



AGENDA
BREVARD CITY COUNCIL – REGULAR MEETING
Monday, May 18, 2015 – 7:00 P.M.
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Dema Barishnikov, Destiny Christian Fellowship

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. January 29 and 30, 2015 Council Retreat 3
2. March 23, 2015 Work Session 11
3. March 30, 2015 Work Session 16
4. April 20, 2015 Meeting 18

G. Certificates / Awards / Recognition

1. Certificate of Appreciation – Gary Daniels, Planning Board Member 27
2. Certificate of Appreciation – Ronald W. Rutherford, Housing Authority Member 28
3. Police Chief Phil Harris, Graduate of UNC SOG Municipal Administration Course 29

H. Public Hearing(s)

1. Voluntary Petition to Extend Extraterritorial Jurisdiction 31
2. Text Amendment to Unified Development Ordinance, Chapter 12 Signs 38
3. Amend Official Zoning Map for Railroad Avenue Small Area Plan 54

I. Public Participation

J. Special Presentation(s)

1. The 2015-2016 Fiscal Year Budget and Budget Message
2. Electric Car Charging Stations
3. Transylvania Partnership for Economic Development (TPED) Presentation

K. Consent and Information

- 1. Finance Department Monthly Report..... 150
- 2. Public Works Monthly Report 170
- 3. Resolution No. 2015-XX City Council Public Works & Utility Committee 190
- 4. Pending Sales Tax Legislation Update
- 5. Bedford Place Settlement Agreement
- 6. Correspondence (*No Action. Offered as information only.*)
 - i. Police Department Proclamation, Letter of Appreciation..... 193
 - ii. Fire Department 194
 - iii. White Squirrel Festival, May 22-24, 2015 195
 - iv. Brevard Named #7 Best Place to Start a Business in North Carolina..... 197

L. Unfinished Business - None

M. New Business

- 1. Ordinance to Extend Extraterritorial Jurisdiction, Ward (Lockhart) Property 202
- 2. Board and Committee Appointment(s)
 - i. Fireman Relief Fund..... 204
 - ii. Brevard Housing Authority Board of Directors..... 206
 - iii. City Council Public Works and Utility Committee 210
 - iv. ABC Board 212

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

- 1. NCGS 143-318.11 (a) (3) Potential Litigation
- 2. NCGS 143-318.11 (a) (3) (6) Personnel

P. Adjourn

MINUTES
BREVARD CITY COUNCIL
January 29, 2015 - 8:30 A.M.

Annual City Council Retreat- Day One

The City Council of the City of Brevard met for their annual Council Retreat on Thursday, January 29, 2015 at 8:30 a.m. in the Rogow Room at the Transylvania County Library, with Mayor Jimmy Harris presiding.

The following elected officials were present: Mayor Jimmy Harris, Mayor Pro-Tem Mac Morrow, Council Members Wes Dickson, Maurice Jones, Charlie Landreth and Ann Hollingsworth.

Staff Present: City Manager Joe Moore, Planning Director Josh Freeman, Director of Utilities and City Engineer Jay Johnston, PE, Fire Chief Craig Budzinski, Director of Parks and Property Management Lynn Goldsmith and Deputy City Clerk Jill Murray.

Press: Derek McKissock, Transylvania Times and Norman and Morgan, Channel 70 Productions.

Others Present: Retreat Facilitator and President of TLB Leadership Partners Angela Owen; Erica Allison and Brittany Ellis of The Allison Group and Heart of Brevard Executive Director Heath Seymour; Dave Collins of CDM Smith, David McNeil County Operations Manager for Transylvania County.

Retreat Called to Order - Mayor Harris called the retreat to order and welcomed all present. He stated the retreat serves as Council's annual planning meeting; therefore, he and Council are relying on everyone's comments, feedback and participation so the retreat will be most productive. Retreat will be held in workshop setting and proper Notice has been provided.

Quorum – Deputy City Clerk certified a quorum present.

Agenda – Mr. Landreth moved, seconded by Mr. Jones the Annual Retreat Agenda be approved as presented. Motion carried unanimously.

Retreat Materials - A complete copy of the retreat materials and information provided to Council, staff and the press is on file. Following are summaries of discussion held throughout the two day retreat.

City Manager – Mr. Moore said that retreat is a time to reflect on the direction of the City and prepare for the budget. Topics will include the comprehensive plan, water, wastewater, emergency services, bike walks and special events. Mr. Moore then introduced Retreat Facilitator Angela Owen.

Retreat Facilitator - Ms. Owen noted that we need to be brief and that part of her job is to keep the group on time. She emphasized the importance of Council members engaging and offering their feedback throughout the retreat. A "parking lot" listing to note future discussions, ideas or concerns will be kept (Exhibit A). Council established retreat ground rules and shared some of their expectations:

- Make sure cell phones are on vibrate
- Full engagement
- Encourage healthy debate.
- Full participation from staff.
- Listen to each other until the speaker is finished – no side conversations.
- Don't be afraid to ask questions if you don't understand.
- Respect others opinions.
- Stay on topic.

Joe Moore – Introduced Erica Allison

Comprehensive Plan, Public Relations and Messaging -

Erica Allison led the group on an exercise of branding. She explained that what the word “brand” means. It is an image, a logo, a set of words. It is also perception. What someone thinks of you when your name comes to light? She gave examples of Coke, Apple, Nike, and BP. It is understanding what your brand is about and being unique, passionate, and consistent in delivery and message and exceeding expectations. She asked that the council members split up into groups of three. She explained that the council members are often hit with unexpected questions perhaps in the grocery store. She wanted to hear what each group had to say when asked “What is the City of Brevard all about? What do you stand for?” Council then separated into groups of three and had conversations for about 5-10 minutes.

When the groups disbursed, each group of three went over what their specific “scenario” was and how they handled the question “What is the City of Brevard all about?”

~~10:05 to 10:15 AM Break~~

Erica Allison – Social Media was mentioned during the break and Erica wanted to touch on it. She suggested that the City have a protocol in place regarding social media and private messaging. Citizens need to be channeled to the appropriate place for communication. This topic was moved to the “parking lot” for discussion at a later date.

“Shark Tank” – This next exercise was based on the TV show Shark Tank and Erica explained that much like the show, the council is going to have three minutes to make a pitch about the City and give a clear application of the vision and brand and a relatable story of how that brand applies to day to day life in the City of Brevard. She explained that she may be bringing a business here and jobs and has a family and is interested in the educational system. She then placed everyone into groups of two. Charlie/Wes, Ann/Maurice, Mac/Jimmy. She sent them into another room and the reconvened after ten minutes to do their exercises. Each group explained why they think the City of Brevard is such a great place. From the waterfalls, festivals and arts and culture to the summer camps, low crime and hiking and biking trails. They also talked about diversity and how it consists of culture, economy, experience and families/people. Erica explained that she would write up a summary of all of their points and it can be there core messaging.

Brand Alignment - She broke each council member into a group with a staff member. Each group discussed how their “pitch” translates into a day to day basis. Wes/Chief Budzinski talked about how fire service is handled. They talked about safe routes to school, festivals and Bracken Mountain. Mayor & Ann/Lynn discussed how P&PM are always planting flowers and keeping trees pruned. They maintain Franklin Pool, the festivals downtown, they mulch, and they plant flowers and maintain trees and make the City look great. Charlie/Jay & Josh, discussed that you can get sub-brands in your organization (i.e., the great water that’s made fresh daily) and that the City needs to state our brand and state it regularly. Maurice/Joe discussed how friendly the employees at the city are. For example, if they’re downtown picking up trash, the employees are waving to people or if a citizen comes into City Hall to pay a bill, there are great individuals to assist you. Erica finished up by saying it’s like the concierge model, a destination vacation, the Disney model. Every detail has the same level of courtesy.

Next Steps: Allison Development Group to synthesize what they heard during shark tank exercise into summarized brand statements.

~~12:00 to 1:10 PM Lunch Break~~

Water Resource Alternatives Analysis – Jay Johnston presented a PowerPoint presentation giving a timeline of work to be done on the plant, and the main points and key questions to think about.

Mr. Johnston then introduced Mr. Bill Dowbiggin of CDM Smith to review the existing data by the city and the county. He stated that we should not go any higher than Cathey’s Creek and the usual recommendation is between Cathey’s Creek and Wilson Road. He also discussed several options, such as low density, high density and cluster development. He also discussed the water quality requirements for development and critical area.

Council decisions/direction:

- Proceed with communication to stakeholders (County, Rosman, Landowners)
- Draft a Watershed Protection Ordinance
- Proceed with budgeting for environmental assessment
- After communication with stakeholders, develop financial plan options

~~2:50 to 3:10 PM Break~~

Wastewater Treatment Plant - Jay Johnston spoke about the possibility of renovating the treatment plant. He said that we are currently over allocated and that’s why we’re in violation. The plant has taken on more BOD than it can handle. He explained that we applied for the \$8.95M loan with a 0% interest rate and that the state recognizes us as a good partner.

Mr. Johnston introduced Dave Collins of CDM Smith. Dave talked about the option for the plant.

- Converting/rehabilitating the plant
- Optimization (we tried it with not much success)
- Regionalize (3-4 times more expensive)

- Upgrade technology (extended aeration, activated sludge, robust biological treatment; adaptable to changing conditions; clarifiers.

Mr. Collins continued by showing what the cost breakdown would be. Council asked many questions with regards to how long this would take and what the cost would be and how we would pay back the loan.

Consensus of Council: Mr. Landreth and Mr. Dickson agreed that the City is operating on borrowed time and they are ready to move and accept the loan. Mr. Landreth compared it to the City “driving a car that we can’t get parts for anymore”. Mrs. Hollingsworth stated that she thought they should explore other options such as partners. Mr. Jones and Mr. Morrow are both concerned with the cost.

Conclusion and Next Steps: Will revisit on the second day of the retreat.

County Wide Emergency Service Provision:

Chief Craig Budzinski began speaking and stated that he wanted to support Mr. Johnston in that 40% of the Fire Departments rating goes back to the water.

Chief Budzinski then referred to his PowerPoint. He spoke about looking for substation on Ecusta Road. He also spoke about their air packs being 15 years or older and the recommended time is 10 years; their first truck out is 20 years old and the max should be 15 years; also looking to upgrade their masks as well. Chief Budzinski said they put in for a grant last year with a score of 99.1 and didn’t get the grant. He has put in for another grant this year to cover the cost of the air packs, masks and compressor. Chief Budzinski then introduced Mr. David McNeil, County Operations Manager for Transylvania County.

David McNeil: Mr. McNeil discussed that he is in charge of making sure that everyone is in compliance. He evaluates contracts make sure services they provide are consistent with the contract. He also recognizes volunteer departments and evaluates their district. He is working on evaluating other districts and doesn’t foresee changing district lines this year. He said they are evaluating the structure on Wilson Road to see if it would be compliant with being a fire building. He anticipates the report to be done sometime in February, then he will go back to the budget. Having a substation on Wilson Road will help the Gallimore road and other areas for the Fire Department to get there quicker. Mr. McNeil was not sure when he would be presenting his report to Jamie Laughter Transylvania County City Manager.

Retreat Recessed – At 6:15 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council to recess the Annual Retreat and to reconvene tomorrow, in the Brevard College Reserved Dining Room, at 8:30 a.m. Motion carried unanimously.

BREVARD CITY COUNCIL
January 30, 2015 - 8:30 A.M.

Annual City Council Retreat- Day Two

The City Council of the City of Brevard recessed the annual Council Retreat on Thursday, January 29th, 2015 at 6:15p.m., and reconvened the Retreat on Friday, January 30th, 2015 at 7:40 a.m. in the Rogow Room at the Transylvania County Library with Mayor Jimmy Harris presiding.

The following elected officials were present: Mayor Jimmy Harris, Mayor Pro-Tem Mac Morrow, Council Members Charlie Landreth, Wes Dickson, Maurice Jones and Ann Hollingsworth.

Staff Present: City Manager Joe Moore, Planning Director Josh Freeman, Director of Utilities and City Engineer Jay Johnston, PE, Police Chief Phil Harris, Fire Chief Craig Budzinski, Planner Aaron Bland, Asst. Director of Long-Range Planning Daniel Cobb, Director of Parks and Property Management Lynn Goldsmith, Finance Director Jim Fatland and Deputy City Clerk Jill Murray.

Press: Derek McKissock, Transylvania Times

Others Present: Retreat Facilitator and President of TLB Leadership Partners Angela Owen.

Retreat Day Two Called to Order - Mayor Harris called the retreat to order, welcomed those present.

Quorum – Deputy City Clerk certified a quorum present.

Agenda – No changes were recommended and Agenda stands as approved yesterday.

Retreat Materials - A complete copy of the retreat materials and information provided to Council, staff and the press is on file. Following are summaries of discussion held throughout the two day retreat.

Recap – Facilitator Angela Owen provided a summary of the day's events:

- Public Parking – Understanding the cost, schedule and means to construct a parking garage.
- Pedestrian Task Force
- Special Events

Josh Freeman – Public Parking: Mr. Freeman discussed his PowerPoint and where we've gained and lost parking. He also discussed finance options such as dedicate property taxes or on-street paid parking.

Consensus of Council: Council was in support of parking deck option, as well as, supporting "pay for use" parking and would like to explore partnerships for parking decks and parking solutions.

Daniel Cobb – Pedestrian Task Force: Mr. Cobb discussed his PowerPoint and showed a chart of low cost/low priority and high cost/high priority options. He then asked that all of the Council members step to the back of the room to view the charts and put dots on each category in order of importance to them with regards to the following:

- Greenway/Bike-Hike Paths
- Sidewalks
- Intersection Improvements

Josh Freeman – Mr. Freeman said the last piece to discuss is financing. He then showed a handout of what it costs to build pedestrian infrastructure, greenway/bike-hike path, sidewalks and intersection improvements. Council went back and forth with questions on priority and cost.

Consensus of Council: Council suggested we prioritize multi-use paths where possible and during public input sessions that we show maps with existing and proposed paths and allow public to rate/prioritize.

~~ 10:15 – 10:30 a.m. Break ~~

Phil Harris – Special Events: Mr. Harris discussed his Powerpoint which covered why we have special events and the cost of organizing and planning the events, security and traffic control, medical service, sewer/water and everything that goes into an event. He asked Council if they would like to identify clear parameters for events to permit or specifically declare which events will be permitted. He also asked if Council wanted to lock in a certain number of events of each year or do they want to keep it that they come when they want it? Mr. Harris showed the reality of the costs in his handout. Council then was asked to move to the back of the room to prioritize the special events by putting dots on each event which included but are not limited to:

- General
- Assault Of The Carolinas
- BHS Homecoming Parade
- Legacy Run
- O.B. 4 Mile
- Omnium Criterium
- Street Dance
- White Squirrel Festival
- 4th Of July
- Halloween
- Twilight Tour/Parade
- Inheritance of Hope

~~ 12 Noon to 1:00 PM Lunch Break ~~

Special Events: Council returned to the back wall to continue with the special event prioritizing.

Jay Johnston-Wastewater Treatment Plant: Mr. Johnston returned to answer more questions regarding the rates dashboard and to further discuss the loan that was offered by DENR. Mr. Johnston stated that the rates dashboard information came from the NC Institute of Government and it confirmed what he has been saying all along. He

confirmed that we are currently permitted for 2 ½ million gallons a day of flow and our average is usually 1.3. If we go over 2 ½ million we would violate our permit. Mr. Johnston also discussed aeration of activated sludge increasing our flow. He also stated that he does not believe the BOD will go down until late 2016 when Oskar Blues comes online. The City has cut the pumping rate back to try to cut back the manure breaks. Mr. Johnston again explained that the loan from DENR is for “renovation” and not for adding capacity. Only to fix what’s broken. Mr. Johnston stated that the City has until May 1st to have the engineering document submitted.

Consensus of Council: Council still had several questions with regards to the state of the plant and how to pay back the loan. No solid conclusions were decided.

Angela Owen: Ms. Owen placed three big yellow post-it notes on the wall and asked Council to walk back to the wall and continue with the dot method and place dots with regards to public parking (i.e., surface parking, parking garage and street meters. Next was choosing how to pay for public parking either via property tax support or meter space support. Lastly, the bike/hike/sidewalks and picking property tax support from \$.0 - \$.03.

Parking Lot: The following items were listed on the “parking lot” list and Mr. Moore stated that he would bring these items back as a staff report at a future Council meeting:

- Better connect the brand to on-boarding new hired in Parks and Property Department and other departments
- Explore possible use of flood plains and steep slopes for solar farm or something similar
- Review ordinances to ensure Council and Staff are connected and ordinances are aligned per vision
- Explore social media outlets to communicate brand. Could come from other entities such as Heart of Brevard.
- Protocol for responding to private messaging to Council on Facebook
- Installation of icons on mast arms
- Picnic tables at Franklin Park
- How many events are organized by non-locals

Wrap Up – Facilitator Angela Owen provided a summary of discussions as captured upon the notes/parking lot sheets posted upon the wall (Exhibit A).

Council Members Closing Comments:

Charlie Landreth said he thought the room was good. He liked going home for dinner and thought the workload was reasonable.

Maurice Jones did not appreciate receiving the big info last minute on the Wastewater Treatment Plant.

Mac Morrow stated that the audio/visuals need repair and the lighting on the screen was no good.

Mayor Harris thought the food was good. Engagement of Council was much better and we achieved healthy debate. He wanted to leave with more clarity with what really constitutes a special event that needs permitting.

Ann Hollingsworth shared that it will be interesting to see Erica Allison's report.

Wes Dickson expressed that he liked the format of getting up and moving around. He thought we stayed on topic a lot better this year.

Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Dickson, the annual Retreat be adjourned. Motion carried unanimously. Retreat adjourned at 4:34 p.m.

Mayor Jimmy Harris

Jill Murray, Deputy City Clerk

**MINUTES
BREVARD CITY COUNCIL
March 23, 2015 – 5:30 PM**

Caldwell Street Corridor Work Session

The City Council of the City of Brevard met on Monday, March 23, 2015, starting at 5:00 P.M. with a light dinner, followed by the scheduled Caldwell Street Corridor work session starting at 5:30 P.M. in City Council Chambers with Mayor Jimmy Harris presiding.

The following were present: Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Ann Hollingsworth, Wes Dickson and Maurice Jones. Council Member Charlie Landreth joined the meeting in progress at 6:00 P.M.

Staff: City Manager Joe Moore, Planning Director Josh Freeman, Assistant to City Manager LeAnn McCraw, Utility Director and City Engineer Jay Johnston, P.E., Assistant Planning Director Daniel Cobb, Fire Chief Craig Budzinski, Deputy Clerk Jill Murray and City Clerk Desiree Perry.

Press: Derek McKissock, Transylvania Times

A. Welcome and Call to Order - Mayor Harris called the meeting to order, welcomed those present and explained the properly noticed regular scheduled Work Session is open to the public and will be held in a “round table” workshop setting.

B. Quorum – City Clerk certified a quorum present.

C. Agenda – Ms. Hollingsworth moved, seconded by Mr. Jones, the Work Session Agenda be approved as presented. Motion carried unanimously.

D. New Business

D-1. Resolution Supporting North Carolina Historic Preservation Tax Credit Program. Mr. Jones moved, seconded by Ms. Hollingsworth, the drafted Resolution closing paragraph be amended to read, “re-establishing the State’s Historic *Preservation* Tax Credits as a tool....”, and be approved as amended.

Discussion: Mr. Morrow asked, and Council briefly discussed, if the drafted Resolution should also include the City’s residential structures that have been designated. Following discussion it was decided the focus of the Bill is to restore tax credits for commercial structures and therefore additional changes to the drafted Resolution are not needed.

Vote on Motion: Motion carried unanimously.

E. Work Session Discussion Topic – Clemson Corridor Project

Mr. Moore offered information from his staff report (on file) and explained the purpose of the work session is to provide Council with an update on the work completed to date and will provide feedback on the project’s design elements and priorities for implementation.

Mr. Freeman introduced the project consultants: Mr. Eric Woolridge, Ms. Teresa Buckwalter, and Mr. Alex Gotherman of Destination by Design; Mr. Dave Loftis, P.E., of S&ME Environmental; and, Mr. J. T. Barnes of Urban 3.

Mr. Freeman shared Destination by Design, a Planning and Design, Economic Development, Place Branding and Landscape Architect is the primary firm leading in the process and whose role is to deliver Master Plan Drawings, not construction

drawings. Environmental assessments have been done by S&ME Environmental, and, Urban 3 will speak to the role of density.

Mr. Eric Woolridge, Destination by Design, offered the project name itself has been debated with the most recent suggestion being, "Clemson Plaza at Caldwell and Main". Presentation will include three parts: (a) Environmental, (b) Public Visioning, and, (c) Refined Design Concepts.

At 5:50 P.M., Mayor Harris called for a brief recess in order to allow him and the Manager to leave Council Chambers that he might ask the Manager a question in private. They returned at 5:52 P.M., and the work session resumed.

Environmental - Mr. Dave Loftis, SM&E Environmental, offered that based upon the Phase 1 Environmental Study and provisions within the Brownfields Reuse Act, development of the Williams property would be possible as the Act allows properties to be cleaned up or remediation based upon the intended use. Prior uses of the Williams property include a gas station and dry cleaner business. No soil contamination was discovered; however, the water table is only about three feet deep, which helps explain why. Ground water remediation can be quite difficult. If a structure is planned for the site, most likely the State will require a vapor barrier under the foundation to prevent vapor intrusion. With the low water table, the State may also have concerns over potential contamination moving off the site and flowing to the east and, if so, the impact upon adjoining property. Should any cut take place on the back bank, the State will require additional soil testing. State writes an agreement based upon the intended use and once done, and provided you keep within the agreement, the State cannot sue you. In conclusion, environmental concerns can be addressed to allow development of the land.

6:00 P.M. – Council Member Charlie Landreth joined the meeting in progress.

Mr. Freeman offered the property owner, Mr. Williams, although not present, was invited to attend tonight's meeting. He shared if the City were to choose to not purchase the property, that the Agreement can become a piece of marketing leverage for a future purchaser. The Brownfields Agreement that Staff has worked on provides the property owner (Mr. Williams) to be in a better position than before the assessment was done.

Public Visioning and Refined Design Concepts – Mr. Woolridge shared two-days of public input sessions were held on December 10th and 11th, 2014, at the historic Transylvania Trust Company building located on the corner of South Caldwell and West Main Streets, in which 83 people attended and provided their input. Overview of the study area were three sites, the Clemson Park area (S. Caldwell & W. Main), William tract (S. Caldwell & Probart St.), the Rice Furniture property (S. Caldwell & Probart St.) and the adjoining alleyway (Probart St. to W. Main). Using power-point, Destination by Design's Clemson Plaza @ Caldwell & Main Preliminary Recommendations report slides were projected for Council and the audience. (Copy on file.) Recommendations are a combination of the public input comments coupled with the design teams professional expertise resulting in the various concept options.

Williams Property

- Become an open space, especially if tied or connected to the Clemson Park and Austin properties for a more cohesive plan.
- For property to be open space or a park, City would need to purchase the property.
- In light of it being a heavily traffic area, noise, and a relatively small tract of land, a berm area to help mitigate the concerns is included in the draft recommendations.
- Open space with mixed use that could provide business/art/dining space and produce tax revenue. Designers estimate an approximate 17,000 square feet building with two levels of parking (not a parking deck) including open space, perhaps a water feature, etc., could be considered for the tract,

- As the street intersection (Probart & Caldwell) at the property serves as one of the gateways to the Brevard Music Center, it may be worthwhile to consider making that portion of Probart Street one-way for vehicular traffic.
- Mr. Barnes provided information on future tax value potentials if developed as a mixed use, business, dining, etc. Public amenities do not increase adjacent tax values.

Rice Property and Alleyway

- Property not large enough to provide much parking.
- Property on the North side which remains shaded almost all day and therefore not a good option for a dog park.
- Could connect design with the Williams property as a potential.
- Alleyway – Could accommodate a 10x10 gathering place; grass and brick walkway improvements along with an archway or similar architectural improvement at Main Street would encourage more use of the alleyway.

Clemson Plaza and Extension

- Open space designed to incorporate some of the property history of previous use; previous theatre use shown in design of light fixtures and “theatre style” framed mural/art boxes mounted on the wall that would accommodate changeable art, along with marque style awning that perhaps historical information could be provided upon the wall below the awning.

Austin Property

- A design concept using the Clemson, Austin, Williams and Rice properties, if having opportunity to consider the area “as a whole” was included and briefly discussed.

Council Discussion:

- Pg. 15 (spiral bound document) indicates public input on the Clemson Park included water feature, wall mural, bicycle parking, and yet, none of those features appear to have been considered in the design concept;
- Interest in have a small water feature along the wall or within the property was discussed. A water feature that would encourage children to play in was discouraged due to the small size of the property and its close proximity to the heavily trafficked Caldwell Street.
- Discussion of a mixed use on the Williams property was discussed and is incorporated in some of the design concepts; however, not so with the Rice property. Why not? Seems the flow would be as good or better to do so, especially with the alleyway connection.
- Clemson property is the only one that the City owns and therefore perhaps more consideration should be given to that parcel at this time. Development of it is not contingent upon the other described neighboring properties.
- Ms. Hollingsworth complimented them on the work done and added she would be interested in ways to combine a little of both - concept of park at Clemson property and mixed use development on the other properties; utilizing the flow as is shown on Clemson Plaza. Would also provide a nice entrance at Probart Street and for the Music Center.
- Mixed Use – Do not see the City as the developer, but, City could be a partner in such a development. (Brownfields Agreement)
- Alleyway – Grade improvements would help; current grade makes it difficult, or appears to be difficult, for walking.
- Clemson Plaza – Suggested seating wall improvements to reduce look/feel that it leads one to the street; like concept of the interchangeable artwork.
- Mayor expressed disappointment in the design concept for Clemson property as it offers only sidewalk and some wall art, he expected more. Suggested a decorative wrought iron fence could be considered to enhance the park property while providing a pedestrian safety buffer between the property and Caldwell & Main Streets.

- Important the history of the Clemson property be considered within the design concept. Panels are reminiscent to movie poster box while allowing art work to be changed.
- West Loop – Future west loop may provide another, perhaps even a better aligned, entrance way to the Music Center. If so, that would add support to encouraging a mixed use at the Williams’s property rather than open space only.

Current Financial Situation – Approximately \$230,000 to \$250,000 dollars remain. Staff needs to know what Council wants the focus to be on as there are not enough funds for all.

- Ms. Hollingsworth expressed importance of implementation needed in order for people to see something done which will excite interest to see what will follow. Based upon tonight’s discussion, she would like to see the Williams property go to the private sector; put financial resources we have into the Clemson property.
- Mr. Morrow offered learning the Williams property can be cleaned up and developed, and that a Brownfield Agreement is possible and could be leverage for private development, equals success in his opinion.
- Mr. Dickson offered he’s been taking in tonight’s presentation as information; interested in seeing the differing concepts and how we can look to apply them; interested in getting more information on the P3 and would want to better understand before venturing down that road; interested in private development; and he keeps coming back to the Clemson property as the one to implement as it is the only space the City owns. Suggested the questions of asking, “What is the City’s intent as a whole?” and, “Where do we want to put our effort?” should be explored. Would hate to put funds towards Clemson property only to later decide they really should have been put on the Williams property. Would rather exhaust all of our ideas before we spend the money to find we need it someplace else.
- Mr. Morrow shared the Clemson Plaza concept would take a piece of property that is not being used to be developed and better used.
- Mayor Harris shared the Clemson property is one sure thing.
- Mr. Landreth shared construction drawings on Clemson park is obtainable and a productive goal. A first step in creating public space at Main Street and would have a good impact. Marketing a mixed use opportunity on Williams property would have a good impact too.

Mr. Weinstein, Brevard Music Center, was present in the audience and he expressed interest in having opportunity to provide some more specific input whenever the City considers any improvements and/or changes to Probart Street.

Mr. and Mrs. Patton were present and shared they desire the entire project to make a statement, to be positive for the City and the Music Center. Mrs. Patton shared she feels Clemson “plaza” seems a bit too fancy for a 5,000 square feet of area.

Mayor Harris shared the professional design team has presented their Report and have heard lots of ideas, suggestions, concerns from Council members – enough for them to take these ideas and come back to Council with additional renderings for Council.

Ms. Hollingsworth asked if the City is now going forward with construction drawings on the Clemson park?

Staff suggested one more workshop to incorporate comments from tonight’s work session to finalize design concept on Clemson site, bring back to Council for approval to then go to construction documents. And perhaps continue on with the two scenarios on the Williams site and come back with more information and financial options on P3.

Adjourn - There being no further business, Mr. Landreth moved, seconded by Ms. Hollingsworth, the work session be adjourned. Motion carried unanimously. Meeting adjourned at 8:51 P.M.

Jimmy Harris
Mayor

Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: _____

DRAFT

**MINUTES
BREVARD CITY COUNCIL
Work Session
March 30, 2015**

The City Council of the City of Brevard met in a scheduled work session on Monday, March 30th at 5:30 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Ann Hollingsworth, Maurice Jones, and Wes Dickson. Absent: Charlie Landreth

Staff Present: City Manager Joe Moore, Planning Director Josh Freeman, Director of Engineering and Utilities Jay Johnston, ORC of Wastewater Treatment Plant, Emory Owen and Finance Director Jim Fatland,

Media Present: Derek McKissock, Transylvania Times

Council was called to session at 5:38 P.M. Mayor Harris welcomed all present and asked Deputy Clerk Jill Murray to certify a quorum, which she did. Mr. Jones made the motion to accept the agenda as presented, which Ms. Hollingsworth seconded and passed unanimously.

Mr. Moore began by reading the overview of the Staff Report regarding the Wastewater Treatment Plant and then recognized Jay Johnston to speak.

Mr. Johnston explained that we are all here tonight to loop back around on the retreat from January and began with a slide presentation. A complete copy of the materials and information provided to Council, staff and the press is on file.

Mr. Johnston proceeded to go over the timeline of the goings-on at the Wastewater Treatment Plant from December 2012 to the present.

At 5:51pm Mr. Landreth arrived to the work session.

Mr. Johnston also explained that although the loan from DENR seemed very sudden, it is because everything happened at once from the time he put our name in the hat for this "renovation" loan to the letter of intent we received offering to fund the project. He continued on with the difference between activated sludge and RBC's and the difference between the two.

Emory Owen explained that as bacteria are alive and healthy and get better clarity of the water. The RBC's are dead, they're rocks. The bacteria get in there and get compacted over many years and there's not a whole lot that you can do about it. You can drain the whole tank and start fresh if you wanted to. He stated that they reseed it 24/7 which keeps a good healthy mix.

Mr. Johnston explained that in theory if you deliver 100 gallons of water to a house every day, they'll flush 80 back to you. So if we make 1M gallons of water then we might expect to get .8 back at the plant.

Ms. Hollingsworth asked if Oskar Blues getting their pretreatment process help with some of the heavier loads?

Mr. Johnston stated that that last 20% is the buffer that keeps us from violating our permit and that any other industrial discharger would be subject to the same strict limits. He also stated that we cannot get direct replacements for what we have now. If one (RBC) breaks, we'll be down to 7/8 of our capacity. RBC failure cannot be fixed promptly and getting new ones is a process. It would be more like a capital project rather than something we could repair. He also stated that it could be a turnoff and

turn away opportunity if we do not have the capacity. Also, the commitments that we have currently made with Davidson River is more capacity that we have at the plant currently.

Mr. Morrow stated that there are industries that you have to be clear as to which ones you want and which ones you don't. I don't think it's fair to expect our small population to foot a bill for someone else's problems.

Mr. Landreth stated that our plant is at the end of its life and it is time to make these decisions. It's time to address the mechanical resources.

Mr. Johnston stated that the life span of the RBC's is 20 years. The City's were built in 1986.

Mr. Morrow stated that Asheville is still using them and making them work. He stated that he has seen where it's more expensive and where it's not and is interested in buying time and seeing what the real numbers are after Oskar Blues kicks in next year.

Mr. Fatland stated that in order to fund the sewer plant project we have to raise the meter fee to \$9.30 per month for every customer in the City for 20 years. That is what he would recommend to get it paid off.

Mr. Morrow added that that does not even get us additional capacity.

Mr. Jones wanted to know what activated sludge was chosen over other methods.

Emory Owen stated that Brevard was activated sludge. RBC's was cutting edge technology. The City Manager and my supervisor at the time, made the decision to change to RBC's.

Mr. Landreth stated that he did not this loan overlapping with a future loan that we may need for capacity. He also stated that the City has undercapitalized our wastewater system and now we can't replace it without help. We need to think about future burdens on our city and future councils.

Mr. Morrow stated that it would have been helpful to have the packed of information ahead of time so he could come with questions.

After some more back and forth discussion, the Mayor asked if there were any more questions, with no further questions, a motion to adjourn was made and approved at 7:13 P.M.

Council then dismissed the Deputy Clerk and went into Closed Session to discuss a personnel matter.

Jimmy Harris, Mayor

Jill Murray, Deputy City Clerk

Minutes Approved: _____

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 20, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, April 20, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Pro-Tem Mac Morrow presiding.

Present - Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Ann Hollingsworth, Wes Dickson and Charlie Landreth.

Staff Present – Interim City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, HR Specialist/Deputy Clerk Jill Murray, Planning Director Josh Freeman, Assistant Planning Director Daniel Cobb, Police Chief Phil Harris, Director of Utilities and City Engineer Jay Johnston, P.E., Human Resource Director Derrick Swing, Parks & Property Management Director Lynn Goldsmith, Public Works Director David Lutz and Assistant Fire Chief Bradley Elmore.

Press - Derek McKissock, Transylvania Times

A. Welcome and Call to Order – Mayor Pro-Tem Morrow called the meeting to order, welcomed those present and introduced Council members, Interim Manager, Attorney and Clerk.

B. Invocation – Pastor Richard Jelly, Brevard Wesleyan Church, offered an Invocation.

C. Pledge of Allegiance – Mayor Pro-Tem Morrow led in the Pledge of Allegiance.

D. Certification of Quorum - The City Clerk certified a quorum present.

E. Approval of Agenda – Mr. Landreth moved, seconded by Ms. Hollingsworth, the Agenda, as amended to include the two Oaths of Office, be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Jones, the December 15, 2014, January 8, March 2 and March 16, 2015, meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

G-1. Administration of the Oath of Office to Interim City Manager James R. Fatland - Mr. Fatland, with his wife Linda in the audience, was administered the Oath of Office by City Clerk Desiree Perry.

State of North Carolina
County of Transylvania
City of Brevard

I, James R. Fatland, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States, to the best of my knowledge and ability and that I will faithfully and impartially discharge the duties of the Interim City Manager and Finance Director for the City of Brevard imposed upon me by law, so help me God.

s/ James R. Fatland

Oath Administered By:
Desiree D. Perry, City Clerk

**G-2. Administration of the Oath of Office to Human Resource Director
Derrick W. Swing** – Mr. Swing was administered the Oath of Office by City Clerk Desiree Perry.

State of North Carolina
 County of Transylvania
 City of Brevard

I, Derrick W. Swing, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States, to the best of my knowledge and ability and that I will faithfully and impartially discharge the duties of the Human Resources Director for the City of Brevard imposed upon me by law, so help me God.

s/ Derrick W. Swing_____

Oath Administered By:
 Desiree D. Perry, City Clerk

G-3. Arbor Day 2015 Proclamation and Tree City Award – This is the thirty-sixth year Brevard has received the Tree City Award. The ceremonial tree planting is scheduled for Wednesday, April 22nd at 10:30 AM at the City’s Sports Complex.

**Proclamation
 Arbor Day
 Brevard, North Carolina**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I Mayor Pro-Tem Mac Morrow and the Brevard City Council, do hereby proclaim **April 23, 2015** as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the wellbeing of our present and future.

Signed this 20st day of April, 2015.

H. Public Hearing(s)

H-1. Voluntary Contiguous Annexation of Bryson and Hughes Property located at 72 Pisgah Highway, Pisgah Forest (PIN 8597-46-3120 and 8597-45-4982). This public hearing was properly noticed and advertised on Monday, April 6, 2015. On Monday, April 13, 2015, the property owner’s Agent, Paul Wilander, notified the City in writing that the current property owner, Mr. Salman, requests to withdraw the Annexation Petition. Council accepted the request to withdraw and no further action was needed.

H-2. Proposed UDO Text Amendment – Chapter 3 Additional Use Standards, Accessory Structures and Mobile Food Vendor Standards. This public hearing was properly noticed and advertised on Monday, April 6th and 13th, 2015.

Mayor Pro Tem Morrow opened the public hearing at 7:13 P.M.

Mr. Cobb explained the two proposed amendments would not be a change in policy. They are needed to clarify and fix inconsistencies in language and references staff has found within Chapter 3.

Public Hearing Public Participation - None

Public Hearing Closed – There being no questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:14 P.M.

H-3. Establish Asheville Highway Corridor Signage Overlay District and Amendment to the Official Zoning Map. This public hearing was properly noticed and advertised on Monday, April 6th and 13th, 2015.

Mayor Pro Tem Morrow opened the public hearing at 7:13 P.M.

Mr. Freeman offered information from the staff report (on file) and projected the proposed corridor for Council and the audience to view. He explained the proposal was initiated by a request from Blue Ridge Community College who sought to amend the institutional district signage requirements in order to allow them to have a larger ground sign. Planning Board recommends, rather than increase the allowable size of signs within the institutional district which would allow larger signage of other institutional uses, many of which are within or adjacent to residential neighborhoods, (Brevard Elementary, Brevard Middle, Brevard High as examples) to recommend an overlay district be created along the Asheville Highway. The corridor would allow for all districts, with the exception of the few residential zoned properties within the corridor, to all be allowed the same size ground signs of 85 square feet per side of sign.

Mr. Jones shared he was in attendance at the Planning Board and that there were lots of questions and adequate feedback was received as the Board considered this matter.

Mr. Dickson asked if a similar corridor could be applied to other districts, such as along the Rosman Highway, and, why the Brevard College property was not included within the proposed corridor signage overlay district.

Mr. Freeman replied, “Yes, a similar corridor could be considered; however, not tonight as it has not be advertised for consideration.” The Brevard College campus signage is a part of the College’s Master Plan which dictates signage upon the campus property; corridor would have not impact or benefit.

Public Hearing Public Participation

Reverend Mary Shore, Lutheran Church of Good Shepherd, explained their Church is within the proposed overlay district, and while they may not desire to have the maximum size sign that would be allowed if in the overlay district (85 sq. ft.), they would like to have their property considered to be included in the overlay district in order to have a sign larger than they currently have.

Ms. Janice Philpot expressed concerns with the proposal as larger signs in the community can be an eyesore and questioned the need to allow all businesses and uses in the corridor to have such a large sign.

Discussion included amending the scope of the proposed overlay district boundaries would need to go back to the Planning Board for recommendation.

Public Hearing Closed – There being no further questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:20 P.M.

I. Public Participation

Ms. Eleanor Ashton, Pisgah Legal Services, described services they provide to residents of both the City and County, and that they would like to open an office in Brevard in order to be of greater service, and requested Council consideration to allocate them funding. A copy of the handout presented to Council is on file.

Mr. Jim Hardy, Chair of Charge Transylvania County, was accompanied by several other people in the audience who came in support of this request. He provided Council with an informational handout, "Plug-In Electric Vehicle Handbook for Public Charging Station Hosts", and asked Councils consideration to take action by scheduling to allow some experts on the subject to come to Council's next meeting scheduled for May 18th to make a presentation on the subject. They believe it is important for Brevard to have some charging stations as are found in neighboring communities, and, presently there are some opportunities to do so at little or no cost to the City.

J. Special Presentation(s)

J-1. Brevard College Art Presentation – Ms. Goldsmith shared several years ago the City started a partnership with the College where student art work is loaned and placed in City Hall Council Chambers for display. She introduced Brevard College Professor Bill Byers, who was accompanied by three art students whose work is in the collection. He thanked the City for the partnership and for giving the students the opportunity to have their art work displayed for the public to enjoy.

