

ORDINANCE NO. 2015-08

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE CHAPTER 3
TO CLARIFY LANGUAGE AND REFERENCES**

WHEREAS, over the course of day-to-day operations within the Planning Department minor errors and inconsistencies are noted within the Unified Development Ordinance; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 3 amended to correct confusing language and incorrect references; and,

WHEREAS, a public hearing was conducted on April 20, 2015 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 3 be amended to make the corrections and additions 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 3. Additional Use Standards, Subsection 3.12.D Accessory Structures, Requirements as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 3. Additional Use Standards, Subsection 3.23.E.10.c Temporary Uses Permitted with Standards, Temporary Vendors, Mobile Food Vendors as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 03. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 04. 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 05. 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.

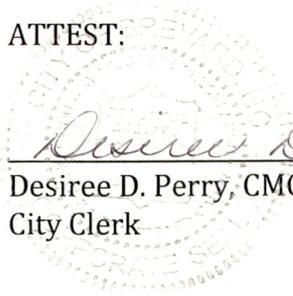
SECTION 06. This Ordinance shall be in full force and effect from and after the date of its adoption.

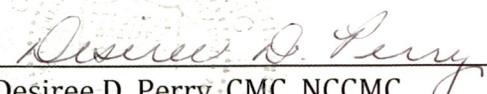
Adopted and approved this the 20th day of April, 2015.



Mac Morrow
Mayor Pro Tem

ATTEST:





Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:



Michael K. Pratt
City Attorney

EXHIBIT A
Ordinance No. 2015-08

Chapter 3 Additional Standards
Subsection 3.12.D.6

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

EXHIBIT B
Ordinance N. 2015-08

Chapter 3 Additional Standards
Subsection 3.23.E.10.c

Mobile food vendors ~~must have a base of operations such as a restaurant or commissary and must report to said base daily~~ shall operate in conjunction with a permitted restaurant or commissary and shall report at least daily to the restaurant or commissary for supplies, cleaning, and servicing. (In accordance with 15A NCAS 18A.2670 – General Requirements for Pushcarts and Mobile Food Units.)