receipt of a written request from  
1270 the applicant.
- 1271 D. Minor changes in the location, siting or character of manufactured homes or other structures may be  
1272 authorized by the administrator if required by engineering or other circumstances not foreseen at the  
1273 time the manufactured home park special use permit was approved, provided that such changes are  
1274 within the minimum or maximum requirements set forth in this chapter. An applicant proposing to  
75 increase the number of units or to construct buildings (other than accessory buildings for individual  
6 manufactured homes) not originally shown on the site development plan, or proposing to make  
1277 changes that would substantially affect the provision of sewer and water, or that would affect the status  
1278 of required landscaping or open space, or that would otherwise substantially modify the approved park  
1279 plan, shall submit a revised plan for approval by the Brevard Planning Board (hereinafter BOA) under  
1280 the terms of this chapter.
- 1281 E. Any manufactured home park, as defined by this chapter, existing on the effective date of this chapter  
1282 or any subsequent amendment thereto may continue to operate without being subject to the  
1283 requirements of this chapter except where explicitly set forth below.
- 1284 F. Any expansion of a pre-existing manufactured home park shall require the issuance of a manufactured  
1285 home park special use permit.
- 1286 1. The BOA shall require that pre-existing phases of such park's infrastructure be brought into full  
1287 compliance with this chapter, except where dimensional or other pre-existing conditions preclude  
1288 such compliance.
- 1289 2. Expansions to a pre-existing manufactured home park shall occur in a manner that fully conforms  
1290 to the requirements of this ordinance. Expansions shall not occur in districts within which  
1291 manufactured home parks are not permitted.
- 1292 G. A manufactured home park space shall be considered preexisting if, on the effective date of this  
1293 chapter, the space:
- 1294 1. Is defined on the ground by the presence of all of the following:
- 1295 (a) A water supply system service connection;
- 1296 (b) A connection to a septic system or sanitary sewer; and
- 1297 (c) Electric service equipment.

- 1298 2. Or, contains an occupied manufactured home connected to each of the preceding utilities.
- 1299 H. Each application for a manufactured home park as a special use permit shall be accompanied by
- 1300 development plans as required by Chapter 17, including contoured site plans (five-foot intervals) using
- 1301 true elevations. Development plans shall show the circulation pattern, manufactured home spaces,
- 1302 permanent structures and other site design requirements as may be considered essential by the board
- 1303 of adjustment. Development plans shall also show that all improvements would meet the following
- 1304 minimum standards.

1305 I. Dimensional specifications.

1306 a. Lot standards:

Minimum Development Size	3 acres
Maximum Development Size	40 acres
Maximum Development Density (Units/Acre)	6
Lot Width at Right-of-Way	50 ft.
Lot Depth (Minimum)	150 ft.

1307

1308 b. Principal structure standards:

Development setback on all boundaries	50 ft.
Unit setback from internal street centerline	25 ft.
Distance between homes-short side to short side	20 ft.
Distance between homes-long side to short side	20 ft.
Distance between homes-long side to long side	30 ft.
Setback from public right-of-way	50 ft.
Height (maximum)	35 ft.

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- 1310 J. General requirements. The following standards shall be considered the minimum requirements for all
- 1311 manufactured home parks (new and pre-existing):

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1314  
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1316
1. Prior to the placement, replacement, modification, or setup of a manufactured home within any manufactured home park or on an individual lot of record within the regulatory jurisdiction of the City of Brevard, the manufactured home or agent thereof shall procure a land development permit from the City of Brevard and a manufactured home setup permit from the Transylvania County Building Inspections Department.
- 1317  
1318
2. The transfer of title of a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park.
- 1319  
1320  
1321
3. All manufactured home park roads, spaces, and the manufactured homes therein shall fully comply with the road naming and property addressing ordinances of the City of Brevard or Transylvania County, as applicable.
- 1322  
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1327
4. The owner and/or operator of a manufactured home or manufactured home park shall not sell manufactured homes on or within a manufactured home park unless the manufactured home unit for sale is placed individually and separately upon an existing manufactured home space where all design standards and utilities have been completed as specified by this ordinance. This does not prohibit the manufactured home park owner and/or operator from owning or operating a retail sales business on adjoining property if such use is permitted within the underlying district.
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5. All manufactured homes placed upon an individual lot of record or within a manufactured home park shall be built according to Housing and Urban Development standards, and shall bear a label or seal indicating compliance with this requirement. Any manufactured home unit that does not bear a label or seal of compliance of a recognized testing laboratory, such as Underwriters Laboratories or similar testing service, shall be subject to inspection by the building inspector.
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6. Manufactured or mobile homes constructed prior to December 31, 1981, shall not be permitted within the regulatory jurisdiction of the City of Brevard.
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7. Recreational vehicles (RV), park model RV's, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code shall not be permitted within any manufactured home park, nor shall such structures become occupied within any other property within the jurisdiction of the City of Brevard, except as otherwise provided for in this ordinance.
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8. At least ten percent of the total area of any manufactured home park containing 35 or more spaces and situated one-quarter of a mile or more from a public recreational facility shall be set aside for recreational purposes, except that open space as required in Chapters 6 and 7 of this ordinance may be applied to no more than 75 percent of such recreation space.
- 1344  
1345
9. Manufactured home parks shall conform to sedimentation/erosion/stormwater management requirements as set forth in this ordinance.
- 1346
10. Manufactured home parks shall not be permitted within steep slope areas.
- 1347  
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11. All manufactured home parks shall have a park identification sign. Manufactured home park identification sign shall not exceed 48 square feet in area. Only indirect, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
- 1350
12. Manufactured home park streets.
- 1351  
1352  
1353
- (a) Convenient access to each manufactured home space shall be provided by streets or drives that are properly graded, drained, and paved with a durable dustless surface, for automobile circulation.
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- (b) Manufactured home parks containing fewer than ten units may be serviced by streets which are built in accordance with North Carolina Department of Transportation's standards for residential subdivisions. Manufactured home parks containing ten or more units shall be serviced by a central drive that is constructed in accordance with the requirements for a new neighborhood street as set forth in Chapter 13. Streets entering branching from the central drive shall also be built according to neighborhood street dimensions. However, a sidewalk and curb/gutter shall not be required.

- 1361 (c) Any tract of land to be developed as a manufactured home park must either have frontage  
1362 on a public (state or city-maintained) road or have a private right-of-way corridor to the  
1363 property. The minimum required length of the public road frontage or width of the private  
1364 right-of-way corridor (at its narrowest point) shall be 50 feet.
- 1365 (d) Off-site access shall have a minimum 20-foot cleared, unobstructed corridor, with a vertical  
1366 clearance of at least 14 feet to allow passage of emergency vehicles.
- 1367 (e) The grade of any road, existing or proposed, within an off-site private right-of-way corridor  
1368 used to access a manufactured home park shall not exceed 15 percent.
- 1369 (f) Publicly dedicated rights of way shall not be required, and maintenance of such streets shall  
1370 be provided for by the owner and/or operator of the manufactured home park.
- 1371 (g) Culs-de-sac shall not exceed 250 feet in length and shall be provided with a turnaround of  
1372 at least 60 feet in diameter. Streets or drives within the manufactured home park shall  
1373 intersect as nearly as possible at right angles, and no street shall intersect at less than 60  
1374 degrees. Where a street intersects a public street or road, the design standards of the North  
1375 Carolina Department of Transportation shall apply.
- 1376 (h) Proposed streets shall be named, and addresses for manufactured home spaces along such  
1377 streets assigned, by the Transylvania County Property Addressing Coordinator in  
1378 accordance with the provisions set forth in the City of Brevard Property Addressing  
1379 Ordinance or the Transylvania County Property Addressing Ordinance, as applicable.
- 1380 (i) A minimum of two automobile parking spaces (paved with a durable, dustless surface) shall  
1381 be provided adjacent to each manufactured home space, but shall not be located within any  
1382 public right-of-way or within any street in the park.
- 1383 (j) All spaces within a manufactured home park shall be serially numbered for mailing address  
1384 purposes. These numbers shall be displayed on each manufactured home space.