Council thanked Mr. Byers and the students for coming and for the loan of the artwork.

J-2. Joint Historical Preservation Commission – Ms. Rosie Craig, Chair of the Joint Historic Preservation Commission, presented a copy of Transylvania County's 1998 architectural survey book titled, Transylvania: The Architectural History of a Mountain Community, to each Council member. She reported the JHPC is an advisory board to local elected officials who identify, review and recommend properties or landmarks in the City and County for historical preservation designation. In the near future the Commission will be coming before Council to recommend another structure for landmark designation.

Council thanked Ms. Craig for coming and for their gift of the book.

J-3. Land of Sky Aging and Volunteer Services Program – Mr. John Connell, Senior Community Service Employment Program Coordinator, shared April is Volunteer Recognition with National Volunteer Week being April 12-18th, and this year marks the 40th anniversary recognizing our Countries volunteers. May is "Older American Month" which is an opportunity to raise awareness and wellbeing of older adults. He provided Council with handouts describing the Volunteer programs and services available through Land of Sky.

J-4. Terrell Scruggs Scholarship Committee Report – Committee member Jimmy Perkins reported the scholarship fund was established in 2012 by the City to honor its previous Finance Director, Terry Scruggs, who passed away in 2011. The scholarship fund assists Brevard and Transylvania County seniors with college expenses. The scholarship aware is based on character, academic achievements, extracurricular participation, volunteer work, commitment, community involvement and personal references. To date \$8,500 in scholarships has been awarded, and the Committee intends to award another \$6,000 this year.

J-5. United Way Tiny House Initiative – Mr. Don Rogers, United Way, reported on the "Tiny House Initiative" that in some respects started back in 2007 the with the Transylvania County Workforce Housing Coalition. Described a good way to address workforce housing needs is to have infill housing, such as garage apartments, mother-in-law units, finished basements and Tiny Houses. He provided a power-point

presentation of the slides included in the Agenda packet, pages 106-122. He asked for Council's endorsement by means of a Resolution.

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Pro Tem Morrow read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mr. Landreth moved, seconded by Ms. Hollingsworth, the Consent Agenda be amended by adding New Business Items M-2 Advance Meter Infrastructure Contract Award, M-3 Formation of City Council Committees, M-5 Parking Lot Lease, M-6 United Way Tiny House, M-7 UDO Text Amendment Ordinance, and M-8 Establishment of Corridor Signage Overlay Ordinance, and the Consent Agenda be approved as amended. Motion carried unanimously. The following thirteen items were approved as accepted as information:

- K-1.** Finance Department Monthly Report
- K-2.** Public Works Department Monthly Report
- K-3.** Parks and Property Management Department Quarterly Report
- K-4.** City Clerk's Office Quarterly Report

K-5. Resolution No. 2015-07 Revision and Update of the City's Signatory and Disbursement Resolution Approving Employees to Sign Checks and Disburse Funds

INSERT RESOLUTION

K-6. Amended the 2015 Council Meeting Scheduled by cancelling the May 4, 2015, Work Session.

- K-7.** Correspondence – Accepted by Council as information only:
- (a) Main Street Solutions Grant Award letter.
 - (b) Kids Get Outside Event scheduled for April 25th flyer.
 - (c) Brevard Music Center Grant Request for *BMC Presents*

K-8. (M-2) Resolution No. 2015-09 Awarding the Construction Work for the City of Brevard Water Meter Replacement Project –AMR

INSERT RESOLUTION

K-9. (M-3) Formation of City Council Committees. Council approved Mr. Fatland's recommendation to form five advisory committees to facilitate discussion on proposed projects and programs. The committees will be formed and will consist of two elected officials who will work with the appointed staff members; consultants may also be invited to participate in discussions at the committee level. The Mayor will serve as ex officio on all five of the committees. After deliberation on a matter, the advisory committee will make their recommendation to Council. Council appointed the following Council members to serve on the Committees:

Public Works and Utilities Committee - Mac Morrow and Maurice Jones
 Public Safety (Police and Fire) Committee - Maurice Jones and Mac Morrow
 Parks Trails and Recreation - Wes Dickson and Ann Hollingsworth
 Finance and Human Resources - Charlie Landreth and Wes Dickson
 Downtown Master Plan - Ann Hollingsworth and Charlie Landreth

K-10. (M-5) Resolution No. 2015-10 A Resolution Approving a Lease Agreement Between CDP ALOE Properties LLC and the City of Brevard for the Use of Property Located on West Main Street as a Municipal Parking Lot. (Former First Union Bank property.)

INSERT RESOLUTION

K-11. (M-6) Resolution No. 2015-11 A Resolution Endorsing the United Way of Transylvania County Tiny House Initiative

INSERT RESOLUTION

K-12. (M-7) Ordinance No. 2015-08 An Ordinance Amending the City of Brevard Unified Development Ordinance Chapter 3 to Clarify Language and References (Accessory Structures and Mobile Food Vendor Standards)

INSERT ORDINANCE

K-13. (M-8) Ordinance No. 2015-09 An Ordinance Amending the City of Brevard Unified Development Ordinance Chapters 2 and 12 and the Official Zoning Map to Establish the Asheville Highway Corridor Sign Overlay District.

INSERT ORDINANCE

L. Unfinished Business - None

M. New Business

M-1. Resolution No. 2015-08 A Resolution Naming the Building Located at 400 Cashiers Valley Road in Honor of Cornelius Hunt, Former Mayor Pro-Tem and Member of the City Council of the City of Brevard, North Carolina

Mayor Pro Tem Morrow recognized Mr. Hunt's daughter, Mrs. Margaret Robinson, who was in the audience and who was accompanied by some family members and friends. He explained Mayor Harris is home sick tonight; however, he sent the following message to be read aloud in his absence:

"Cornelius Hunt was a friend and leader in the City of Brevard. His leadership style was one that many should try to duplicate, including myself. He was trusted, revered, respected and to know him was rewarding. The residents of Brevard never had a closer friend at City Hall than Cornelius Hunt. I not only had the privilege of knowing him as a leader in this community, but enjoyed a business relationship with him too. He was always pleasant and welcoming, truly a gentleman. It is fitting and proper that the City of Brevard name its new Public Works facility in his honor."

Mayor Pro Tem Morrow added tonight we are doing something special. We are honoring a man some of us knew quite well. His legacy need not just be a building in his name but for me it is a symbol of public service. Let no one wonder who he was. When asked, I hope the answer is, "Let me tell you a story" and in their own words describe not only his physical presence – as that he had – but to describe how he understood, lived and carried out daily the meaning of public responsibility. We all stand on his shoulders and I hope he is proud of what he sees here today.

Mayor Pro Tem Morrow shared with those in the audience that in the near future a dedication ceremony for the naming of the building in Mr. Hunts honor and memory will be scheduled, and all are invited to attend.

Mayor Pro Tem Morrow invited Mrs. Robinson, accompanied by her son, to come forward. He read aloud the Resolution and he then presented it to her.

INSERT RESOLUTION

M-4. Review Wastewater Treatment Plant (WWTP) Rehabilitation Options

Mr. Fatland offered from his staff report that Council discussed the proposed WWTP Rehabilitation Project at their January retreat and continued discussion at their

March 30th Work Session. January 2015 NCDENR approved a loan amount of \$8,950,000 at 0% interest. To stay on track an Engineering Report is due by May 2, 2015. On April 8, 2015 City Staff requested a 120-day extension to explore options on renovation work at the WWTP; on April 10th NCDENR approved the City's request for the time extension.

Mr. Fatland recommended (1) Council refer further discussion of the WWTP Renovation Project to the newly formed Public Works and Utilities Committee; and, (2) to approve the engineering proposal with Brown Consultants subject to the Public Works and Utilities Committee approval of the project scope.

Mr. Landreth asked that by approving the item on the Agenda, Council is not authorizing a contract with Brown Consultants, but rather approving ability for the Committee to proceed with the review, correct?

Mr. Fatland responded Council has options, such as (a) do nothing; (b) consider maintenance of the plant to make it run more efficient, (c) could consider RBC's or something like that. The key is to have opportunity to fully discuss at the committee level with Council representatives, staff and engineers the issue and options.

Mr. Landreth moved, seconded by Ms. Hollingsworth, Council approve the review of the WWTP Rehabilitation Project options by the Public Works and Utility Committee. Motion carried unanimously.

N. Remarks By Officials / Future Agenda Considerations

Mr. Jones reminded Council members that it was agreed for Brevard to be the host site for the upcoming Black Elected Officials Annual Meeting and that he will soon be getting and forwarding additional information to Council.

Mr. Landreth shared with Mr. Fatland and Council in light of forming the Committees, review of the process of how work gets from Council to the Committees and back, and how to get items upon the Agenda needs to be spelled out. Council's current protocol of how items get upon the Agenda (Rules of Procedure) may or may not need to be amended.

Mr. Landreth expressed his appreciation for receiving the graph that shows the sales tax revenue in January 2015 was higher than last July's sales tax, and, he requested a report at their next meeting on the sales tax legislation from the General Assembly and guidance on what would be most advantageous.

Mayor Pro Tem Morrow shared an important event is taking place this Saturday at 2:00 p.m. at the City's Hap Simpson Park. It is the "North Carolina Rivers Exploration" a documentary of 32 NC and SC rivers by Explorer Julian Monroe Fisher and his team. The French Broad River will be the first river topic in the documentary series.

Mayor Pro Tem Morrow announced he heard the annual Brevard Cares was a big success.

Ms. Hollingsworth shared she recently attended a presentation on electric vehicles that was quite interesting, learned some of the environmental issues, that grants may be available to the City for placement of a charging station, and believes it is a subject Council should hear more about. She also shared that tomorrow she, along with Chamber representatives, will be speaking with our Legislator on the sales tax issues.

Motion: Ms. Hollingsworth moved, seconded by Mr. Jones, Council grant Mr. Hardy's request to have a Special Presentation on the subject of electric car charging stations at their May 18th meeting. Motion carried unanimously.

Mr. Fatland thanked Council for their confidence in him as Interim City Manager and that he looks forward to helping the City move forward, and he thanked City employees for their hard work.

Mr. Fatland called upon Chief Harris to share about the 4th Annual Brevard Cares event. Chief Harris explained the event was held on the last day of “National Volunteer Week” and this year there were about 100 volunteers who came out to help with a variety of community cleanup and service projects, including 25 Brevard High School Honor Society students who came and participated in the service projects. Work was done at the Bailey Cemetery, cleanup on the Taylor property that the City is in the process of purchasing, along with seven residents who needed help with tasks that they cannot do themselves was done, including some repair work on a home performed by some Church members, was accomplished.

Mr. Fatland introduced his wife, Linda, who was seated in the audience, to the Council members.

Mr. Pratt shared when Mr. Cornelius Hunt served on Council, that occasionally he would be serving as substitute attorney for Council, and that he considered Mr. Hunt to be a dear friend and one who was a help to him. It was a very good thing to remember him and to honor him in the way done here tonight.

Mr. Pratt advised Council that a Motion to dismiss certain actions has been made by Attorney Scott McClatchy, including a Motion to dismiss the law suit against every individually named law enforcement officer, on the Kitchen vs City of Brevard law suit. Recommendation will go to the District Court and the plaintiff has opportunity to file a Motion. The City of Brevard, Transylvania County and Sheriff Mahoney and four unnamed defendants remain in the suit. No action from Council is requested. Offered this as information and an update.

Mr. Pratt reminded all that April 22nd is Earth Day and to remember its importance. He then announced Council needs to hold four Closed Sessions tonight. Two for property acquisition, one for pending litigation, and one to discuss personnel.

O. Closed Session(s) - Pursuant to GS 143-318.11 (a) (3) (5) and (6) it is appropriate to convene a closed session on two matters of potential litigation, a pending litigation and a personnel matter. A closed session requires a separate motion, second and vote to discuss each matter.

Closed Session #1 - At 8:34 p.m. Mr. Landreth moved, seconded by Mr. Jones, that Council go into Closed Session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Interim Manager and Finance Director, City Clerk, and Planning Director. (A break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session - At 8:56 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #2 - At 8:56 p.m. Mr. Jones moved, seconded by Ms. Hollingsworth, that Council go into a second Closed Session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Interim Manager and Finance Director, City Clerk and Planning Director.

Council Returned to Regular Session - At 9:01 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #3 - At 9:01 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into a third Closed Session to discuss a pending litigation matter. Motion

carried unanimously. Authorized to remain with Council and the Attorney were the Interim Manager and Finance Director, City Clerk and Planning Director.

Department of Transportation, Plaintiff
V.
West Main Development, LLC; The City of Brevard;
and TD Bank, National Association, Defendants

Council Returned to Regular Session – At 9:20 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

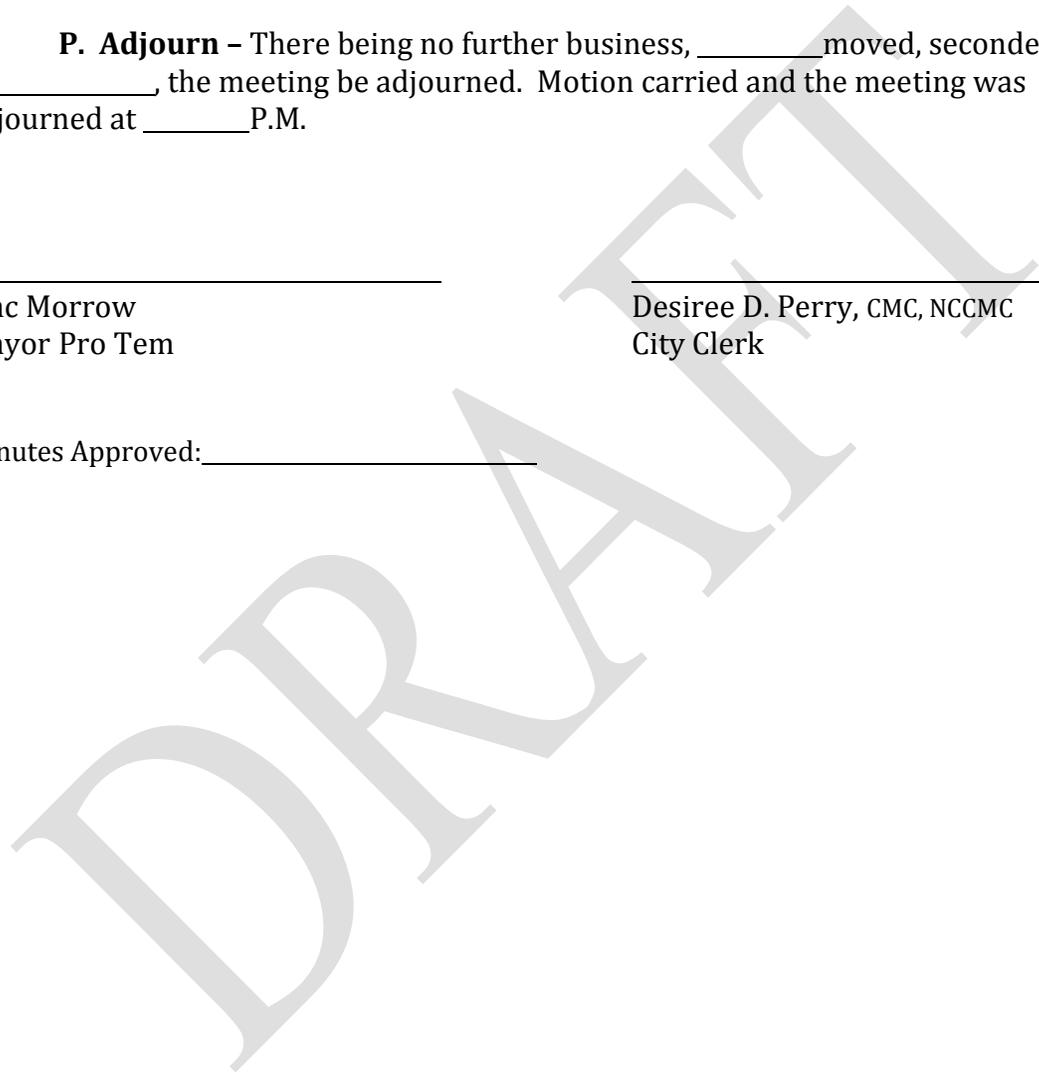
At 9:20 p.m. Council dismissed the City Clerk to hold a fourth closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council’s return to regular session and actions taken (if any) and adjournment.

P. Adjourn – There being no further business, _____ moved, seconded by _____, the meeting be adjourned. Motion carried and the meeting was adjourned at _____ P.M.

Mac Morrow
Mayor Pro Tem

Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: _____





City of Brevard

Certificate of Appreciation

Presented to

Gary Daniels

*In recognition of nine years of service to the
City of Brevard as a member of the
Brevard Planning Board
April 2005 – January 2015*

Presented this 18th day of May, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk



City of Brevard

Certificate of Appreciation

Presented to

Ronald W. Rutherford

*In recognition of two years of service to the
City of Brevard as a member of the
Brevard Housing Authority
January 2013 – April 2015*

Presented this 18th day of May, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

School of Government
The University of North Carolina at Chapel Hill

John Phillip Harris Jr.

having successfully completed the course of instruction in

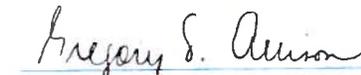
MUNICIPAL ADMINISTRATION

is awarded this certificate

Given this first day of May 2015



Dean, School of Government



Director, Municipal and County
Administration Courses



May 1, 2015

FOR IMMEDIATE RELEASE

Phil Harris Graduates Municipal & County Administration Course

CHAPEL HILL, NC – Phil Harris, Chief of Police, City of Brevard, has successfully graduated from the 2014-2015 Municipal & County Administration Course of the School of Government, University of North Carolina at Chapel Hill.

The program in Municipal Administration is designed for managers, department heads, and officials whose responsibilities require a broad understanding of functions beyond individual areas of specialization. The course is approximately 150 hours in length, and more than 60 instructors participate in leading the program. Course instruction covers North Carolina local government law, organization and management, finance and budgeting, employment law and administration, planning and regulation of development, and the delivery of specific city or county services.

Phil was one of 93 officials who graduated the Municipal & County Administration course this year and is one of over 3,000 officials who have completed the course since it began in 1954.

– 30 –

Contact:

Gregory S. Allison, Director, Municipal and County Administration, 919.966.4376 or
allison@sog.unc.edu

Sonja Matanovic, Director of Marketing and Communications, 919.966.4178 or
matanovic@sog.unc.edu

Established in 1931 as the Institute of Government, the School of Government provides educational, advisory, and research services for state and local governments. Visit www.sog.unc.edu or call 919.966.5381 for more information on the School's courses, publications, programs, and services.

STAFF REPORT – May 18, 2015 Council Meeting

Date: May 7, 2015

Title: Petition for Voluntary Inclusion Into The City of Brevard Extraterritorial Jurisdiction

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, Interim Manager and Finance Director

Executive Summary: Public Hearing to consider a Petition for Voluntary Inclusion Into the City of Brevard Extraterritorial Jurisdiction

Background: At City Council's March 2, 2015, meeting the request of Newton and Marilyn Lockhart to establish a water connection at their property located at 1710 North Country Club Road was granted with the condition of their voluntary inclusion of the subject property within the City's ETJ.

Discussion: A Petition Requesting Voluntary Inclusion Into the City of Brevard Extraterritorial Jurisdiction was submitted on March 6th by Mr. and Mrs. Lockhart. Public Hearing Notice requirements were completed. After receipt of the Petition and PH Notice, I learned the Lockhart's have sold the property to Mr. and Mrs. Ward. On May 8th Mr. and Mrs. Ward came to see me and explained they were fully aware of the condition (for water connection) and Lockhart's Petition, and, as they are the current property owners, they then completed and signed a Petition Requesting Voluntary Inclusion Into the City of Brevard Extraterritorial Jurisdiction.

The subject property adjoins the City's Extraterritorial Jurisdiction and GR-4 General Residential zoning district. If Council grants the Petition, the Planning Department recommends the property zoning designation be GR-4 General Residential.

A drafted Ordinance No. 2015-XX Ordinance to Extend the Extraterritorial Jurisdiction of the City of Brevard and to Amend the Official Zoning Map to Extend the Extraterritorial Jurisdiction and Designating Subject Property as GR-4 General Residential Zoning District, is included for adoption consideration.

Fiscal Impact: None

Policy Analysis: The NCGS requirements have been met. The applicant(s) have submitted their Petitions, and have provided a metes and bounds description of the property.

Staff Recommendation: If Council desires to adopt the drafted Ordinance No. 2015-XX To Extend the Extraterritorial Jurisdiction and Designating Property as GR-4 General Residential District at introduction, an affirmative vote from four (4) is required; less than four (4) affirmative votes will require a second reading.

{NCGS 160A-75 "...no ordinance nor any action having the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council ..."}
}

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

PETITION REQUESTING VOLUNTARY INCLUSION INTO THE CITY OF
BREVARD EXTRATERRITORIAL JURISDICTION

N.C.G.S. 160A-360

Date: May 8, 2015

To the City Council of the City of Brevard:

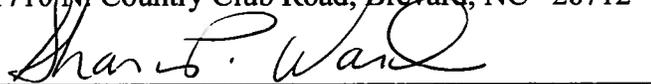
1. We, **Ralph C. Ward, Jr. and Sharon P. Ward**, the undersigned owners of certain real property respectfully request that the area described in paragraph 2, below, be incorporated into the City of Brevard Extraterritorial Jurisdiction.
2. The area to be extended is contiguous to the City of Brevard Extraterritorial Jurisdiction and the boundaries of such territory are as follows:

Metes and Bounds Property Description is attached hereto and labeled Attachment "A". Being all of the property in a deed, recorded in Deed Book 718, Page 563, Transylvania County Registry.

3. A tax map is attached showing the area proposed for incorporation in relation to the City of Brevard Extraterritorial Jurisdiction with the **Tax Map PIN # 8585-10-8199-000. Attachment "B" is Drawing number L-179 (7-248) survey prepared by P. R. Raxter, Registered Land Surveyor, dated April 26, 1983, which accurately describes the subject property.**
4. Physical Address of Property: 1710 N. Country Club Road, Brevard, NC 28712.
5. We acknowledge that this action will result in our property being subject to development regulations of the City of Brevard.



Ralph C. Ward, Jr.
1710 N. Country Club Road, Brevard, NC 28712



Sharon P. Ward
1710 N. Country Club Road, Brevard, NC 28712

Petition should be submitted to: City Clerk, City of Brevard,
95 West Main Street, Brevard, NC 28712

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

PETITION REQUESTING VOLUNTARY INCLUSION INTO THE CITY OF
BREVARD EXTRATERRITORIAL JURISDICTION

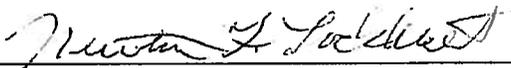
N.C.G.S. 160A-360

Date: March 6, 2015

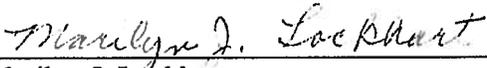
To the City Council of the City of Brevard:

1. We, **Newton F. Lockhart and Marilyn J. Lockhart**, the undersigned owners of certain real property respectfully request that the area described in paragraph 2,— below, be incorporated into the City of Brevard Extraterritorial Jurisdiction.
2. The area to be extended is contiguous to the City of Brevard Extraterritorial Jurisdiction and the boundaries of such territory are as follows:

Metes and Bounds Property Description is attached hereto and labeled Attachment "A". Being all of the property in a deed, recorded in Deed Book 259, Page 468, Transylvania County Registry on May 31, 1983.
3. A tax map is attached showing the area proposed for incorporation in relation to the City of Brevard Extraterritorial Jurisdiction with the **Tax Map PIN # 8585-10-8199-000. Attachment "B" is Drawing number L-179 (7-248) survey prepared by P.R. Raxter, Registered Land Surveyor, dated April 26, 1983, which accurately describes the subject property.**
4. Physical Address of Property: 1710 N. Country Club Road, Brevard, NC 28712.
5. We acknowledge that this action will result in our property being subject to development regulations of the City of Brevard.



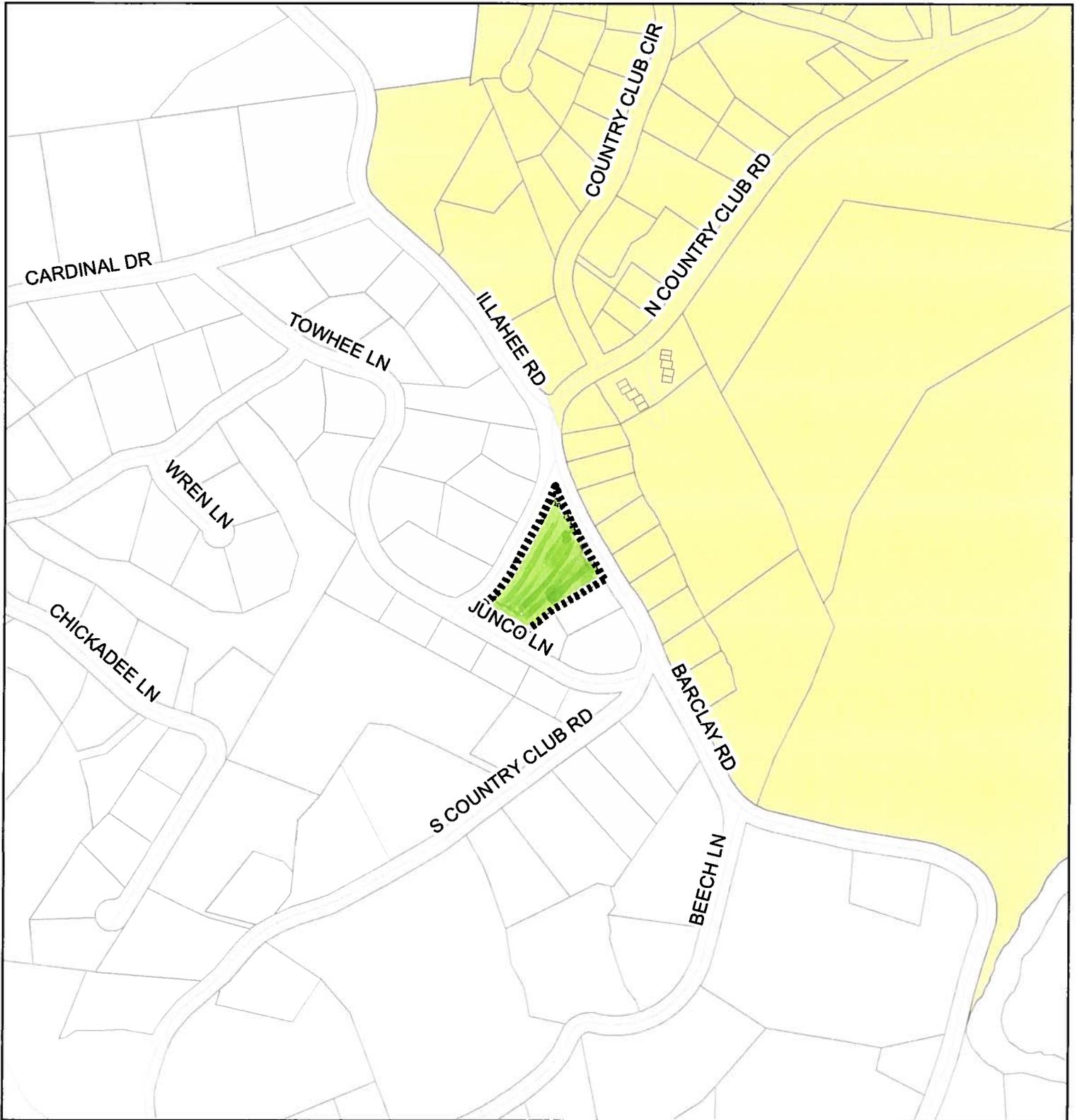
Newton F. Lockhart
1710 N. Country Club Road, Brevard, NC 28712



Marilyn J. Lockhart
1710 N. Country Club Road, Brevard, NC 28712

Petition should be submitted to: City Clerk, City of Brevard,
95 West Main Street, Brevard, NC 28712

OFFICIAL ZONING MAP EXCERPT



Legend

-  Streets
-  Subject Property
-  Parcels

Zoning Districts Effective 2014 May 21

- | | |
|--|---|
|  General Industrial |  Institutional Campus |
|  Corridor Mixed Use |  General Residential (6) |
|  Downtown Mixed Use |  General Residential (4) |
|  Neighborhood Mixed Use |  Special District |
|  Residential Mixed Use | |



RECEIVED
1/28/15

15 Princeton Lane
Brevard, NC 28712
January 28, 2015

The Honorable James Harris and
Members of the City Council
Brevard City Hall
95 West Main Street
Brevard, NC 28712

Dear Sir,

We have a house on North Country Club Road which has an urgent need for a source of water. The city of Brevard has a water main which is currently serving our neighbors across the road. However, this source of water is not currently available to us without special approval of the Brevard City Council because our house is on the wrong side of the ETJ line which follows the center line of Country Club Road. We are writing to you to respectfully request the City Council's consideration and hopefully their approval which would allow us to connect to City water.

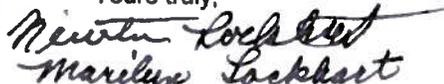
The need has arisen because of a drilled well which has served this residence well for many years has deteriorated to a point where it produces muddy water which we have been unable to clear or to filter. Merrill Pump and Drilling Company has declared that the well is beyond repair.

Our need is particularly urgent because the house is currently under contract with a closing date set for February 26, 2015. The drilling of a new well is not only expensive but carries many risks for success not to mention the mess it would make on the property all of which could not be accomplished before our closing date. We are afraid that missing this date might ultimately result in the loss of this sale.

On the other hand, if we could connect with Brevard city water it would be far less expensive and believe that it could be accomplished more quickly. The expense is our greatest concern. We have already spent a lot of money trying to fix the existing well. Our income is fixed and our resources are limited. Like so many senior citizens any major expense is a threat to our solvency with the concern that we will outlive our resources. Therefore, when possible we try to pursue the least expensive course. Hopefully you can help us do this.

Thank you for your attention to this matter.

Yours truly,


Newton and Marilyn Lockhart

ORDINANCE NO. 2015-_____

**AN ORDINANCE TO EXTEND THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF BREVARD, NORTH CAROLINA, AND TO
AMEND THE OFFICIAL ZONING MAP TO EXTEND THE EXTRATERRITORIAL
JURISDICTION AND DESIGNATING SUBJECT PROPERTY AS
GR-4 GENERAL RESIDENTIAL ZONING DISTRICT**

WHEREAS, North Carolina General Statute 160A-360 authorizes the City of Brevard to establish an Extraterritorial Jurisdiction and to undertake the enforcement of ordinances dealing with planning and the regulation of development within a defined area lying outside of and beyond its corporate limits for a distance of up to one mile; and

WHEREAS, the Brevard City Council received a Petition Requesting Voluntary Inclusion Into The City of Brevard Extraterritorial Jurisdiction by Newton F. and Marilyn J. Lockhart, on March 6, 2015, and by Ralph C. Jr., and Sharon P. Ward, on May 8, 2015, requesting certain real property as described herein be incorporated into the City of Brevard Extraterritorial Jurisdiction; and

WHEREAS, a public hearing on the question of this inclusion of the subject area into the City of Brevard Extraterritorial Jurisdiction was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 18th day of May, 2015, after due notice by publication on the 4th and 11th day of May, 2015, whereby public comment was received regarding said extension; and

WHEREAS, the Brevard City Council, after hearing all persons wishing to comment on the proposed extension of extraterritorial jurisdiction, desires to enact the request of the petitioners and amend Appendix D of Brevard City Code to expand the City's Extraterritorial Planning Jurisdiction; and

WHEREAS, North Carolina General Statute 160A-360(b) provides that extraterritorial jurisdiction shall be adopted by ordinance to specify its boundaries and that these boundaries shall at all times be drawn on a map, set forth in a written description, or shown by combination of these techniques, and shall be recorded in the office of the register of deeds of the county; and

WHEREAS, North Carolina General Statute 160A-360(b) provides that when a city extends its extraterritorial jurisdiction to include an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the extension, whichever is sooner, and that, during this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-30.

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

Section 1. By virtue of the authority granted by G.S. 160A-30, as amended, all of that property lying in Transylvania County, previously owned by, Newton F. Lockhart and Marilyn J. Lockhart, being all of the property in a deed, recorded in Deed Book 259, Page 468, Transylvania County Registry on May 31, 1983, (Transylvania Tax Office Property Identification Number 8585-10-8199-000), and currently owned by Ralph C. Jr. and Sharon P. Ward, being all of the property in a deed recorded in Deed Book 718, Page 563, Transylvania County Registry (PIN #8585-10-8199-000), 1710 North Country Club Road, is hereby incorporated and made part of the City of Brevard Extraterritorial Jurisdiction as of the 18th day of May, 2015.

Said property is more fully described as follows:

BEGINNING at an iron pin set in the north margin of Towhee Lane at its point of intersection with the eastern margin of Laurel Valley Road and running up and with the eastern margin of Laurel Valley Road the following calls: North 68 deg. 33 min. 45 sec. East 94.25 feet to an iron pin; North 29 deg. 48 min. 45 sec. East 86.90 feet to an iron pin; North 22 deg. 47 min. East 320.77 feet to an iron pin; thence leaving Laurel Valley Road in a southeasterly direction with the southwestern margin of Country Club Road the following calls: South 30 deg. 02 min. 15 sec. East 165.88 feet to an iron pin; South 29 deg. 21 min. East 194.11 feet to an iron pin; thence up and with the line of Fred Owenby, South 58 deg. 45 min. West 174.95 feet to an iron pin the line of Owenby, Galloway and the Grantor, thence down and with the line of Galloway, South 45 deg. 41 min. West 139.72 feet to an iron pin in the North margin Towhee Lane, thence along and with the north margin of Towhee Lane, North 62 deg. 31 min. 30 sec. West 207.22 feet to the point of BEGINNING. Containing 2.01 acres, more or less, as surveyed and platted by P.R. Raxter, RLS, April 26, 1983. Being all of Lots 11, 16, 17, 18 and 19, Section 2 of Montclove Estates as recorded in the office of the Register of Deeds for Transylvania County, North Carolina in Plat Book 1, Page 2.

The following deed references appear on the above-said plat and survey: Deed Book 69, Page 105; Deed Book 91, Page 217; Deed Book 74, Page 303 and Deed Book 126, Page 159.

Section 2. Upon and after the 18th day of May, 2015, the above described property shall be subject to all laws, ordinances and regulations in force in the City of Brevard extraterritorial jurisdiction and shall be entitled to the same privileges and benefits as other parts of the City of Brevard Extraterritorial Jurisdiction.

Section 3. The zoning designation of the above described property shall be GR-4 General Residential District.

Section 4. The City Clerk of the City of Brevard is hereby authorized and directed to cause the stated description of the "Area of Extraterritorial Jurisdiction" to be recorded in the Transylvania County Registry in accordance with G.S. 160A-360. The City Clerk is further authorized and directed to cause the provisions of this Ordinance to be codified into the Brevard City Code.

Adopted and approved the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

CATEGORY: Public Hearing Agenda Item
DATE: May 12, 2015
TO: Brevard City Council
CC: Jim Fatland, Finance Director / Interim City Manager
FROM: Joshua S. Freeman, AICP, CFM, Planning Director
REGARDING: City Code Amendments, Ground Signs in Group Developments

EXECUTIVE SUMMARY: Council will consider and provide feedback upon proposed amendments to City Code, UDO, Chapter 12. Signs. The proposed amendments were initiated by City Council. Proposed amendments are attached.

DISCUSSION: NA

STAFF COMMENTS: *Council should take no action on the proposed text amendments on May 18, 2015. Rather, Council should receive public comment and, if necessary, suggest that Staff and the Planning Board evaluate any proposed changes to the proposed amendments. Staff will present an ordinance for Council's consideration on June 15, 2015.*

1 CHAPTER 12. - SIGNS

2 12.1. - Purpose.

3 The purpose of this article is to permit such signs in the City of Brevard and its extraterritorial
4 jurisdiction that will not, by their reason, size, location, construction, or manner of display, endanger the
5 public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise
6 endanger public health and safety; and to permit and regulate signs in such a way as to support and
7 complement land use objectives set forth in the zoning ordinance for the City of Brevard.

8 12.2. - General regulations.

9 The following regulations shall apply to all signs in all districts:

10 A. *Compliance*: No sign of any type shall be constructed, erected, painted, posted, placed, replaced,
11 or hung in any district except in compliance with this ordinance.

12 1. *Repainting of signs*:

13 i. Nonconforming painted signs may be repainted so long as the new coat of paint is for
14 maintenance purposes and the design of the sign is not altered in any fashion.

15 ii. If, during repairing, the design of the sign structure is altered in any way, then the entire
16 structure shall comply with the provisions of this ordinance. See also Section 12.2(B).

17 2. *Billboards*:

18 i. Billboards existing at on or before May 6, 1991 shall be allowed to be reposted so long
19 as the structure of the sign itself remains in good repair.

20 ii. The structure of the billboard shall be subject to all other provisions of this ordinance,
21 particularly Section 12.2(D).

22 iii. If at any time an advertising message on a billboard becomes obsolete or in disrepair,
23 the advertising copy itself shall be subject to subsections 12.2(B) and 12.2(C), without
24 the structure being subject to the provisions, provided it is in good repair.

25 3. *Vandalism and adverse weather*:

26 i. Signs destroyed by vandals or adverse weather conditions shall be allowed to be
27 replaced even if such signs do not conform to this ordinance provided they existed
28 before the date of enactment of this ordinance and they are replaced in the exact same
29 location, in the exact same manner and with the exact same advertising copy of the
30 same size as the previously destroyed sign.

31 ii. Adverse weather conditions shall not be interpreted to be normal weathering of a sign.

32 iii. If a sign is allowed to deteriorate over time due to exposure to the weather elements,
33 then it shall not be deemed as replaceable under this section.

34 B. *Maintenance*:

35 1. All signs, together with braces, guys and supports, shall at all times be kept in good repair.

36 2. If at any time a sign should become unsafe or poorly maintained, the administrator shall
37 notify the owner or lessee of the sign of such condition.

38 3. Upon failure of the owner or lessee to correct such condition within 30 days, the administrator
39 shall order the removal of such sign.

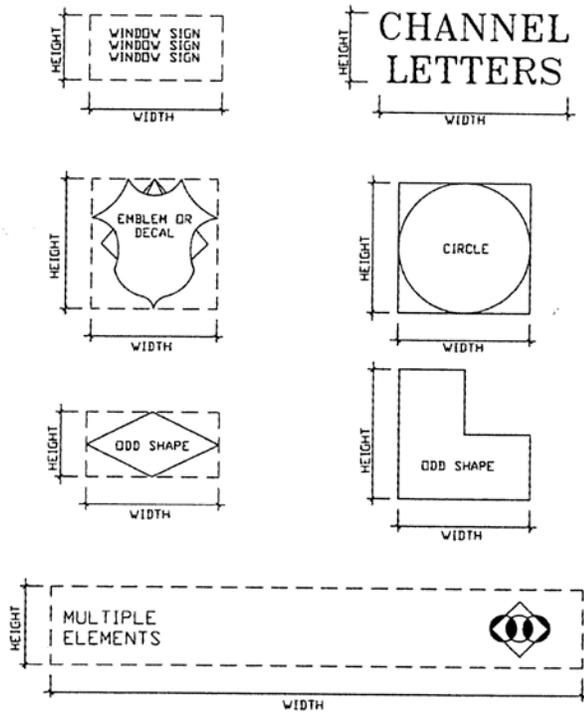
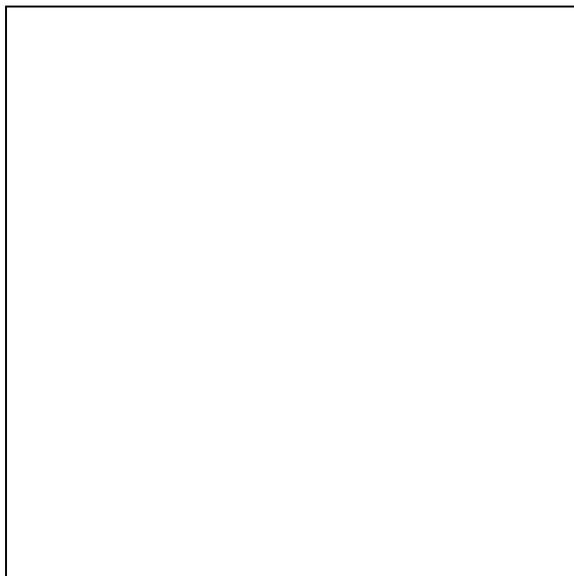
40 4. The expense of the removal of the sign shall be billed to the owner or lessee of said sign.