1385 13. Manufactured home space.

- 1386 (a) Each manufactured home space shall be clearly defined by means of concrete or iron pipe  
1387 markers placed at all corners.
- 1388 (b) Each manufactured home space shall be located on ground not susceptible to flooding and  
1389 graded so as to prevent any water from ponding or accumulating on the premises.
- 1390 (c) The manufactured home space shall be provided with anchors and tie-downs such as cast-  
1391 in-place concrete "dead men" eyelets embedded in concrete foundations or runways, screen  
1392 augers, arrowhead anchors, or other devices securing the stability of the manufactured  
1393 home. Each manufactured home unit shall comply with the above standards or similar  
1394 standards whichever are higher. Each manufactured home owner shall be responsible for  
1395 securing his individual manufactured home to anchors provided by the manufactured home  
1396 park operator.

1397 14. Utility requirements.

- 1398 (a) An accessible, adequate, and potable supply of water shall be provided in each  
1399 manufactured home park. All manufactured home parks within 300 feet of city water or sewer  
1400 shall connect thereto. When a municipal or public water supply is not available, a community  
1401 water supply shall be developed, and its supply used exclusively in accordance with the  
1402 standards of the Sanitary Engineering Division of the North Carolina Division of Health  
1403 Services and the Transylvania County Health Department. Evidence of the issuance of  
1404 necessary county or state permits shall be a condition of approval of any special use permit  
1405 for a manufactured home park.
- 1406 (b) Adequate and safe sewage disposal facilities shall be provided in all manufactured home  
1407 parks. Where a public sewage collection system is available, connection shall be made  
1408 thereto, and the system and sewage treatment plants complying with the requirements of  
1409 the North Carolina Division of Environmental Management shall be provided. Plans for

- 1410 sewage collection systems and treatment facilities shall be submitted to the North Carolina  
 1411 Division of Environmental Management. Individual septic tank systems can be considered,  
 1412 if soil, topography, and groundwater conditions are favorable. If septic tanks are used, they  
 1413 will be subject to approval by the Transylvania County Health Department.
- 1414 (c) All utilities within the proposed manufactured home park shall be located underground.
- 1415 (d) Failure to maintain an operational sewage disposal system shall constitute grounds for the  
 1416 revocation of a category III land development permit and the application of all applicable  
 1417 penalties as set forth in this ordinance.
- 1418 15. Solid waste.
- 1419 (a) The storage, collection, and disposal of solid waste in the manufactured home park shall be  
 1420 so conducted as to create no health hazards, rodent harborage, insect breeding areas,  
 1421 accident or fire hazards or pollution.
- 1422 (b) All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-  
 1423 proof containers, with a capacity of not more than 32 gallons, which shall be located not  
 1424 more than 150 feet from any manufactured home space. Containers shall be provided in  
 1425 sufficient number and capacity to properly store all solid waste containing garbage. The  
 1426 manufactured home park owner and/or operator shall be responsible for the proper storage,  
 1427 collection, and disposal of solid waste as specified by the Transylvania County Health  
 1428 Department.
- 1429 (c) Containers shall be installed in the ground or provided with stands. Such container stands  
 1430 shall be so designed as to prevent containers from being tipped, to minimize spillage and  
 1431 container deterioration, and to facilitate cleaning around them.
- 1432 (d) All solid waste garbage shall be collected at least once weekly. Where suitable collection  
 1433 service is not available from municipal or private agencies, the manufactured home park  
 1434 owner and/or operator shall dispose of the solid waste by collecting and transporting it in  
 1435 conformance with requirements and guidelines set forth by the North Carolina State Board  
 1436 of Health and the Transylvania County Health Department.
- 1437 16. Grounds, buildings, and structures.
- 1438 (a) These standards shall apply to all existing and new manufactured home parks within the  
 1439 regulatory jurisdiction of the City of Brevard.
- 1440 (b) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage  
 1441 and infestation. Extermination and control methods shall conform to the requirements of the  
 1442 County Health Department and/or North Carolina Department of Agriculture.
- 1443 (c) Parks shall be maintained free of accumulation of garbage, litter, or other debris which may  
 1444 provide rodent harborage or breeding places for flies, mosquitoes, and other pests, or which  
 1445 may pose other health or sanitation hazards, or which may contribute to an otherwise  
 1446 unsightly or unpleasant environment.
- 1447 (d) Storage areas shall be so maintained as to prevent rodent harborage and shall not pose a  
 1448 safety hazard to manufactured home park residents or guests. Lumber, pipe, and other  
 1449 building material shall be stored at least one foot above ground.
- 1450 (e) All manufactured homes shall be properly skirted with non-opaque wood, aluminum, vinyl,  
 1451 or other appropriate material. Plastic, plywood, particle board, carpet, or other atypical  
 1452 skirting material shall not be used.
- 1453 (f) Where the potential for insect and rodent infestation exists, all exterior openings in or  
 1454 beneath any structure shall be screened with wire mesh or other suitable materials.
- 1455 (g) Landscaping and vegetation in and around the manufactured home park shall at all times be  
 1456 maintained, and landscaping provisions of the park plan shall at all times be adhered to. The  
 1457 growth of bushes, weeds, and grass shall be controlled so as to prevent the harborage of

- 1458 ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the  
1459 growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds  
1460 considered detrimental to health. Open spaces and recreation areas shall be maintained free  
1461 of heavy undergrowth of any description.
- 1462 (h) No inoperable vehicle shall remain in a manufactured home park for a period longer than 60  
1463 days unless the vehicle is stored under a carport or within a garage.
- 1464 (i) Manufactured and mobile homes shall not be abandoned or stored within the regulatory  
1465 jurisdiction of the City of Brevard. Manufactured homes that have been disconnected from  
1466 active electricity, water, and sewage for a period exceeding 90 days shall be removed and  
1467 properly disposed of. Manufactured homes located outside of a manufactured home space  
1468 for a period to exceed 45 days shall be removed and properly disposed of.
- 1469 (j) Manufactured homes shall not be utilized for storage or other non-residential uses of any  
1470 type.
- 1471 17. Registration of occupant.
- 1472 (a) Every manufactured home park owner or operator shall maintain an accurate register. The  
1473 register shall be available for inspection at all times by authorized city representatives. The  
1474 register shall contain the following information on forms provided by the planning  
1475 department: (1) Name of owner and/or occupant; (2) manufactured home space number; (3)  
1476 make, model, registration number of manufactured home; and (4) date of arrival and  
1477 departure of the occupants. Records shall be maintained for a period of three years.
- 1478 18. Inspection and enforcement.
- 1479 (a) The park owner and/or operator shall notify park occupants of all applicable provisions of the  
1480 ordinance and inform them of their duties and responsibilities under this ordinance.
- 1481 (b) The person to whom a manufactured home park special use permit has been issued shall  
1482 operate the park in compliance with such special use permit, this ordinance, Brevard City  
1483 Code, Transylvania County Code (as applicable), and state and federal law, and shall  
1484 provide adequate supervision to maintain the park, its facilities and equipment in good repair  
1485 and in a clean and sanitary condition.
- 1486 (c) The City of Brevard Planning Department, the Transylvania County Health Department and  
1487 the Transylvania County Building and Inspections Department are hereby authorized and  
1488 directed to make such inspections as are necessary to determine satisfactory compliance  
1489 with this ordinance. It shall be the duty of the owners and/or operators or occupants of  
1490 manufactured home parks to give these agencies free access to such premises at  
1491 reasonable times for the purpose of inspection.
- 1492 (d) Upon observation of a violation, the administrator shall provide notification of such violation  
1493 and pursue enforcement action in accordance with Chapter 18.
- 1494 (e) So long as a violation exists the administrator shall not issue permits that would authorize  
1495 the placement, replacement, setup, or modification of a new or existing manufactured home  
1496 within the subject park.
- 1497 (f) If reasonable efforts to secure compliance are unsuccessful the administrator shall bring the  
1498 matter to a hearing before the BOA.
- 1499 (g) The BOA may revoke a manufactured home park special use permit or impose other  
1500 reasonable conditions for compliance therewith if the BOA finds that the park owner or  
1501 operator has failed to comply with the provisions of the special use permit or any provision  
1502 of this ordinance, Brevard City Code, Transylvania County Code (as applicable), or state or  
1503 federal law. Upon revocation of a manufactured home park special use permit, the BOA shall  
1504 set forth clearly in writing, the specific steps necessary to re-issuance of such special use  
1505 permit, and shall set forth a reasonable time frame for closure of the park that gives  
1506 deference to any tenants who will be displaced by such action.

1507 3.28. Swimming pools ~~permitted with standards.~~  
1508 ~~3.29. Subject to the requirements below, pools may be permitted with standards as residential~~  
1509 ~~accessory uses and structures within all districts except G1; by special use permit as a public recreational~~  
1510 ~~facility in RMX; by special use permit as a for-profit facility or public recreational facility in NMX; and~~  
1511 ~~permitted with standards as a for-profit facility or public recreational facility in all other districts except~~  
1512 ~~G1.~~

- 1513 A. All pools permitted as residential accessory uses and structures, whether above-ground or in-ground,  
1514 shall be built only in side or rear yards.
- 1515 B. The definition of a pool includes all structures, walks or patio areas of cement, stone, or wood, at or  
1516 above grade, built for, and used in conjunction with the pool.
- 1517 C. Pools, as defined above, shall be set back a minimum of five feet from all side and rear property lines.  
1518 Patio areas at grade have no setback requirements from rear and side lot lines.
- 1519 D. All swimming pools shall be designed to prevent unsupervised access by children. Pools shall be  
1520 enclosed within a secured structure or by an unclimbable privacy fence (with lockable self-latching  
1521 gate) with a minimum height of four feet and a maximum of eight.

1522 3.29. Contractors Offices and Equipment Sheds

Commented [JF3]: New standards to manage contractor office and sheds in GR4 zoning districts.

- 1523 A. Contractors Offices and Equipment Sheds are not permitted within the GR6 district.
- 1524 B. Contractors Offices and Equipment Sheds within the GR4 zoning district shall meet the following  
1525 standards.
- 1526 1. Equipment sheds, and any associated outdoor storage of materials or equipment, shall be set  
1527 back at least 20 feet from any property line.
- 1528 2. Equipment sheds, and any associated outdoor storage of materials or equipment, shall be  
1529 screened from neighboring properties and adjacent streets by a Type A buffer yard.
- 1530 3. Properties upon which a contractors office or equipment shed is proposed to be located shall  
1531 be a minimum of one (1) acre in size.

1532 3.30. - Fences and walls (all districts) permitted with standards.

- 1533 No fence shall be placed within the sight triangle of any intersection as specified in Chapter 4 of this  
1534 ordinance.
- 1535 A. All fences shall be constructed so that the best face faces outward from the parcel upon which it  
1536 is constructed and towards adjacent properties.
- 1537 B. All fences and walls shall be located off of any property line unless a fence or wall is shared  
1538 between property owners and constructed upon any property line with the express consent of all  
1539 property owners sharing the same property line.
- 1540 C. Fences and walls shall not be placed within public utility easements or public right-of-way without  
1541 first securing an encroachment agreement from the City of Brevard, the North Carolina  
1542 Department of Transportation, or other appropriate entity.
- 1543 D. Fence heights are restricted as follows:
- 1544 1. In industrial districts, and public safety and other critical facilities. Fences shall be no greater  
1545 than six feet in height before the front building line and no greater than eight feet in height in  
1546 the side or rear yard.
- 1547 2. All other districts and uses. Fences or walls shall be no greater than eight feet in height  
1548 behind the front building line or four feet in height before the front building line.

- 1549 E. Fence materials shall conform to the following requirements:  
 1550 1. *Residential districts:*  
 1551 (a) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other  
 1552 materials similar in appearance and durability, except that chain link or woven wire may  
 1553 be used in the side and rear yard behind the front building line.  
 1554 (b) All other wire fences, including barbed wire or concertina wire, are prohibited. All walls  
 1555 and fences in the front yard and the side yard up to the front building line shall be  
 1556 materially similar to other walls and fences in the same block or general vicinity.  
 1557 2. *Commercial districts:*  
 1558 (a) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other  
 1559 materials similar in appearance and durability.  
 1560 (b) Chain link wire fences may be used as secure enclosures internal to the property or site  
 1561 subject to the following requirements:  
 1562 (1) Chain link fences shall not be visible from a public right-of-way,  
 1563 (2) Chain link fences shall not serve as a perimeter fence or property line fence unless  
 1564 buffered by a type A buffer yard on all side, and then only in the side or rear yard  
 1565 behind the front building line.  
 1566 (c) All other wire fences, including barbed wire or concertina wire, are prohibited.  
 1567 (d) All walls and fences shall be materially similar to other walls and fences in the same  
 1568 block or general vicinity.  
 1569 3. *Industrial districts, public safety facilities, and other critical facilities:*  
 1570 (a) *Materials:*  
 1571 (1) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other  
 1572 materials similar in appearance and durability, and shall be materially similar to  
 1573 other walls and fences on the same block or general vicinity.  
 1574 (2) Chain link wire fences may be used as secure enclosures internal to the property  
 1575 or site but shall not be visible from a public right-of-way, and shall not serve as a  
 1576 perimeter fence or property line fence unless buffered by a type A buffer yard on  
 1577 all side. Fences that comply with this subsection may be topped with barbed wire  
 1578 or concertina wire.  
 1579 4. *[Barbed wire:]* Barbed wire may be permitted within bona-fide agricultural operations within  
 1580 any zoning district.

1581 3.31. - Human crematories.

- 1582 A. Human crematories may be permitted as accessory uses to licensed funeral establishments  
 1583 ("funeral homes") within NMX, DMX, CMX, and IC zoning districts, and as a principle use in IC,  
 1584 provided that such location does not create activity or conditions inimical to the normal  
 1585 commercial activities of the district.  
 1586 B. Human crematories may be permitted as principle uses within GI zoning districts.  
 1587 C. Under no circumstances shall a crematory permitted as an accessory use exceed 533 cremations  
 1588 per year. All crematories shall adhere to the rules and regulations as prescribed in NCGS § 90-  
 1589 210.120, "The North Carolina Crematory Act" and Title 21, Chapter 34, Subsection 34C of North  
 1590 Carolina Administrative Code.  
 1591 i. Crematories permitted as accessory uses shall provide an annual report to the City Zoning  
 1592 Administrator certifying the number of cremations performed in the calendar year does not exceed  
 1593 533 cremations.