41 5. See Section 12.5(E) and Chapter 18 of this ordinance for collection procedures.

- 42 C. *Removal of obsolete signs:*
- 43 1. Signs identifying establishments no longer in existence, products no longer being sold, and
44 services no longer being rendered shall be removed from the premises within 30 days from
45 the date of termination of such activities except that ground sign supports, braces, and guys
46 which are not easily dismantled and are to be sold as a portion of the business assets shall
47 remain.
- 48 2. However, remaining sign supports, braces, and guys shall comply with all other requirements
49 of this ordinance. If remaining sign supports, braced, and guys are not used to support signs
50 identifying establishments in compliance with this chapter for a period of two years or more,
51 such sign supports, braces, and guys shall be removed in accordance with this chapter.
- 52 3. Temporary signs and political signs shall be removed within ten days after the termination of
53 the event or election advertised.
- 54 4. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed
55 time period, the administrator shall order their removal subject to the terms of this article and
56 Chapter 18 of this ordinance and any additional expense of removal shall be billed to the
57 owner or lessee of said sign(s).
- 58 D. *Nonconforming signs:*
- 59 1. Any sign existing on the date of enactment of this ordinance which does not conform to the
60 requirements of said ordinance shall be taken down and removed or brought into compliance
61 by the owner, agent, or person having the beneficial use of the building, land, or structure
62 upon which such sign may be found within a period of ten years.
- 63 2. The amortization period for nonconforming signs is ten years. All signs must be in
64 compliance by April 1, 2000.
- 65 3. The amortization period for those signs which do not comply with the setback provisions of
66 this ordinance, but that conform in every other respect, shall be extended to expire on
67 January 1, 2003.
- 68 4. Signs subject to the provisions of G.S. 136-131.1 are exempt from the requirements for
69 removal or compliance.
- 70 5. Removal of nonconforming signs: Any sign existing on the date of enactment of this article
71 shall not be repaired if 50 percent or more of the structure must be restored in order for it to
72 be deemed in good repair; instead, such a sign shall be removed and a new sign which
73 conforms to the regulations set forth by this article may be erected.
- 74 6. Relocation of nonconforming signs: Any nonconforming sign existing on the date of
75 enactment of this article may be relocated on the same premises of the establishment having
76 beneficial use of said structure so long as it is the same sign structure and the
77 nonconformance is not increased in any manner beyond the point of noncompliance that
78 existed before the movement of said structure.
- 79 7. Replacement of nonconforming sign inserts: The plastic inserts within existing
80 nonconforming sign frames may be replaced for continued use until the amortization period
81 expires.
- 82 8. Nonconforming signs within newly annexed areas outside the city's area of extraterritorial
83 jurisdiction (ETJ):
- 84 i. Nonconforming signs within voluntary annexed areas outside the city's ETJ must
85 comply with the provisions of this article (the sign ordinance) within one year from the
86 effective date of annexation.
- 87 ii. Nonconforming signs within involuntary annexed areas outside the city's ETJ must
88 comply with the provisions of this article by April 2000, or three years from the effective
89 date of annexation, whichever is greater.

90 12.3. - Computation of signage area.

- 91 A. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall
92 be computed by means of the smallest rectangle that will encompass the extreme limits of the writing,
93 representation, emblem or other display, together with any material or color forming an integral part of
94 the background of the display or used to differentiate the sign from the backdrop or structure against
95 which it is placed, but not including any supporting framework, base, bracing or decorative fence or
96 wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental
97 to the display itself.
- 98 B. For a single wall on a single-occupant building, all pieces of information or other graphic
99 representations on that wall shall be measured as though part of one sign, encompassed within one
100 rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single
101 wall on a multi-occupant building, the area of signs shall be computed using these principles and each
102 individual sign shall not exceed the permitted total wall area to which the sign(s) is affixed.
- 103 C. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60
104 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a
105 double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all
106 other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area
107 of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements
108 that can be seen at one time or from one vantage point should be considered in measuring that side
109 of the sign.
- 110 D. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be
111 computed from the smallest three-dimensional geometrical shape or shapes which will best
112 approximate the actual surface area of such faces.



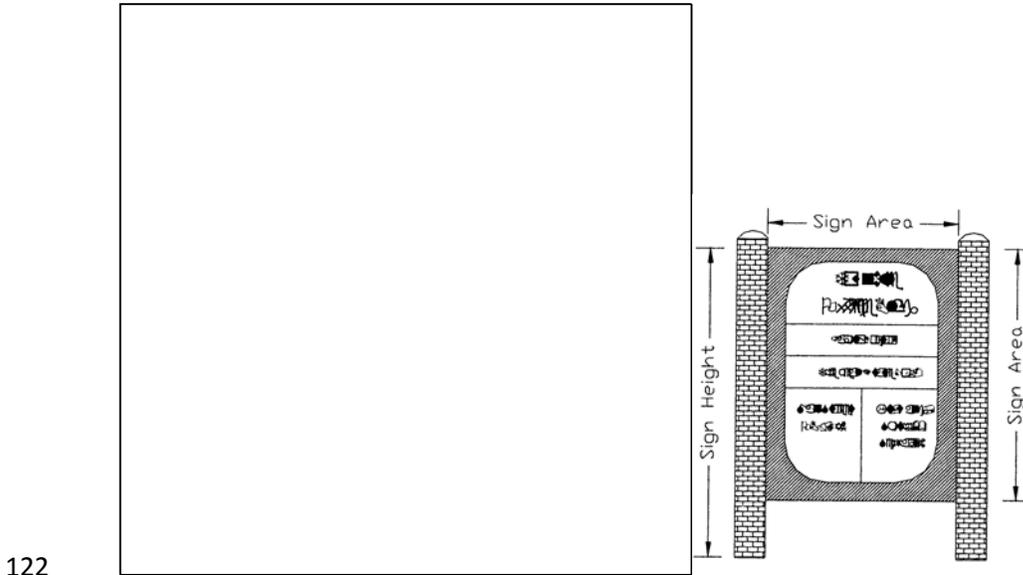
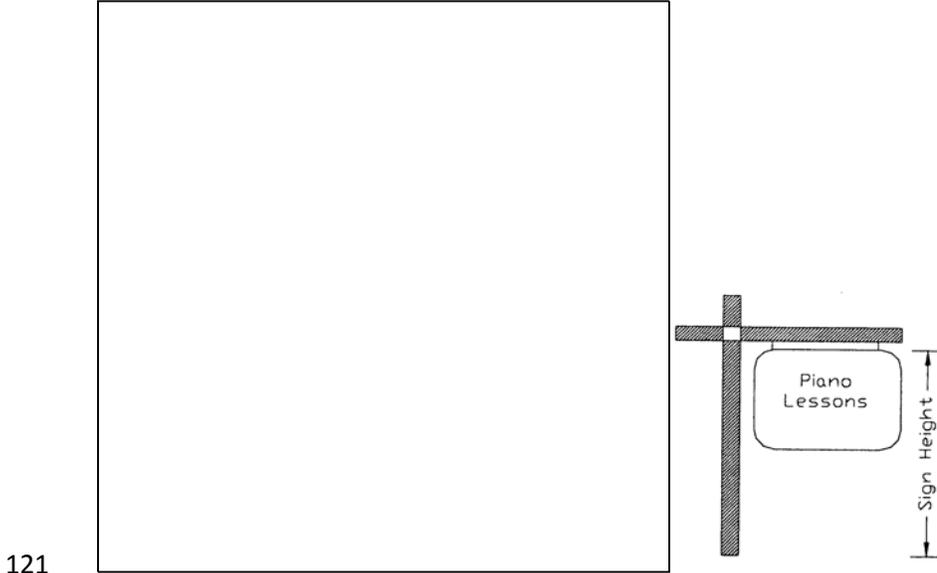
113

114

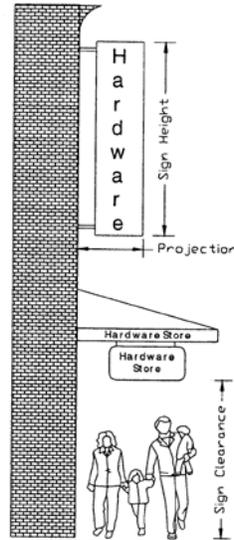
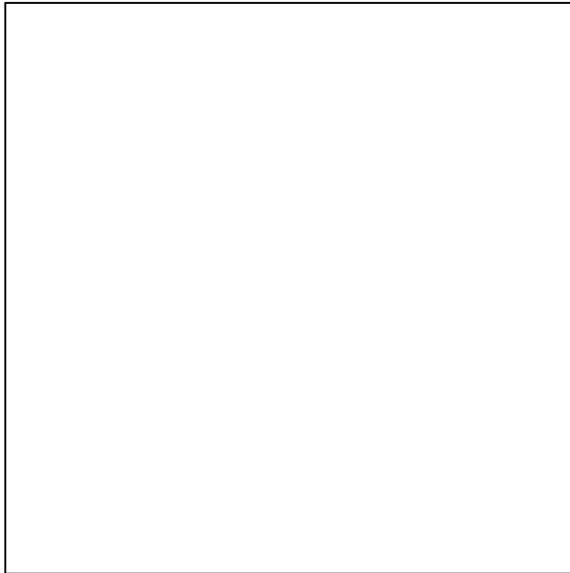
115 **Signage Area**

116 12.4. - Computation of sign height.

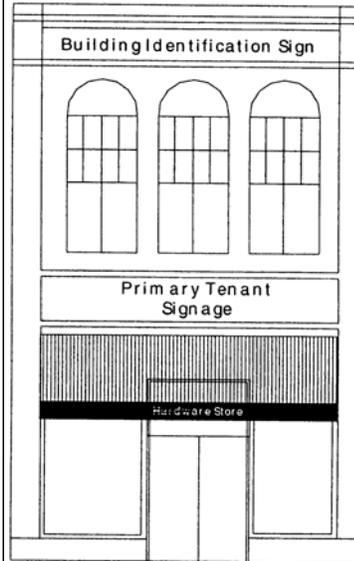
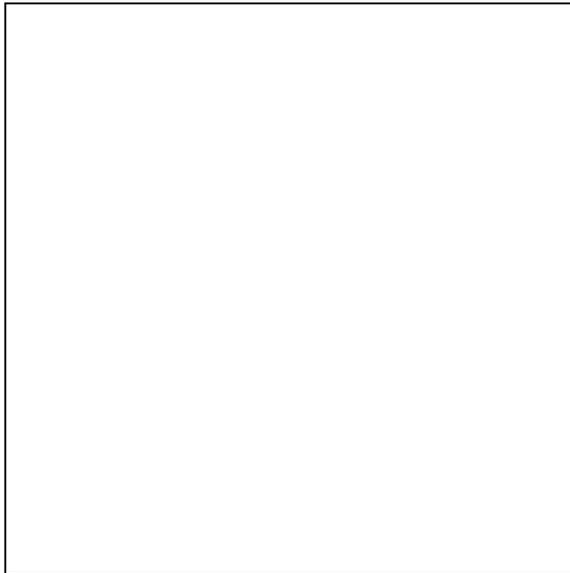
- 117 A. Sign height shall be measured from the street grade of the closest point in the street the sign is located
118 along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure.
119 The maximum height of a ground sign cannot exceed 25 feet unless otherwise addressed in this
120 ordinance.



123



124



125 12.5. - General provisions.

- 126 A. *Building code compliance:* All signs shall fully comply with the requirements of the State of North
127 Carolina building and electrical codes.
- 128 B. *Sign setback requirements:* No portion of any freestanding sign may be located closer than ten feet to
129 any street right-of-way except in the DMX district where signs shall be no closer than five feet to any
130 street right-of-way. No portion of any freestanding sign shall be located any closer than 12 feet to any
131 side or rear property line. No sign shall be located in such a manner as to constitute a traffic or safety
132 hazard.
- 133 C. *Illumination of signs:* Signage shall comply with all applicable provisions of Chapter 11 of this
134 ordinance. Unless otherwise expressly prohibited, signs may be illuminated provided that lighting
135 fixtures used to illuminate a sign either shall be by directed ground lighting or mounted on the top of
136 the sign, and shall comply with shielding requirements of Chapter 11 of this ordinance. Lighting fixtures
137 shall illuminate only the face of the sign, and shall not project into any portion of the traveled roadway.

138 D. *Permit required:* A permit, issued by the administrator, shall be required for all signs unless otherwise
139 provided herein. No permit shall be issued until the administrator inspects plans for such signs and
140 determines that they are in accordance with the requirements contained in this article. The fee
141 schedule for sign permits shall be determined by city council.

142 E. *Enforcement of regulations:*

143 1. Any nonconforming sign constructed after the date of enactment of this chapter or any sign
144 maintained in a nonconforming manner after the passage of the amortization period specified in
145 Section 12.2(D) shall be subject to the enforcement procedures as set forth in Chapter 18 of this
146 ordinance.

147 2. Removal. If the nonconforming sign has not been brought into compliance with the provisions of
148 this ordinance or removed within 30 days of having been issued a Notice of Decision/Notice of
149 Intent as set forth in Chapter 18, Section 18.3(D), then said sign may be removed by the city and
150 the cost of removal shall be billed to the owner or lessee of the sign. Furthermore, the city may
151 pursue any other remedy available under Chapter 18 of this ordinance or State Law.

152 3. Failure to pay removal costs. If the owner or lessee of a nonconforming sign that has been
153 removed by the city fails to pay for the costs of removal within 30 days of the billing date for such
154 action, then the city will collect the cost as a lien on the property in the same manner as provided
155 in G.S. 105-355 and 105-356 for delinquent property taxes. The amount of such lien may include
156 the actual cost of removal of said sign, plus any fines which may have been levied and not paid,
157 plus 15 percent representing penalty and interest for cost of collection, plus attorney fees.

158 12.6. - Prohibited signs.

159 The following signs are prohibited in all districts except as otherwise permitted by this section.

160 A. *Signs constituting traffic hazards:* Any sign located in a manner or place so as to constitute a
161 hazard to traffic as demonstrated by the administrator.

162 B. *Signs in public right-of-way or easement:* Any freestanding sign located in a public right-of-way
163 or easement, or extending over into a public right-of-way or easement, except as otherwise
164 allowed by this chapter. The administrator may remove any sign located within a public right-of-
165 way.

166 C. *Signs obstructing passages:* Any sign that obstructs or substantially interferes with any window,
167 door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for
168 any building.

169 D. *Off-premises advertising signs:* Billboards and other types of off-premises advertising signs,
170 unless otherwise allowed by this chapter.

171 E. *Flashing devices:* Any flashing device or sign displaying flashing or intermittent lights or lights of
172 changing degrees of intensity, except a sign indicating time and/or temperature, with changes
173 alternating on not less than a five-second level.

174 F. *Moving devices:* Any moving signs or device to attract attention, all or any part of which moves
175 by any means, including motion by the movement of the atmosphere or by electrical or other
176 means, including but not limited to pennants, flags, propellers or discs, whether or not any said
177 device has a written message. Moving devices may, however, be allowed if in compliance with
178 Section 12.8(M) or 12.9(J).

179 G. *Posted signs:* Any sign posted to utility poles, trees, fences, rocks or other signs.

180 H. *Copies of official signs:* Any sign which is a copy or an imitation of an official sign, or which
181 purports to have official status.

182 I. *Portable signs.*

183 J. *Roof signs.*

184 K. *Signs not permitted*: Any sign not expressly permitted elsewhere in this ordinance.

185 12.7. - Exempt signs.

186 The following signs are exempt from the provisions of this ordinance:

187 A. *Governmental agency signs*: Signs erected by a governmental agency to regulate, control or
188 direct traffic including signs indicating bus stops, taxi stands, and similar transportation facilities.
189 Such signs may be illuminated, flashing, or moving as required for public safety. Furthermore,
190 signs erected by a governmental agency which convey information regarding a public service or
191 the location of a public facility may also be illuminated as is necessary.

192 B. *Signs required by law*: Signs erected pursuant to federal, state, or local laws or ordinances.

193 C. *Warning signs*: Signs which warn of hazards to life, limb, and property such as high voltage
194 electrical equipment, explosives and the like.

195 D. *"No trespassing" signs*: "No trespassing" signs not to exceed four square feet in surface area.

196 12.8. - Signs permitted without a permit.

197 The following types of signs shall be permitted in any use district without the issuance of a sign permit
198 provided they meet the stated requirements:

199 A. *Temporary real estate signs*: Temporary real estate signs advertising a specific piece of property
200 for sale, lease, rent, or development, located on said property, provided such signs shall not
201 exceed eight square feet in surface area per side of sign up to a maximum of 16 square feet of
202 aggregate surface area. Signs shall not be illuminated and shall not exceed one per parcel of
203 land unless such land is located at an intersection of two streets; in such case, two signs shall be
204 allowed, one facing each street.

205 B. *Signs on window glass*: Signs on window glass, regardless of size.

206 C. *Private traffic signs*: Private, unofficial traffic signs not exceeding two square feet in surface area
207 per side of sign up to a maximum of four square feet of aggregate surface area per sign, which
208 indicate directions, entrances, and exits. Such signs are to be located entirely on the property to
209 which they pertain, and shall not contain any advertising message.

210 D. *Organization signs*: Any flag, badge, insignia, or design customarily displayed by any
211 governmental agency or government, or any charitable, civic, fraternal, patriotic, religious, or
212 similar organization.

213 E. *Political party headquarters signs*: Signs for political party headquarters shall meet the
214 requirements set forth for the district in which they are located.

215 F. *Service station signs*: Gasoline service stations or any businesses selling gasoline are allowed,
216 in addition to other provisions of this ordinance, the following signs:

217 1. *Price and self-service signs attached to gasoline pumps*: Gasoline price/self-service signs
218 located at and secured to each pump island and not exceeding nine square feet per side of
219 sign. One gasoline price/self-service sign may be freestanding and located at a place other
220 than the pump island, but must be on the business site and meet all other sign regulations.
221 If such signs are freestanding signs, they shall not exceed 40 inches in height.

222 2. *Brand name and grade signs*: Each brand sign, emblem of the gasoline sold, the grade of
223 gasoline and any other related signs shall not exceed nine square feet in total aggregate
224 surface area for each pump island.

225 3. *North Carolina inspections sign*: A North Carolina inspections sign at any location on the
226 business premises as long as said sign is not placed in any right-of-way. Said sign shall not
227 exceed 40 inches in height.

- 228 G. *Numbers and nameplates:* House numbers and nameplates are permitted in accordance with
229 Brevard City Code, Chapter 62, Article VII, Property Addressing and Road Naming.
- 230 H. *Construction signs:* One construction sign per construction project not exceeding 32 square feet
231 of sign area in residential districts or 64 square feet in commercial or industrial districts, provided
232 that such signs shall be erected no more than five days prior to the beginning of construction for
233 which a valid building permit has been issued, shall be confined to the site of construction, and
234 shall be removed five days after completion of construction and prior to occupancy.
- 235 I. *Public notice:* Official notices posted by public officers or employees in the performance of their
236 duties.
- 237 J. *Commemorative plaques:* Commemorative plaques of recognized historic agencies or
238 identification emblems of such agencies, provided that no plaque or emblem seal exceeds four
239 square feet in area.
- 240 K. *Nonprofit organization signs:* Any sign erected by city personnel on behalf of a nonprofit
241 organization sponsoring a one-time or annual event.
- 242 L. *Public-owned ball field fence signs:* Nonprofit organizations, i.e., local ball leagues, may sell
243 advertising signage to merchants for attachment to ball field fences providing the following
244 requirements are met:
- 245 1. Sign panels must be of uniform size and weather durable material and cannot exceed three
246 feet by five feet in dimension.
 - 247 2. Signage must be attached to the interior (ball field) of the chain link fencing, have advertising
248 copy on only the interior (ball field) side of fencing and cannot be self-illuminated.
 - 249 3. The back (exterior) side of the sign must be a dark solid green color and be uniform in color
250 with all the other signs. All signs must be kept clean and in good repair.
 - 251 4. Signage cannot exceed one per fence panel. Sign must be uniform in height.
 - 252 5. Signage can be erected two weeks prior to the beginning of the ball season and must be
253 taken down within two weeks from the conclusion of the season.
 - 254 6. The city/county/state agency (owner) or tenant leasing the property will be responsible for
255 installing and removing the signs.
- 256 M. *Automobile and motorized vehicle dealer signs:*
- 257 1. Automobile dealers and motorized vehicle dealers within commercial districts are allowed to
258 attach to vehicles for sale small pennants, flags or balloons on antennas and/or twirl-ads on
259 hoods/roofs.
 - 260 2. Said devices shall not exceed two per vehicle; devices are less than three square feet in
261 size; and devices are maintained and secured in a proper manner.
 - 262 3. If a device is not secured or maintained to the satisfaction of the administrator such device
263 shall be deemed a prohibited moving device and be immediately removed.

264 12.9. - Signs allowed with permits.

265 The following types of signs shall be allowed within the City of Brevard upon the issuance of a sign
266 permit for each proposed sign and subject to the regulations set forth below:

- 267 A. *Signs allowed in GR districts:* The following types of signs shall be allowed in all of the residential
268 districts subject to the accompanying restrictions and the issuance of a sign permit:
- 269 1. *Nameplate signs:*
 - 270 i. Home occupations shall be allowed one nameplate sign for purposes of identification.

- 271 ii. Signs shall not exceed four square feet of surface area and shall be attached to the
272 residence.
- 273 iii. Signs shall not be illuminated.
- 274 2. *Ground signs at neighborhood entrances:* Distinct neighborhoods, residential subdivisions,
275 residential group developments, residential planned development districts, and
276 manufactured home parks are permitted one ground sign at each entrance.
- 277 i. Such communities may include those older existing communities that may not have
278 been permitted as unified projects (e.g., "Welcome to the Rosenwald Community",
279 "Maple Street Community"). However, such signs shall be of a uniform design to be
280 approved by the city. Designs and locations shall be approved by the administrator in
281 consultation with the public works director and the community appearance commission.
- 282 ii. Signs shall be no larger than 32 square feet of surface area per side of sign up to a
283 maximum of 64 square feet of aggregate surface area per sign.
- 284 iii. Signs shall not exceed five in height and may be indirectly illuminated in accordance
285 with Chapter 11 of this ordinance.
- 286 iv. Such signs may be located within the center median of boulevard streets at
287 neighborhood entrances. Such placement shall require an encroachment agreement
288 from the North Carolina Department of Transportation or the City of Brevard, as
289 applicable.
- 290 3. *Nonresidential uses:* Nonresidential uses permitted in residential districts shall be allowed
291 one ground or wall identification sign per street fronted on by the permitted use. Said sign
292 shall be no larger than 32 square feet of surface area per side of sign up to a maximum of
293 64 square feet of aggregate surface area for said sign. Signs shall not exceed five feet in
294 height and shall not be illuminated.
- 295 B. *Ground signs (non-residential):* The following standards shall apply to individual businesses on
296 individual parcels. Non-residential group developments, non-residential planned development
297 districts, and institutional campuses shall be subject to the same dimensional requirements, but
298 the number of allowable ground signs in such developments is set forth in Section 12.11, below.
- 299 1. One ground sign not to exceed the following surface area limitations:
- 300 i. DMX, NMX, and RMX districts: 32 square feet in surface area per side of sign, up to a
301 maximum of 64 square feet of aggregate surface area for the entire sign;
- 302 ii. CMX districts: 85 square feet in surface area per side of sign up to a maximum of 170
303 square feet aggregate surface area for the entire sign;
- 304 iii. IC district: 24 square feet per side of sign up to a maximum of 48 square feet of
305 aggregate surface area for the entire sign;
- 306 iv. GI district: 50 square feet per side of sign up to a maximum of 100 square feet of
307 aggregate surface area for the entire sign;
- 308 v. Signs shall not exceed 25 feet in height in any district.
- 309 C. *[Reader boards:]* Reader boards are allowed on ground signs provided that the total area of the
310 sign, including the reader board, does not exceed the area allowed by this subsection.
- 311 D. *Electronic display signs:* Electronic display signs may be permitted as ground or wall signs,
312 subject to the following additional requirements:
- 313 1. Only one electronic display sign shall be permitted per parcel.
- 314 2. Only one electronic display sign shall be permitted within any group development, planned
315 development, or institutional campus.

- 316 3. Electronic display signs shall display only non-moving text and images with changes
 317 alternating on not less than a five-second level, and shall display no scrolling, flashing,
 318 blinking, or otherwise moving message.
- 319 4. Electronic display signs shall adhere to all other applicable wall or ground sign requirements
 320 of this chapter, as well as the lighting standards of Chapter 11 of this ordinance.
- 321 E. *[Canopy signs:]* Signs may be attached to a canopy provided that the total area of both the ground
 322 signs and all canopy signs does not exceed the amount described in this subsection.
- 323 F. *[Sandwich board signs:]* In lieu of ground signs, business establishments within DMX, NMX, and
 324 RMX districts may instead be permitted a single sandwich board sign to be placed on the sidewalk
 325 adjacent to the front of the individual business or on the brick paved area providing such a location
 326 does not pose a safety hazard. A sandwich board sign is an A-frame or inverted V-shape sign
 327 which is portable and usually double-sided. This sign must comply with Section 46-1 of the City
 328 Code and must not exceed four feet in height or eight square feet in area per side of sign.
 329 Business establishments located in the Times Arcade Alley may also be permitted to collectively
 330 place one such sign near the West Main Street alleyway entrance in the brick paved area,
 331 providing such a location does not pose a safety hazard and providing further that the sign is
 332 removed at the end of each day when the last business in the Times Arcade Alley closes.
- 333 G. *Wall signs:* Each establishment located in CMX, DMX, NMX, RMX, IC, and GI districts shall be
 334 allowed wall signs in accordance with the following provisions:
- 335 1. *Wall sign:* One wall sign located on the street frontage side of the building.
- 336 2. *Projection sign:* One suspended or projection identification sign per business establishment,
 337 not to exceed eight square feet per side of sign up to a maximum of 16 square feet of
 338 aggregate surface area for the entire sign. Suspended or projection identification signs shall
 339 be located at the main entrance of the business.
- 340 3. *Identification sign:* Each establishment located in one of the above-mentioned districts shall
 341 be allowed one small business identification sign not to exceed 16 square feet in surface
 342 area. That sign may be located on the rear or side of the business.
- 343 4. *Marquee signs allowed in all commercial districts:* Theaters located within commercial
 344 districts shall be allowed a marquee with one or two copy sign surfaces. Total copy area
 345 allowance, for all sign surfaces, shall not exceed five square feet per linear foot of canopy
 346 with a maximum total height limit of no more than five feet at any point. A marquee shall not
 347 extend more than ten feet from the building nor be less than nine feet above the ground or
 348 sidewalk at the lowest point.
- 349 5. *Menu reader board:* Each drive-through restaurant establishment shall be allowed one menu
 350 reader board. Menu reader boards shall not be greater than 32 square feet in area or seven
 351 feet in height.
- 352 6. *[Aggregate of wall signs:]* The aggregate of all wall signs, including building identification
 353 signs, business identification signs, suspended signs, projection signs, marquee signs, and
 354 product information signs, shall not exceed 25 percent of the total surface area of the front
 355 wall space of the building (surface area of said wall shall be computed excluding windows
 356 and doors).
- 357 H. *Building identification signs:*
- 358 1. Each building located in non-residential districts shall be permitted one building identification
 359 sign in lieu of allowable ground sign attached to the front of said building, or to the side of
 360 the building if the side faces on a street, alley, or other public right-of-way.
- 361 2. Such building identification signs shall not exceed 32 square feet of aggregate surface area.
- 362 I. *Temporary banners or A-frame signs:*

- 363 1. Temporary banners or A-frame signs may be allowed in CMX, DMX, NMX, RMX, GI, and IC
364 districts, subject to the following requirements:
- 365 i. Temporary banners or A-frame signs advertising the initial openings of business
366 establishments, special events, or special sales may be permitted provided the location
367 of such signs is approved by the administrator and meets all other requirements.
- 368 ii. Banners shall be attached to any part of the building wall.
- 369 iii. Said signs shall not exceed 32 square feet of total aggregate surface area; A-frame
370 signs shall not exceed 16 square feet per side of sign.
- 371 iv. Said signs may be installed ten days prior to the initial opening, special event, or special
372 sale and may remain ten days after completion of the promotion.
- 373 v. Permits for these on-premises signs shall be obtained on an annual basis.
- 374 J. *Decorative flags, banners and other moving devices:* Decorative flags, banners, pennants, and
375 other moving devices (balloons, windsocks, etc.) may be allowed in all districts except GR, subject
376 to the following requirements
- 377 1. A plan for all banners, flags, pennants, and devices indicating locations must be submitted
378 to the administrator. An annual permit is required showing location, size, style, copy, and
379 manner of installation of said banners, flags, pennants, and devices.
- 380 2. Manner of installation must be based on established safety standards.
- 381 3. No banner, flag, pennant, or moving device shall obstruct any fire escape, window, or door,
382 or be placed in such a manner so as to interfere with any openings required for ventilation,
383 nor offer hindrance to fire department equipment or personnel.
- 384 4. All banners, flags, pennants, or moving devices shall be constructed of a fire-retardant
385 material or be treated to be fire retardant.
- 386 5. All banner, flag, pennant, or moving devices must be well-maintained; frayed, faded, or worn
387 banners constitute illegal moving devices.
- 388 6. No advertising message from any off-premise business may be contained on the face of any
389 banner, flag, pennant, or moving device.
- 390 7. No banner, flag, pennant, or moving device may overhang any portion of a vehicular
391 travelway, except as otherwise allowed by this ordinance.
- 392 8. No illuminated, electric, or motor-powered devices may be allowed; glare cannot pose a
393 problem to passing motorists.
- 394 9. No banner, flag, pennant, or moving device shall be secured to the wall in such a manner
395 that the bottom portion is at least seven feet from the sidewalk or does not interfere in any
396 manner with pedestrian traffic.,
- 397 10. Banners or flags cannot exceed a width of four feet and a length of six feet.
- 398 11. Banners, flags and other devices cannot exceed one per every 20 linear feet of storefront.
- 399 12. If, in the opinion of the administrator, said devices cause a nuisance or safety problem, the
400 owner of said devices must relocate or remove them to the satisfaction of the code
401 [enforcement] officer.
- 402 13. Banners, flags or pennants must be properly designed and engineered to withstand the
403 average prevailing winds and to meet the minimum wind load requirement of the North
404 Carolina Building Code.
- 405 14. This provision is subject to annual review by the planning board.
- 406 K. *Political signs:*

- 407 1. No political sign shall be permitted in the corporate limits or one-mile extraterritorial boundary
408 of the City of Brevard unless a candidate for a political office, or the candidate's designee,
409 first deposits \$500.00 to insure the removal of such signs.
- 410 2. Ten days after the election, the \$500.00 deposit will be refunded to the candidate or
411 candidate's designee if all the candidate's political signs have been removed.
- 412 3. If the signs have not been removed, the \$500.00 deposit will be forfeited to the city.
- 413 4. Candidates who have made a deposit and are nominated in a primary election may keep
414 their political signs up until ten days after the general election.
- 415 5. Any political signs of candidates who have not complied with this section shall be removed
416 subject to the terms of this article.
- 417 6. All political signs must comply with the following standards:
- 418 i. Ground signs may not exceed 16 square feet per side of sign. Maximum height of sign
419 from grade to top of sign shall be six feet.
- 420 ii. Political signs may not be posted more than 90 days prior to an election or primary.
- 421 iii. Candidates must remove their signs within ten days after the election or primary, in
422 compliance with Section 12.9(K).
- 423 iv. Location. All signs must comply with Section 12.6
- 424 L. *Festivals and special events sponsored by government, educational, religious, charitable, civic,*
425 *fraternal, or political organizations and institutions:* Signs, banners, balloons, decorative flags and
426 windsocks (hereafter, "special event signage") may be displayed during festivals and special
427 events by permit during the day(s) of the event, subject to the following requirements:
- 428 1. Special event signage shall comply with all provisions of Section 12.9(J) except where
429 modified herein.
- 430 2. Special event signage shall be approved by the administrator before being displayed. A plan
431 showing the location, type and amount of all decorative signage and devices, along with the
432 duration of the event, must be submitted to the administrator for review and approval.
- 433 3. A \$200.00 deposit, per event, must be given to the city insuring removal of all special event
434 signage.
- 435 4. If the special event signage has not been removed, the \$200.00 deposit will be forfeited to
436 the City of Brevard.
- 437 5. Any signs or other devices which have not complied with this section shall be removed
438 subject to the terms of Section 12.2(C).
- 439 6. All special event signage must be firmly secured and well maintained.
- 440 7. No special event signage shall create a traffic hazard or obstruction to motorists or
441 pedestrians.
- 442 8. The size of the overall special event signage shall not exceed 32 square feet of total
443 aggregate surface area. However, if said special event signage is located in the DMX District,
444 the width cannot exceed four feet and the length cannot exceed six feet.
- 445 9. With single sponsorship, the proportion of a sponsor's logo or name shall not exceed 25
446 percent of the overall area for any face of special event signage.
- 447 10. No more than three sponsor logos or names may be listed on special event signage.
448 Sponsors logos or names shall not exceed when added together, 30 percent of the overall
449 area for any face of special event signage.

- 450 11. Special event signage may not be illuminated, moving, or otherwise constitute a vehicular or
 451 pedestrian safety hazard.
- 452 12. Special event banners may be placed in or along the right-of-way of public streets in any
 453 district subject to the following requirements:
- 454 i. All other provisions of Section 12.9(J) are met; and
- 455 ii. A letter of permission from the proper utility company and/or property owner, holding
 456 the city harmless, must be submitted if a banner, flag or pennant is to be attached to or
 457 erected from any pole owned by the utility company.
- 458 iii. Banners shall contain no commercial advertisement copy or business logos.
- 459 iv. The size of an overhead banner crossing the road shall not exceed 30 feet in length
 460 and four feet in height. All overhead banners crossing the road will be composed of no
 461 more than two dimensions.
- 462 v. Overhead street banners and other banners within a right-of-way may not be displayed
 463 earlier than ten days prior to the event and must be removed within ten days after the
 464 event.
- 465 vi. Fees for the installation of overhead street banners shall be established by city council.

466 (Ord. No. 15-08, §§ 29—31, 12-5-08)

467 12.10. - Off-premises directional signs.

- 468 A. *Ground signs in nonresidential districts.* For single establishments in all nonresidential districts except
 469 the DMX district, small self-illuminated ground signs are allowed to indicate directions to said
 470 establishments providing all of the following conditions are met:
- 471 1. Establishments with street frontage on US #64, US #276, and NC #280 cannot qualify for this
 472 type of signage.
- 473 2. Signs cannot exceed eight square feet per side of sign and cannot exceed eight feet in height.
- 474 3. No more than one directional sign may be allowed for each establishment.
- 475 4. A copy of the property owner's written permission allowing the posting of the sign must be
 476 submitted to the planning department along with a diagram showing location.
- 477 5. Signs cannot carry advertising messages but simply contain the name of the establishment or the
 478 generic type of business with directions or arrows indicating location.
- 479 6. Signs can only be posted within 50 feet of a street intersection with no more than two such signs
 480 at said intersection.
- 481 7. Signs cannot be posted in residential districts.
- 482 8. Signs shall meet all applicable setback requirements, shall not be located within any sight triangle,
 483 shall not be located in any public right-of-way, and cannot cause traffic visibility problems.
- 484 B. *Off-premises emergency room directional signs.* Hospitals providing emergency care services are
 485 allowed small self-illuminated ground signs to indicate directions to said establishments, providing all
 486 of the following conditions are met:
- 487 1. Signs cannot exceed 24 square feet per side of sign and cannot exceed four feet in height.
- 488 2. A copy of the property owner's written permission allowing the posting of the sign must be
 489 submitted to the planning department along with a diagram showing location.
- 490 3. Signs cannot carry advertising messages but simply contain the name of the establishment with
 491 directions or arrows indicating location.

- 492 4. Signs can only be posted within 200 feet of a street intersection with no more than two such signs
493 at said intersection; signs cannot cause traffic visibility problems.
- 494 5. All other applicable regulations in the [zoning] ordinance must be met, including sign setback
495 requirements and prohibition of signs in rights-of-way.
- 496 C. *Off-premises parking identification signs.* In addition to small traffic directional signs (see Section
497 12.8(C)), owners of off-premise parking lots may have one additional ground sign located on the
498 parking lot property provided the following conditions are met:
- 499 1. The ground sign maximum surface area is six square feet per side of sign, up to a maximum of
500 12 square feet of aggregate surface area for the entire sign;
- 501 2. Maximum sign height (from ground to top of sign) is six feet;
- 502 3. A sign permit must be obtained indicating said sign complies with relevant sign setback
503 requirements applicable to the district in which the sign is to be located.
- 504 12.11. - Additional standards for planned development districts, group developments, institutional
505 campuses, and other similar projects.
- 506 A. *Ground signs visible from a public street.* One ground sign may be permitted at each development
507 entrance provided that:
- 508 1. No part of any ground sign shall be closer than 500 feet to any part of another ground sign within
509 the same development along the same street frontage.
- 510 2. No part of any ground sign shall be closer 250 feet to any part of any other ground sign within the
511 same development.
- 512 3. A ground sign may be situated at the convergence of two public streets upon which the
513 development fronts but where no entrance is located. However, signs permitted under this
514 provision shall be considered as situated upon both converging streets and shall be separated
515 from all other ground signs within the same development in accordance with 12.11.A.1 and 2.,
516 above.
- 517 4. Developments that are divided by a public street shall be considered as separate developments
518 for the purposes of this subsection.
- 519 5. No other ground signs will be permitted except in accordance with Section 12.11, below.
- 520 6. These requirements shall apply regardless of whether such developments are subdivided into
521 individual parcels.
- 522 7. All other requirements of this Chapter shall apply to such ground signs. Ground sign size and
523 height requirements shall be the same as the base district within which the development is
524 located.
- 525 8. Out-parcels as defined in Chapter 19 of this ordinance shall be allowed one ground sign in
526 accordance with Section 12.9(B).
- 527 9. New ground signs shall be designed to provide a sign panel for all tenants or business units within
528 the same development. When multiple ground signs are employed within the same development,
529 the property owner may distribute tenant panels among the various signs at his or her discretion.
- 530 B. *Wall signs visible from a public street.* Individual businesses and buildings located within planned
531 development districts, group developments, institutional campuses, and other similar projects may
532 have the following:
- 533 1. One wall sign which shall not to exceed 50 square feet or 50 percent of the surface area of the
534 wall upon which the sign is located, whichever is the lesser.

- 535 2. For buildings having frontage on more than one public right-of-way, signs may be placed on both
536 walls fronting the public right-of-way.
- 537 3. One identification sign not to exceed 16 square feet. That sign may be located on the rear or side
538 of the business.
- 539 4. One menu reader board for each drive-through restaurant establishment. Menu reader boards
540 shall not be greater than 32 square feet in area or seven feet in height.
- 541 5. One suspended or projection identification sign per business establishment, not to exceed eight
542 square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the
543 entire sign. Suspended or projected identification signs shall be located at the main entrance of
544 the business.
- 545 6. The aggregate area of all wall signs, including building identification signs, business identification
546 signs, identification signs, suspended signs, projection signs, menu reader boards, and product
547 information signs, shall not exceed 50 percent of the total surface area of the front wall space of
548 the business (surface area of said wall shall be computed excluding windows and doors).
- 549 C. *Internal development signage.*
- 550 1. There shall be no limit to the number signs posted within an Institutional Campus, group
551 development, planned development district, or other similar developments, when such signs are
552 in no way visible from any public street or right-of-way, or any adjacent property.
- 553 2. Ground signs permitted under this provision shall comply with Section 12.11.A.1 and 2., above.
- 554 3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area
555 per side of sign up to a maximum of 64 square feet of aggregate surface area per sign, and shall
556 not exceed five [feet] in height.
- 557 D. *[Compliance:]* Otherwise, signs permitted the development under this section shall comply with all
558 other requirements of this chapter, and other forms of signage within the development shall comply
559 with all requirements of this chapter.
- 560 (Ord. No. 15-08, § 32, 12-5-08)

CATEGORY: Public Hearing Agenda Item
DATE: May 12, 2015
TO: Brevard City Council
CC: Jim Fatland, Finance Director / Interim City Manager
FROM: Joshua S. Freeman, AICP, CFM, Planning Director
REGARDING: Zoning Map Amendments, Railroad Avenue

EXECUTIVE SUMMARY: Council will consider and provide feedback upon proposed amendments to the Official Zoning Map within the Railroad Avenue neighborhood. Amendments are recommended by the Planning Board and were favorably received by City Council in the fall of 2014.

DISCUSSION: Proposed amendments would geographically expand existing RMX zoning, and establish a new Railroad Avenue Mixed Use zoning district as outlined in the Railroad Avenue Small Area Plan, which was favorably received by City Council in the fall of 2014.

Proposed zoning changes are illustrated upon the attached map. Amendments to the UDO are proposed, as outlined in attached, revised versions of UDO Chapters 02, 03, and 05. It should be noted that a number of amendments, which are unrelated to the proposed map amendments, are bundled into the proposed ordinance amendments.

Council should take no action on the proposed map amendments on May 18, 2015. Rather, Council should receive public comment and, if necessary, suggest that Staff evaluate any desired changes to zoning district boundaries or zoning district standards. Staff will present any proposed zoning boundary modifications at Council's June 15, 2015 regular meeting. Also, Council will conduct a public hearing on the proposed zoning districts standards on June 15, 2015. If Council is ready to adopt both the zoning district boundaries and the zoning district standards on June 15, 2015, then it may do so. If not, then Council may postpone both decisions to August 17, 2015, and provide Staff direction to evaluate any desired modifications thereto.

STAFF COMMENTS: *Council should take no action on the proposed map amendments on May 18, 2015.* Rather, Council should receive public comment and, if necessary, suggest that Staff evaluate any desired changes to zoning district boundaries or zoning district standards.

**Notice of Public Hearing
City of Brevard
Proposed Amendments to the
Official Zoning Map of the City of Brevard**

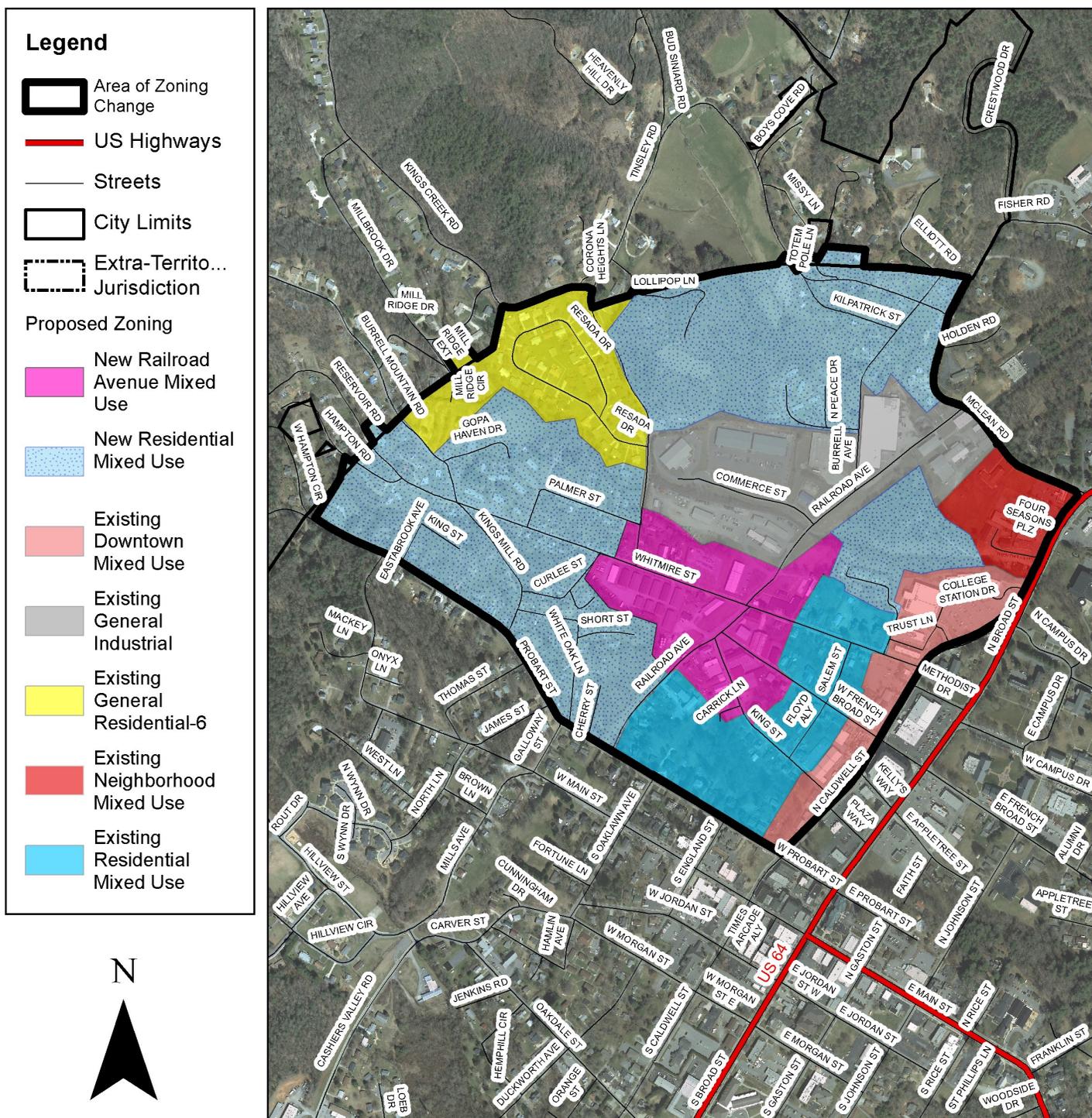
The Brevard City Council will hold a public hearing on Monday, May 18, 2015. The hearing will begin at 7:00 p.m. or as soon thereafter as possible in the Council Chambers of the Municipal Building located at 95 West Main Street to consider the following:

Proposal to amend the Official Zoning Map to modify existing zoning in the Railroad Avenue community as proposed in the Railroad Avenue Small Area Plan. Proposed is to modify existing zoning boundaries and districts as shown on the map presented below.

The public is invited to attend this public hearing and make comment, either in favor of or in opposition to the proposed text amendments. The proposed amendment is available for review and are on file in the Brevard Planning Department and available for public inspection during normal hours, Monday-Friday, 8:30 a.m. - 5:00 p.m. For additional information you may call the City Planning Department at (828) 885-5630.

Additional information regarding this map amendment, including an associated draft ordinance, is available for public review at the City of Brevard Planning Department, 95 West Main Street, Brevard NC, or online at <http://www.cityofbrevard.com/333/RR-Ave-Small-Area-Plan>. Questions should be directed to Joshua Freeman at (828) 885-5630 or by email to Kerry.Lindsay@cityofbrevard.com.

Desiree D. Perry, CMC, NCCMC
Brevard City Clerk



CHAPTER 2. - DISTRICT PROVISIONS

2.1. - General intent and establishment of districts.

A. *Base districts.*

1. In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the City of Brevard and its extra-territorial jurisdiction (hereafter, the "regulatory jurisdiction"), as indicated on the official zoning map is hereby divided into various districts that set forth uniform regulations for the development of land within each district.
2. The purpose of these district regulations is to provide a comprehensive plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

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

1. *General Residential (GR4 and GR6).* The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Land-Use Plan.
2. *Residential Mixed-Use (RMX).* The Residential Mixed-Use District is intended to provide for areas of higher density residential development in close proximity (within ½—¼ mile) to existing and planned commercial centers such as the Downtown Mixed Use District. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.
3. *Neighborhood Mixed-Use (NMX).* The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.
4. [*Railroad Avenue Mixed-Use \(RAMX\).*](#) [The Railroad Avenue Mixed-Use District is intended to provide pedestrian scaled, higher density residential uses and opportunities for a blend of commercial and light industrial uses in an area of transition at the functional center of an existing neighborhood. The district is distinguished from other mixed-use districts in that it accommodates site layouts, building forms and architectural styles that are consistent with the industrial history of the geographic context in which the district is situated.](#)
54. *Downtown Mixed-Use (DMX).* The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.
65. *Corridor Mixed-Use (CMX).* The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. In addition, this district is established to assure the continuation of the natural beauty and green appearance of the major thoroughfares leading into the city, for

enhancement of the appearance of newly developed and redeveloped properties, and for the promotion of public safety by limiting the number and location of access points.

76. *Institutional Campus (IC)*. The Institutional Campus District is coded to allow for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health-care facilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles.

77. *General Industrial (GI)*. This district is primarily for general industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail. The standards established for general industrial areas are designed to promote sound permanent industrial development.

C. *Establishment of conditional zoning districts*. In addition to the base districts established above, and as authorized under G.S. 160A-382 and G.S. 153A-342 the following conditional districts are established which correspond to the above-referenced districts but which require the submission of a master plan as a prerequisite to any development. These districts are intended to allow for the establishment of specific land uses not otherwise permitted in the underlying base district, subject to applicable conditions of the approving authority, while insuring compliance with all other applicable provisions of this ordinance. These districts are not intended to relieve hardships that should be resolved by means of a variance, or to provide the design and dimensional flexibility of development overlay districts listed in Section 2.1(D), below. The procedure for the establishment of these districts is found in Chapter 16 of this ordinance.

1. General Residential Conditional Zoning District 10 (GR 10 CD).
2. Residential Mixed-Use Conditional Zoning District (RMX CD).
3. Neighborhood Mixed Use Conditional Zoning District (NMX CD).
4. Corridor Mixed Use Conditional Zoning District (CMX CD).
5. Central Business District Conditional Zoning District (CBD CD).
6. General Industrial Conditional Zoning District (GI CD).

D. *Overlay districts*. In accordance with North Carolina General Statute 160A-382, the following overlay districts are established. These overlay districts impose additional requirements on properties within one or more underlying base or conditional districts.

1. *Manufactured Home Overlay District (MHD)*. The purpose of the MHD is to allow for the continued placement of manufactured homes "by right" in areas where manufactured housing is a historical housing form. Manufactured homes shall be subject to the design requirements of Chapter 5 as well as other provisions of this ordinance. Manufactured home parks shall require a special use permit in all parts of the city in which they are permitted.

E. *Planned Development (PD)*. A Planned Development (PD) is a base zoning district classification which may only be assigned by means of conditional zoning pursuant to the procedures and criteria set forth in Section 16.8. This zoning classification is intended to provide an effective means for the city to manage the impacts of large-scale developments or developments in sensitive contexts and to provide developers with the flexibility for creative design approaches. The following developments may only be authorized for development in a Planned Development (PD) zoning district:

- ◆ Any development where the total ground floor area of all principal structures equals or exceeds 100,000 square feet;
- ◆ Any group development containing 25 or more structures or units;
- ◆ Any subdivision of land proposing 50 or more lots or condominium units;

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

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

1. *General intent/purpose of planned developments.* The planned development zoning district classification allows projects of innovative design and layout that would not otherwise be permitted under this ordinance because of the strict application of zoning district or general development standards. Planned development zoning encourages innovative land planning and design concepts by:
 - ◆ Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
 - ◆ Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
 - ◆ Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, housing prices, lot sizes, densities, and non-residential uses in a planned development;
 - ◆ Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
 - ◆ Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.

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

2. *Designation procedure.* A Planned Development (PD) District shall only be created by means of conditional zoning pursuant to the procedure set forth in Section 16.8, which shall include submission, review, and approval of a planned development master plan or preliminary master plan as defined in Section 16.7. Simultaneous submission of a site and/or subdivision plan is optional.
3. *General use and development standards for PD Districts.*
 - (a) *Uses allowed.* A planned development may contain only those uses specified in the ordinance creating the PD district. Such uses may include any of the uses indicated in the use matrix contained in Section 2.C, provided such uses are consistent with the Land Use Plan.
 - (b) *Mixed uses encouraged.*
 - (1) Mixed use developments are strongly encouraged in PD zoning districts, including the mixing of principal residential uses with principal non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building).

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

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

(c) *Applicable standards.*

- (1) Development in a PD district shall comply with the standards contained in the following chapters of the Unified Development Ordinance: Chapter 4, General Lot and Structure Provisions; Chapter 6, Environmental Protection; Chapter 9, Circulation and Connectivity; Chapter 11, Lighting; Chapter 13, Infrastructure Improvement Requirements. Provided, however, the General Lot and Structure Provisions in Section 4.4.D, whereby all subdivisions of land are required to front on a public street, may be modified by means of the ordinance creating a planned development district.
- (2) The ordinance creating a PD district shall establish the following standards for development which may vary from applicable standards contained in the Unified Development Ordinance. If the ordinance creating a PD district fails to provide any of the standards required by this paragraph, any development in the district shall comply with the applicable standards contained in Brevard City Code.
 - a. Density and dimensional requirements (Section 2.3).
 - b. Additional use standards (Chapter 3).
 - c. Building types and architectural standards (Chapter 5).
 - d. Open space (Chapter 7), which shall be adequate to meet the needs of the proposed development.
 - e. Tree protection and landscaping (Chapter 8).
 - f. Parking standards (Chapter 10).
 - g. Signs (Chapter 12).
- (3) Development and land use in a PD district shall comply with the requirements of Chapters 14 through 19 of the UDO.
- (4) The ordinance creating the PD district shall specify whether phasing is proposed as well as the process, if applicable, for the review and approval of such phases, including any future subdivision of the property. Any references to final master plan in this section may apply to the entire planned development or an individual phase of such development.

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

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

5. *Off-street parking and loading.* The planned development's master plan shall comply with the off-street parking and loading requirements of Chapter 10, below, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the development is submitted as part of the master plan that is suitable for the development and consistent with the intent and purpose of the off-street parking and loading standards of this ordinance. If a preliminary master plan has been utilized in establishing a planned development district, final approval of the off-street parking and loading requirements may be deferred to review of a final master plan for the entire development or any individual phase thereof.
6. *Landscaping.* Landscaping shall comply with the standards of Chapter 8, below, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas, and is consistent with the urban design objectives and/or character of the area. Notwithstanding the foregoing, no variations from Section 6.7 shall be permitted.
7. *Open space.* Each planned development shall provide open space adequate to meet the needs of its residents, employees, and/or invitees. Such open space shall, at a minimum, comply with the requirements of Chapter 7, below.
8. *Traditional neighborhood development.* Unless the ordinance creating a PD district specifies otherwise, PD districts which contain residential uses shall incorporate the following traditional neighborhood development design principles:
 - (a) All neighborhoods shall have identifiable centers and edges.
 - (b) Edge lots shall be readily accessible to retail and/or recreation by non-vehicular means (a distance not greater than ¼—½ mile).
 - (c) Uses and housing types shall be mixed and in close proximity to one another.
 - (d) Street networks shall be interconnected and blocks small.
 - (e) Sidewalks and other pedestrian infrastructure shall be interconnected and comprehensive.
 - (f) Civic uses shall be given prominent sites throughout the neighborhood.
 - (g) The entire land area of the development shall be divided into blocks, streets, lots and open space areas.
 - (h) Similar land categories shall generally front across streets. Dissimilar categories should abut at rear lot lines. Corner lots which front on streets of dissimilar use should be set back the same as the adjacent use with the lesser setback.
 - (i) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
 - (j) Open space shall be centrally located so that it is within walking distance from all locations within the planned development. No portion of the planned development shall be further than 760 feet (1/8 mile) from a public open space as defined in Chapter 7
 - (k) Dimensional standards shall be established in accordance with neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.
9. *Land use allocations.* The applicant shall specify the land use allocation in a planned development incorporating residential uses. Unless a different land use allocation is approved in the ordinance creating the PD district, land use allocation for such development shall be required to comply with the following table.

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

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

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

2.2. - Use categories and tables of permitted uses.

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

1. *Residential:* Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
2. *Lodging:* Premises available for short-term human habitation, including daily and weekly rental.
3. *Office/service:* Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
4. *Retail/restaurants:* Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
5. *Entertainment/recreation:* Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
6. *Manufacturing/wholesale/storage:* Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
7. *Civic/institutional:* Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
8. *Infrastructure:* Uses and structures dedicated to transportation, communication, information, and utilities.
9. *Temporary uses:* Uses as defined in Chapter 19 of this ordinance.

B. Interpretation of use matrices.

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

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

BASE DISTRICT	GR	RMX	RAMX	NMX	DMX	CMX	IC	GI
Residential								
Dwelling—Single Family (Site-built) ^(a)	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) ^(b)	MHD	MHD	<u>—</u>	MHD	MHD	MHD	MHD	
Manufactured Home Park	SUP	SUP	<u>—</u>	—	—	—	—	—
Recreational Vehicle	—	—	<u>—</u>	—	—	—	—	—
Lodging								

Bed and Breakfast Home	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS	—
Bed and Breakfast Inns	SUP	PS	<u>PS</u>	PS	PS	PS	PS	PS	—
Accessory Rental Cottage/Cabins ^(c)	PS	PS	<u>PS</u>	PS	—	—	—	—	—
Hotels/Motels/Inns	—	—	<u>P</u>	—	P	P	P	P	—
Rooming or Boarding House	—	—	<u>P</u>	P	P	P	P	P	—
Recreational Vehicle Park	—	—	<u>—</u>	—	—	—	—	—	—
Office/Service									
Animal Services	—	—	<u>P</u>	P	P	P	P	P	P
Artist Workshop	PS	P	<u>P</u>	P	P	P	P	P	P
ATM	—	—	<u>P</u>	P	P	P	P	P	—
Banks, Credit Unions, Financial Services	—	—	<u>P</u>	P	P	P	P	P	P
Business Support Services	—	SUP	<u>P</u>	P	P	P	P	P	P
Adult/Child Day Care Home (Less than 6)	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS	—
Adult/Child Day Care Center (6 or more)	—	PS	<u>PS</u>	PS	PS	PS	PS	PS	PS
Community Service Organization	—	SUP	<u>P</u>	P	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>P</u>
Equipment Rental (<u>Outdoor</u>)	—	—	<u>—</u>	—	—	P	—	—	P
Funeral Homes	—	—	<u>PS</u>	PS	PS	PS	PS	PS	—
Group Care Facility (6 or more residents)	—	P	<u>P</u>	P	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	—	—	<u>—</u>	—	—	PS	—	PS
Vehicle Services—Minor Maintenance/Repair ^(d)	—	—	<u>—</u>	SUP	SUP	PS	PS	PS
Retail/Restaurants								
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	—	—	<u>—</u>	—	SUP	PS	—	—
Gas Station	—	—	<u>—</u>	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	—	—	<u>—</u>	—	—	GD	—	—
Vehicle/Heavy Equipment Sales—Indoor	—	—	<u>PS</u>	PS	PS	PS	—	PS
Vehicle/Heavy Equipment Sales—Outdoor	—	—	<u>—</u>	—	—	PS	—	PS
Entertainment/Recreation								
Amusements, Indoor	—	—	<u>P</u>	SUP	P	P	SUP	P
Amusements, Outdoor	—	—	<u>—</u>	SUP	SUP	P	—	P
Cultural or Community Facility	SUP	P	<u>P</u>	P	P	P	P	—
Meeting Facilities	—	SUP	<u>P</u>	P	P	P	P	—
Recreation Facilities, Indoor	SUP	SUP	<u>P</u>	SUP	P	P	P	P
Recreation Facilities, Outdoor	SUP	P	<u>P</u>	P	P	P	P	P
Theater, Movie	—	—	<u>P</u>	—	P	P	—	—
Theater, Live Performance	—	SUP	<u>P</u>	SUP	P	P	P	—
Manufacturing/Wholesale/Storage								
Contractors Office and Equipment Shed (See subsection (f) below)	<u>PS</u>	<u>—</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Inert Debris Storage or Disposal Facilities	—	—	<u>—</u>	—	—	—	—	PS
Junkyard	—	—	<u>—</u>	—	—	—	—	SUP
Laboratory—Medical, Analytical, Research and Development	—	—	<u>P</u>	—	—	SUP	SUP	P
Laundry, Dry Cleaning Plant	—	—	<u>—</u>	—	—	SUP	P	P
Manufacturing, Light	—	—	<u>P</u>	—	—	SUP	—	P

Manufacturing, Neighborhood	—	—	<u>P</u>	P	P	P	P	P
Manufacturing, Heavy	—	—	<u>—</u>	—	—	—	—	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	—	—	<u>—</u>	—	—	SUP	SUP	P
Research and Development	—	—	<u>P</u>	—	P	P	P	P
Storage—Outdoor Storage Yard as a Primary Use	—	—	<u>—</u>	—	—	SUP	—	P
Storage—Warehouse, Indoor Storage	—	—	<u>P</u>	—	—	SUP	—	P
Wholesaling and Distribution	—	—	<u>P</u>	—	—	P	—	P
Civic/Institutional								
Campground/Artist Colony/Summer Camp	SUP	SUP	<u>SUP</u>	SUP	—	—	SUP	—
Cemeteries	PS	PS	<u>—</u>	PS	PS	PS	PS	—
Colleges/Universities	—	—	<u>P</u>	SUP	P	P	P	—
Hospital	—	—	<u>—</u>	—	P	P	P	—
Jail	—	—	<u>—</u>	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
Infrastructure								
Wireless Telecommunication Facility—Stealth	P	P	<u>P</u>	P	P	P	P	P
Wireless Telecommunication Facility—Tower	—	—	<u>—</u>	—	—	SUP	—	PS
Utilities—Class 1 and 2	P	P	<u>P</u>	P	P	P	P	P
Utilities—Class 3	—	—	<u>P</u>	—	—	—	—	P
Miscellaneous Uses								
Adult Establishment	—	—	<u>—</u>	—	—	—	—	SUP
Outdoor Firing Range	—	—	<u>—</u>	—	—	—	—	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
Temporary Uses and Structures								
Carnivals or Circus	—	—	<u>—</u>	—	—	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	PS	PS	PS	PS	PS	PS
Seasonal Structures	PS	PS	PS	PS	PS	PS	PS	PS
Satellite Real Estate Sales Office	PS	PS	PS	PS	PS	PS	PS	PS
Special Event	PS	PS	PS	PS	PS	PS	PS	PS
Temporary Vendors	—	—	PS	PS	PS	PS	—	—
Vending Pushcarts	—	—	PS	—	PS	—	—	—
Mobile Food Vendors	—	—	PS	PS	PS	PS	PS	PS

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

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

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

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

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

[\(f\) Contractors Office and Equipment Sheds are permitted in GR4, but are not permitted in GR6.](#)

[\(g\) Allowable uses of land within Conditional Zoning Districts, Planned Development Districts, and Traditional Neighborhood Developments shall be determined by City Council and enumerated within site specific development ordinances associated with such projects. Note subsection 2.4.A.2, below.](#)

2.3. ~~By Right~~ Density and dimensional requirements.

District	Minimum Lot Size/Project Area By Right	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density By Right	Maximum Ground Floor Area Each Principle Structure By Right	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	15 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	None	10 acres	None	10,000 sq. ft.	
NMX	None	10 acres	10 du/ac, 15 SUP None	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	10 du/ac, 15 SUP None	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	15 du/ac None	20,000 sq. ft.	>20,000 sq. ft.
CMX-CD	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
IC	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				

A. *Development intensity.*

1. The following development types are considered group developments that may be permitted by the technical review committee in accordance with Chapter 16
 - (a) 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 include but are not limited to summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes);
 - (b) Minor subdivisions, as defined in Chapter 19, resulting in the establishment of condominium buildings, lots or spaces, town homes, and other projects for which zero lot line development is proposed; or,
 - (c) Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.
2. ~~[Reserved.]~~ [The density, dimensional, and setback requirements, which are set forth in Section 2.3, may be modified by City Council by means of the Conditional Zoning District, Planned Development District, Traditional Neighborhood Development processes as set forth herein and in Chapter 16 of this Ordinance.](#)

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(1)))
GR (4, 6, 10-CD)	15 feet	Edge of right-of-way
RMX/ RMX-CD	10 feet	Edge of right-of-way
RAMX	Edge of right-of-way	Edge of right-of-way
NMX/ NMX-CD	Edge of right-of-way	Edge of right-of-way

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

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

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

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

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

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, 10 CD)	3	6	3	10
RMX/ RMX-CD	0	3	0	3
<u>RAMX</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>3</u>
NMX/ NMX-CD	0	3	0	3
DMX/ CBD-CD	0	0	0	0

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

E. *Other structure and lot dimensional requirements.*

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

1. Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in Chapter 5, Section 5.14. See computation of building height as set forth in Chapter 5, Section 5.17
2. The approving authority may authorize the establishment of lots in GR, RMX, and NMX districts that do not meet the minimum width requirements set forth above. However, the following standards shall apply:
 - (a) Such lots shall have frontage upon a public street.

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

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

A. Specific district provisions.

1. *Development size (Minimum—Maximum): 20 acres—200 acres.*

(Note: Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions.)

- (a) The entire land area of the TND shall be divided into blocks, streets, lots and open space areas.
- (b) Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- (c) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
- (d) No portion of the TND is further than 760 feet (1/8 mile) from a public open space as defined in Chapter 7
- (e) Open space shall be centrally located so that it is within walking distance (1/4—1/2 mile) from all locations within the TND. All required open space shall be in accordance with the provisions of Chapter 7
- (f) Dimensional standards: The dimensional standards shall be established in accordance with the neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.

2. *Land allocation by use.*

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

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

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

CHAPTER 3. - ADDITIONAL USE STANDARDS

3.1. - Purpose and intent.

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

3.2. - Applicability.

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

3.3. - Enforcement.

- A. The administrator shall, from time to time, inspect uses or establishments that have been permitted in accordance with this chapter to insure compliance with this ordinance and valid permits.
- B. The owner or operator of any such use or establishment shall give the administrator free access to such building, structure, dwelling, or premises at any reasonable hour for the purpose of such inspection.
- C. The administrator shall take reasonable steps to insure violations of special use permits, or permits with additional standards are remedied in accordance with the procedures set forth in Chapter 18 of this ordinance.
- D. The administrator shall have the authority to revoke permits with additional standards. Special use permits may be revoked by the board of adjustment.
- E. A permittee may appeal a decision of the administrator in accordance with the procedures set forth in Chapter 18 of this ordinance.

3.4. - Standards.

- A. The requirements of this chapter apply to the indicated use when such use is either a use permitted with additional standards or a use requiring a special use permit. These standards are in addition to other applicable standards contained in this ordinance.
- B. In addition to the requirements set forth in this chapter and elsewhere in this ordinance, the board of adjustment shall have broad authority to attach other conditions to a special use permit as are necessary for the protection of the public health, safety and welfare.
- C. In addition to the requirements set forth in this chapter and elsewhere in this ordinance, the administrator may attach other conditions to a use permitted with standards as are necessary for the protection of the public health, safety and welfare and to reduce conflicts between the use and surrounding neighborhood; i.e., traffic, noise attenuation, special parking needs, and hours of operation.

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

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

A. *Standards.*

1. No portion of a lot for an adult establishment may be located within a 300-foot radius (determined by a straight line and not street distance) of any place of worship, school (public or private), specialty school, day care facility, public park, hospital or IC district, or any residential zoning district. No portion of the lot on which the adult establishment is located shall be situated within 300 feet of another adult establishment.
2. The owner/operator of the adult establishment must have a current, valid business license. The owner/operator and employees must make disclosure of criminal record and consent to a criminal records check. Persons with a record of sex offenses will be denied a business license or employment.
3. The owner/operator must be in full compliance with Article II, Chapter 42, of the Brevard City Code.
4. No adult establishment shall adversely impact public services and facilities such as parking, traffic, police, etc., and the secondary effects of such uses shall not adversely impact adjacent properties. In this regard, secondary effects include, but are not limited to, noise, crime, transients, light, stormwater runoff, parking, pedestrian circulation and safety.
5. There shall be no more than one adult establishment business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment business.
6. The structure in which the adult establishment is located shall contain no sleeping quarters.
7. The adult establishment shall not be open for business between the hours of 12:00 midnight and 12:00 noon. The establishment shall be closed on Sundays.
8. If dancers are employed as a feature of the adult establishment, the performing areas for such dancers shall be separated from patrons by at least ten feet.
9. If viewing booths are provided, such viewing booths shall be designed so as to allow the body of the person occupying the booth to be completely visible from a portion of the premises open and available to the public.
10. The applicant shall propose and implement a site-lighting plan that is consistent with Chapter 11 of this ordinance.
11. An adult establishment may be advertised by one sign on the premises that is not greater than 70 square feet in size in which may be illuminated in compliance with Chapter 13. No printed material, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

B. *Variances.* Upon making the following findings, the BOA may vary the radius requirements contained in paragraph 3.5(A(1)), above:

1. Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements;
2. The proposed use will not be injurious to property or improvements in the affected area;
3. The proposed use will not enlarge or encourage the development of a blighted condition within an area;
4. The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement or revitalization; and
5. All of the conditions in for special use permits as set forth in Chapter 16 have been met.

C. *Revocation of special use permits.* After notice and hearing, the BOA may revoke the special use permit upon one or more of the following grounds:

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

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

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

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

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

(Ord. No. 03-2011, § 2, 3-21-2011)

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

- A. There shall be no embalming or cremation facilities as either a principal or accessory use except where permitted by right.
- B. Setbacks from all street rights-of-way and adjacent properties to a wall or grave shall be a minimum of ten feet.
- C. Cemetery roads and parking areas shall be made of asphalt or other durable dustless surfaces. The administrator may waive curb and gutter requirements for cemetery roads upon a determination that such will not result in erosion or uncontrolled stormwater runoff. Other road and parking standards, stormwater management, and sedimentation/erosion standards shall apply.
- D. Sidewalk requirements within cemeteries may be waived provided that safe pedestrian circulation can be assured. Sidewalk requirements shall apply along all public rights-of-way. Sidewalks shall connect any structure or gathering place within a cemetery to adjacent public and private sidewalks and to parking areas.
- E. Mausoleums are permitted subject to the principal structure requirements of the district in which the cemetery is located.

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

- A. The following standards apply to all day care establishments.
 - 1. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
 - 2. Parking spaces shall not be located in front of the building except as permitted by Chapter 10, Section 10.5(G) of this ordinance.
 - 3. All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
 - 5. All equipment shall be stored in the side or rear yard.
- B. The following additional standard apply to child day care centers (greater than six children). (RMX, NMX, DMX, CMX, IC, GI) *permitted with standards*
Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
- C. The following additional standards apply to child day care homes (less than six children)
 - 1. Child day care homes shall provide ample open area in the form of a rear yard with a minimum of 2,500 square feet suitable for children's play. Child day care homes located adjacent to parks are exempt from this provision.
 - 2. No structural or decorative alteration which would alter the single-family character of an existing or proposed residential structure or which would be incompatible with surrounding residences shall be permitted.
- D. The following additional standard applies to adult day care homes.
No structural or decorative alteration which would alter the single-family character of an existing or proposed residential structure or which would be incompatible with surrounding residences shall be permitted.

(Ord. No. 8-07, § 1(B), 5-21-07)

3.9. - Bed and breakfast home ~~(GR, RMX, NMX, DMX, CMX, IC) permitted with standards.~~

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

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

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

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

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

3.12. - Accessory structures (all residential districts) ~~permitted with standards.~~

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

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

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

C. *Permitted uses.*

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

- Parking shed or garage;
- Gazebo;
- Pool house;
- Equipment enclosure;
- Customary home occupation;
- Playhouses;
- Swimming pools subject to the requirements of Section 3.28;
- Artist studio space;
- Sauna;
- Workshop;
- Conservatory;
- Rental cottage;
- Tree houses;
- Garden sheds;
- Chicken coops and runs as defined in Chapter 14-1 of Brevard City Code, subject to the requirements set forth in Brevard City Code, Chapter 14, Animals and Fowl; Article I, Generally; Sections 14-1, Definitions, and 14-6, Keeping fowl.

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

D. *Requirements.*

1. Where an accessory structure is structurally attached to a principle structure or is less than six feet distant from a main building, it shall be subject to, and must conform with, all regulations of this ordinance applicable to principle structures.
2. Trash containers, mechanical equipment and outdoor storage shall be located only within the rear or side yards.
3. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in side and rear yards only.
4. Accessory structures shall be located only in side or rear yards of residential lots, except for bona-fide agricultural enterprises. The administrator shall make a determination as to the side and rear yard for accessory structures proposed to be located on lots fronting more than one street.

5. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except as otherwise provided in this ordinance.
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 24 feet from a property line shall be exempt from this buffering requirement.

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

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

- A. The construction of a concomitant structure or building is not permitted unless a principal building is located on the lot. Concomitant and principal buildings may be constructed concurrently.
- B. Up to two concomitant structures may be permitted at the discretion of the administrator. Additional concomitant structures shall be considered as principal structures and may be permitted as group developments.
- C. Concomitant structures shall be located only in side or rear yards.
- D. Concomitant structures shall otherwise conform to all requirements applicable to principal structures.
- E. The addition of a concomitant structure to a lot containing a non-conforming use, structure, or other condition shall be considered as an expansion of the principal use or principal structure for the purposes of Chapter 14 of this ordinance, and all relevant requirements shall apply to the non-conforming principal structure, non-conforming principal use, or other non-conforming condition.

(Ord. No. 15-08, § 10, 12-5-08)

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

- A. Secondary dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged and designed to meet housing needs. Secondary dwelling units shall be accessory and subordinate to the primary living quarters.
- B. Not more than one secondary dwelling unit is permitted on any lot.
- C. A secondary dwelling unit shall be located in the side or rear yard of a single family or two-family use lot subject to the requirements of this section.
- D. Secondary dwelling units shall not be considered additional dwelling units for the purpose of determining minimum lot size or maximum density as set forth in Chapter 2 of this ordinance.
- E. Secondary dwelling units shall be constructed according to North Carolina Building Ordinance.
- F. No secondary structure shall exceed two stories in height.
- G. Secondary dwelling units may be created as an independent structure, as an addition to an existing primary structure, or as a second story within detached garages.
- H. The floor area of a secondary dwelling unit shall not exceed 800 square feet. The ground floor area of a detached garage shall not be considered as part of the total square footage of any secondary dwelling that is built as the second story of a detached garage; provided, however, such ground floor garage area shall not be subsequently converted to dwelling space.
- I. At least one parking space shall be provided per unit.
- J. Secondary dwelling units shall be located, designed, constructed, landscaped and decorated to compliment the appearance of the principal building.
- K. The location of windows on dwelling units on adjacent parcels shall be taken into consideration in the design and placement of windows within the secondary dwelling unit. The administrator may impose reasonable conditions regarding the design of the structure in order to protect the privacy of existing dwelling units on adjacent parcels.

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

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

- A. Location of pumps, canopies, and associated service areas.
 - 1. Automobile pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street. Rather, they shall be located in the side or rear yard of the principal structure.
 - 2. Automobile pumps, canopies, and associated service areas for gas stations on double-fronted lots and corner lots shall be situated in accordance with the adjacent schematic. On double-fronted lots, the canopy must be located in the front yard of the street of lesser classification and the principal building shall be built to the street of higher classification. On corner lots, the principal building shall be built to the corner.
 - 3. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of Chapter 10 of this ordinance. All such vehicle storage areas shall be located to the rear of the building.
- B. Car wash facilities must be located in the rear yard of the principal structure and screened from view.
- C. Lighting provided by canopies shall comply with the specifications contained in Chapter 11 of this ordinance.
- D. No outdoor public address system which is audible beyond the boundaries of the property shall be permitted.
- E. Any gas station that is also a vehicle service station shall conform with the requirements of Section 3.16, below.
- F. Canopies shall be screened from visibility from adjacent residential uses or districts by a Type A buffer yard.

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

- A. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of Chapter 10. All such vehicle storage areas shall be located at the rear or side of the building.
- B. No outdoor automobile work areas shall be located in front of the building.
- C. All auto work areas shall be screened from adjacent properties.
- D. Storage of vehicles for 15 days or more or junking of vehicles is prohibited.
- E. Vehicles in storage shall be covered or fenced off and not visible from the public right-of-way.
- F. Tires, equipment, replacement parts and/or accessories shall be stored inside. Discarded parts shall not be stored outside.
- G. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public rights-of-way, including streets and sidewalks.
- H. The sale of vehicles is prohibited except as part of an approved vehicle sales establishment in appropriate districts as set forth in Chapter 2 of this ordinance.
- I. Vehicles stored on-site for more than 60 days shall be stored within or behind the principal structure or other structures, covered or screened, and not visible from the public right-of-way.
- J. Any fuel island shall conform to the requirements of Section 3.4.11, above.

- K. Service areas shall be screened from visibility from adjacent residential properties or districts by a type A buffer yard.

3.17. - Inert debris storage or disposal facilities ~~(GI) permitted with standards.~~

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

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

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

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

- A. A home occupation is a permitted accessory to any single-family dwelling unit in accordance with the following requirements. These standards are designed to protect the character of residential zoning districts, which are intended and reserved primarily for residential uses.
- B. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or the neighborhood.
- C. Home occupation activities shall be confined to the interior of an approved structure. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
- D. The use shall employ no more than two persons who are not residents of the dwelling.
- E. [Reserved.]
- F. There shall be no visible display of stock in trade which is sold on the premises.
- G. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- H. The existence and operation of the home occupation shall not be visible and/or audible to neighboring residents from a street.
- I. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.
- J. Home occupation activities involving clients or customers on the premises or vehicular traffic to and from the premises (including delivery vehicles) shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. All visits and vehicular traffic to and from the premises (including delivery vehicles), which are attributable to the operation of any home occupation except child day care homes, shall have a weekly average of no more than three visits per day.
- K. No business identification or advertising signs are permitted.
- L. A minimum of two parking spaces shall be provided. Parking areas and driveways shall be paved.
- M. Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be subject to all applicable water and sewer capacity impact fees as per Brevard City Code, Chapter 70 Utilities.
- N. Home occupations shall comply with all applicable requirements of any federal, state, or local agency with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of approval by any relevant agency.
- O. Responsibilities of the administrator and applicant(s):
 - 1. The administrator shall consider applications to establish a home occupation and may approve such applications upon a determination that the proposed use would be in keeping with the spirit and intent of, and satisfy all requirements of this section.
 - 2. The administrator may impose any necessary condition upon the operation of a home occupation, shall monitor home occupations and conduct site inspections to ensure compliance with this ordinance and any condition of approval, and shall revoke any permit for the operation of a home occupation and cause the use to be terminated in accordance with the procedures set forth in Chapter 18 of this ordinance upon a determination that such use is in violation of this ordinance or any condition of approval.

3. The administrator shall have broad authority to deny any application for home occupation if in the opinion of the administrator, the proposed use would not be in keeping with the spirit and intent of this section. The burden of proving that a proposed home occupation would be in keeping with the spirit and intent of, and satisfy all requirements of this section as well as any condition of the administrator, shall lie with the applicant.
4. In reviewing any application for home occupation and in the monitoring and enforcement of any approved permit for home occupation the administrator shall strongly consider the expectation that the residential use and character of each residentially zoned neighborhood be preserved and shall take into consideration this unique characteristics of any proposed use and its relationship to the site and surrounding properties in considering whether such use would be suitable as a home occupation.