- 1594 D. Crematories shall only employ equipment that is contemporary and recognized by the industry
- 1595 and the North Carolina Board of Funeral Service and North Carolina Cremation Authority, as
- 1596 "Best Available Technology."
- 1597 E. The Administrator may impose such additional, site-specific conditions specific as are necessary
- 1598 in order to protect the health, safety and general welfare of the public and to maintain conditions
- 1599 inimical to the normal activities of the district.

1600 ~~3.32. Reserved~~

1601 3.32. Artist Workshops within GR districts

- 1602 A. The Administrator shall not permit an Artist Workshop if he or she makes a reasonable
- 1603 determination that the hammering, drawing, spinning, or casting of metal would be discernable
- 1604 from an adjacent property by sound, sight or smell.

Commented [JF4]: New standard to limit impact of metalworking in artist workshops in GR districts.

1605 3.33. Accessory retail.

1606 Accessory retail uses shall comply with the following standards:

- 1607 A. Accessory retail uses shall be directly related to and accessory to a conforming, principal use.
- 1608 B. Products offered for sale within accessory retail uses shall be products which are produced or
- 1609 processed by the associated principal use, or which are directly related to, and offered in support
- 1610 of, products which are produced or processed by the associated principal use. For example, a
- 1611 manufacturer of bicycles may operate an accessory retail use wherein bicycles, which were
- 1612 manufactured within the principal use, are offered for direct, on-premises retail sale. Bicycle
- 1613 accessories (such as tires, helmets), which were not produced by the manufacturer but which
- 1614 clearly relate to and support products which are produced or processed by the principal use, may
- 1615 also be offered for sale. However, products that do not clearly relate to and support products
- 1616 which are produced or processed by the principal use (such as back packing or rock climbing
- 1617 gear in the case of the bicycle manufacturer) cannot be offered for retail sale.
- 1618 C. Accessory retail uses shall comply with all applicable standards of federal, state or local law that
- 1619 would otherwise apply to retail oriented principal uses. For example, parking areas serving
- 1620 accessory retail uses within a General Industrial zoning district shall comply with the surfacing
- 1621 requirements of the City of Brevard Unified Development Ordinance, Chapter 10, Parking
- 1622 Standards, Subsection 10.6.A.1.
- 1623 D. Accessory retail uses are limited to an area that is equivalent to 20 percent of the gross floor area
- 1624 of the structure(s) containing the principal use.
- 1625 E. Accessory retail uses shall be indoors, and shall not include the outdoor display of products or
- 1626 merchandise.

1 CHAPTER 5. - BUILDING TYPES AND ARCHITECTURAL STANDARDS

2

3 5.1. - Purpose and intent.

4 The rich architectural vocabulary of the City of Brevard presents a wide variety of development  
5 opportunities using traditional forms while avoiding any perception of monotony. Buildings that are stylized  
6 in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed  
7 architecture is the result of a "corporate" or "franchise" design. The standards in this chapter are intended  
8 to attach the same or greater level of importance to the overall building design as is placed on the use  
9 contained within. Buildings are expected to long-term additions to the architectural vibrancy of the  
10 community.

11 5.2. - Applicability.

12 With the exception of single-family and two-family residential and industrial development as specifically  
13 referenced herein, the standards contained in this chapter shall apply throughout the jurisdiction of this  
14 ordinance, regardless of the underlying zoning district provisions.

15 5.3. - Exceptions.

16 A. While it is expected that some new building types will be introduced to the city, these variations should  
17 be based upon the predominant types listed in this chapter. Innovative planning or design ideas for  
18 development in any district where the proposed building types are different than those allowed by the  
19 base district requirements may be approved as a special use permit by the board of adjustment in  
20 accordance with the provisions of Chapter 16 of this ordinance.

21 B. Synthetic and other materials may be substituted for required building materials when the substitute  
22 materials are similar in appearance and equal or exceed the durability of the original material.

23 C. Single-family and duplex structures 4,000 square feet and smaller are exempt from the provisions of  
24 this chapter, unless otherwise specified herein.

25 D. Structures in General Industrial (GI) Districts are exempt from the provisions of this Chapter unless  
26 otherwise specified herein.

27 5.4. - General building design requirements.

28 Unless otherwise noted, the following standards apply to all buildings:

29 A. *Architectural style:* The building design standards of this chapter intentionally do not mandate a  
30 particular style and permit a wide variety of architectural expressions. However, when a design  
31 exhibits a known architectural style (e.g., Colonial, Victorian, Classical Revival) the details shall  
32 be consistent with that style unless the local architectural vernacular of Brevard provides an  
33 alternate precedent for a detail.

34 B. *Frontage:* All buildings shall share a frontage line with a street or square. (Exception: Building that  
35 are interior to a site that has buildings that otherwise meet the frontage requirement.)

36 C. *Termination of vistas:* Important street vistas, such as along city gateways and primary pedestrian  
37 streets, should terminate in a focal point such as a building or other architectural or natural feature.

38 D. *Compatibility:* Adjacent buildings should relate in similarity of scale, height, architectural style,  
39 and/or configuration.

40 E. *Proportions:* Windows, doors, columns, eaves, parapets, and other building components shall be  
41 proportional to the overall scale of the building. Windows shall be vertically proportioned wherever  
42 possible.

- 43 F. *Wall materials:* When two or more materials are used on a facade, the heavier material (e.g.,  
44 brick) should be placed below the lighter material (e.g., siding) to give a sense of support and  
45 grounding.



- 46  
47 Facade elements such as doors and windows should be proportional (5.4 E).

- 48 G. *Underground wiring:* To reduce the visual impact of overhead wiring, utility services shall be  
49 located underground.
- 50 H. *Type of construction:* Manufactured, mobile, and metal units are prohibited, except as may be  
51 allowed in Chapter 3 for a temporary office or classrooms, site management, or storage uses  
52 during construction projects.
- 53 I. *Roof pitch:* Roofs with pitches less than 3:12 and flat roofs will require a parapet wall. A pitched  
54 roof shall be profiled by eaves a minimum of six inches from the building face or with a gutter.



- 55  
56 Provide eaves with pitched roofs.

- 57 J. *Public art:* Public art, such as statues, fountains, and other works of art are encouraged and may  
58 be placed in any required front setback area as well as in other appropriate areas.
- 59 K. *Facade treatment:*
- 60 1. Architectural elements such as windows, doors, bulkheads, masonry piers, transoms,  
61 cornice lines, window hoods, awnings, canopies, and other similar details, shall be used on  
62 all facades facing public rights-of-way.



- 63  
64 Storefronts should provide windows and doors along their street frontage (5.4 K.1)
- 65 2. Building wall offsets, including projections, recesses, and changes in floor level shall be used  
66 in order to:



Manufacturing/Wholesale/Storage		X					X	X
Civic/Institutional	X	X					X	

81

82 5.6. - Permitted building type by district.

83 The following table indicates the permitted building type requirements by district. An "X" indicates that  
84 the specific building type and its requirements are applicable.