P. Uses permitted as home occupations:

1. Examples of uses that may be permitted as home occupations include but are not limited to telecommuting professionals; professional services such as those provided by an architect, engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle cleaning; and may include other uses defined in Chapter 19 or listed upon the use matrix in Chapter 2 of this ordinance when such uses can be performed in a manner that is strictly in keeping with the spirit and intent of, and satisfy all requirements of, this section.
2. Uses involving the fabrication of products may be permitted provided, however, the home occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or create any by-product or effect, which produces noise, electrical or magnetic interference, vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory structure housing the home occupation. Examples of such uses include but are not limited to baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other similar small scale craft production or fabrication. This provision shall not be construed to authorize industrial uses within residential zoning districts.
3. Home occupations may include child day care homes as defined in Chapter 19 of this ordinance.
4. Home occupation shall not include any use that is primarily retail in nature. It is the intention of his section that goods and merchandise produced as part of any home occupation be sold off-site; any on-site retail activity must be incidental to the purpose of this home occupation.

Q. Duration of permit:

1. Home occupation permits are temporary, and shall not establish a vested right to renewal. Home occupation permits shall be valid for a period of one year from the date upon which approval is granted. Permits approved prior to the enactment of this section shall not be subject to this requirement.
2. Applicants may apply for renewal of home occupation permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.
3. The administrator may approve applications for renewal of a home occupation permit upon determining that the applicant has demonstrated continued compliance with the spirit and intent of this section and any prior conditions of approval. The administrator may modify prior conditions of approval and may impose any necessary, additional conditions. The administrator may deny a request for permit renewal and require the applicant to terminate the home occupation or relocate the home occupation to an appropriate commercial or missed-use zoning district upon a determination that the home occupation operated in violation of a requirement of this section or other applicable condition or requirement; or, that the home occupation has generated unanticipated effects that are detrimental to the residential character of the neighborhood in which the home occupation is located.

(Ord. No. 13-07, § 1, 9-17-07)

3.19. - Manufacturing, heavy ~~(GI) special use permit.~~

- A. Primary access to heavy manufacturing uses shall be from a street that is classified no less than a minor thoroughfare.
- B. A traffic impact study in accordance with Section 17.13 shall accompany the application for a permit. The improvements recommended by the study shall be constructed by the applicant as a condition of approval.

3.20. - Professional services ~~(GR) special use permit; (all other districts) permitted.~~

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

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

3.21. - Vehicle/heavy equipment sales:

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

- B. *Vehicle/heavy equipment sales—Indoor.* In addition to the requirements set forth in 3.21A, above, the following additional requirements shall apply to indoor vehicle/heavy equipment sales establishments.
1. *Vehicle display.* All vehicles for sale or display shall be located indoors.

3.22. - Wireless telecommunication facility-

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

- A. *Stealth permitted.* Telecommunications facilities in all districts shall be designed and installed in a manner to make them unobtrusive. All facilities shall be mounted so that the personal wireless service facilities do not extend beyond the top of the building or structure on which they are mounted. Facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.
- B. *Towers (CMX) special use permit, (GI) permitted with standards.*
 1. *Antenna standards.*
 - a. Antennas shall not interfere with the usual and customary radio and television reception accepting broadcast facilities as provided for in the regulations of the Federal Communications Commission.
 - b. Antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide the city each year with a copy of any FCC and FAA license issued.
 - c. Antennas shall be restricted to the minimum standards of lighting required by the FAA. Antennas required by the FAA to have flashing lights shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.
 - d. Antennas and related mechanical equipment placed on structures other than towers shall be concealed antennas. Antennas located on top of buildings or other structures shall not exceed 30 percent of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet.
 - e. Antennas and supporting electrical and mechanical equipment shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - f. Antennas erected solely for a residential, noncommercial individual use, such as residential television antennas, satellite dishes, or ham radio antennas, are exempt from these requirements.
 2. *Tower standards.*
 - a. Towers shall be positioned to contain on-site any ice-fall or debris from tower failure. The distance from the tower's base to any property line shall equal or exceed the tower's fall radius.
 - b. Towers shall be restricted to the minimum standards of lighting required by the FAA. Strobe lights shall be red at night and may be either red or white during daylight unless otherwise required by federal or state regulation.
 - c. A single sign, two square feet in size, shall be displayed in a visible location near the tower. The sign shall contain a number to be assigned to the company and a telephone number for 24-hour emergency contact. No other signs shall be permitted on the facility.

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

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

3.23. - Temporary uses permitted with standards-

A. *General requirements.*

1. Temporary uses, structures and special events shall be established for operation only after the issuance of a temporary use or special event permit and a city privilege license, the fees for which shall be set forth in the Schedule of Taxes, Fees and Charges of the annually adopted Budget Ordinance for the City of Brevard.
2. In the consideration of any temporary use, structure or special event, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety and welfare of the public.
3. In addition to the specific temporary uses and structures listed below, the administrator may, at his or her discretion, issue a permit for other temporary use provided that:
 - a. The use is clearly of a temporary nature;
 - b. The use is limited to a period not to exceed 90 days except as otherwise provided; and
 - c. The use is in keeping with the requirements and is consistent with the spirit and intent of the district in which it is proposed, and of this ordinance.
4. In addition to the standards contained in the following sections, applicants for operation of a temporary use, structure or special event shall demonstrate compliance with each of the following requirements:
 - a. The use shall clearly be of a temporary nature.
 - b. The use shall not obstruct any public travel way except by specific approval by the city and will cause no traffic congestion;
 - c. The use shall not create a nuisance to surrounding uses.
 - d. The use shall not create hazards or adverse impacts related to parking, drainage, fire protection, or other adverse impacts.
 - e. The operator shall provide a plan for the management of waste generated by the use, and sanitary facilities if the administrator or health department deems it is necessary.
 - f. The operator shall satisfy all other requirements of the director of public health, the building inspector or the fire marshal.
 - g. The operator shall secure a business license, street closure permit, sidewalk closure permit, or parade permit if required.
 - h. Parking:
 - i. A minimum of five parking spaces shall be designated for use by patrons of the temporary use, structure or special event. In all cases, the applicant shall demonstrate that there will be adequate parking for the existing uses as well as the temporary use, structure or special event.
 - ii. Temporary use, structures, and special event may be permitted within developed parking lots that serve a principle structure(s), the hours of operation of which are the same as the use, structure or event, only when the number of existing parking spaces exceeds the minimum number of spaces that are required for the principle structure(s) by a minimum of five parking spaces, plus the number of parking spaces to be rendered unusable within the area of the use, structure, or event.

- 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:
 - 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.
- j. Tents and structures:
 - 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.
- k. Site layout:
 - 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.

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

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

E. *Temporary vendors.*

1. Temporary vendors, excluding vending pushcart operators, may be permitted one tent, which shall not exceed 1,500 square feet in area. Temporary vendors shall employ no other temporary structure.
2. Signage.
 - a. Temporary vendors, excluding vending pushcart operators, may be permitted one banner. Such banner shall be affixed to the wall of the tent or table, and shall not exceed 32 square feet in size.
 - b. Temporary vendors, excluding vending pushcart operators, may be permitted one A-frame sign. Such sign shall not exceed eight square feet per side, nor shall it exceed four feet in height, and shall be placed in compliance with all applicable setbacks for ground signs within the zoning district in which the use is located. Such signs shall be removed at the end of each business day.
3. Prohibited conduct. No temporary vendor shall:
 - a. Sell, barter, exchange or attempt to sell any goods, wares or merchandise from any city street or from any vehicle or trailer. This prohibition shall not apply to vending carts as set forth below. This prohibition may be waived by the administrator for special events recognized by the city, provided that the applicant satisfies all permit requirements of section 66-7 and complies with article I of chapter 66 and other applicable provisions of Brevard City Code.
 - b. Vend on any street or sidewalk where vending is otherwise prohibited.
 - c. Vend between 9:00 p.m. and 7:00 a.m. of the following day, except during city-approved festivals and events.
 - d. Sell food or beverages for immediate consumption unless the operator has available for public use his own or a public litter receptacle which is available for his patrons' use and no more than ten feet distant from his pushcart or mobile food unit.
 - e. Leave the designated location without first picking up, removing and disposing of all trash or refuse remaining from sales made.
 - f. Solicit or conduct business with persons in motor vehicles.
 - g. Sell anything other than that which the operator is licensed to vend.
 - h. Sound or permit the sounding of any device which produces noise, or use or operate any sound system, radio, sound amplifier or speaker to attract the attention of the public.
 - i. Vend within 50 feet of any driveway entrance to a police or fire station, or within ten feet of any other driveway or of any alley.
 - j. Vend within ten feet of the crosswalk at any intersection.
 - k. Vend within ten feet of any fire hydrant or fire escape.
 - l. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission.
 - m. Vend within ten feet of any building.
4. Application for permit. The application for a temporary vending permit shall include:

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

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

- 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.
- 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.
 - 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.
 - 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.
- 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.
- e. Separation and setbacks.
 - 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.
 - 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.
 - iii. Separation between mobile food vendors. Mobile food vendors shall be situated at least 20 feet from one another.
 - iv. Separation between mobile food vendors and permanent structures.
 - a. Mobile food vendors shall be situated at least 25 feet from any permanent structures.
 - 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.
 - c. There shall be no reduction in separation between mobile food vendors and permanent structures within the downtown fire district.
 - 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.
 - e. Mobile food vendors must be set back a minimum of ten feet in all directions from fire hydrants.
- f. Power.
 - 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.
 - 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.
 - 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.
- g. Restrooms must be available on site.

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

(Ord. No. 07-10, § 4(Exh. E), 4-5-2010; Ord. No. 24-2011, § 3(Exh. A), 9-19-2011; Ord. No. 2013-13, § 01.c)(Exh. B), 10-21-2013)

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

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

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

- A. When allowed, junkyards and salvage operations and yards shall be subject to the following additional requirements:
 - 1. Stored materials will not pose a danger to adjacent and surrounding properties, or residents, due to noise, runoff, animal or insect populations or other factors. Fluids within any vehicles or equipment are to be drained/removed and under no circumstances shall fluids or other contaminants or pollutants be leaked or discharged onto the earth or into surface or ground waters.
 - 2. The facility shall be completely enclosed by a fence and shall be screened from view on all sides by a type D buffer yard. The fence shall be eight feet high, measured from the lowest point of grade, and shall be maintained in good condition.
 - 3. No stored materials shall be visible from ground level immediately outside the fence.
 - 4. The facility, including the required fence, shall be located at least 50 feet from all surface waters.
 - 5. The facility shall not contaminate soil or ground waters.
 - 6. The minimum lot size for any such facility is two acres.

7. Facilities may not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m., Monday thru Saturday.
8. Except when an operator is on duty, facilities shall be adequately secured and locked by means of gates, chains, berms, fences, etc., to prevent unauthorized access. An attendant shall be on duty at all times while the facility is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized materials.
9. The site shall not be located adjacent to residentially zoned property.
10. No parking area or driveway shall be located within 50 feet of residentially zoned property.
11. Access roads shall be paved, with a width of at least 12 feet per travel lane, and shall be properly maintained at all times.
12. All unpaved roads, travel ways and/or parking areas must be treated to prevent dust from adversely affecting adjacent properties.
13. Mud and debris shall be contained on site and shall not be deposited on off site properties and streets. Tires shall be properly cleaned and loads shall be properly secured before leaving the property so as to prevent the discharge of mud and debris.
14. An NCDENR-approved sedimentation and erosion control permit, as well as other applicable permits, shall be presented to the administrator prior to permit approval.
15. Facilities shall not be located within the 100 year flood plain or the regulatory floodway.
16. Facilities shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
17. Facilities shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17, as it may be amended from time to time.
18. Facilities shall not damage or destroy an archaeological or historical site; nor shall they be located within a listed or designated historic district.
19. Facilities shall not cause an adverse impact on a public park, forest, recreation or scenic area, or any lands included in a state nature and historic preserve.
20. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
21. Facilities shall not be permitted on protected mountain ridges.
22. Gasoline, oils, antifreeze, and other chemicals, pollutants, and potential contaminants shall be secured on-site and properly disposed of, and shall at no time be leaked, spilled, or discharged onto the earth or into surface or surface or ground water.
23. Facilities shall not cause a discharge of pollutants into surface waters, ground waters, or waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act, as amended.
24. Facilities shall not cause non-point source pollution of waters of the state in violation of water quality standards of the State of North Carolina.
25. On-site stormwater retention facilities shall contain and treat all stormwater on-site. Engineering documentation provided to the administrator shall affirm that stormwater facilities are designed to retain and treat any potential pollutants on-site. Stormwater requirements shall not be met by payment of a fee-in-lieu.
26. A sign shall be posted at the facility entrance showing the permit number and a contact name and number in case of an emergency. The permit number requirement is not applicable for facilities not requiring an individual permit.

- B. Existing junkyards and salvage yards on parcels within CMX and GI Districts, which were in operation prior to February 1, 2006, and which do not fully comply with the provisions above, shall have until January 1, 2011, to either come into full compliance with the requirements set forth herein and secure a special use permit from the BOA or cease operations.
- C. Existing junkyards and salvage yards on parcels not located in CMX or GI Zoning Districts, which were in operation prior to February 1, 2006, shall have until January 1, 2011, to come into full compliance with the requirements set forth above, or cease operation. The administrator shall consider such junkyards and salvage yards to be pre-existing non-conforming uses of land and shall not permit any expansion in the area of any junkyard or salvage yard located outside of GI Zoning Districts.
- D. Violations:
 - 1. The following actions shall constitute a violation of this ordinance, shall constitute a class I misdemeanor, and shall be subject to the enforcement provisions of Chapter 18 of this ordinance.
 - a. Failure to comply with subsections 3.24(B) or 3.24(C), above.
 - b. The unpermitted establishment of a new junkyard or salvage yard at any time;
 - c. Any unpermitted expansion in the area of any junkyard or salvage yard at any time;
 - d. Any violation of any requirement of subsection 3.24(A) by any permitted junkyard or salvage yard at any time;
 - e. Any violation of any requirement of subsection 3.24(A) by any pre-existing non-conforming junkyard after January 1, 2011.
 - 2. In addition to the enforcement procedures of Chapter 18, such violations shall invalidate any special use permit for the operation of a junkyard or salvage yard, and shall invalidate any pre-existing non-conforming status as established in subsection 3.24(D), above.
 - 3. The board of adjustment shall revoke any special use permit and shall order the cessation of operations of any junkyard or salvage yard found to be in violation of this ordinance, shall set forth a reasonable time frame for the owner or operator to remedy the violation, and may re-issue a special use permit only when such a junkyard or salvage yard is in full compliance with this ordinance. If the owner and operator do not remedy the violation within the required time frame, the administrator shall take action to cause the cessation of all operations and to cause the owner and operator to remove the junkyard from the property.
 - 4. In accordance with the procedures set forth in Chapter 18 of this ordinance, the administrator shall provide notification to the owner and operator of any pre-existing non-conforming junkyard found to be in violation of this ordinance and shall provide sufficient time for the owner and operator to remedy the violation. If the owner and operator do not remedy the violation within the required time frame, the administrator shall take action to cause the cessation of all operations and to cause the owner and operator to remove the junkyard from the property.

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

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

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

- B. Any pistol and rifle firing range shall be constructed to a standard that is at least as stringent as all standards set forth in the *National Rifle Association Range Source Book* and *EPA Publication # EPA-902-B-01-001 ("Best Management Practices for Lead at Outdoor Shooting Ranges.")*.
- C. Any clay target and shot-gun shooting facility shall be constructed to a standard that is at least as stringent as all standards set forth by the National Rifle Association (NRA).
- D. No outdoor firing range shall be permitted within 1,000 feet of a school, church, adult or child daycare, family care home, hospital, or group care facility. The firing range shall be set back a minimum distance of 100 feet from any street right-of-way or property line.
- E. Rifle and pistol firing ranges shall be surrounded by a natural earth embankment a minimum of 15 feet high, to either side of the direction of fire and behind the target area.
- F. Firing ranges shall be surrounded on all sides by a type C buffer yard.
- G. Firing ranges shall be posted "No Trespassing—Danger—Shooting Range" at 100-foot intervals around the perimeter.
- H. For rifle and pistol ranges, lead particles shall at all times be contained on-site, and properly contained and disposed of. Appropriate devices shall be utilized to contain lead bullets and/or shot, and such devices shall be periodically cleaned and lead particulates properly disposed of. The detection of lead off-site shall be grounds for the revocation of a special use permit by the BOA. Appropriate measures are also to be used to contain and properly dispose of particulates at clay target and shot-gun facilities.
- I. At least one qualified individual in the sponsoring club or organization shall be certified (NRA or equivalent, or N.C. Criminal Justice standards) for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.
- J. Outdoor firing ranges shall only operate between the hours of 8:00 a.m. to 9:00 p.m., Monday through Saturday, unless other operating hours are specifically approved by the administrator.
- K. The BOA may attach such conditions to a special use permit for an outdoor firing range as are necessary to protect the public health, safety, and welfare.

3.26. - Indoor firing range ~~(CMX, GI) special use permit-~~

- A. The firing range shall be constructed to a standard that is at least as stringent as all standards set forth in the *National Rifle Association Range Source Book* and any applicable federal or state regulations or guidelines.
- B. Lead particles shall at all times be contained on-site and properly contained and disposed of. Appropriate devices shall be utilized to contain lead bullets and/or shot, and such devices shall be periodically cleaned and lead particulates properly disposed of. Ventilation systems shall be designed, and other appropriate steps shall be taken, to prevent the discharge of lead from within the structure housing the indoor firing range into the external environment and to prevent the exposure of clients and employees to unsafe (as defined by applicable federal or state standards) levels of lead. The detection of lead in the external environment on the same property as the indoor firing range or off-site, or unsafe levels of lead within the structure housing the indoor firing range, shall be grounds for the revocation of a special use permit by the BOA.
- C. Noise levels generated by the discharge of firearms within an indoor firing range shall not be discernable in the external environment to be measured as follows:
 - 1. By a decibel meter of 85DB;
 - 2. Located on the same parcel of land as the range;
 - 3. Located at all entrances, windows, ventilation outlets, and any other outlet to the external environment;
 - 4. Located at any shared wall, on the opposite side of such wall from the range;

5. Welded by an independent, third party engineer or other qualified professional.
 6. The applicant shall submit documentation from a licensed professional engineer with relevant experience, certifying that the range and the structure within which such range is to be housed has been designed to satisfy all requirements set forth above as well as any additional requirements of the BOA.
- D. At least one qualified individual in the sponsoring club or organization shall be certified (NRA or equivalent, or NC Criminal Justice standards) for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.

3.27. Manufactured home park ~~(GR, RMX) special use permit.~~

- A. General description: The location of two or more manufactured homes or manufactured home spaces on a parcel of land shall constitute a manufactured home park and shall be subject to the provisions of this section.
- B. Manufactured home park special use permits are issued the board of adjustment in accordance with the procedures set forth for special use permits and category III land development applications forth in Chapter 16
- C. Upon issuance of a manufactured home park special use permit, the applicant shall have two years to complete construction of site improvements as stated in such permit for the park or phase thereof. Extensions may be granted by the administrator for good cause upon receipt of a written request from the applicant.
- D. Minor changes in the location, siting or character of manufactured homes or other structures may be authorized by the administrator if required by engineering or other circumstances not foreseen at the time the manufactured home park special use permit was approved, provided that such changes are within the minimum or maximum requirements set forth in this chapter. An applicant proposing to increase the number of units or to construct buildings (other than accessory buildings for individual manufactured homes) not originally shown on the site development plan, or proposing to make changes that would substantially affect the provision of sewer and water, or that would affect the status of required landscaping or open space, or that would otherwise substantially modify the approved park plan, shall submit a revised plan for approval by the Brevard Planning Board (hereinafter BOA) under the terms of this chapter.
- E. Any manufactured home park, as defined by this chapter, existing on the effective date of this chapter or any subsequent amendment thereto may continue to operate without being subject to the requirements of this chapter except where explicitly set forth below.
- F. Any expansion of a pre-existing manufactured home park shall require the issuance of a manufactured home park special use permit.
 1. The BOA shall require that pre-existing phases of such park's infrastructure be brought into full compliance with this chapter, except where dimensional or other pre-existing conditions preclude such compliance.
 2. Expansions to a pre-existing manufactured home park shall occur in a manner that fully conforms to the requirements of this ordinance. Expansions shall not occur in districts within which manufactured home parks are not permitted.
- G. A manufactured home park space shall be considered preexisting if, on the effective date of this chapter, the space:
 1. Is defined on the ground by the presence of all of the following:
 - (a) A water supply system service connection;
 - (b) A connection to a septic system or sanitary sewer; and
 - (c) Electric service equipment.

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

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.

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

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.
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.
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.
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.
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.
6. Manufactured or mobile homes constructed prior to December 31, 1981, shall not be permitted within the regulatory jurisdiction of the City of Brevard.
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 with 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.
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.
9. Manufactured home parks shall conform to sedimentation/erosion/stormwater management requirements as set forth in this ordinance.
10. Manufactured home parks shall not be permitted within steep slope areas.
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.
12. Manufactured home park streets.
 - (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.
 - (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.

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

13. Manufactured home space.

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

14. Utility requirements.

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

sewage collection systems and treatment facilities shall be submitted to the North Carolina Division of Environmental Management. Individual septic tank systems can be considered, if soil, topography, and groundwater conditions are favorable. If septic tanks are used, they will be subject to approval by the Transylvania County Health Department.

- (c) All utilities within the proposed manufactured home park shall be located underground.
- (d) Failure to maintain an operational sewage disposal system shall constitute grounds for the revocation of a category III land development permit and the application of all applicable penalties as set forth in this ordinance.

15. Solid waste.

- (a) The storage, collection, and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
- (b) All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity of not more than 32 gallons, which shall be located not more than 150 feet from any manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The manufactured home park owner and/or operator shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the Transylvania County Health Department.
- (c) Containers shall be installed in the ground or provided with stands. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- (d) All solid waste garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park owner and/or operator shall dispose of the solid waste by collecting and transporting it in conformance with requirements and guidelines set forth by the North Carolina State Board of Health and the Transylvania County Health Department.

16. Grounds, buildings, and structures.

- (a) These standards shall apply to all existing and new manufactured home parks within the regulatory jurisdiction of the City of Brevard.
- (b) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination and control methods shall conform to the requirements of the County Health Department and/or North Carolina Department of Agriculture.
- (c) Parks shall be maintained free of accumulation of garbage, litter, or other debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests, or which may pose other health or sanitation hazards, or which may contribute to an otherwise unsightly or unpleasant environment.
- (d) Storage areas shall be so maintained as to prevent rodent harborage and shall not pose a safety hazard to manufactured home park residents or guests. Lumber, pipe, and other building material shall be stored at least one foot above ground.
- (e) All manufactured homes shall be properly skirted with non-opaque wood, aluminum, vinyl, or other appropriate material. Plastic, plywood, particle board, carpet, or other atypical skirting material shall not be used.
- (f) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be screened with wire mesh or other suitable materials.
- (g) Landscaping and vegetation in and around the manufactured home park shall at all times be maintained, and landscaping provisions of the park plan shall at all times be adhered to. The growth of bushes, weeds, and grass shall be controlled so as to prevent the harborage of

ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open spaces and recreation areas shall be maintained free of heavy undergrowth of any description.

- (h) No inoperable vehicle shall remain in a manufactured home park for a period longer than 60 days unless the vehicle is stored under a carport or within a garage.
- (i) Manufactured and mobile homes shall not be abandoned or stored within the regulatory jurisdiction of the City of Brevard. Manufactured homes that have been disconnected from active electricity, water, and sewage for a period exceeding 90 days shall be removed and properly disposed of. Manufactured homes located outside of a manufactured home space for a period to exceed 45 days shall be removed and properly disposed of.
- (j) Manufactured homes shall not be utilized for storage or other non-residential uses of any type.

17. Registration of occupant.

- (a) Every manufactured home park owner or operator shall maintain an accurate register. The register shall be available for inspection at all times by authorized city representatives. The register shall contain the following information on forms provided by the planning department: (1) Name of owner and/or occupant; (2) manufactured home space number; (3) make, model, registration number of manufactured home; and (4) date of arrival and departure of the occupants. Records shall be maintained for a period of three years.

18. Inspection and enforcement.

- (a) The park owner and/or operator shall notify park occupants of all applicable provisions of the ordinance and inform them of their duties and responsibilities under this ordinance.
- (b) The person to whom a manufactured home park special use permit has been issued shall operate the park in compliance with such special use permit, this ordinance, Brevard City Code, Transylvania County Code (as applicable), and state and federal law, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (c) The City of Brevard Planning Department, the Transylvania County Health Department and the Transylvania County Building and Inspections Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners and/or operators or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection.
- (d) Upon observation of a violation, the administrator shall provide notification of such violation and pursue enforcement action in accordance with Chapter 18.
- (e) So long as a violation exists the administrator shall not issue permits that would authorize the placement, replacement, setup, or modification of a new or existing manufactured home within the subject park.
- (f) If reasonable efforts to secure compliance are unsuccessful the administrator shall bring the matter to a hearing before the BOA.
- (g) The BOA may revoke a manufactured home park special use permit or impose other reasonable conditions for compliance therewith if the BOA finds that the park owner or operator has failed to comply with the provisions of the special use permit or any provision of this ordinance, Brevard City Code, Transylvania County Code (as applicable), or state or federal law. Upon revocation of a manufactured home park special use permit, the BOA shall set forth clearly in writing, the specific steps necessary to re-issuance of such special use permit, and shall set forth a reasonable time frame for closure of the park that gives deference to any tenants who will be displaced by such action.

3.28. Swimming pools ~~permitted with standards.~~

~~3.29.— Subject to the requirements below, pools may be permitted with standards as residential accessory uses and structures within all districts except GI; by special use permit as a public recreational facility in RMX; by special use permit as a for-profit facility or public recreational facility in NMX; and permitted with standards as a for-profit facility or public recreational facility in all other districts except GI.~~

A. Subject to the requirements below, pools may be permitted with standards as residential accessory uses and structures within all districts except GI; by special use permit as a public recreational facility in RMX; by special use permit as a for-profit facility or public recreational facility in NMX; and permitted with standards as a for-profit facility or public recreational facility in all other districts except GI.

AB. All pools permitted as residential accessory uses and structures, whether above-ground or in-ground, shall be built only in side or rear yards.

BC. The definition of a pool includes all structures, walks or patio areas of cement, stone, or wood, at or above grade, built for, and used in conjunction with the pool.

CD. Pools, as defined above, shall be set back a minimum of five feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.

DE. All swimming pools shall be designed to prevent unsupervised access by children. Pools shall be enclosed within a secured structure or by an unclimbable privacy fence (with lockable self-latching gate) with a minimum height of four feet and a maximum of eight.

3.29. Contractors Offices and Equipment Sheds

A. Contractors Offices and Equipment Sheds are not permitted within the GR6 district.

B. Contractors Offices and Equipment Sheds within the GR4 zoning district shall meet the following standards:

1. Equipment sheds, and any associated outdoor storage of materials or equipment, shall be set back at least 20 feet from any property line.

2. Equipment sheds, and any associated outdoor storage of materials or equipment, shall be screened from neighboring properties and adjacent streets by a Type A buffer yard.

3. Properties upon which a contractors office or equipment shed is proposed to be located shall be a minimum of two (2) acres in size.

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

No fence shall be placed within the sight triangle of any intersection as specified in Chapter 4 of this ordinance.

A. All fences shall be constructed so that the best face faces outward from the parcel upon which it is constructed and towards adjacent properties.

B. All fences and walls shall be located off of any property line unless a fence or wall is shared between property owners and constructed upon any property line with the express consent of all property owners sharing the same property line.

C. Fences and walls shall not be placed within public utility easements or public right-of-way without first securing an encroachment agreement from the City of Brevard, the North Carolina Department of Transportation, or other appropriate entity.

D. Fence heights are restricted as follows:

1. In industrial districts, and public safety and other critical facilities. Fences shall be no greater than six feet in height before the front building line and no greater than eight feet in height in the side or rear yard.
 2. All other districts and uses. Fences or walls shall be no greater than eight feet in height behind the front building line or four feet in height before the front building line.
- E. Fence materials shall conform to the following requirements:
1. *Residential districts:*
 - (a) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, except that chain link or woven wire may be used in the side and rear yard behind the front building line.
 - (b) All other wire fences, including barbed wire or concertina wire, are prohibited. All walls and fences in the front yard and the side yard up to the front building line shall be materially similar to other walls and fences in the same block or general vicinity.
 2. *Commercial districts:*
 - (a) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability.
 - (b) Chain link wire fences may be used as secure enclosures internal to the property or site subject to the following requirements:
 - (1) Chain link fences shall not be visible from a public right-of-way,
 - (2) Chain link fences shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all side, and then only in the side or rear yard behind the front building line.
 - (c) All other wire fences, including barbed wire or concertina wire, are prohibited.
 - (d) All walls and fences shall be materially similar to other walls and fences in the same block or general vicinity.
 3. *Industrial districts, public safety facilities, and other critical facilities:*
 - (a) *Materials:*
 - (1) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, and shall be materially similar to other walls and fences on the same block or general vicinity.
 - (2) Chain link wire fences may be used as secure enclosures internal to the property or site but shall not be visible from a public right-of-way, and shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all side. Fences that comply with this subsection may be topped with barbed wire or concertina wire.
 4. *[Barbed wire:]* Barbed wire may be permitted within bona-fide agricultural operations within any zoning district.

3.31. - Human crematories.

- A. Human crematories may be permitted as accessory uses to licensed funeral establishments ("funeral homes") within NMX, DMX, CMX, and IC zoning districts, and as a principle use in IC, provided that such location does not create activity or conditions inimical to the normal commercial activities of the district.
- B. Human crematories may be permitted as principle uses within GI zoning districts.

- C. Under no circumstances shall a crematory permitted as an accessory use exceed 533 cremations per year. All crematories shall adhere to the rules and regulations as prescribed in NCGS § 90-210.120, "The North Carolina Crematory Act" and Title 21, Chapter 34, Subsection 34C of North Carolina Administrative Code.
 - i. Crematories permitted as accessory uses shall provide an annual report to the City Zoning Administrator certifying the number of cremations performed in the calendar year does not exceed 533 cremations.
- D. Crematories shall only employ equipment that is contemporary and recognized by the industry and the North Carolina Board of Funeral Service and North Carolina Cremation Authority, as "Best Available Technology."
- E. The Administrator may impose such additional, site-specific conditions specific as are necessary in order to protect the health, safety and general welfare of the public and to maintain conditions inimical to the normal activities of the district.

~~{3.32. Reserved}~~

3.32. Artist Workshops within GR districts

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

3.33. Accessory retail.

Accessory retail uses shall comply with the following standards:

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

CHAPTER 5. - BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.1. - Purpose and intent.

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

5.2. - Applicability.

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

5.3. - Exceptions.

- A. While it is expected that some new building types will be introduced to the city, these variations should be based upon the predominant types listed in this chapter. Innovative planning or design ideas for development in any district where the proposed building types are different than those allowed by the base district requirements may be approved as a special use permit by the board of adjustment in accordance with the provisions of Chapter 16 of this ordinance.
- B. Synthetic and other materials may be substituted for required building materials when the substitute materials are similar in appearance and equal or exceed the durability of the original material.
- C. Single-family and duplex structures 4,000 square feet and smaller are exempt from the provisions of this chapter, unless otherwise specified herein.
- D. Structures in General Industrial (GI) Districts are exempt from the provisions of this Chapter unless otherwise specified herein.

5.4. - General building design requirements.

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

- A. *Architectural style:* The building design standards of this chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (e.g., Colonial, Victorian, Classical Revival) the details shall be consistent with that style unless the local architectural vernacular of Brevard provides an alternate precedent for a detail.
- B. *Frontage:* All buildings shall share a frontage line with a street or square. (Exception: Building that are interior to a site that has buildings that otherwise meet the frontage requirement.)
- C. *Termination of vistas:* Important street vistas, such as along city gateways and primary pedestrian streets, should terminate in a focal point such as a building or other architectural or natural feature.
- D. *Compatibility:* Adjacent buildings should relate in similarity of scale, height, architectural style, and/or configuration.
- E. *Proportions:* Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.

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



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

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



Provide eaves with pitched roofs.

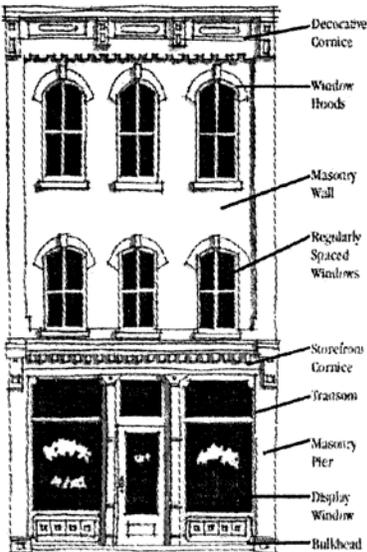
- J. *Public art:* Public art, such as statues, fountains, and other works of art are encouraged and may be placed in any required front setback area as well as in other appropriate areas.
- K. *Facade treatment:*
1. Architectural elements such as windows, doors, bulkheads, masonry piers, transoms, cornice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



Storefronts should provide windows and doors along their street frontage (5.4 K.1)

2. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to:

- i. Add architectural interest and variety; relieve the visual effect of a single, long wall;
 - ii. Subdivide the wall into human size proportions. Similarly, roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
3. The ground level of buildings shall offer pedestrian interest along sidewalks and paths. This may be accomplished by means of windows, entrances, and architectural details. Incidental signage on buildings (in accordance with Chapter 12), awnings, and ornamentation is encouraged.



5.5. - Permitted use by building type.

The following table cross references the various categories of uses and the corresponding building types in which they may be established within new development. This table is to be used in conjunction with the table in Section 5.6. These apply to new construction only. Adaptive re-use of existing buildings need only comply with the district standards.

Use Category	Building Type						
	Civic	Institutional	Home	Townhouse	Apartment	Mixed-Use	Commercial
Residential			X	X	X	X	
Lodging			X	X	X	X	X
Office/Service	X	X	X	X		X	X
Retail/Restaurants		X	X			X	X
Entertainment/Recreation	X	X				X	X

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

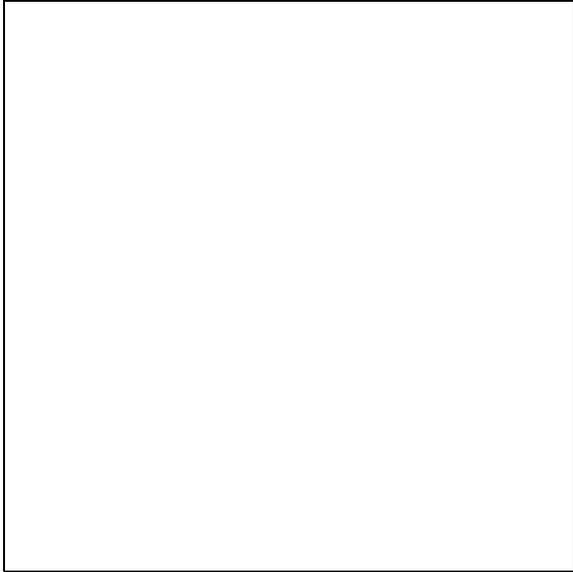
5.6. - Permitted building type by district.

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

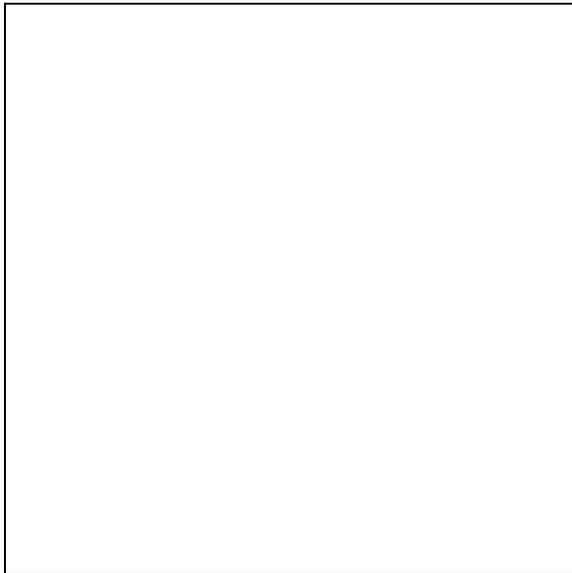
Building Type	Zoning District							
	GR	RMX	RAMU	NMX	DMX	CMX	IC	GI
Civic	X	X	X	X	X	X	X	
Institutional	X	X	X				X	
House	X	X	X	X	X		X	
Townhouse	X	X	X	X	X	X	X	
Apartment		X	X	X	X	X	X	
Mixed-Use			X	X	X	X	X	
Commercial			X			X		

5.7. - Building type: Civic.

- A. *Description:* The civic building is the most important building type in the city. It serves equally as a landmark and a public gathering place. Such buildings should be constructed as permanent additions to the long-term vibrancy of the city and should exemplify the very best architectural designs and building practices.
- B. *Applicability:* The civic building type includes public buildings, such as city halls and libraries, semi-public buildings, such as museums and observatories, and private buildings such as churches and synagogues.



Courthouse



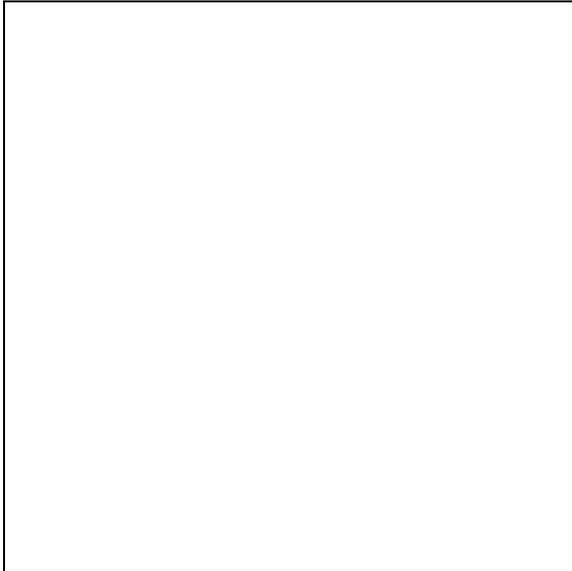
Church

(Note the termination of the street vista)

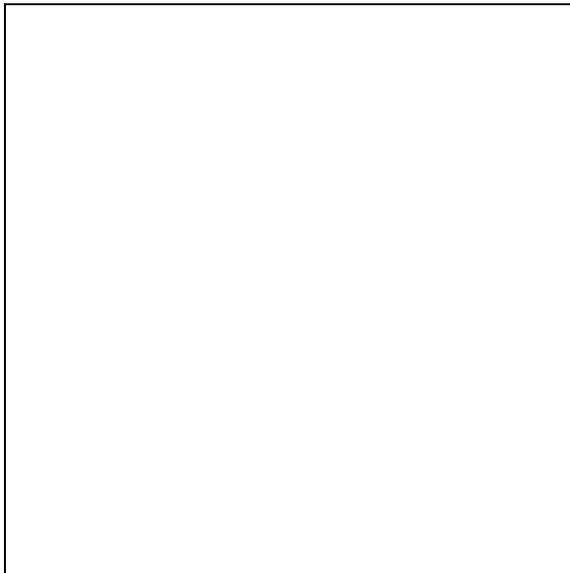
- C. *General requirements:* Because of the unique characteristics of civic buildings, they are generally exempt from the standards imposed on other buildings in this chapter with the following exceptions:
 1. They shall be built so that they terminate a street vista whenever possible.
 2. They shall be of sufficient design to create visual anchors for the community.

5.8. - Building type: Institutional.

- A. *Description:* Institutional buildings often serve as landmarks and public gathering places. Like civic buildings, such buildings should be constructed as permanent additions to the long-term vibrancy of the city and should exemplify the very best architectural designs and building practices.
- B. *Applicability:* The institutional building type applies to governmental offices, schools, hospitals and long-term care facilities, post offices, and non-profit or charitable clubs and organizations.



College Campus



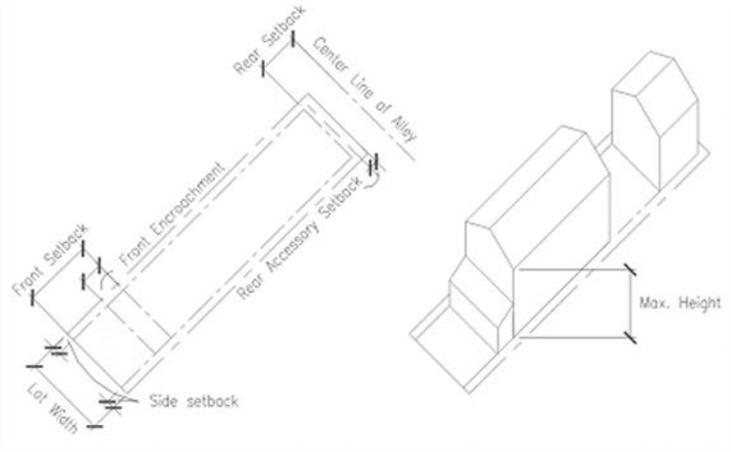
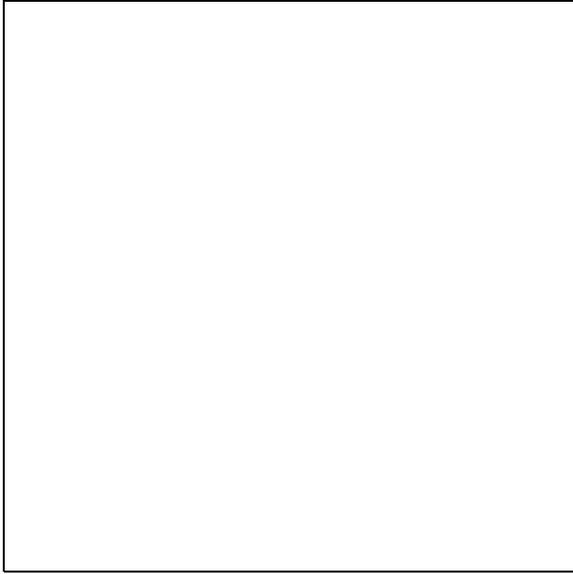
School

C. *General requirements:*

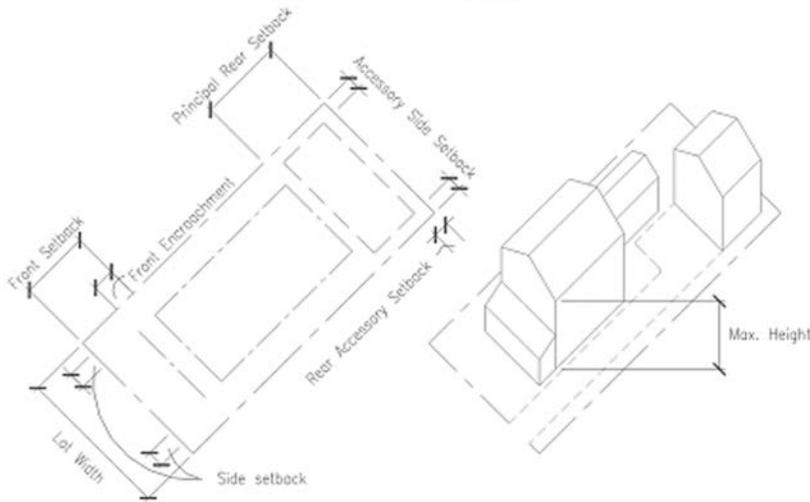
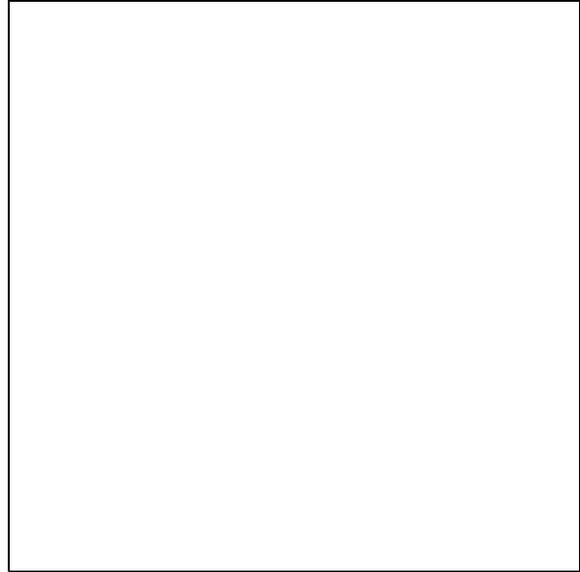
1. They should be of sufficient design to create visual anchors for the community.
2. Building(s) incidental to the principal structure shall be situated at least 20 feet behind the front facade of the principal structure; if there is more than one building incidental to the principal structure, they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

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

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



House with Driveway



House with Rear Lane/Alley

D. General requirements:

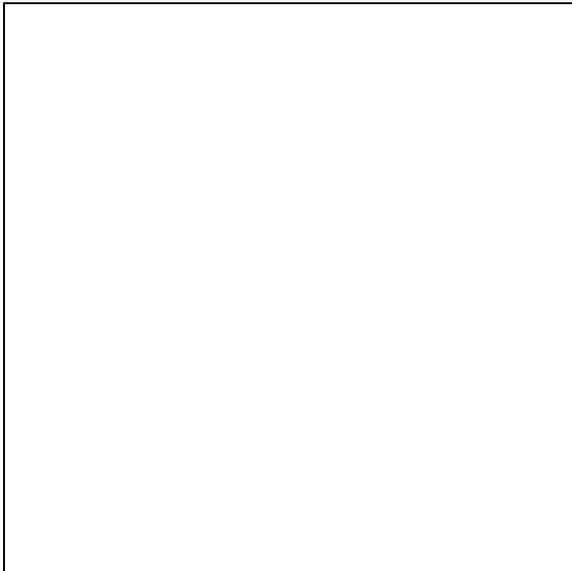
1. Usable porches and stoops should be used as a primary architectural element of the building design and be located on the front and/or side of the home. Useable front porches are at least eight feet deep and extend more than 50 percent of the facade.
2. Garages with front loading bays (if permitted) shall be recessed from the front facade of the house and visually designed to form a secondary building volume. All garages with more than two bays shall be turned such that the bays are not visible from the street. The width of an attached garage shall not exceed 40 percent of the width of the building facade.
3. With the exception of single-family homes on lots with a width greater than 60 feet, all front entrances shall be raised from the finished grade (at the frontage line) a minimum of 1½ feet to provide privacy.

E. *Materials:*

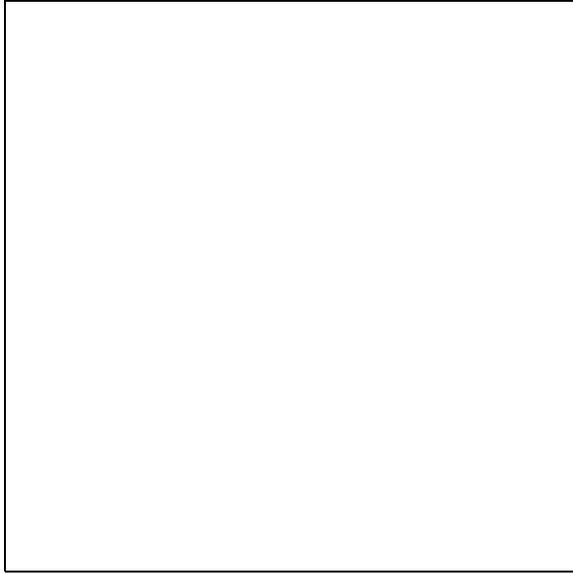
1. Residential building walls shall be primarily clad in one or more of the following materials: wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability.
2. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.

F. *Other requirements:*

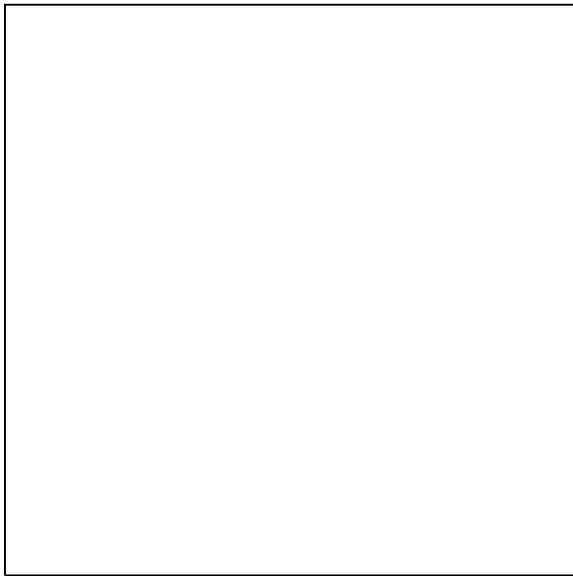
1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be pitched less than 4:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.
3. The undercroft of buildings shall be enclosed.
4. Overhanging eaves may expose rafters.
5. Flush eaves shall be finished by profiled molding or gutters.



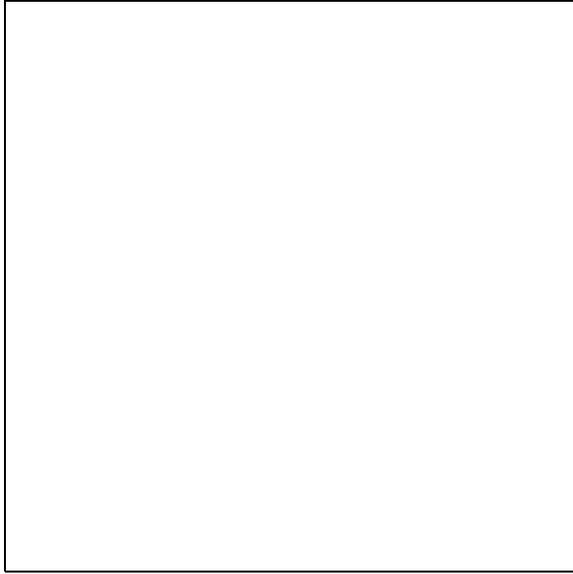
Single-Family Homes with Alley



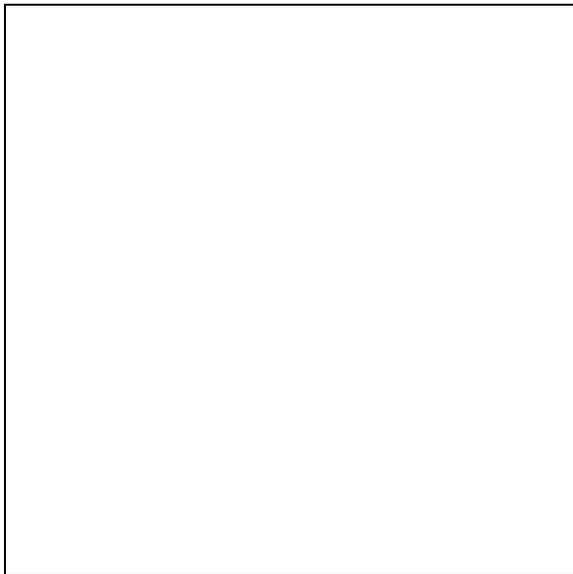
Single-Family Homes with Driveway



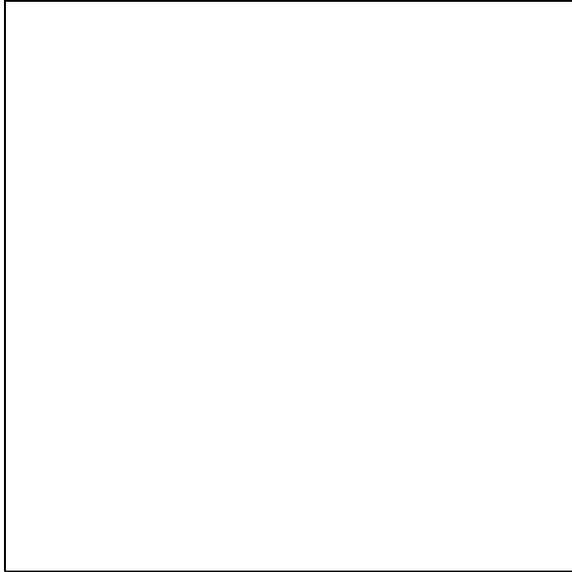
Duplex



Triplex



Quadraplex



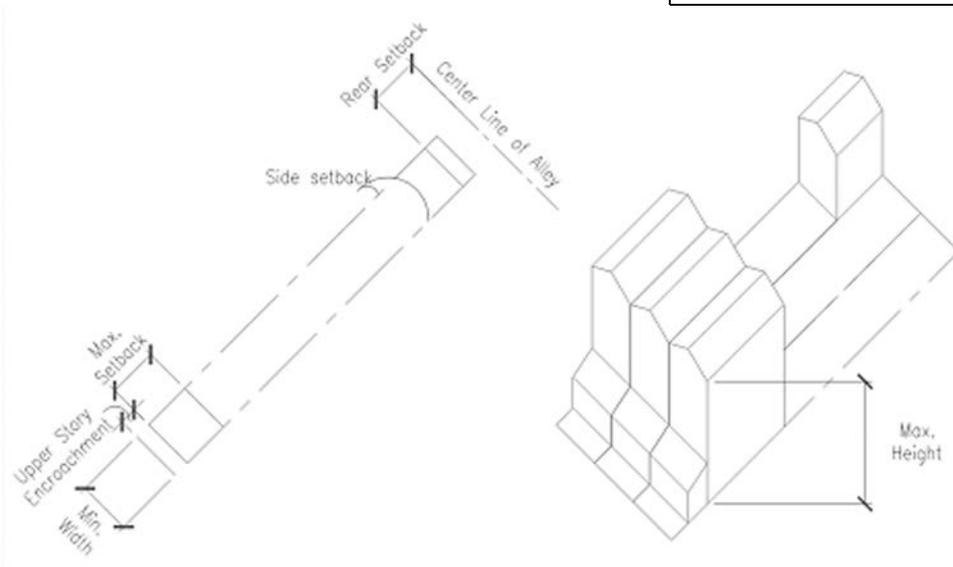
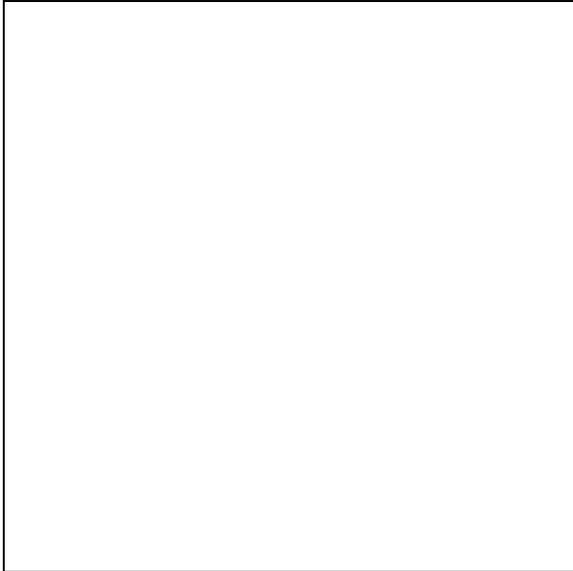
Professional Offices

5.10. - Requirements for manufactured homes.

- A. In addition to the above criteria, a manufactured home must bear a seal certifying that it meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Manufactured homes must further comply with each of the following additional criteria:
1. Manufactured or mobile homes constructed prior to December 31, 1981 shall not be permitted within the regulatory jurisdiction of the City of Brevard.
 2. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.
 3. Manufactured homes shall be set up on the site in accordance with the standards set by the N.C. Department of Insurance.
 4. The tongue, axes, transporting lights, and removable towing apparatus shall be removed after placement on the lot and before occupancy.
 5. Within 30 days following setup, manufactured homes shall be fitted with skirting in compliance with the following:
 - i. Skirting of the lower area below the floor level shall be required on all manufactured home units.
 - ii. Skirting shall be of such material and color to blend with the color, material, fabric and/or design of the mobile home itself.
 6. A permanent foundation, wall or basement, constructed in compliance with the N.C. Department of Insurance regulations, may be erected to support any mobile home unit in lieu of the above requirements for skirting.
- B. Manufactured homes shall not be used for nonresidential purposes.

5.11. - Building type: Townhouse.

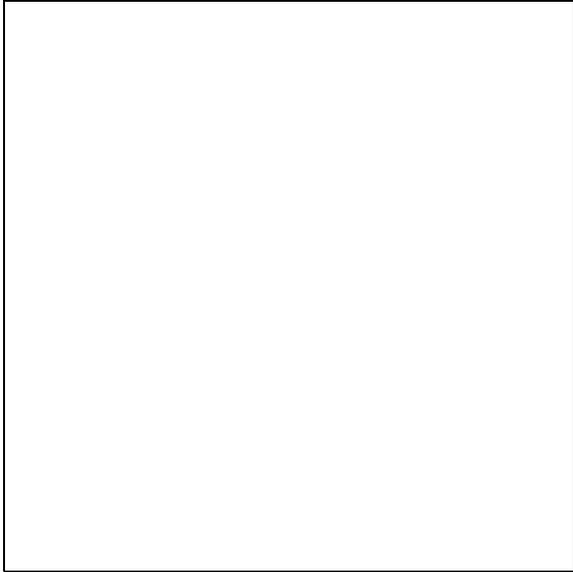
- A. *Description:* The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The uses permitted within the building is determined by the regulations in place for the district in which it is located.



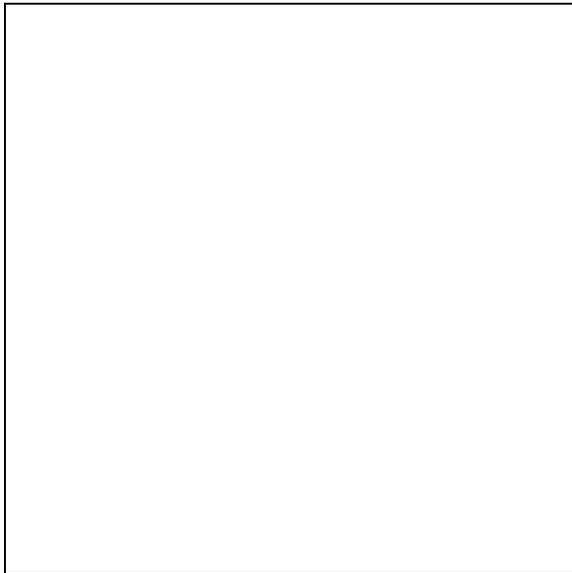
Attached House

- B. *Yards:* The townhouse typically has one yard (rear) though variations include a small front setback often used for landscaping.
- C. *General requirements:*
 - 1. The bulk and scale of townhouse infill development shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.

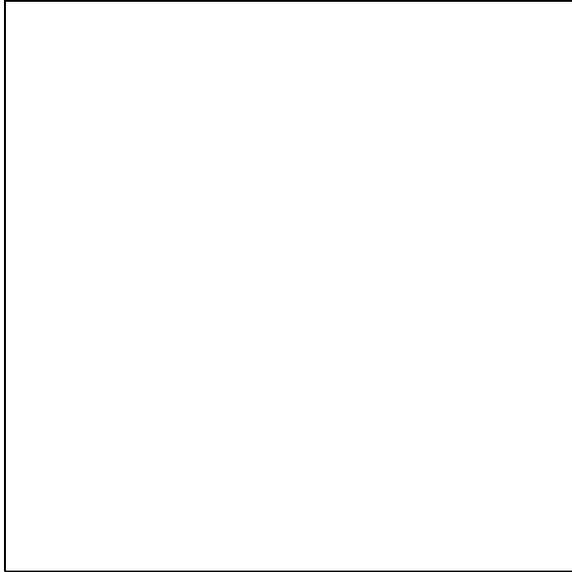
2. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least eight feet deep and extend more than 30 percent of the facade.
3. Garage doors are not permitted on the front elevation of any townhouse.
4. All building elevation visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces, and/or windows. This standard applies to each full and partial building story.
5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line) a minimum of 1½ feet.
6. All townhouse buildings shall provide detailed design along all elevations. Detailed design shall be provided by using as many of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - i. Dormers.
 - ii. Gables.
 - iii. Recessed entries.
 - iv. Covered porch entries.
 - v. Cupolas or towers.
 - vi. Pillars or posts.
 - vii. Eaves (minimum ten-inch projections which may include gutter).
 - viii. Off-sets in building face or roof (minimum 16 inches).
 - ix. Window trim (minimum four inches wide).
 - x. Bay windows.
 - xi. Balconies.
 - xii. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features).
 - xiii. Decorative cornices and roof lines (for flat roofs).



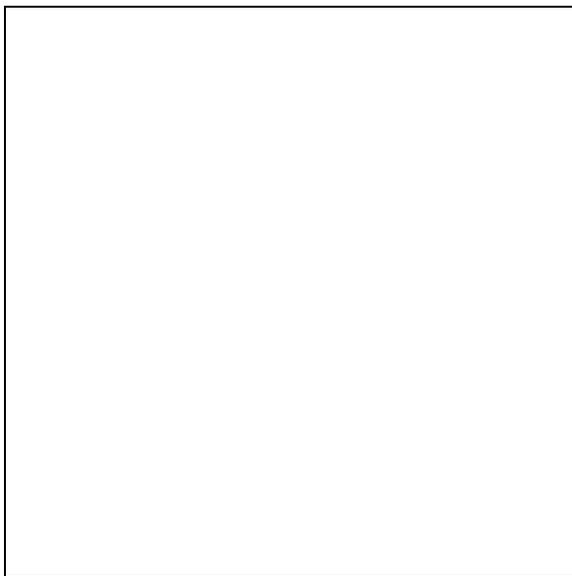
Multi-Family Townhomes with Alley



Multi-Family Townhomes with Alley



Multi-Family Townhomes with Driveways



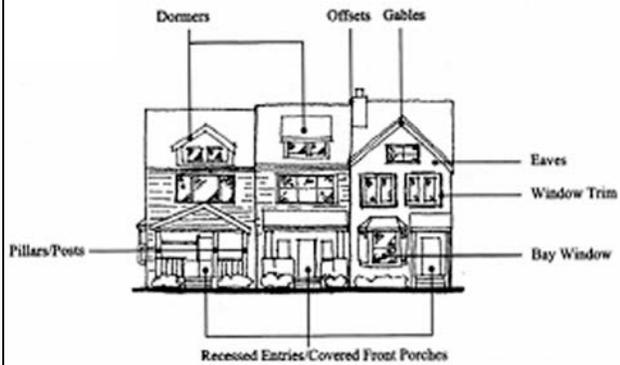
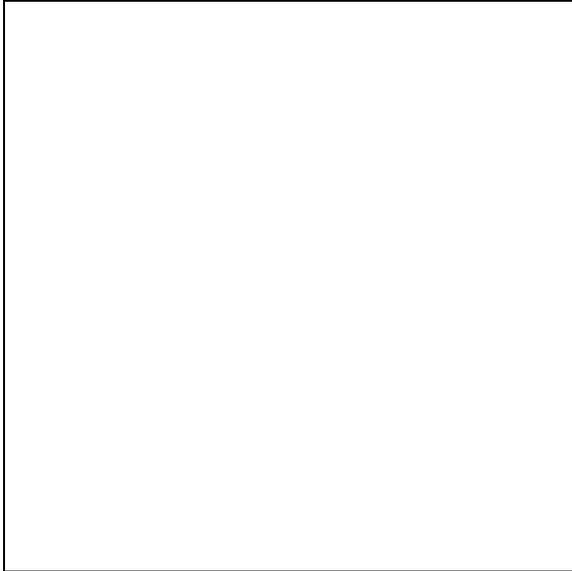
Live-Work Units

D. *Materials:*

1. Residential building walls shall be one or more of the following: wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or vinyl.
2. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, and/or asphalt shingles.

E. *Other requirements:*

1. Main roofs on residential 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 be pitched less than 4:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.

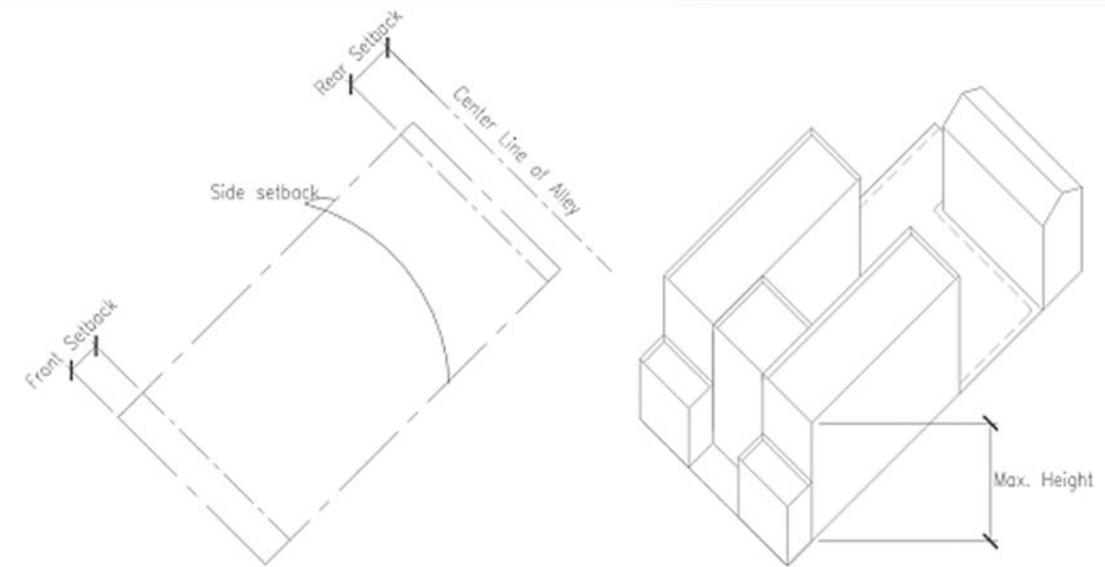
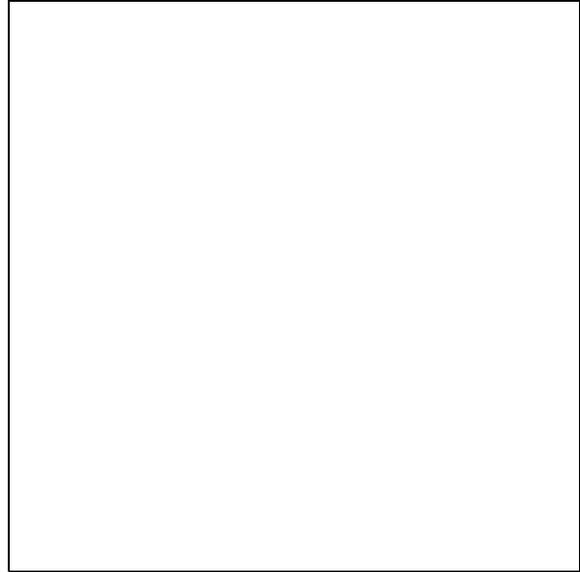


Townhome Buildings

3. The undercroft of buildings shall be enclosed.
4. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
5. Overhanging eaves may expose rafters.
6. Flush eaves shall be finished by profiled molding or gutters.
7. All rooftop equipment shall be screened from view.

5.12. - Building type: Apartment.

- A. *Description:* A multiple unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be for used rent or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The use permitted within the building is determined by the district in which it is located.
- B. *Yards:* An apartment building typically has one yard (rear) though variations include a small front setback often used for landscaping.



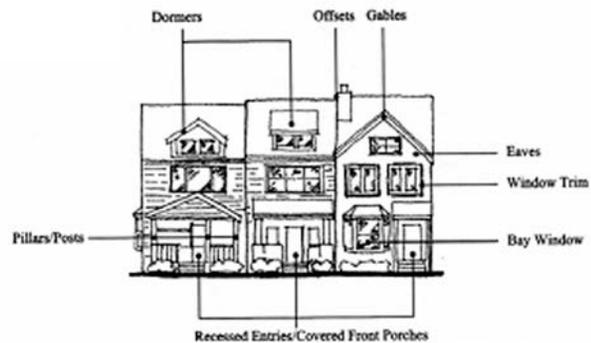
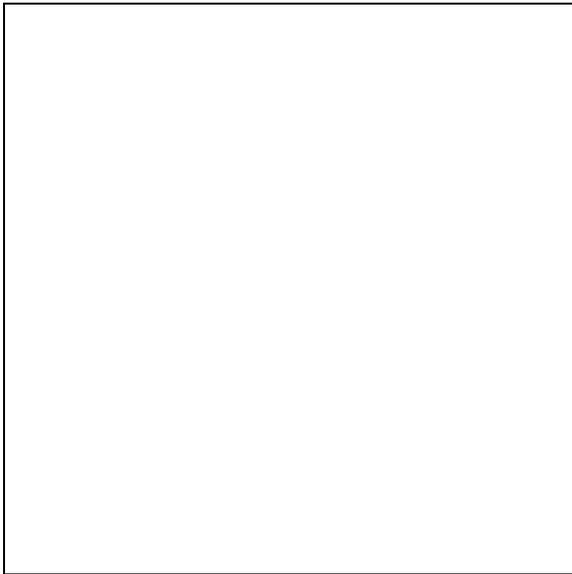
Apartment

C. General requirements:

1. The bulk and scale of apartment infill development shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
2. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least eight feet deep and extend more than 30 percent of the facade.
3. Garage doors are not permitted on the front elevation of any apartment building.
4. All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and

rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (linear feet) containing doors, porches, balconies, terraces, and/or windows. This standard applies to each full and partial building story.

5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line) a minimum of 1½ feet.
6. Apartment buildings shall provide detailed design along all elevations. Detailed design shall be provided by using as many of the following architectural features on all elevations as appropriate for the proposed building type and style. Features may vary between rear, side and front elevations.
 - i. Dormers.
 - ii. Gables.
 - iii. Recessed entries.
 - iv. Covered porch entries.
 - v. Cupolas or towers.
 - vi. Pillars or posts.
 - vii. Eaves (minimum ten-inch projection which may include gutter).
 - viii. Off-sets in building face or roof (minimum 16 inches).
 - ix. Window trim (minimum four inches wide).



Apartment Buildings

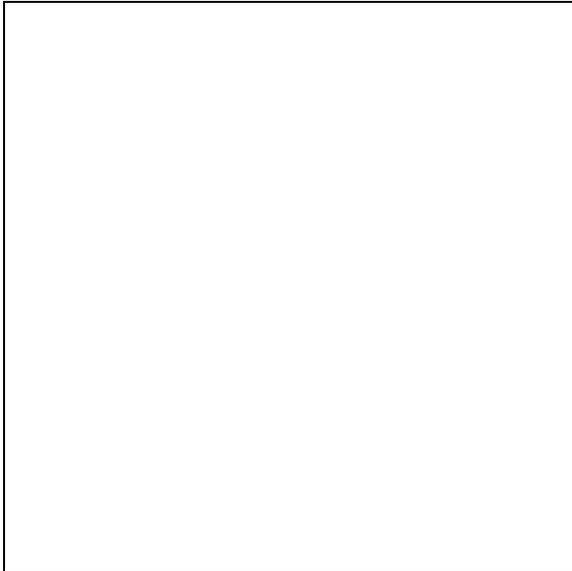
- x. Bay windows.
- xi. Balconies.
- xii. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features).
- xiii. Decorative cornices and roof lines (for flat roofs).

D. *Materials:*

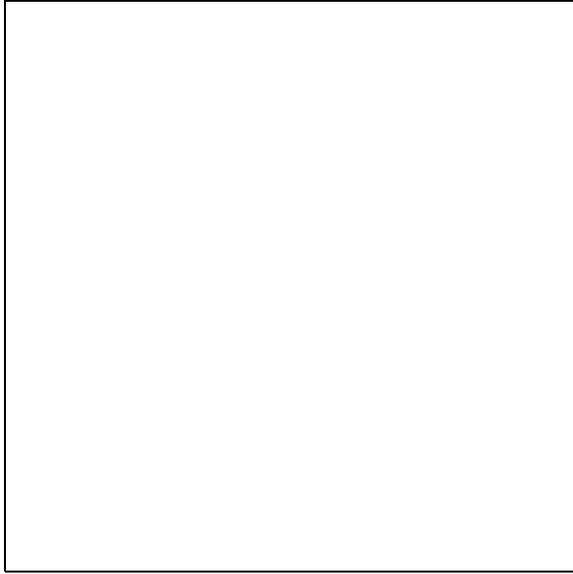
1. Apartment building walls shall be wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or vinyl.
2. Apartment building roofs shall be clad in wood shingles, standing seam metal, terne, slate, or asphalt shingles.

E. *Other requirements:*

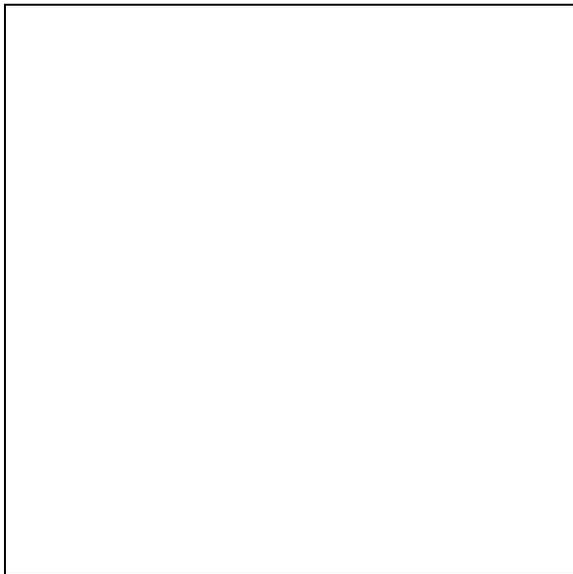
1. Main roofs on apartment buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall pitched be less than 4:12.
2. Two wall materials may be combined horizontally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



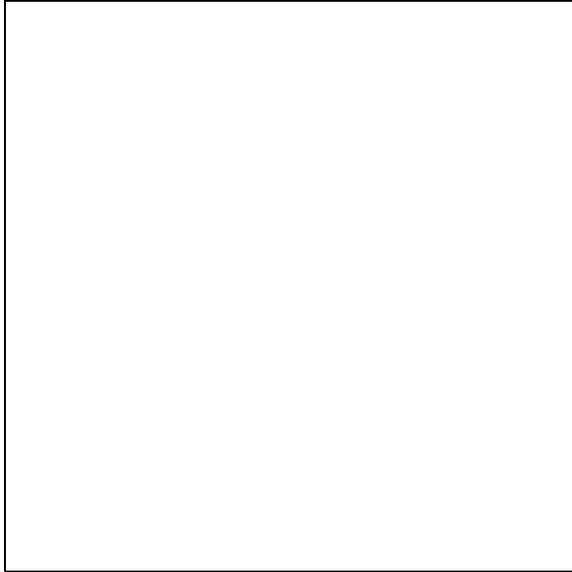
Multi-Family Development



Multi-Family Development



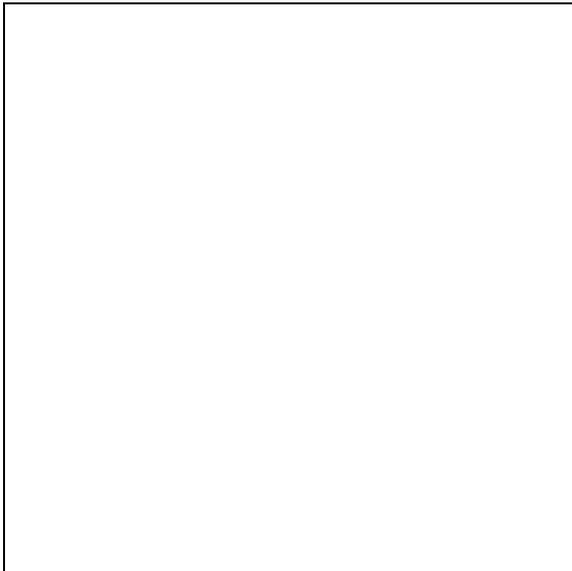
Eightplex



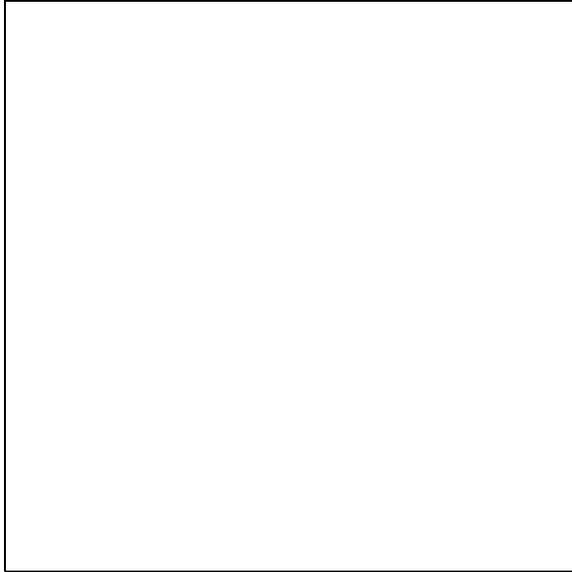
Multi-Family Development

5.13. - Building type: Mixed-use.