Building Type	Zoning District							
	GR	RMX	RAMX	NMX	DMX	CMX	IC	GI
Civic	X	X	X	X	X	X	X	
Institutional	X	X	X				X	
House	X	X	X	X	X		X	
Townhouse	X	X	X	X	X	X	X	
Apartment		X	X	X	X	X	X	
Mixed-Use			X	X	X	X	X	
Commercial			X			X		

Commented [JF2]: Define allowable building types in new RAMX district.

85

86 5.7. - Building type: Civic.

87 A. *Description:* The civic building is the most important building type in the city. It serves equally as a  
88 landmark and a public gathering place. Such buildings should be constructed as permanent additions  
89 to the long-term vibrancy of the city and should exemplify the very best architectural designs and  
90 building practices.

91 B. *Applicability:* The civic building type includes public buildings, such as city halls and libraries, semi-  
92 public buildings, such as museums and observatories, and private buildings such as churches and  
93 synagogues.



94

95

96 **Courthouse**



97

98

99 **Church**

100 (Note the termination of the street vista)

101 C. **General requirements:** Because of the unique characteristics of civic buildings, they are generally  
102 exempt from the standards imposed on other buildings in this chapter with the following exceptions:

- 103 1. They shall be built so that they terminate a street vista whenever possible.  
104 2. They shall be of sufficient design to create visual anchors for the community.

105 5.8. - Building type: Institutional.

106 A. **Description:** Institutional buildings often serve as landmarks and public gathering places. Like civic  
107 buildings, such buildings should be constructed as permanent additions to the long-term vibrancy of  
108 the city and should exemplify the very best architectural designs and building practices.

109 B. **Applicability:** The institutional building type applies to governmental offices, schools, hospitals and  
110 long-term care facilities, post offices, and non-profit or charitable clubs and organizations.



111

112

113 *College Campus*



114

115

116 *School*

117 C. *General requirements:*

- 118 1. They should be of sufficient design to create visual anchors for the community.
- 119 2. Building(s) incidental to the principal structure shall be situated at least 20 feet behind the front
- 120 facade of the principal structure; if there is more than one building incidental to the principal
- 121 structure, they shall be arranged to create secondary gathering spaces within the lot.
- 122 3. Building walls shall be clad in clapboard, stone, stucco, cementitious fiber board, brick, or marble.
- 123 Decorative concrete masonry units (CMU), exterior insulation finishing systems (EIFS) and/or
- 124 vinyl siding may be used as a primary element only on facades not facing public streets and may
- 125 be used as a secondary element on other walls.
- 126 4. Flat roofs are allowed; however, principal buildings adjacent to residential structures are
- 127 encouraged to have pitched roofs or similar architectural features to ensure compatibility.

128 5.9. - Building type: Single family structure (house).

- 129 A. *Description:* The house is the predominant building type in the City of Brevard. It is flexible in use,
- 130 accommodating single family uses, multi-family uses up to four units, home occupations, professional
- 131 offices, and limited retail uses based on the district in which it is located. The two types of houses
- 132 addressed herein are distinguished by how the lot is accessed with an automobile. Hence, there are
- 133 different standards for lots accessed by a driveway from a fronting street and for lots accessed by a
- 134 rear lane or alley. In general, within a block, building types should be uniform in their use of driveways
- 135 or rear lanes/alleys.
- 136 B. *Applicability:* These requirements shall apply to single-family and duplex structures with a ground floor
- 137 square footage greater than 4,000 square feet.
- 138 C. *Yards:* The house typically has four yards (front/two sides/rear) though variations include setting the
- 139 building on one of the side property lines to create a larger side yard on the opposite side (e.g.,
- 140 Charleston Single)



141

142

143 **House with Driveway**



144

145

146 **House with Rear Lane/Alley**

147 **D. General requirements:**

- 148 1. Usable porches and stoops should be used as a primary architectural element of the building  
149 design and be located on the front and/or side of the home. Useable front porches are at least  
150 eight feet deep and extend more than 50 percent of the facade.
- 151 2. Garages with front loading bays (if permitted) shall be recessed from the front facade of the house  
152 and visually designed to form a secondary building volume. All garages with more than two bays  
153 shall be turned such that the bays are not visible from the street. The width of an attached garage  
154 shall not exceed 40 percent of the width of the building facade.

155 3. With the exception of single-family homes on lots with a width greater than 60 feet, all front  
156 entrances shall be raised from the finished grade (at the frontage line) a minimum of 1½ feet to  
157 provide privacy.

158 E. *Materials:*

159 1. Residential building walls shall be primarily clad in one or more of the following materials: wood  
160 clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board  
161 and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance  
162 and durability.

163 2. Residential roofs shall be clad in wood shingles, standing seam metal, terra cotta, slate, dimensional  
164 asphalt shingles or synthetic materials similar and/or superior in appearance and durability.

165 F. *Other requirements:*

166 1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12  
167 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main  
168 building. No monopitch roof shall be pitched less than 4:12.

169 2. Two wall materials may be combined horizontally on one facade. The heavier material should be  
170 vertically placed below the other material.

171 3. The undercroft of buildings shall be enclosed.

172 4. Overhanging eaves may expose rafters.

173 5. Flush eaves shall be finished by profiled molding or gutters.



174

175

176 *Single-Family Homes with Alley*



177

178

179 *Single-Family Homes with Driveway*



180

181

182 **Duplex**



183

184

185 **Triplex**



186

187

188 **Quadraplex**



189

190

191 **Professional Offices**

192 5.10. - Requirements for manufactured homes.

- 193 A. In addition to the above criteria, a manufactured home must bear a seal certifying that it meets or  
 194 exceeds the construction standards promulgated by the U.S. Department of Housing and Urban  
 195 Development that were in effect at the time of construction. Manufactured homes must further comply  
 196 with each of the following additional criteria:
- 197 1. Manufactured or mobile homes constructed prior to December 31, 1981 shall not be permitted  
 198 within the regulatory jurisdiction of the City of Brevard.
  - 199 2. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured  
 200 home shall be installed and constructed in accordance with the standards set by the N.C.  
 201 Department of Insurance.
  - 202 3. Manufactured homes shall be set up on the site in accordance with the standards set by the N.C.  
 203 Department of Insurance.
  - 204 4. The tongue, axes, transporting lights, and removable towing apparatus shall be removed after  
 205 placement on the lot and before occupancy.
  - 206 5. Within 30 days following setup, manufactured homes shall be fitted with skirting in compliance  
 207 with the following:
    - 208 i. Skirting of the lower area below the floor level shall be required on all manufactured home  
 209 units.
    - 210 ii. Skirting shall be of such material and color to blend with the color, material, fabric and/or  
 211 design of the mobile home itself.
  - 212 6. A permanent foundation, wall or basement, constructed in compliance with the N.C. Department  
 213 of Insurance regulations, may be erected to support any mobile home unit in lieu of the above  
 214 requirements for skirting.
- 215 B. Manufactured homes shall not be used for nonresidential purposes.
- 216 5.11. - Building type: Townhouse.
- 217 A. *Description:* The townhouse is a building with two or more residential units that are located side-by-  
 218 side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The  
 219 uses permitted within the building is determined by the regulations in place for the district in which it is  
 220 located.



221

222

223 *Attached House*

224 B. *Yards:* The townhouse typically has one yard (rear) though variations include a small front setback  
225 often used for landscaping.

226 C. *General requirements:*

227 1. The bulk and scale of townhouse infill development shall be similar to and consistent with the  
228 surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and  
229 surrounding the proposed development. All buildings should be designed to adhere to the existing  
230 architectural pattern of the surrounding neighborhood.

231 2. Useable porches and stoops should form a predominate motif of the building design and be  
232 located on the front and/or side of the building. Useable front porches are at least eight feet deep  
233 and extend more than 30 percent of the facade.

234 3. Garage doors are not permitted on the front elevation of any townhouse.

235 4. All building elevation visible from the street shall provide doors, porches, balconies, and/or  
236 windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and  
237 rear building elevations shall meet this standard. "Percent of elevation" is measured as the  
238 horizontal plane (lineal feet) containing doors, porches, balconies, terraces, and/or windows. This  
239 standard applies to each full and partial building story.

240 5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line)  
241 a minimum of 1½ feet.

242 6. All townhouse buildings shall provide detailed design along all elevations. Detailed design shall  
243 be provided by using as many of the following architectural features on all elevations as  
4 appropriate for the proposed building type and style (may vary features on rear/side/front  
45 elevations):

246 i. Dormers.

247 ii. Gables.

248 iii. Recessed entries.

249 iv. Covered porch entries.

250 v. Cupolas or towers.

251 vi. Pillars or posts.

252 vii. Eaves (minimum ten-inch projections which may include gutter).

253 viii. Off-sets in building face or roof (minimum 16 inches).

254 ix. Window trim (minimum four inches wide).

255 x. Bay windows.

256 xi. Balconies.

257 xii. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and  
258 similar features).

259 xiii. Decorative cornices and roof lines (for flat roofs).



260

261

262 **Multi-Family Townhomes with Alley**



263

264

265 **Multi-Family Townhomes with Alley**



266

267

268 **Multi-Family Townhomes with Driveways**



269

270

271 **Live-Work Units**

272

D. **Materials:**

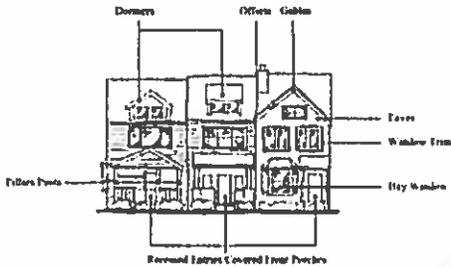
273 1. Residential building walls shall be one or more of the following: wood clapboard, cementitious  
274 fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone,  
275 stucco, or vinyl.

276 2. Residential roofs shall be clad in wood shingles, standing seam metal, terme, slate, and/or  
277 asphalt shingles.

278 E. *Other requirements:*

279 1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12  
280 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main  
281 building. No monopitch roof shall be pitched less than 4:12.

282 2. Two wall materials may be combined horizontally on one facade. The heavier material should be  
283 vertically placed below the other material.



284

15

286 **Townhome Buildings**

287 3. The undercroft of buildings shall be enclosed.

288 4. All buildings should be designed to adhere to the existing architectural pattern of the surrounding  
289 neighborhood.

290 5. Overhanging eaves may expose rafters.

291 6. Flush eaves shall be finished by profiled molding or gutters.

292 7. All rooftop equipment shall be screened from view.

293 5.12. - Building type: Apartment.

294 A. *Description:* A multiple unit building with units vertically arranged (generally) and with parking located  
295 below or behind the building. Units may be for used rent or for sale in condominium ownership or may  
296 be designed as continuing care facilities. The ground floor may be available for commercial uses. The  
297 use permitted within the building is determined by the district in which it is located.

298 B. *Yards:* An apartment building typically has one yard (rear) though variations include a small front  
299 setback often used for landscaping.



300

301

302 **Apartment**

303 **C. General requirements:**

304 1. The bulk and scale of apartment infill development shall be similar to and consistent with the  
305 surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and  
306 surrounding the proposed development. All buildings should be designed to adhere to the existing  
307 architectural pattern of the surrounding neighborhood.

308 2. Useable porches and stoops should form a predominate motif of the building design and be  
309 located on the front and/or side of the building. Useable front porches are at least eight feet deep  
310 and extend more than 30 percent of the facade.

311 3. Garage doors are not permitted on the front elevation of any apartment building.

312 4. All building elevations visible from the street shall provide doors, porches, balconies, and/or  
313 windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and  
314 rear building elevations shall meet this standard. "Percent of elevation" is measured as the  
315 horizontal plane (liner feet) containing doors, porches, balconies, terraces, and/or windows. This  
316 standard applies to each full and partial building story.

317 5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line)  
318 a minimum of 1½ feet.

319 6. Apartment buildings shall provide detailed design along all elevations. Detailed design shall be  
320 provided by using as many of the following architectural features on all elevations as appropriate  
321 for the proposed building type and style. Features may vary between rear, side and front  
322 elevations.

323 i. Dormers.

324 ii. Gables.

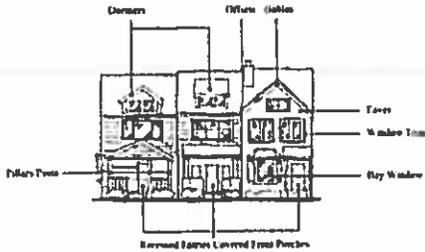
325 iii. Recessed entries.

326 iv. Covered porch entries.

327 v. Cupolas or towers.

328 vi. Pillars or posts.

- 329           vii. Eaves (minimum ten-inch projection which may include gutter).
- 330           viii. Off-sets in building face or roof (minimum 16 inches).
- 331           ix. Window trim (minimum four inches wide).



332

333

334 **Apartment Buildings**

- 335           x. Bay windows.
- 336           xi. Balconies.
- 337           xii. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features).
- 338           xiii. Decorative cornices and roof lines (for flat roofs).

339           D. **Materials:**

- 341           1. Apartment building walls shall be wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or vinyl.
- 342
- 343           2. Apartment building roofs shall be clad in wood shingles, standing seam metal, terra, slate, or asphalt shingles.
- 344

345           E. **Other requirements:**

- 346           1. Main roofs on apartment buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall pitched be less than 4:12.
- 347
- 348
- 349           2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.
- 350
- 351           3. The undercroft of buildings shall be enclosed.
- 352           4. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
- 353
- 354           5. Overhanging eaves may expose rafters.
- 355           6. Flush eaves shall be finished by profiled molding or gutters.
- 356           7. All rooftop equipment shall be screened from view.



357

358

359 **Multi-Family Development**



360

361

362 **Multi-Family Development**



363

364

365 **Eightplex**



366

367  
368 **Multi-Family Development**

369 5.13. - Building type: Mixed-use.

370 A. *Description:* A multi-story small scale structure which can accommodate a variety of uses. A group of  
371 mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use  
372 buildings can be used to provide some commercial services, such as a neighborhood store, in close  
373 proximity to homes. The uses permitted within the building are determined by the regulations for the  
374 zoning district in which it is located.