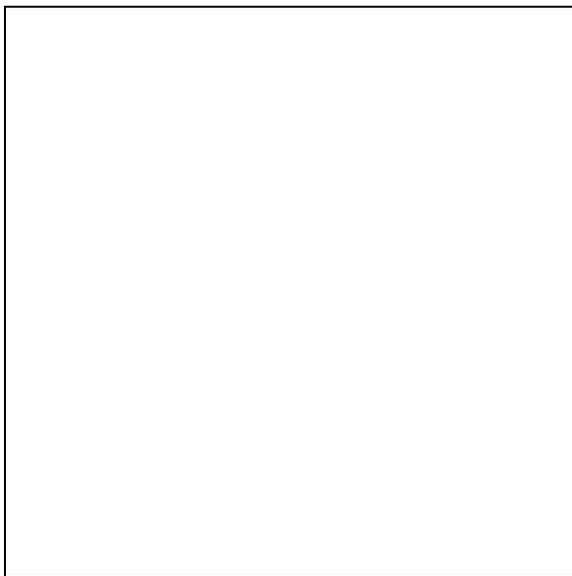
- A. *Description:* A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial services, such as a neighborhood store, in close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



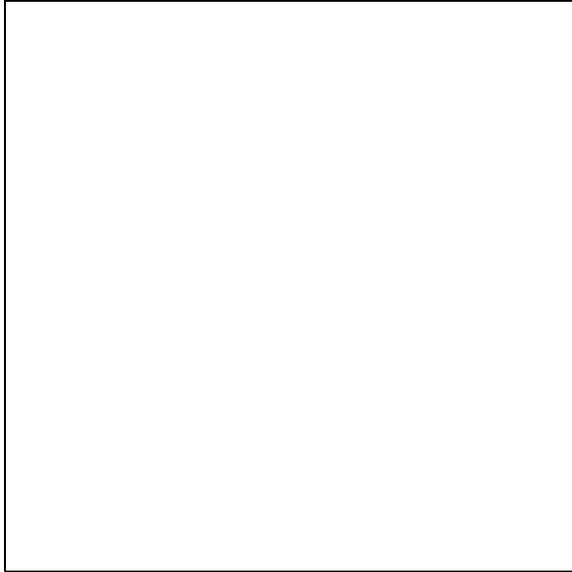
Office Over Retail/Restaurant



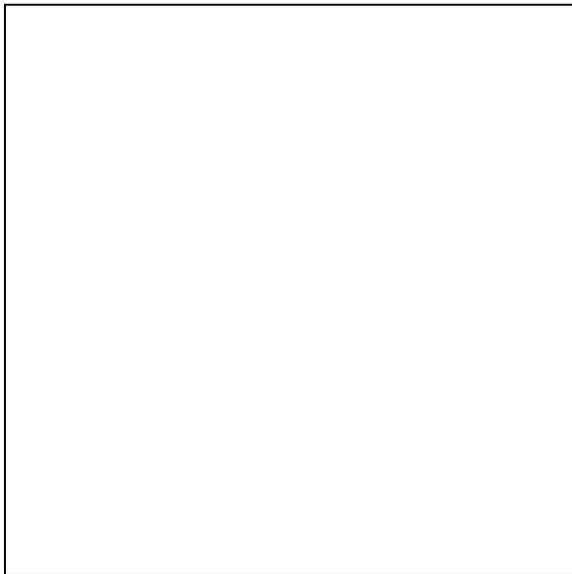
Office Over Retail/Office



Residential/Office Over Retail

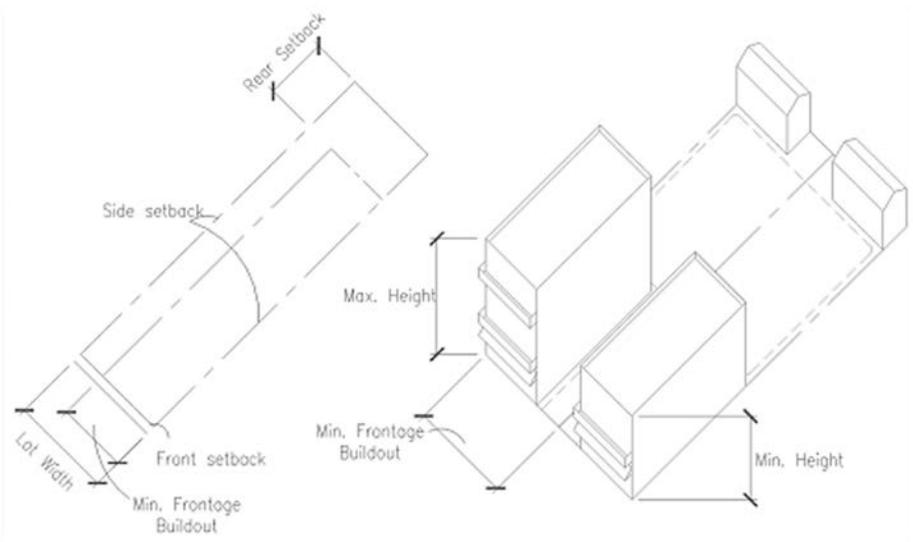
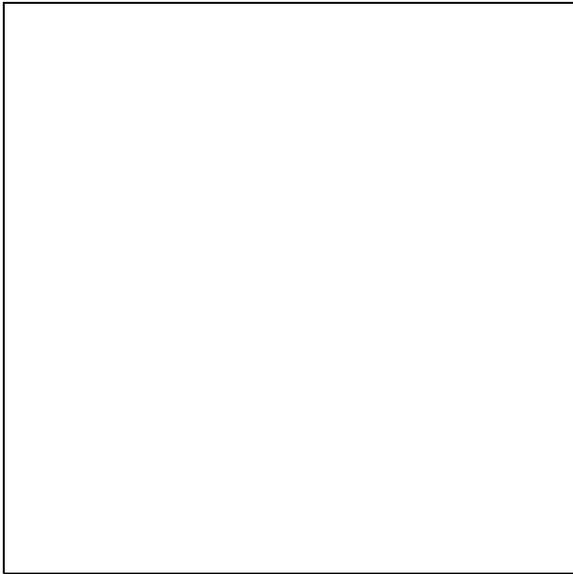


Office Over Office/Retail



Residential Over Residential/Office/Retail

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



Mixed-Use Building

C. General requirements:

- 1. Mixed-use building shall have a minimum of two stories.
- 2. Street walls: The first floors of all mixed-use buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:
 - i. The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 40 percent of the length of the first floor building elevation.
 - ii. Expanses of blank walls may not exceed 20 feet in length. (A "blank wall", in this context, is a facade that does not contain transparent windows or doors).
 - iii. Window dimensions:

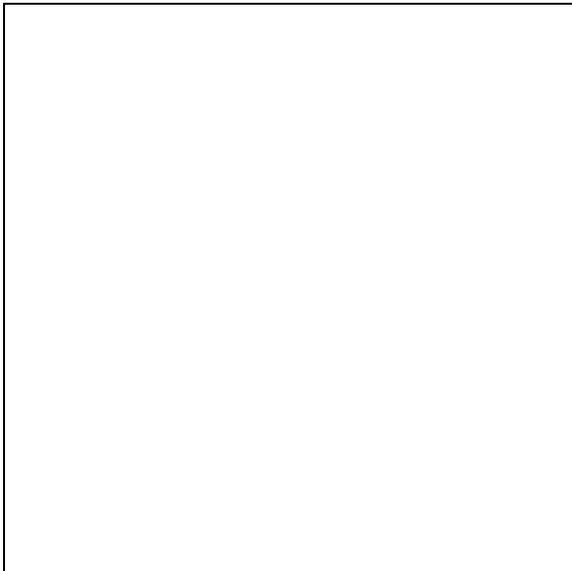
- (1) Maximum sill height (1st floor): 42 inches (as measured from the finished floor elevation).
 - (2) Minimum area: 16 square feet.
 - (3) Minimum width: 3 feet.
 - (4) Minimum height: 4 feet.
3. Ventilation grates and emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.
 4. Building entrances: A primary entrance facade shall be oriented toward the street, designed for the pedestrians, and distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
 5. A building canopy, awing, or similar weather protection may be provided and should project a minimum of three—five feet from the facade.

D. *Materials:*

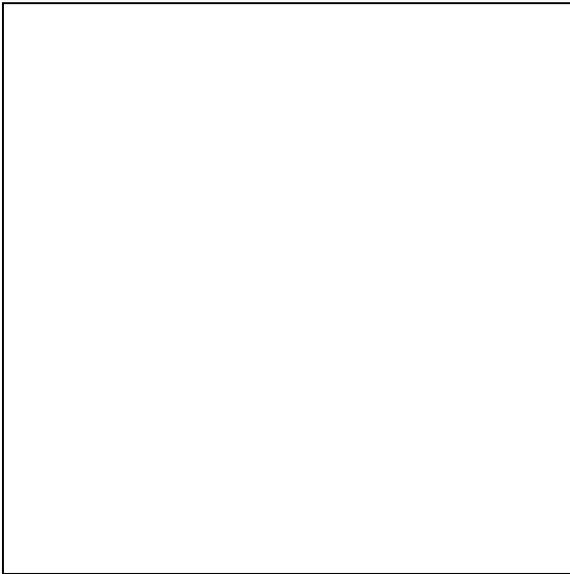
1. Mixed use building walls shall be brick, stone, cementitious fiber board, stucco, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials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

5.14. - Building type: Commercial building.

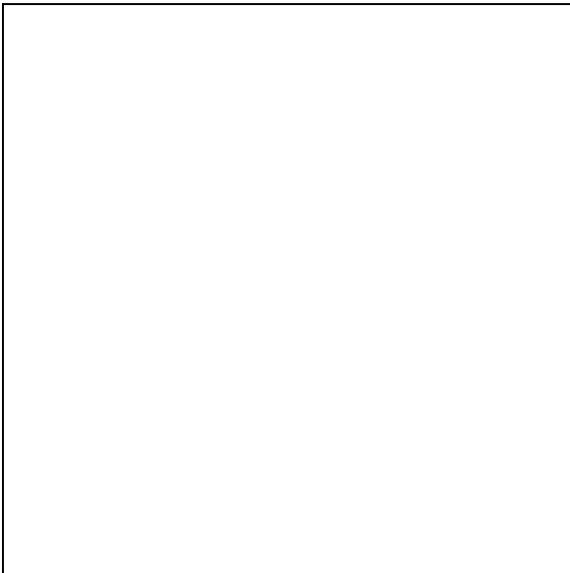
- A. *Description:* A single or multi-story medium to large structure which generally accommodates automobile-oriented commercial uses typically found along major thoroughfares. A group of commercial buildings can be combined to form a community center. This building type provides convenient automobile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



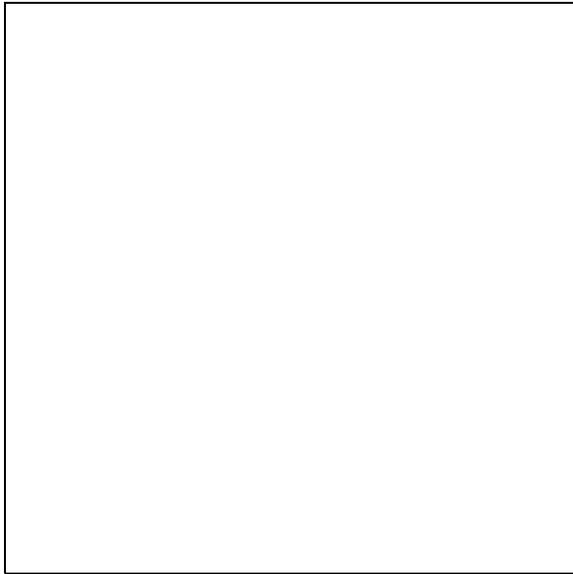
Retail



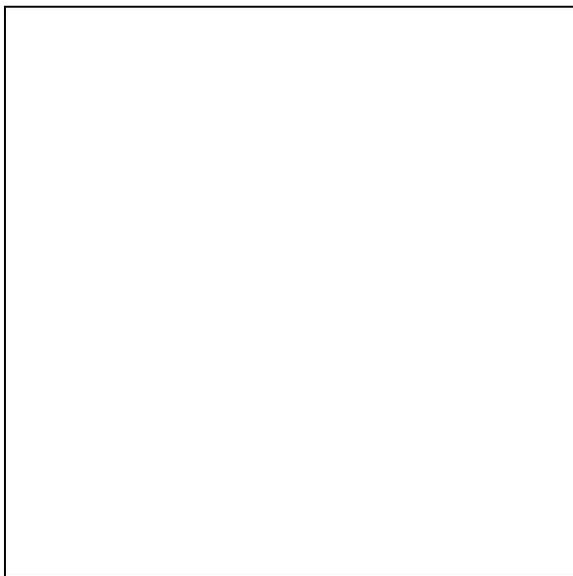
Grocery Store



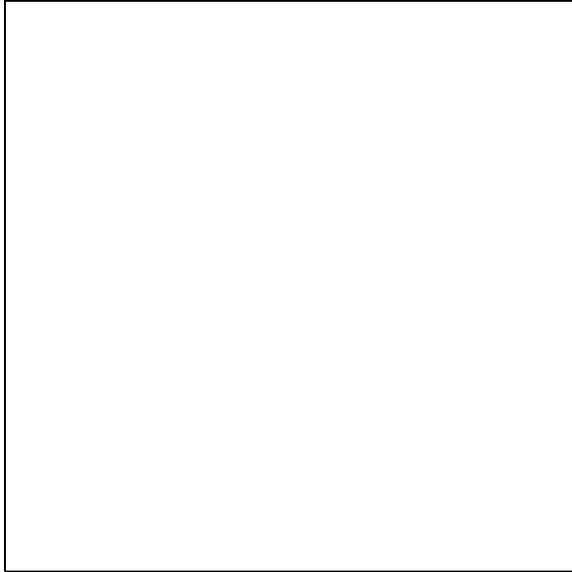
Retail along Thoroughfare



Pharmacy with Drive-Thru

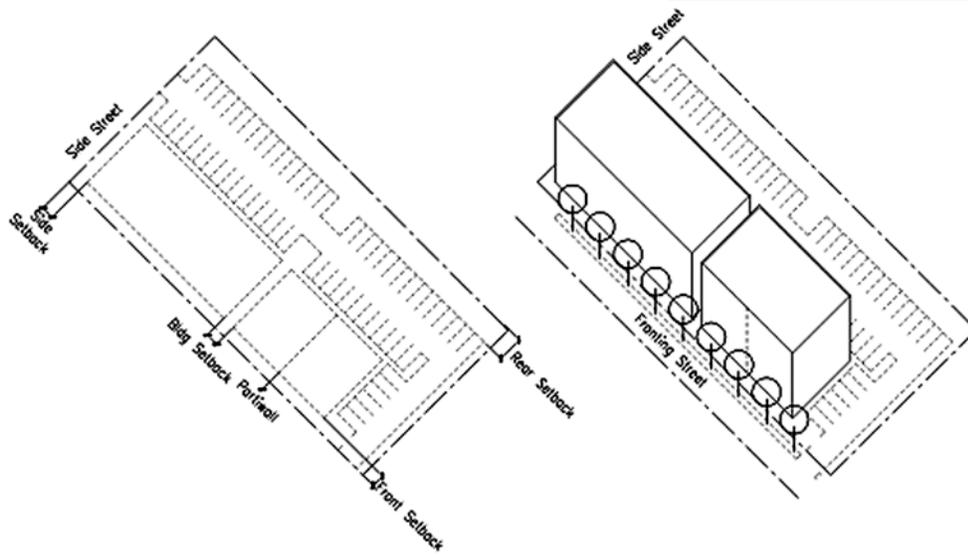
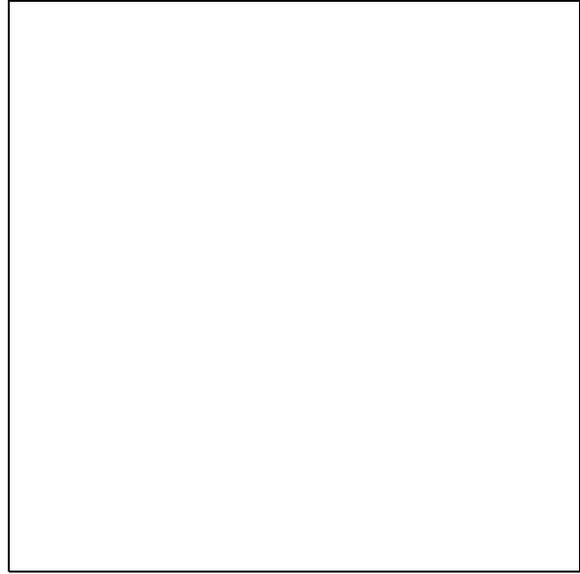


Fast-food Restaurant



Gas Station

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



Commercial Building

C. General requirements:

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

(2) Minimum area: 16 square feet.

(3) Minimum width: 3 feet.

(4) Minimum height: 4 feet.

iv. Ventilation grates and emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.

D. *Materials:*

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

5.15. - Requirements for tall structures.

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

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

(Ord. No. 15-08, § 14, 12-5-08)

5.16. - Additional requirements for large structures.

- A. *Applicability:* These standards shall apply to newly constructed structures or existing structures undergoing substantial improvement that meet the following criteria:
 1. Any single structure with a gross floor area of 100,000 square feet or greater.
 2. Any single structure or grouping of two or more structures with a combined total gross floor area of 100,000 square feet or more when:
 - i. Such structures are joined by a fire wall or partiwall; and
 - ii. Such structures are under the same ownership, or are undergoing improvement under a single land development permit, or have been approved under the same development authorization.
 3. Where indicated with an (I), such standards shall apply to industrial structures.
- B. *Additions to existing structures:*
 1. These standards shall apply to additions to existing structures when such addition equals or exceeds ten percent of the ground floor area of the original structure.

2. These standards shall apply to the original portion of the structure to which the addition is being made when:
 - i. Renovation is being made to the original structure; and,
 - ii. Such renovation equals or exceeds 50 percent of the appraised value of the original structure.
3. Modifications to or waiver of requirements:
 - i. The approving authority may modify or waive a requirement of this section upon determining the following:
 - (1) Such requirement would serve no useful purpose.
 - (2) When applicable to pre-existing, non-conforming structures, compliance with such requirement would be impossible or unreasonably burdensome due to constraints imposed by the original design of the existing structure.
 - (3) Such requirements would impose an unreasonable hardship upon the applicant.
 - ii. When considering a request to modify or waive a requirement under this section, the approving authority shall verify, in consultation with the administrator and the city engineer, that no other reasonable options exist to achieve compliance with these standards.
4. These requirements are expressed as performance standards. It shall be the responsibility of the applicant to provide engineer-certified documentation that these requirements have been or shall be met for any newly constructed structure to which these standards apply. The administrator may, in consultation with the city engineer, take steps to verify that these requirements have been or will be met.
5. Failure to comply with these standards shall constitute grounds for revocation of the special use permit.

C. *Requirements:*

1. Large structures shall require the submission of a traffic impact study in accordance with Chapter 17 of this ordinance. Any improvements recommended by a traffic impact study shall be constructed by the applicant as a condition of approval.
2. All buildings shall provide secure bicycle storage capable of serving building users. One bicycle space shall be provided for every 20 automobile parking spaces, with a minimum of one five-bicycle rack provided near each building entrance irregardless of the number of parking spaces provided.
3. Provide preferred parking for carpools or vanpools capable of serving five percent of all building users (measured at peak periods).
4. Heat island effect: The performance standards contained herein are intended to reduce heat islands (thermal gradient differences between developed and undeveloped areas), thereby minimizing the impact on microclimate and human and wildlife habitat.
 - i. *Non-roof areas:*
 - (1) Provide shade (within five years of landscape installation), use light-colored/high-albedo materials with a solar reflectance index (SRI) of at least 29, and use open grid pavement for at least 50 percent of the site's non-roof impervious surfaces, including parking areas, walkways, plazas, fire lanes, etc.; or,
 - (2) Place a minimum of 50 percent of parking spaces underground or covered by structured parking; or,
 - (3) Use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot;

ii. *Roof areas:*

- (1) Use roofing materials having a solar reflectance index (SRI) as required in the following table for a minimum of 75 percent of the roof surface; or,
- (2) Install a "green" (vegetated) roof for at least 50 percent of the roof area.
- (3) Combinations of high albedo and vegetated roof can be used if they meet, in combination, the following criteria:

$$\text{Total Roof Area} \leq (\text{Area of SRI Roof} * 1.33) + (\text{Area of green roof} * 2)$$

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

5. CFC reduction in HVAC&R equipment required:

- i. The purpose of this provision is to reduce ozone depletion.
- ii. There shall be no use of CFC-based refrigerants in new base building HVAC&R systems. When reusing existing base building HVAC equipment, complete a comprehensive CFC phase-out conversion.

6. Facade requirements: The requirements shall apply to all facades that face a public or private street (except alleys) and to facades that are oriented so as to be visible from a public or private street. Rear service areas shall be screened so as to not be visible from adjacent properties, and shall comply with these requirements if visible from any street with a classification greater than an alley or commercial service street.

- i. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth/projection of at least three percent of the length of the facade and extending horizontally for at least 20 percent of the length of the facade.
- ii. No portion of the facade shall extend more than 20 feet in length without incorporating a break as described in the preceding paragraph.
- iii. No less than 60 percent of the horizontal length of ground floor shall have arcades, display windows, entry areas, awnings, or other such features.
- iv. No less than 60 percent of the horizontal length of ground floor facades shall be transparent between the height of three feet and eight feet above the walkway grade.

7. Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be required which will complement the character of adjoining and nearby structures.

(Ord. No. 15-08, §§ 15, 16, 12-5-08)

5.17. - Encroachments.

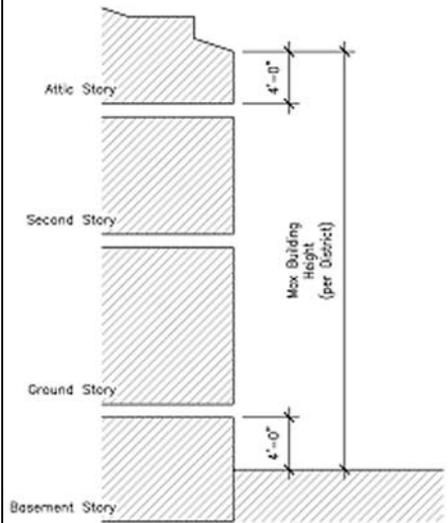
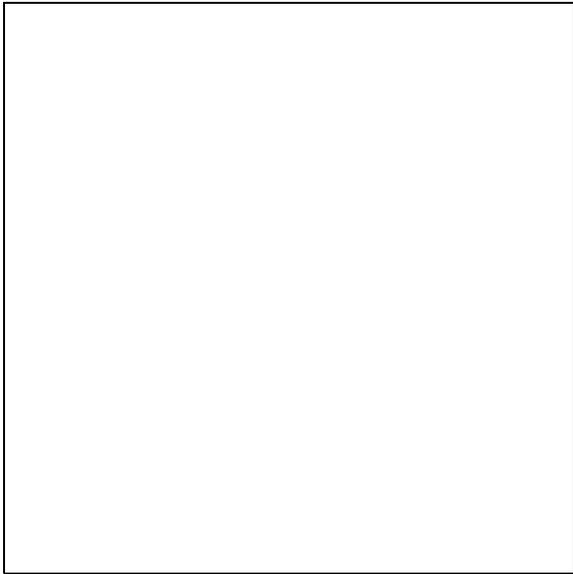
Certain architectural features are permitted to encroach across parcel lines, into setback areas, and into rights-of-way. The following standards shall be established for encroachments:

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

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

5.18. - Computation of building height.

- A. "Building height" is measured as the vertical distance above a reference elevation measured to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. The height of a terraced or stepped building is the maximum height of any segment of the building. The height limitations of this Code 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.
- B. The reference elevation shall be selected using the greater of either of the following:
1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade; or,
 2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in paragraph 1, above is more than ten feet above the lowest grade.
- C. Story: The habitable level of a building, which level shall not exceed 14 feet in height from finished floor to finished floor. Basements that emerge less than four feet from grade or attics not exceeding four feet at the knee-wall shall not constitute a story.



Building Height

- 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.



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.

Office of City Manager
(828) 885-5601

FINANCE REPORT FOR MONTH ENDED MARCH 31, 2015

**JIM FATLAND, CPFO, NCCLGFO
INTERIM CITY MANAGER AND FINANCE DIRECTOR**

CITY OF BREVARD			
GENERAL FUND			
FY15 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
EXPENDITURES			
Governing Board	\$88,769	\$73,405	82.7%
Administration	\$639,222	\$430,553	67.4%
Finance	\$685,806	\$562,395	82.0%
Legal	\$60,000	\$44,498	74.2%
Planning	\$657,420	\$457,115	69.5%
Buildings & Grounds	\$509,091	\$339,410	66.7%
Police	\$2,551,324	\$1,885,051	73.9%
Public Services Administration	\$304,028	\$222,445	73.2%
Public Works Garage	\$571,778	\$349,746	61.2%
Streets-Local	\$630,712	\$481,877	76.4%
Streets-Powell	\$215,000	\$42,446	19.7%
Sanitation	\$744,264	\$562,623	75.6%
Recreation	\$95,792	\$51,376	53.6%
Non Departmental (Debt)	\$632,244	\$384,098	60.8%
Economic Development	\$69,000	\$67,000	97.1%
Contingency	\$0	\$0	
TOTAL EXPENDITURES	\$8,454,450	\$5,954,040	70.4%
ENDING FUND BALANCE		\$4,173,969	

CITY OF BREVARD				
UTILITY FUND				
FY15 APPROVED BUDGET				
REVENUE & EXPENDITURES REPORT				
FOR MONTH ENDED MARCH 31, 2015				
		Approved		
		FY15	THRU	PERCENT
		BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE			\$848,747	
REVENUE				
Miscellaneous Utility Fees		\$0	\$1,764	0.00%
Water Charges		\$2,350,000	\$1,545,728	65.8%
Sewer Charges		\$2,120,000	\$1,349,842	63.7%
Meter Charges		\$130,000	\$101,450	78.0%
Tap & Connection Fees-Water		\$10,000	\$20,697	207.0%
Tap & Connection Fees-Sewer		\$2,500	\$0	0.0%
Reconnection Fees		\$45,000	\$32,710	72.7%
Septage Pretreatment Facility		\$15,000	\$23,475	156.5%
Fund Balance Appropriated		\$0	\$0	
Loan Proceeds--New Equipment		\$0	\$0	
TOTAL REVENUE		\$4,672,500	\$3,075,667	65.8%
EXPENDITURES				
On Line/Credit Card Fees		\$22,000	\$12,593	57.2%
Reimbursement to General Fund		\$520,000	\$390,000	75.0%
Debt Service Payments		\$343,096	\$145,053	42.3%
OPEB Transfer		\$6,750	\$6,750	100.0%
Transfer to Utility Capital Projects Fund		\$146,868	\$0	0.0%
Water Treatment Plant		\$904,186	\$444,248	49.1%
Water Distribution		\$492,469	\$322,252	65.4%
Utilities Administration		\$352,794	\$187,969	53.3%
Wastewater Treatment Plant		\$1,112,720	\$677,187	60.9%
Wastewater Collection System		\$771,617	\$415,045	53.8%
Transfer to Water & Sewer Capital Projects				
Contingency				
TOTAL EXPENDITURES		\$4,672,500	\$2,601,096	55.7%
ENDING FUND BALANCE			\$1,323,318	

CITY OF BREVARD				
WATER & SEWER CAPITAL PROJECTS FUND (31)				
FY15 APPROVED BUDGET				
REVENUE & EXPENDITURE REPORT				
FOR MONTH ENDED MARCH 31, 2015				
	APPROVED	THRU	PERCENT	
	FY15	MARCH 31	TO DATE	
	BUDGET			
BEGINNING FUND BALANCE	\$0	\$77,492		
REVENUE				
Transfer from Utility Fund				
Transfer from Capital Reserve Fund	\$150,000			
CG & Loan Burrell Mountain Water Tank	\$2,550,000	\$1,201,366	47.1%	
Sewer 6 Inch Upgrade Loan	\$1,738,600			
King Creek Sewer PH II Loan	\$1,435,784			
Radio Read Meter Loan	\$1,360,500			
TOTAL REVENUE	\$7,234,884	\$1,201,366	16.6%	
EXPENDITURES				
Water Tank Burrell Mountain	\$2,550,000	\$1,238,923	48.6%	
Stream Restoration Above Water Plant	\$150,000			
Kings Creek Sewer Project Phase 2	\$1,435,784	\$110,832	7.7%	
Kings Creek Sewer Project Phase 3		\$36,670		
Sewer Upgrade 6 Inch to 8 Inch	\$1,738,600	\$58,051	3.3%	
AMR Purchase & Installation	\$1,360,500	\$555	0.0%	
Neely Rd. FM/Pump Station Upgrade		\$385,326		
WWTP Rehab Project		\$78,095		
TOTAL EXPENDITURES	\$7,234,884	\$1,908,452	26.4%	
ENDING FUND BALANCE		-\$629,594		

CITY OF BREVARD			
CAPITAL RESERVE FUND (FUND 35)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$1,214,213	
REVENUE			
Transfer From Utility Fund	\$146,868	\$0	0.0%
Interest on Investments		\$294	
Impact Fees--Water	\$10,000	\$18,487	184.9%
Impact Fees--Sewer	\$10,000	\$16,112	161.1%
Sidewalks In-Lieu	\$0		
Fees In Lieu of Infastructure		\$1,964	
Contribution from Developer	\$0		
Fund Balance Appropriated	\$130,000		
TOTAL REVENUE	\$296,868	\$36,856	12.4%
EXPENDITURES			
Transfer to Capital Projects Fund	\$150,000	\$0	0.0%
Increase in Fund Balance	\$146,868		
TOTAL EXPENDITURES	\$296,868	\$0	0.0%
ENDING FUND BALANCE		\$1,251,069	

CITY OF BREVARD			
FIRE DISTRICT FUND (FUND 40)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	Approved	THRU	PERCENT
	FY15	MARCH 31	TO DATE
	BUDGET		
BEGINNING FUND BALANCE		\$40,481	
REVENUE			
Fire District Taxes--County	\$294,528	\$220,896	75.0%
Transfer from City General Fund	\$325,530	\$244,427	75.1%
Sale of Fixed Assets	\$0	\$0	
Grant Revenue	\$0	\$0	
Fund Balance Appropriated	\$0	\$0	
Misc. Revenue	\$0	\$624	
TOTAL REVENUE	\$620,058	\$465,947	75.1%
EXPENDITURES			
Fire Department Operations & Debt	\$620,058	\$456,378	73.6%
TOTAL EXPENDITURES	\$620,058	\$456,378	73.6%
ENDING FUND BALANCE		\$50,050	

CITY OF BREVARD			
T.L. SCRUGGS SCHOLARSHIP FUND (FUND 50)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED	THRU	
	FY15	MARCH 31	PERCENT
	BUDGET		TO DATE
BEGINNING FUND BALANCE		\$9,216	
REVENUE			
Fund Balance Appropriated			
Interest Earned on Investments		\$1	
Donations	\$10,500	\$15,826	150.7%
TOTAL REVENUE	\$10,500	\$15,827	150.7%
EXPENDITURES			
Scholarships Awarded	\$5,500		
Fund Raising Expenses	\$5,000	\$5,812	116.2%
TOTAL EXPENDITURES	\$10,500	\$5,812	55.3%
ENDING FUND BALANCE		\$19,231	

CITY OF BREVARD			
BJERG TRUST FUND (FUND 51)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED FY15 BUDGET	THRU MARCH 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$60,073	
REVENUE			
Interest on Investments	\$100	\$0	0.00%
TOTAL REVENUE	\$100	\$0	0.00%
EXPENDITURES			
Transfer to General Fund	\$100		0.00%
TOTAL EXPENDITURES	\$100	\$0	0.00%
ENDING FUND BALANCE		\$60,073	

CITY OF BREVARD			
RESERVE FOR OPEB (FUND 52)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$137,704	
REVENUE			
Transfer from Other Funds	\$18,750	\$18,750	100.00%
Interest on Investments	\$0	\$15	0.00%
TOTAL REVENUE	\$18,750	\$18,765	100.08%
EXPENDITURES			
Increase in fund balance	\$18,750		
TOTAL EXPENDITURES	\$18,750		
ENDING FUND BALANCE		\$156,469	

CITY OF BREVARD			
HEALTH INSURANCE RESERVE (FUND 53)			
APPROVED FY15 BUDGET			
REVENUE & EXPENITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$325,052	
REVENUE			
Fund Balance Appropriated	\$0		
Dependent Dental & Retiree Premiums	\$65,000	\$47,098	72.5%
Department Charges for Group Medical	\$976,500	\$732,375	75.0%
Transfer from Other Funds	\$0	\$0	
TOTAL REVENUE	\$1,041,500	\$779,473	74.8%
EXPENDITURES			
Third Party Administrator	\$20,000	\$16,221	81.1%
Medical Insurance Broker	\$21,000	\$14,657	69.8%
Cobra Administrator	\$1,600	\$1,390	86.8%
Med Cost UR/PPO	\$6,800	\$23,924	351.8%
Aggregate Insurance Premiums	\$191,400	\$102,166	53.4%
Claims Paid	\$695,000	\$664,711	95.6%
Employee Assistance Program	\$3,500	\$2,544	72.7%
Wellness Programs	\$75,000	\$60,401	80.5%
Life AD & D	\$14,500	\$8,725	60.2%
Life Dependents	\$700	\$459	65.6%
Short Term Disability	\$12,000	\$7,284	60.7%
TOTAL EXPENDITURES	\$1,041,500	\$902,481	86.7%
ENDING FUND BALANCE		\$202,045	

CITY OF BREVARD			
HEART OF BREVARD (FUND 70)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED	THRU	
	FY15	MARCH 31	PERCENT
	BUDGET		TO DATE
BEGINNING FUND BALANCE		\$11,589	
REVENUE			
Tax Penalties	\$0		
District Tax Collections	\$120,700	\$114,315	94.7%
Fund Balance Appropriation	\$9,715		
TOTAL REVENUE	\$130,415	\$114,315	87.7%
EXPENDITURES			
Contracted Services	\$118,000	\$114,315	96.9%
Transfer To General Fund	\$12,415	\$12,006	96.7%
TOTAL EXPENDITURES	\$130,415	\$126,321	96.9%
ENDING FUND BALANCE		-\$417	

CITY OF BREVARD			
HOUSING TRUST FUND (FUND 76)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$40,149	
REVENUE			
Interest on Investments			0.0%
Affordable Housing General			
Developer Loan Payment	\$13,332	\$0	0.0%
TOTAL REVENUE	\$13,332	\$0	0.0%
EXPENDITURES			
Increase in Fund Balance	\$13,352		
TOTAL EXPENDITURES	\$13,352		
ENDING FUND BALANCE		\$40,149	

CITY OF BREVARD			
BRACKEN MTN PROJECT (FUND 77)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$40,242	
REVENUE			
Interest on Investments	\$0	\$0	0.0%
NCDENR	\$0	\$0	0.0%
Transfer from General Fund	\$0	\$0	
Fund Balance Appropriated	\$30,000		
TOTAL REVENUE	\$30,000	\$0	0.0%
EXPENDITURES			
Start-up Costs	\$30,000	\$18,512	61.7%
Trail Design & Construction	\$0		
TOTAL EXPENDITURES	\$30,000	\$18,512	61.7%
ENDING FUND BALANCE		\$21,730	

CITY OF BREVARD			
MULTI USE PATHS (FUND 78)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	AMENDED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$207,594	
REVENUE			
SRTS Grant Reimbursement			
Transfer from Planning Department			
Transfer from Powell Bill			
Transfer from Capital Reserve Donation			
Transfer Fees in Lieu C Reserve			
Transylvania County & Tourism--Cherry St.	\$54,000	\$54,000	
Transfer from General Fund	\$38,000	\$38,000	
Transfer Cap Reserve Fees In Lieu DRT			
Recreation Trails Grant			
Transfer Cap Reserve			
Fund Balance Appropriated	\$207,000		
TOTAL REVENUE	\$299,000	\$92,000	30.8%
EXPENDITURES			
GR Recreation			
ROW			
Contracted Services			
Engineering			
Park Acquisition & Design			
Park Construction			
SRTS Non Infrastructure			
TOTAL GR RECREATION			
Davidson River Trail			
Trail Construction			
TOTAL DAVIDSON RIVER TRAIL			
Elm Bend Sidewalk			
Design & Construction			
TOTAL ELM BEND SIDEWALK			
West Loop Phase I	\$0		
Design & Construction	\$107,000		
TOTAL WEST LOOP	\$107,000	\$0	
Railroad Avenue Project Area	\$100,000		
TOTAL RAILROAD PROJECT AREA	\$100,000	\$0	
Cherry Street Pedestrian Bike Path	\$92,000	\$2,295	
TOTAL CHERRY ST PED BIKE PATH	\$92,000	\$2,295	
TOTAL EXPENDITURES	\$299,000	\$2,295	0.8%
ENDING FUND BALANCE		\$297,299	

CITY OF BREVARD			
NARCOTICS TASK FORCE (FUND 81)			
FY15 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	MARCH 31	TO DATE
BEGINNING FUND BALANCE		\$168,884	
REVENUE			
Interest on investments	\$100	\$102	101.6%
Received from Transylvania County	\$15,000	\$14,874	99.2%
Received from Brevard Police Department	\$15,000	\$10,000	66.7%
Clerk of Court Funds		\$0	0.0%
Miscellaneous Revenue		\$0	0.0%
Federal Asset Funds-Police	\$5,000	\$0	0.0%
Federal Asset Funds-Sheriff	\$5,000	\$0	0.0%
State Controller Payments	\$10,000	\$12,965	129.6%
TOTAL REVENUE	\$50,100	\$37,941	75.7%
EXPENDITURES			
Expenditures	\$40,100	\$21,917	54.7%
DEA Fed Fund BPD	\$5,000		0.0%
FED Asset Expenditures (Sheriff)	\$5,000	\$17,657	353.1%
TOTAL EXPENDITURES	\$50,100	\$39,574	79.0%
ENDING FUND BALANCE		\$167,251	

CITY OF BREVARD			
ROSENWALD REVITALIZATION (FUND 82)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED	THRU	PERCENT
	FY15	MARCH 31	TO DATE
	BUDGET		
BEGINNING FUND BALANCE		\$218,500	
REVENUE			
PARTF Grant	\$223,500		
Transfer from General Fund (Local Match)	\$223,500	\$0	
TOTAL REVENUE	\$447,000	\$0	0.0%
EXPENDITURES			
Land Acquisition	\$447,000	\$68,633	15.4%
CONSTRUCTION SERVICES L-O-S		\$178	
TOTAL EXPENDITURES	\$447,000	\$68,811	15.4%
ENDING FUND BALANCE		\$149,689	

CITY OF BREVARD			
DOWNTOWN MASTER PLAN (FUND 83)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED	THRU	PERCENT
	FY15	MARCH 31	TO DATE
	BUDGET		
BEGINNING FUND BALANCE		\$553,976	
REVENUE			
Interest on Investments			
HOB	\$11,000	\$8,250	75.0%
Appropriated Fund Balance	\$529,167	\$0	0.0%
Transfer from General Fund	\$180,000	\$0	
Patton Donation	\$0	\$0	
TOTAL REVENUE	\$720,167	\$8,250	1.1%
EXPENDITURES			
DTMP Design	\$360,000	\$26,991	7.5%
Clemson Park & Downtown Improvements	\$360,167	\$48,750	13.5%
TOTAL EXPENDITURES	\$720,167	\$75,741	10.5%
ENDING FUND BALANCE		\$486,485	

CITY OF BREVARD			
WAYFINDING (FUND 85)			
APPROVED FY15 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MARCH 31, 2015			
	APPROVED	THRU	PERCENT
	FY15	MARCH 31	TO DATE
	BUDGET		
BEGINNING FUND BALANCE		\$7,702	
REVENUE			
Fund Balance Appropriated	\$0		
TDA Grant Funds		\$0	
Transfer from General Fund	\$0	\$0	
TOTAL REVENUE	\$0	\$0	
EXPENDITURES			
Design/Fabrication/Installation	\$0	\$0	
TOTAL EXPENDITURES	\$0	\$0	
ENDING FUND BALANCE	\$0	\$7,702	

CITY OF BREVARD						
FY15 APPROVED BUDGET						
ALL FUNDS SUMMARY						
REVENUE & EXPENDITURE REPORT						
FOR MONTH ENDED MARCH 31, 2015						
	BEGINNING	AMENDED	ACTUAL	AMENDED	ACTUAL	ENDING
	FUND	BUDGET	REVENUE	BUDGET	EXPENSES	FUND
	BALANCE	REVENUE	MARCH 31	EXPENSES	MARCH 31	BALANCE
GENERAL FUND	\$3,067,782	\$8,454,450	\$7,060,227	\$8,454,450	\$5,954,040	\$4,173,969
UTILITY FUND	\$848,747	\$4,672,500	\$3,075,667	\$4,672,500	\$2,601,096	\$1,323,318
UTILITY PROJECTS FUND	\$77,492	\$7,234,884	\$1,201,366	\$7,234,884	\$1,908,452	-\$629,594
CAPTIAL RESERVE FUND	\$1,214,213	\$296,868	\$36,856	\$296,868	\$0	\$1,251,069
FIRE DEPARTMENT FUND	\$40,481	\$620,058	\$465,947	\$620,058	\$456,378	\$50,050
T.L.SCRUGGS SCHOLARSHIP FUND	\$9,216	\$10,500	\$15,827	\$10,500	\$5,812	\$19,231
BJERG TRUST FUND	\$60,073	\$100	\$0	\$100	\$0	\$60,073
OPEB TRUST FUND	\$137,704	\$18,750	\$18,765	\$18,750	\$0	\$156,469
HEALTH INSURANCE RESERVE FUND	\$325,052	\$1,041,500	\$779,473	\$1,041,500	\$902,481	\$202,045
HEART OF BREVARD	\$11,589	\$130,415	\$114,315	\$130,415	\$126,321	-\$417
HOUSING TRUST FUND	\$40,149	\$13,332	\$0	\$13,352	\$0	\$40,149
BRACKEN MTN PROJECT FUND	\$40,242	\$30,000	\$0	\$30,000	\$18,512	\$21,730
MULTI USE PATHS PROJECT FUND	\$207,594	\$299,000	\$92,000	\$299,000	\$2,295	\$297,299
NARCOTICS TASK FORCE FUND	\$168,884	\$50,100	\$37,941	\$50,100	\$39,574	\$167,251
ROSENWALD REVITALIZATION FUND	\$218,500	\$447,000	\$0	\$447,000	\$68,811	\$149,689
DOWNTOWN MASTER PLAN FUND	\$553,976	\$720,167	\$8,250	\$720,167	\$75,741	\$486,485
CDBG COTTAGES FUND	\$0	\$0	\$0	\$0	\$0	\$0
WAYFINDING FUND	\$7,702	\$0	\$0	\$0	\$0	\$7,702
TOTAL ALL FUNDS	\$7,029,396	\$24,039,624	\$12,906,634	\$24,039,644	\$12,159,512	\$7,776,518

STAFF REPORT – Information Only

Monday, May 18, 2015

Public Works Monthly Staff Report

Council will receive the attached report as information for May 18, 2015.