375

376  
377 **Office Over Retail/Restaurant**



378

379  
380 **Office Over Retail/Office**



381

382  
383 **Residential/Office Over Retail**



- 397 1. Mixed-use building shall have a minimum of two stories.
- 398 2. Street walls: The first floors of all mixed-use buildings shall be designed to encourage and  
399 complement pedestrian-style interest and activity by incorporating the following elements:
- 400 i. The first floor of all buildings fronting directly on a street shall include transparent windows  
401 and doors arranged so that the uses inside are visible from and/or accessible to the street  
402 on at least 40 percent of the length of the first floor building elevation.
- 403 ii. Expanses of blank walls may not exceed 20 feet in length. (A "blank wall", in this context, is  
404 a facade that does not contain transparent windows or doors).
- 405 iii. Window dimensions:
- 406 (1) Maximum sill height (1st floor): 42 inches (as measured from the finished floor  
407 elevation).
- 408 (2) Minimum area: 16 square feet.
- 409 (3) Minimum width: 3 feet.
- 410 (4) Minimum height: 4 feet.
- 411 3. Ventilation grates and emergency exit doors located at the first floor level in the building facade,  
412 which are oriented to any public street, shall be decorative.
- 413 4. Building entrances: A primary entrance facade shall be oriented toward the street, designed for  
414 the pedestrians, and distinguishable from the rest of the building. Such entrances shall provide a  
415 sense of entry and add variety to the streetscape. Additional entrances may be oriented toward  
416 side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from  
417 the public street.
- 418 5. A building canopy, awing, or similar weather protection may be provided and should project a  
419 minimum of three—five feet from the facade.

420 D. *Materials:*

- 421 1. Mixed use building walls shall be brick, stone, cementitious fiber board, stucco, or wood  
422 clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building  
423 walls not visible from a public street or as an accent material only. All accessory buildings shall  
424 be clad in materials similar in appearance to the principal structure.
- 425 2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, or  
426 asphalt shingles.

427 5.14. - Building type: Commercial building.

- 428 A. *Description:* A single or multi-story medium to large structure which generally accommodates  
429 automobile-oriented commercial uses typically found along major thoroughfares. A group of  
430 commercial buildings can be combined to form a community center. This building type provides  
431 convenient automobile access from the fronting thoroughfare, while maintaining the negative impacts  
432 of parking lots on an active pedestrian realm. The uses permitted within the building are determined  
433 by the regulations for the zoning district in which it is located.



434

435  
436 **Retail**



437  
438  
439 **Grocery Store**



440  
441  
442 **Retail along Thoroughfare**



443  
444  
445 **Pharmacy with Drive-Thru**



446  
447  
448 **Fast-food Restaurant**

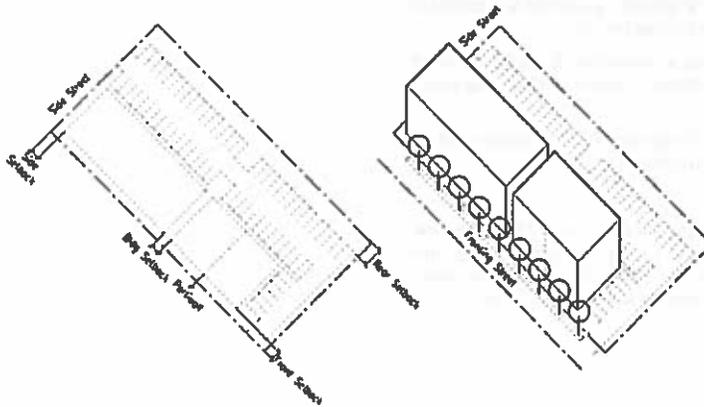


449

450

451 **Gas Station**

- 452 B. **Yards:** The commercial building typically has one yard (rear) though variations include a small front  
 453 plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot  
 454 coverage where parking is handled in a manner other than on-site surface parking.



455

456

457 **Commercial Building**

- 458 C. **General requirements:**

- 459 1. **Street walls:** The first floors of all commercial buildings shall be designed to encourage and  
 460 complement pedestrian-style interest and activity by incorporating the following elements:
- 461 i. The first floor of all buildings fronting directly on a street shall include transparent windows  
 462 and doors arranged so that the uses inside are visible from and/or accessible to the street  
 463 on at least 40 percent of the length of the first floor building elevation.
  - 464 ii. Expanses of blank walls may not exceed 20 feet in length. (A "blank wall", in this context, is  
 465 a facade that does not contain transparent windows or doors.)
  - 466 iii. Window dimensions:
    - 467 (1) Maximum sill height (1st floor): 42 inches measured from the finished floor elevation
    - 468 (2) Minimum area: 16 square feet.

- 469 (3) Minimum width: 3 feet.  
470 (4) Minimum height: 4 feet.  
471 iv. Ventilation grates and emergency exit doors located at the first floor level in the building  
472 facade, which are oriented to any public street, shall be decorative.

473 D. *Materials:*

- 474 1. Commercial building walls shall be brick, stone, cementitious fiber board, stucco or wood  
475 clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building  
476 walls not visible from a public street or as an accent material only. All accessory buildings shall  
477 be clad in materials similar in appearance to the principal structure.  
478 2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, or  
479 asphalt shingles.

480 5.15. - Requirements for tall structures.

481 The following requirements shall apply to those structures for which a special use permit is required in  
482 order to exceed the maximum "by right" height requirements as set forth in Chapter 02.

- 483 A. Applicants shall submit a profile of the proposed structure and a rendering of the relationship  
484 between the proposed structure and the surrounding skyline formed by existing structures within  
485 500 feet of the proposed structure.  
486 B. Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be  
487 required which complement the character of adjoining and nearby structures.  
488 C. All other applicable requirements of this ordinance shall apply.  
489 D. The zoning board of adjustment (or city council when considered as part of a Planned  
490 Development District) may, on its own initiative or in consideration of recommendations of the  
491 administrator, the community appearance commission, and/or the technical review committee,  
492 impose other conditions as may be necessary to protect the health, safety, and welfare of the  
493 general public and the character of the surrounding neighborhood.

494 (Ord No 15-08, § 14, 12-5-08)

495 5.16. - Additional requirements for large structures.

- 496 A. *Applicability:* These standards shall apply to newly constructed structures or existing structures  
497 undergoing substantial improvement that meet the following criteria:  
498 1. Any single structure with a gross floor area of 100,000 square feet or greater.  
499 2. Any single structure or grouping of two or more structures with a combined total gross floor area  
500 of 100,000 square feet or more when:  
501 i. Such structures are joined by a fire wall or partwall; and  
502 ii. Such structures are under the same ownership, or are undergoing improvement under a  
503 single land development permit, or have been approved under the same development  
504 authorization.  
505 3. Where indicated with an (l), such standards shall apply to industrial structures.  
506 B. *Additions to existing structures:*  
507 1. These standards shall apply to additions to existing structures when such addition equals or  
508 exceeds ten percent of the ground floor area of the original structure.  
509 2. These standards shall apply to the original portion of the structure to which the addition is being  
510 made when:

- 511 i. Renovation is being made to the original structure; and,  
512 ii. Such renovation equals or exceeds 50 percent of the appraised value of the original  
513 structure.
- 514 3. Modifications to or waiver of requirements:
- 515 i. The approving authority may modify or waive a requirement of this section upon determining  
516 the following:
- 517 (1) Such requirement would serve no useful purpose.  
518 (2) When applicable to pre-existing, non-conforming structures, compliance with such  
519 requirement would be impossible or unreasonably burdensome due to constraints  
520 imposed by the original design of the existing structure.  
521 (3) Such requirements would impose an unreasonable hardship upon the applicant.
- 522 ii. When considering a request to modify or waive a requirement under this section, the  
523 approving authority shall verify, in consultation with the administrator and the city engineer,  
524 that no other reasonable options exist to achieve compliance with these standards.
- 525 4. These requirements are expressed as performance standards. It shall be the responsibility of the  
526 applicant to provide engineer-certified documentation that these requirements have been or shall  
527 be met for any newly constructed structure to which these standards apply. The administrator  
528 may, in consultation with the city engineer, take steps to verify that these requirements have been  
529 or will be met.
- 530 5. Failure to comply with these standards shall constitute grounds for revocation of the special use  
531 permit.
- 532 C. *Requirements:*
- 533 1. Large structures shall require the submission of a traffic impact study in accordance with Chapter  
534 17 of this ordinance. Any improvements recommended by a traffic impact study shall be  
535 constructed by the applicant as a condition of approval.
- 536 2. All buildings shall provide secure bicycle storage capable of serving building users. One bicycle  
537 space shall be provided for every 20 automobile parking spaces, with a minimum of one five-  
538 bicycle rack provided near each building entrance regardless of the number of parking spaces  
539 provided.
- 540 3. Provide preferred parking for carpools or vanpools capable of serving five percent of all building  
541 users (measured at peak periods).
- 542 4. Heat island effect: The performance standards contained herein are intended to reduce heat  
543 islands (thermal gradient differences between developed and undeveloped areas), thereby  
544 minimizing the impact on microclimate and human and wildlife habitat.
- 545 i. *Non-roof areas:*
- 546 (1) Provide shade (within five years of landscape installation), use light-colored/high-  
547 albedo materials with a solar reflectance index (SRI) of at least 29, and use open grid  
548 pavement for at least 50 percent of the site's non-roof impervious surfaces, including  
549 parking areas, walkways, plazas, fire lanes, etc.; or,
- 550 (2) Place a minimum of 50 percent of parking spaces underground or covered by structured  
551 parking; or,
- 552 (3) Use an open-grid pavement system (less than 50 percent impervious) for a minimum  
553 of 50 percent of the parking lot;
- 554 ii. *Roof areas:*

- 555 (1) Use roofing materials having a solar reflectance index (SRI) as required in the following  
 556 table for a minimum of 75 percent of the roof surface; or,  
 557 (2) Install a "green" (vegetated) roof for at least 50 percent of the roof area.  
 558 (3) Combinations of high albedo and vegetated roof can be used if they meet, in  
 559 combination, the following criteria:  
 560 
$$\text{Total Roof Area} < = (\text{Area of SRI Roof} * 1.33) + (\text{Area of green roof} * 2)$$

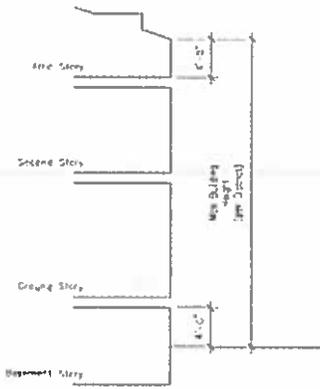
Roof Type	Slope	SRI
Low-Sloped Roof	≤ 2:12	78
Steep-Sloped Roof	> 2:12	29

- 561
- 562 5. CFC reduction in HVAC&R equipment required:
- 563 i. The purpose of this provision is to reduce ozone depletion.
- 564 ii. There shall be no use of CFC-based refrigerants in new base building HVAC&R systems.  
 565 When reusing existing base building HVAC equipment, complete a comprehensive CFC  
 566 phase-out conversion.
- 567 6. Facade requirements: The requirements shall apply to all facades that face a public or private  
 568 street (except alleys) and to facades that are oriented so as to be visible from a public or private  
 569 street. Rear service areas shall be screened so as to not be visible from adjacent properties, and  
 570 shall comply with these requirements if visible from any street with a classification greater than  
 571 an alley or commercial service street.
- 572 i. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane  
 573 projections or recesses having a depth/projection of at least three percent of the length of  
 574 the facade and extending horizontally for at least 20 percent of the length of the facade.
- 575 ii. No portion of the facade shall extend more than 20 feet in length without incorporating a  
 576 break as described in the preceding paragraph.
- 577 iii. No less than 60 percent of the horizontal length of ground floor shall have arcades, display  
 578 windows, entry areas, awnings, or other such features.
- 579 iv. No less than 60 percent of the horizontal length of ground floor facades shall be transparent  
 580 between the height of three feet and eight feet above the walkway grade.
- 581 7. Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be  
 582 required which will complement the character of adjoining and nearby structures.
- 583 (Ord. No. 15-08, §§ 15. 16, 12-5-08)
- 584 5.17. - Encroachments.
- 585 Certain architectural features are permitted to encroach across parcel lines, into setback areas, and  
 586 into rights-of-way. The following standards shall be established for encroachments:
- 587 A. *Awnings*: Awnings on structures within commercial and mixed-use zoning districts may encroach  
 588 upon the front setback area and rights-of-way provided that the following conditions are met:

- 589 1. Awnings shall be supported by means of a frame attached directly to the structure receiving  
590 beneficial use of the awning. In no case shall awnings be supported by a frame attached to  
591 a sidewalk or other public right-of-way.
- 592 2. Storefront awnings projecting the width of the sidewalk pedestrian zone must be attached to  
593 the building at 14 feet above the grade of the sidewalk. Awnings may only project two-thirds  
594 the width of the sidewalk pedestrian zone if attached lower than 14 feet above the grade of  
595 the sidewalk.
- 596 3. Awnings shall not project into the furniture/landscape zone of any sidewalk, nor over a street  
597 or adjacent on-street parking, and, in no event, shall they project further than seven feet from  
598 the face of the building.
- 599 4. The lowest point of any awning shall be at least nine feet above the grade of the sidewalk.
- 600 5. All awnings in other zoning districts shall be considered a part of the structure for purposes  
601 of measuring and complying with area and setback regulations.
- 602 B. *Handicapped ramps:* The administrator may approve the installation of handicapped landings,  
603 ramps, and similar structures as additions to existing structures, even though such additions do  
604 not meet the minimum setback requirements of this ordinance, provided such additions meet the  
605 following criteria:
- 606 1. They are intended for the sole purpose of providing handicapped access to an existing  
607 structure.
- 608 2. They fully conform to North Carolina Building Code and are designed to minimize setback  
609 deviations to the maximum extent possible.
- 610 3. Prior to the issuance of any permit the administrator shall inspect the site of the proposed  
611 addition and may impose such conditions as are necessary to minimize any conflicts that  
12 may arise from the construction thereof, including the encroachment of such additions upon  
13 setback lines.
- 614 4. No such addition shall encroach into a public or private right-of-way or easement, regulatory  
615 floodway, or surface water protection area.

616 5.18. - Computation of building height.

- 617 A. "Building height" is measured as the vertical distance above a reference elevation measured to the  
618 parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. The  
619 height of a terraced or stepped building is the maximum height of any segment of the building. The  
620 height limitations of this Code shall not apply to church spires, belfries, cupolas, and domes not  
621 intended for human occupancy, monuments, water towers, observation towers, transmission towers,  
622 chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from  
623 appropriate authorities is submitted to the effect that such building or structure will not interfere with  
624 any airport zones or flight patterns.
- 625 B. The reference elevation shall be selected using the greater of either of the following:
- 626 1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal  
627 distance of an exterior wall of the building when such sidewalk or ground surface is not more than  
628 ten feet above the lowest grade; or,
- 629 2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described  
630 in paragraph 1, above is more than ten feet above the lowest grade.
- 631 C. Story: The habitable level of a building, which level shall not exceed 14 feet in height from finished  
632 floor to finished floor. Basements that emerge less than four feet from grade or attics not exceeding  
633 four feet at the knee-wall shall not constitute a story.



634

635

636 **Building Height**

637

638

639

640

641

642

- 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.