From: David Lutz, Public Works Director
Prepared by: Letha Cox, Administrative Services Manager
Approved by: Jim Fatland, Interim City Manager

Executive Summary

Attached is a summary of departmental activities organized by their connection to the City's Community Development Vision of Fostering Economic Development and Enhancing Quality of Life during the month of **March, 2015**.

Information

Notable points of interest for March, 2015 include:

- **Collection System I&I elimination on Batson Road and Green Acres with sewer main replacement totaling 174'.**
- **Little Bend Lane culvert replacement.**
- **JLS Paving patched utility cuts on Old Highway 64 and Carver Street.**
- **One new handicap parking space designated on E. Jordan Street.**
- **Received new sand and salt spreader.**
- **2 New residential water taps.**
- **1 New residential sewer tap.**
- **2 New commercial water tap for Green River Farms & H/L Investments of NC, LLC.**
- **1 New commercial sewer tap for H/L Investments of NC, LLC.**
- **Cherry Street Greenway Project.**
- **Water reservoir tank dechlorination.**



TO: Mayor Harris and City Council Members
FROM: Public Works Department
APPROVED: Jim Fatland, Interim City Manager

Projects, services provided, and community assistance included a variety of work performed by the department during the month of March; and reflects departmental implementation of the City's vision as a "safe, friendly, family oriented city with small town charm, outdoor recreation, arts, and culture that bring investment opportunities, environmental consciousness and economic diversity."

Strategy: Foster Economic Development

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural / historical assets of music, arts, and outdoor recreation.

1. We foster economic development by protecting our natural assets of woods and water that uniquely define Brevard.
 - Continued Sewer Collections System inflow and infiltration elimination work included the following locations during March:
 - A section of 8" sewer main near Batson Road was inspected and indicated as an infiltration site during a recent storm water repair. Thirty-one feet of 8" pipe was replaced to eliminate inflow at this location.

- One residential service tap was relocated to the new main line installed and included 20' of 4" service line pipe replaced.



End piece of old terracotta sewer pipe to be replaced.



Trench excavated for sewer main replacement.



Trench box used in ditch to protect workers as 6" pipe was installed.



Stream bank restoration after sewer line installation.

- Green Acres Avenue improvements continued with sewer main replacement.
 - Twenty-four tons of concrete, soil and stumps were removed and hauled to the county landfill in preparation and a barrier fence placed to secure the excavation site.
 - An additional 143' of 8" sewer main pipe was replaced between manholes #LO-132 and #LO-133.



Pavement discrepancy due to pipe and soil washed out beneath.



Green Acres manhole & identified inflow repair site.

- In addition, a 20' section of 6" storm drain pipe was replaced along Lambo Creek adjacent to Green Acres. Surge stone was placed along the site to secure the creek bank when installation was complete.



Broken terracotta sewer pipe to be replaced.



Sewer in storm water drainage ditch.



PVC sewer pipe replaced will eliminate storm water infiltration.



Site restoration where main line was replaced.

2. We foster economic development by ensuring our infrastructure is constantly maintained and replaced to serve existing and future business.

- **Infrastructure maintenance and repair during March included:**
 - A section of E. French Broad Street was excavated to determine the cause of a sink hole. A concrete storm drain joint was patched to correct the problem.
 - Two washed out sections of soil beneath S. Caldwell Street sidewalks were filled with dirt. These areas were backfilled with soil and grass seed.



Exposed section of deteriorated culvert to be replaced on Little Bend Lane.



E. Danbury Lane sink hole in a driveway.



East View Drive catch basin repair.

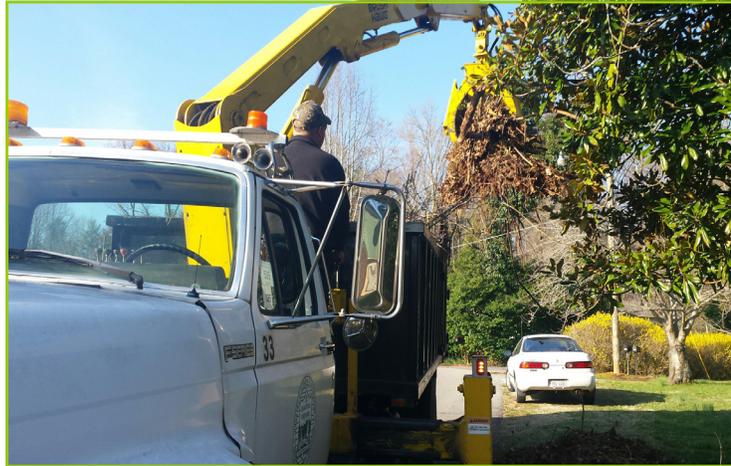
- A 30' section of 15" galvanized storm drain pipe was replaced with double walled pvc pipe on Little Bend Lane near Big Bend Road.
- Another sink hole developed along a sewer line off E. Danbury Lane. Excavation revealed no issue with the sewer line and the area was filled, compacted and patched with cold patch mix.
- A culvert was repaired on Hillcrest Avenue at the intersection of Old Highway 64. A hole that developed in the top of the pipe was patched with surface bonding cement and aquaphalt.
- Inspected a catch basin grate on Probart Street reference a reported vehicle running into the basin. The grate was in place and no damage was found.
- A concrete catch basin apron and 6' of curb were replaced along East View Drive.
- Replaced a 5' x 32' section of concrete sidewalk along S. Broad Street near the intersection of Country Club Road and US 64. This section was excavated during a recent water line installation.
- Formed a drive ramp and section of curb for replacement on S. Broad Street.
- A tripping hazard was remedied by grinding edges of a raised section of sidewalk on W. Main Street in front of United Community Bank.
- Oil dry was spread on a portion of Park Avenue where paint was spilled.
- Sections of brick sidewalk (395 brick) were replaced along King Street.
- A section of utility strip was repaired by leveling 34 brick pavers on E. Jordan Street beside First Baptist Church. A delivery truck had pulled onto the strip causing this damage. Another 5' section of brick were leveled across the street from this location on E. Jordan Street.

- JLS Paving completed patching and overlay of utility cuts along Old Highway 64 where recent force main repairs were made; and on Carver Street where a sewer tap was repaired.
- Utility cuts or potholes were patched or filled on Asheville Highway, Country Club Road, East Main Street, Eagle Point Drive, Fisher Road, Hillview Avenue, Laurel Village Drive, McLean Road, Morris Road, N. Johnson Street, Oakdale Street, Turnpike Road, W. Main Street, W. Morgan Street, and Wilson Drive.
- One utility cut was filled with stone until final installations are complete between E. Main Street and E. Jordan Street.
- Crusher dust was placed along the edge of Green Acres to level property with new asphalt.
- Woodlawn Avenue was scraped to improve winter weather damage. Five cubic yards of stone was spread.
- Trimmed a bush hanging over street edge along Batson Road.
- Street and traffic signs were repaired or replaced on Lakeview Avenue, Maple Street, Probart Street, S. Broad Street, S. Gaston Street, Turnpike Road, and Woodside Drive.
- A *crosswalk warning* sign was relocated on Deerlake Road closer to the actual crosswalk at Cambridge Drive.
- Four faded *4 Way Stop* signs were replaced at the intersection of Maple Street and Turnpike Road.
- Six new *No Parking* signs were erected along Monroe Street.
- One new handicap parking space was painted and a sign designating the space was erected on E. Jordan Street.



Stencil used for painting handicap parking spaces.

- **The Sanitation Division collected regular routes during March.**
 - **Brush and bagged yard waste collections increased slightly this month due to storms and spring pruning.**
 - **Emptied the flower bins at Gillespie-Evergreen Cemetery.**



Brush is collected curbside with city's knuckle boom loader.

- **Collections System improvements and routine maintenance of the system included:**
 - **Video inspection of sewer mains and service lines were performed on a total of 1,026' to determine condition and location.**
 - **Sewer mains were jetted and cleaned along Asheville Highway, Batson Road, Cambridge Drive, Deerlake Road, E. Jordan Street, Lakeview Avenue, and Wilson Drive.**
 - **High priority lines were inspected on Country Club Road, Hospital Drive and along Lambs Creek.**
 - **An air release valve was replaced on a section of the high priority pump line near Brevard Racquet Club.**
 - **Loose manhole rings were secured on Probart Street and Chestnut Street with cold patch mix and / or tar strip tape.**
 - **A broken cleanout was replaced and a check valve installed for a Cambridge Drive residence. This damage was caused by tree roots, included 4' of service line replaced, and eliminated an on-going blockage issue at the residence.**

- One blockage on Wilson Drive was caused by a service line severely damaged by tree roots and 60' of 4" pipe was replaced to correct this problem.
- Repaired a broken saddle and replaced 4' of 4" sewer service line to correct a blockage issue for an Allison Road residence.
- A broken cleanout cap was replaced on W. Hampton Circle.
- One 4" sewer tap and a section of service line was relocated on Oakdale Street.
- System personnel responded to ten (10) reported sewer line blockages during the month; seven (7) of which were actual blockages and were cleared on Allison Road, Appletree Street, Batson Road, Cambridge Drive, Deerlake Road, Maple Street, and Wilson Drive.
- One blockage was at the Waste Treatment Facility on a digester outflow line. Collections personnel used the jetting machine to clear the blockage.



Tree roots in Wilson Drive sewer.



60' service line replaced on Wilson Drive.



Service line connected to Wilson Dr. manhole.



Excavation for Oakdale Street sewer tap.

- **Water Distribution improvements and maintenance activities included the following items in March:**
 - **A new tarp was placed on a reservoir water tank.**
 - **Technicians performed various water meter maintenance including replacement of meters, expanders, backflow preventer installation or replacement, and meter box maintenance.**
 - **Water tank facilities were inspected at the Walmart and Deerlake water tank locations.**
 - **Missing valve box covers were replaced on E. Main Street and W. Main Street.**
 - **Restored a meter box repair site on Park Avenue with top soil, grass seed and straw placed.**

Water Meter Maintenance

- **3 meter box & lid repaired or replaced**
- **3 meter boxes raised or lowered**
- **2 backflow preventers installed**
- **3 meter inspected for pressure or customer leak issues**
- **1 meter corporation turned on for new service**
- **1 meter register repaired**
- **1 meter & expander replaced**

- **A Main Street water valve box was excavated and leveled with parking lot to prevent a tripping hazard.**
- **Fire hydrants were flushed on Springhouse Trail.**
- **Post hydrants were flushed and sampled for chlorine content on Cardinal Drive and Hawks Crest.**
- **Distribution personnel responded to five (1) inspections for reported water leaks during March; one (1) of which was an actual water leak on a 1/4" water line serving the E. Main Street sidewalk water fountain.**
- **A section of 3/4" water service line was replaced on Oakdale Street.**

3. We encourage investment when we appear well-run and well planned.

- **A new sand or chat spreader was purchased and was delivered during March. This equipment will provide a second spreader for use during winter weather events. The spreader was purchased from B&H Sales in Kingsport, Tennessee.**



Spreader mounted on dump truck.

- **The director represented the department in various meetings, a few of included:**
 - **Brevard College Proposed New Construction Utilities Meeting**
 - **Charles Osweiler Water Meter Relocation Request Meeting**
 - **Downtown Parking Space Identification and Signage Meeting**
 - **Fred McCrary reference property acquisition and Neely Road Lift Station Project**
 - **Radio Read Meter Selection Committee Meeting**
 - **Radio Read Meter Applicant Interviews**
 - **South Alley Utility Relocation Meeting**
 - **Brown Consultants Utility Project Progress Meetings**
 - **Brown Consultants TAG Grant Meeting**
 - **City Council Meeting & Workshops**
 - **Pilot Cove Campground Development Information Meeting**
 - **Weekly Staff Meetings**

- **Restoration of the Operations Center during March included:**
 - **New tables for the meeting room and a file storage shelf were assembled.**
 - **Hallway walls were cleaned, patched and painted.**
 - **Electrical outlet covers, clocks and air fresheners were replaced after painting was completed.**
 - **Replaced a section of wall molding in the meeting room.**
 - **Set up a new projector for the meeting room.**
 - **Installed a ladder hanger and other storage bins in the warehouse area.**
 - **Applied stucco to 85.5 feet of block wall at facility entrance.**
 - **Relocated three county spare van parking space signs from Public Works Facility to the area outside of fence at the Operations Center to free up parking spaces for vehicles serviced by the vehicle maintenance garage.**



Operations Center meeting room.



Transylvania County spare van parking.

- **Facility or other maintenance at the Public Works building during March included:**
 - **Hauled 10.2 tons of stumps, soil and scrap concrete from the lower yard to the county landfill.**
 - **Stripped and waxed office space floors.**
 - **MSDS sheets were revised.**

Strategy: Enhance Quality of Life

Encourage and enhance our family friendly and small town charm by bringing people of all ages together through physical connections within our community and to our natural assets of woods and water and personal connections to each other and to our cultural / historic assets of music, arts, and outdoor recreation.

1. We encourage and enhance our family friendly and small town charm by bringing people together through physical connections within our community.

- Thirteen (13) utility locates for water and sewer lines in proposed excavation sites or other requirements were marked with flags or marking paint for other utility companies, building contractors or citizens.
- Two new 3/4" residential water taps were installed on N. Country Club Road and Oakdale Street.
- One new 4" residential sewer tap was installed on Oakdale Street.
- Personnel located and verified an existing water tap for a Camptown Road lot for a proposed residential dwelling.

Utility Locates

- Annie Martin (1)
- Bagwell Fence (1)
- Bilo Grocery Store (1)
- Bojangles (1)
- Brevard College (1)
- Comporium (2)
- Dean Construction (1)
- Elks Club Contractor (1)
- John Brown (1)
- PSNC Gas (2)
- South Alley (1)



Technician feeds new service line tubing under N. Country Club Road.



New service line connection on Oakdale Street.

- Made one new commercial 4" sewer tap and 1 new 3/4" water tap for H/L Investments of NC LLC for 36 E. Main Street. Work at this location included tapping a 6" water main and installed a 2" valve for a fire line.
- The Cherry Street Greenway Project was started during March. Site inspection and specifications of the project were finalized; and preparations were made for construction to begin on March 9, 2015.
 - Twenty loads of dirt were removed from the site and trees along the greenway were cut and cleared.



Project sign erected at Mountain Industrial Drive.



Trees cut along proposed greenway location.



Excavation of soil and tree roots along greenway route.



Excess dirt is loaded and hauled to Public Works Facility.

- An 8' extension of 15" storm drain pipe was installed near the cul-de-sac of Mountain Industrial Drive.
- Eighteen feet of 18" storm drain pipe was installed between Spruce Street and Mountain Industrial Drive.
- A 60' section of new pathway was graded and some 51 tons of ABC and oversized stone were placed.
- The cul-de-sac was washed down with the street flusher truck each day where trucks entered the construction site.



Ditch prepared for storm drain installation.



Greenway drainage improvements off Mountain Industrial Drive.



Storm water connection along greenway site.



Greenway connection to Spruce Street when storm water improvements completed.

- Assistance was provided to Water Treatment Plant personnel with sampling water from the new tank.
 - Personnel disinfected and filled the new water reservoir tank. The chlorination process was performed with direction from engineering and NCDENR and were according to AWWA approved methods.



Water Reservoir Chlorination

- Operators closing valves on water lines between reservoir tanks (*above*).
- Buckets of dechlor were carried below the reservoir tank and installed at drain (*left*).
- Dechlor is used to remove chlorine from water in tank prior to drainage.
- Operator pressure testing new 16" water line to new reservoir tank (*bottom left*).



2. A safe community is one where residents know the city provides reliable and consistent service.

- **The Neely Road Lift Station and facility property were video inspected and photographed in preparation of the improvements project start date.**
- **Public notices were issued regarding *residential electronics collection, spring yard waste collection and special pickup services*.**
- **Residential recycling date reminders were issued.**
- **Employee activities and opportunities during March included:**
 - **Safety Committee Meeting.**
 - **Dr. Ward Healthcare Appointments.**
 - **Farm Fit Exercise Program.**
 - **Random Drug and Alcohol Screenings.**
 - **Wellness Committee Meeting.**
- **Three employees completed certification exams for Collections System Operator training. Those attending were Kendrick Glover, TJ Aldridge and Donald Roberts.**

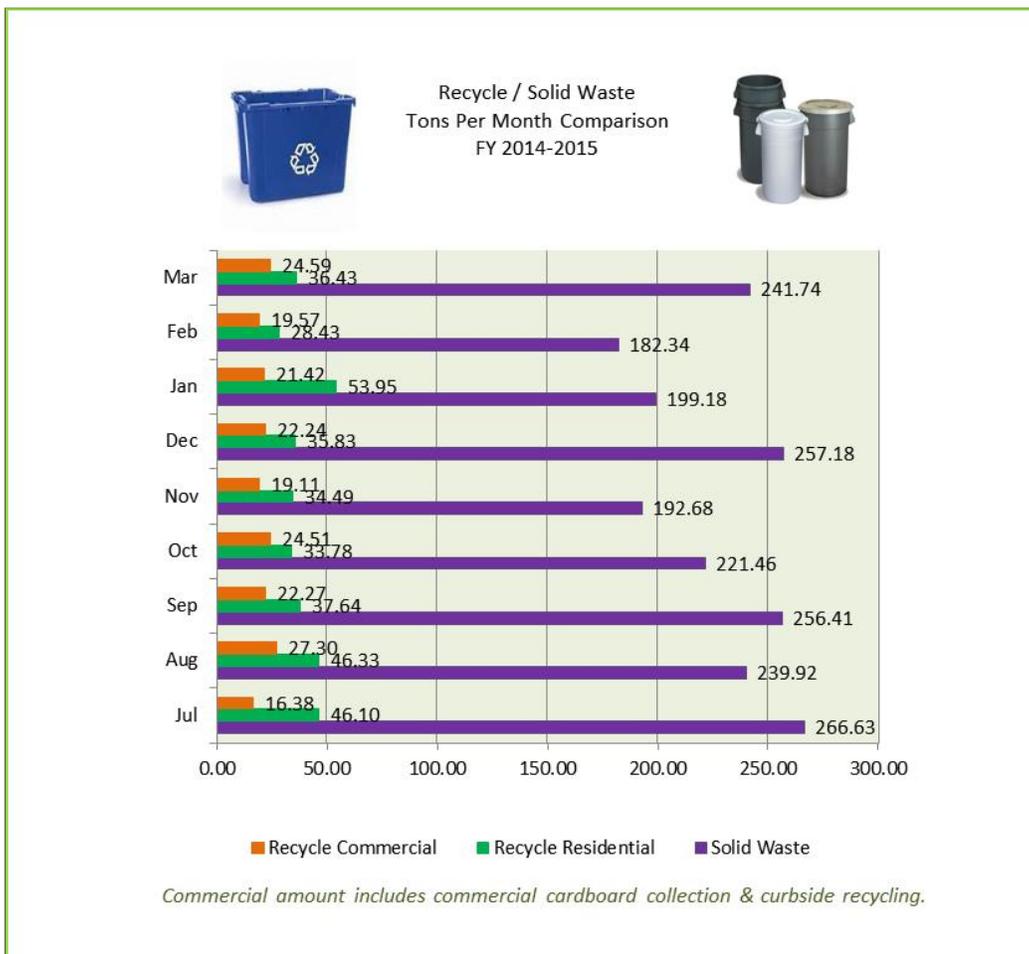
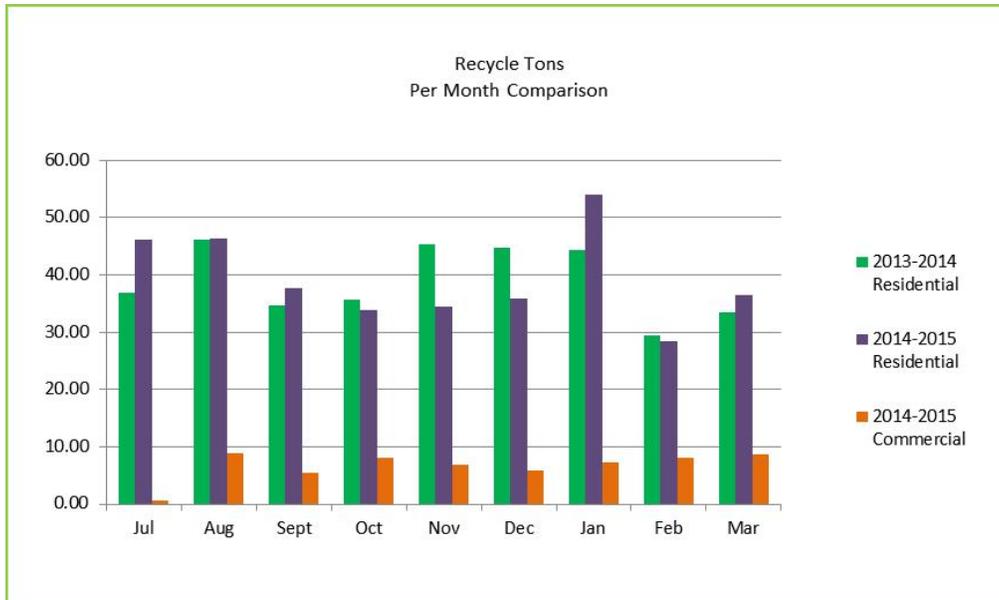
APPENDIX I: March Departmental Statistics

Service statistics are provided as indicators for Public Works performance and budgetary trends.

Item	Previous Month (February)	Current Month (March)	Year To Date (July - March)	Previous FY Year Total 2013-14
Commercial Cardboard	15.70	9.4	138.49	79.57
Electronics	2	6	50	23
Recycle Bin Delivery Residential	2	3	50	42
Recycle Bin Delivery Commercial	1	1	23	20
Recycle Cart Delivery Residential	11	24	201	136
Recycle Cart Delivery Commercial	0	10	144	127
Commercial Recycling	8.05	9	72.02	42.26
Residential Recycling	28.43	36.43	352.98	198.34
Solid Waste Collection	182.34	241.74	2,057.54	1,177.10
Special Collections	9	7	91	58
Special Collection - Single Item	1	4	17	8
Television - Large (\$10)	2	5	28	14
Television - Small (\$5)	0	0	5	5
Barricade / Event Item Delivery	1	0	12	9
Street Banners	0	0	41	38
Potholes	7	25	67	17
Sidewalk Footage (Length)	83.00	52.00	374.90	215.90
Utility Cuts	3	4	56	28
Fleet Service - City	116	137	1,160	646
Fleet Service - County	46	86	705	409
I&I Video Inspection (Length)	2,474	1,026	20,986	15,379
Sewer Blockages	6	10	61	29
Sewer Tap New Commercial	0	1	2	1
Sewer Tap New Residential	0	1	6	3
Sewer Taps Repaired	3	3	15	3
Utility Locates	19	13	146	69
Water Leaks	10	6	130	89
Water Meter Boxes	1	8	43	27
Water Meters New	0	0	11	10
Water Meters Other	20	9	103	53
Water Tap New Commercial	1	2	3	0
Water Tap New Residential	0	2	8	5
Water Taps Repaired	0	0	4	2

APPENDIX II: March Sanitation Statistics

Sanitation statistics are provided as indicators for solid waste and recycling performance.



APPENDIX III: March Sanitation Statistics

Sanitation statistics are provided as indicators for city commercial cardboard collection performance.

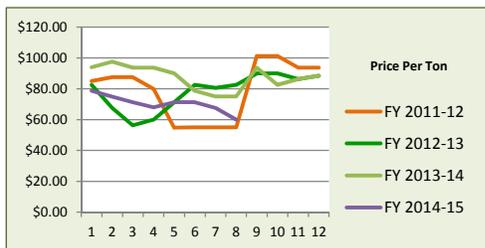
Note: total provided for July through February, 2015 as March revenue not received as of this printing.

Cardboard Collection Study
FY 2014-2015



FY 2014-2015	Maintenance Expense	Fuel Expense	Labor Expense	Total Expense	Expense Less Customer Fee	Revenue	Profit or Loss	Tons Collected	Cost Per Ton
July	1,787.39	319.66	4,399.47	6,506.52	1,576.52	1,237.17	339.35	15.71	100.35
August	397.87	336.04	4,277.04	5,010.95	279.05	1,378.16	1,657.22	18.41	15.16
September	400.18	432.74	4,155.19	4,988.11	301.90	1,198.42	1,500.32	16.82	17.95
October	559.95	410.16	4,704.68	5,674.79	394.79	1,259.10	864.31	18.51	21.33
November	189.44	327.21	3,543.60	4,060.25	1,229.76	835.05	2,064.81	11.72	104.93
December	104.82	262.60	4,093.68	4,461.10	828.91	1,166.86	1,995.77	16.38	50.60
January	10.94	312.42	3,971.83	4,295.19	984.82	957.16	1,941.98	14.18	69.45
February	4.99	217.42	3,788.47	4,010.88	1,269.13	691.20	1,960.33	11.52	110.17
March	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
April	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
May	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
Total	\$3,455.58	\$2,618.25	\$32,933.93	\$39,007.76	\$2,922.24	\$8,723.12	\$11,645.36	123.25	#DIV/0!
Average / Mon.	\$287.97	\$218.19	\$2,744.49	\$3,250.65	\$243.52	\$726.93	\$970.45	10.27	#DIV/0!

Total Profit or Loss for Cardboard Collection through November **\$11,645.36**



Program Comparison to FY 2013-2014			
Month	2013-2014	2014-2015	Difference
July	1,743.12	-339.35	-\$2,082.47
August	1,579.34	1,657.22	\$77.88
September	1,555.50	1,500.32	-\$55.19
October	1,060.99	864.31	-\$196.67
November	2,452.30	2,064.81	-\$387.50
December	1,853.91	1,995.77	\$141.86
January	885.02	1,941.98	\$1,056.96
February	1,013.33	1,960.33	\$947.00
March	1,530.17	0.00	-\$1,530.17
April	1,634.17	0.00	-\$1,634.17
May	1,046.54	0.00	-\$1,046.54
June	1,543.18	0.00	-\$1,543.18
Year Total	17,897.55	11,645.36	-\$6,252.19

APPENDIX IV: March Fuel Use Statistics

Fuel Use Statistics are provided as indicators for vehicle and equipment fleet fuel use by city and county vehicles.

- **March overall fuel use increased by a total of 7.4% over the month of February, 2015.**
- **Current Unleaded Fuel Price: \$1.854**
- **Current Diesel Fuel Price : \$1.924**

Entity Comparison	Current Month Gallons	Previous Month Gallons	Monthly Gallons Difference	Current Month Expense	Previous Month Expense	Monthly Expense Difference	% of Gallons Difference	% of \$ Difference
City Vehicles	5,161.80	5,153.20	8.60	\$9,157.13	\$8,442.95	\$714.18	0.2	8.5
County Vehicles	9,736.70	8,733.50	1,003.20	\$16,640.33	\$13,867.19	\$2,773.14	11.5	20.0
Narcotics Task Force	39.50	23.50	16.00	\$64.54	\$35.78	\$28.76	68.1	80.4
Totals	14,938.00	13,910.20	1,027.80	\$25,862.00	\$22,345.92	\$3,516.08	7.4	15.7



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.

Office of City Manager
(828) 885-5601

AGENDA ITEM

DATE: May 18, 2015

TO: Mayor and City Council Members

PRESENTERS: Mac Morrow, Mayor Pro Tempore
Maurice Jones, Council Member

PREPARED BY: Jim Fatland, Interim City Manager & Finance Director

SUBJECT: Public Works & Utility Committee

BACKGROUND: The Public Works & Utility Committee met on April 27, 2015 and May 11, 2015. The attached Resolution Establishing the Public Works & Utility Committee was reviewed and is recommended for approval.

The recommendation includes membership as follows:

- Mac Morrow, Chairman
- Maurice Jones, Vice Chairman
- City Manager
- Public Works Director
- Water Plant ORC
- Wastewater Treatment Plant ORC
- Two Citizen Appointments

RECOMMENDATION: Approve Resolution Establishing Public Works & Utility Committee

RESOLUTION NO. 2015-XX
RESOLUTION ESTABLISHING THE CITY COUNCIL
PUBLIC WORKS AND UTILITIES COMMITTEE

WHEREAS, the Brevard City Council initiated five new City Council Committees at their April 20, 2015, meeting. City Council Committees will operate as policy review and discussion arms of City Council, providing an opportunity to explore implications of policy alternatives and the policy development process while serving in an advisory capacity to Council as a whole; and

WHEREAS, Committees will review policy matters referred to them, inform and educate Council on existing City programs and issues, and review other related matters. City Council Committees will not become involved in City administration but instead are expected to anticipate the full range of considerations and concerns related to various policy questions. When participating on Committees, members are expected to temper their role as policy advocates in order to fully evaluate all alternatives; and

WHEREAS, each Committee shall be composed of two City Council members, one to serve as Chair and the other serving as Vice Chair, with the Mayor appointing the Chair and Vice-Chair of the Committee. The Mayor will serve *ex officio*. Although not required, each Committee may have citizen members appointed by City Council utilizing the same application appointment process as required for appointment to Citizen Advisory Boards or Committees.

WHEREAS, the initial appointment term of City Council members shall be from April 20, 2015, to December 31, 2015. Thereafter, appointed Council members will serve a two year term beginning January 1 following an election. Citizen members shall serve a two year term ending in May. City Directors and staff members (by position) are permanent Committee members; and

WHEREAS, the Brevard City Council approved establishing the "City Council Public Works and Utilities Committee", as one of the five Committees. The purpose of the Committee is to recommend to City Council policy and direction on the matters of water treatment, wastewater treatment, water distribution, sewer collections and the public works department; and

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BREVARD:

Section 1. Brevard City Council approved the appointment of Mayor Pro Tem Mac Morrow (Chair) and Council Member Maurice Jones (Vice-Chair) to serve on the Public Works and Utilities Committee, along with Mayor Jimmy Harris as "ex officio", at their April 20, 2015, meeting. Their initial term to serve will be April 20, 2015 – December 31, 2015.

Section 2. The Public Works and Utilities Committee met on April 27, 2015, and May 11, 2015, for its initial organizational meeting.

Section 3. The Public Works and Utilities Committee shall consist of the following members and terms of office:

Two City Council Members	Two Year Term; Appointments in January
City Manager	Permanent
Public Works Director	Permanent
Water Treatment Plant ORC	Permanent
Wastewater Treatment Plant ORC	Permanent
Two Citizen Appointments	Two Year Term; term ends in May
Mayor Jimmy Harris	<i>Ex Officio</i>

Section 4. The Public Works and Utility Committee will meet on an as needed basis. All meetings are subject to the Open Meeting laws. Special Meeting Notice requiring a minimum 48-hour posting of Notice and the Agenda at City Hall and upon the City's website shall be met. Minutes shall be provided by a City staff member or their representative.

Section 5. Restriction on Quorum. This Committee shall not meet unless at least one of the City Council Members who are Committee members is present.

Section 6. Purpose. The purpose of this Committee is to help Council investigate and explore areas of need and future planning for the subject area of this Committee. It is expected that the Council members, rather than the Committee as a whole or by majority, will report back to Council with ideas and recommendations. One or both Council members shall serve as Committee Chair. Therefore, no votes shall be taken unless a motion is made by one of the Council members, in which event those Committee members present shall be entitled to vote on a motion made, once a second is offered.

Section 7. Citizen Committee Members are Optional. Citizen Committee members need not be appointed and if not, the Committee will serve as a full committee without them. If appointed, they may be re-appointed for up to three successive terms.

Approved and adopted this the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

City of Brevard Police Department

114 West Jordan Street Brevard North Carolina 28712

Phone: (828) 883-2212 Fax: (828) 883-3067

J. Phil Harris, Chief of Police

e-mail: phil.harris@cityofbrevard.com



May 6, 2015

Chairman Michael Hawkins
Transylvania County Board of Commissioners
101 South Broad Street
Brevard, NC 29712

Dear Chairman Hawkins and Commissioners,

Thank you for continuing to remember the Brevard Police Department in your yearly National Police Week proclamations. We received the most recent version. It was typically gracious and encouraging. As you know, law enforcement professionals have had a particularly challenging year nationwide. We enjoy remarkable community support in Transylvania County, however, and I attribute that in large part to the reputation Sheriff Mahoney has worked so hard to earn and the respect you and our Brevard City Council has shown law enforcement at every opportunity. I am proud of the professionalism and standards law enforcement maintains in Transylvania County. Your support inspires us to take it to the next level. Thank you for all you do.

Sincerely,

J. Phil Harris

J. Phil Harris
Chief of Police

*The Brevard Police Department pledges to provide professional services
to the community through integrity, respect, and teamwork.*

Certificate of Appreciation

Awarded to

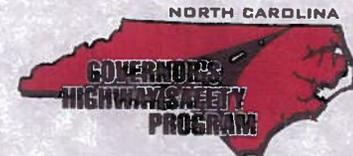
Brevard Fire Department

*In recognition of your participation as a
North Carolina Permanent Checking Station and for
helping keep families safe on every ride.*

Wayne Goodwin

Commissioner Wayne Goodwin, State Fire Marshal

2014



MAY 22~23~24

12TH ANNUAL

2015

WHITE SQUIRREL



FESTIVAL

Heart of Brevard

MUSIC

Scythian © Sol Driven Train © Blue Dogs Acoustic © Jeff Sipe Trio © The Shadowboxers
 Shannon Whitworth © Aaron Burdette © Big Daddy Love © Jonathan Byrd and the Pickup Cowboys
 © The Mulligan Brothers © Clint Roberts © Jeanne Jolly © Amigo ©
 Davidson River Taiko © Pretty Little Goat

ACTIVITIES

Memorial Parade & Presentation © White Squirrel Tours © Arts & Crafts Vendors © 5K/10K Race © White Squirrel Photo Contest © Great Variety of Food © Fun Stuff for Kids © Jennifer Burgin, Wildlife Rehabilitator, with "Pisgah Pete" (a real white squirrel) © Farmers Market

2015 PARTNERSHIP ORGANIZATIONS

City of Brevard © Transylvania County Tourism

2015 MAJOR SPONSORS

Steve Owen & Associates © Oskar Blues Brewery © Looking Glass Realty © Egolf © D.D. Bullwinkel's © Theophilus © United Community Bank © Comporium © Domokur Architects © Goodwill © Platt Architecture © Brevard Music Center © The Transylvania Times © Transylvania County © Gutter Dome © Think It Studio © Broad Street Wines © White Squirrel Shoppe © Brevard Brewery © WSQL 1240AM Radio © State Farm - Baldrige © Paradise Home Improvement © Bath Fitter © Leaf Filter © Verizon © First Citizens Bank

WHITE SQUIRREL FESTIVAL 2015
May 22-24, 2015

ON THE STAGE!!

FRIDAY NIGHT – May 22

7:00 - Amigo
8:00 - The Shadowboxers
9:30 - Sol-Driven Train

SATURDAY – MAY 24

12:00 - Davidson River Taiko
12:30 - John Trufant and Levee Daze
2:00 - Jeanne Jolly
3:30 - Clint Roberts
5:00 - Big Daddy Love
6:30 - The Mulligan Brothers
8:00 - Jeff Sipe Trio
9:30 - Scythian

SUNDAY – MAY 25

12:00 - Pretty Little Goat
1:30 - Jonathan Byrd and the
Pickup Cowboys
3:00 - Aaron Burdette
4:30 - Shannon Whitworth
6:00 - Blue Dogs

HOB Sponsors & PARTNERSHIPS
City of Brevard &

Transylvania Tourism Development

PLATINUM

Steve Owen & Associates Oskar Blues Brewery
Looking Glass Realty Egolf Motors

GOLD

Domokur Architects Theophilus
Comporium D.D.
Bullwinkels's
United Community Bank Goodwill

SILVER

The Transylvania Times Mountain Song
Festival
WSQL 1240AM Radio The UPS Store
Think It Studio Brevard Music Center

PlattArchitecture Transylvania County
Gutterdome

BRONZE

Leaf Filter Brevard Brewery
America's Satellites Broad Street Wines
State Farm Paradise Home Improvement
Bath Fitter Verizon First Citizen's Bank
White Squirrel Shoppe WSQL

OTHER WSF ACTIVITIES

Entries for the White Squirrel Photo Contest
are displayed in downtown storefronts.
Go to Heart of Brevard booth for a map.

FRIDAY – May 23

Beer Garden East Main Street 6:30 - 10:30pm

SATURDAY – May 24

White Squirrel Race 5K/10K 8:00am
Transylvania Farmer's Market 8:00am – 12:00pm
Street Festival: 9:00am – 6:00pm
Memorial Parade 9:00am
Presentation of the Wreath 10:00am (Gazebo)
Beer Garden Hours 12:00pm-10:00pm
Street Vendors 9:00am-6:00pm
WSQL Radio 1240 AM Live
Pisgah Pete (real white squirrel on the Gazebo block)
Jennifer Burgin, Wildlife Rehabilitator

SUNDAY – May 29

Street Festival: 10:00pm – 6:00pm
Beer Garden East Main Street 12 noon – 6:30pm
Street Vendors
WSQL Radio 1240 AM Live
Pisgah Pete (real white squirrel on the Gazebo block)
Jennifer Burgin, Wildlife Rehabilitator

Heart of Brevard

828-884-3278

Or visit www.whitesquirrelfestival.com

****KID'S STUFF IS THROUGHOUT THE FESTIVAL****

Desiree Perry

From: Jim Fatland
Sent: Wednesday, May 13, 2015 2:47 PM
To: Desiree Perry
Subject: FW: Report: Brevard named #7 Best Place to Start a Business in North Carolina

From: Sam Schulte [mailto:sschulte@nerdwallet.com]
Sent: Monday, May 11, 2015 1:12 PM
To: Jim Fatland
Subject: Report: Brevard named #7 Best Place to Start a Business in North Carolina

Hi Jim,

My name is Samantha with consumer finance site [NerdWallet](#). I wanted to reach out with a great piece of news about Brevard. We recently crunched Census data to find the best places to start a business in North Carolina and **Brevard ranked seventh out of 115 places.**

Known for its Land of Waterfalls, tourism and summer camps are big economic drivers in Brevard -- although city leaders say they are pushing for a more diversified economy. Brevard has a little over 1,800 businesses, with average revenue per business of about \$288,000.

We would be happy to provide a couple of simple, free ways to share this information with the Brevard community. Please let me know if you would like a digital badge or a custom press release. Also, please feel free to syndicate the report on your site.

If you have any questions, please don't hesitate to reach out. You can also view our full analysis below:

<http://www.nerdwallet.com/blog/small-business/best-places-start-business-north-carolina/>

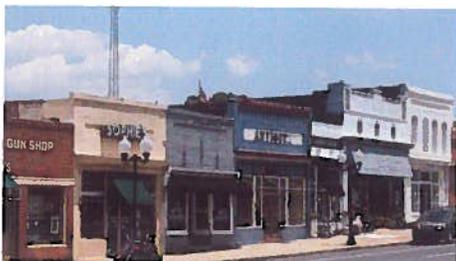
Thanks,
Samantha

--
Best Regards,

Samantha Schulte | [503-476-7085](tel:503-476-7085)
nerdwallet

Best Places to Start a Business in North Carolina

by Jonathan Todd (<http://www.nerdwallet.com/blog/author/jonathantodd/>) on May 11, 2015 | posted in Small Business (<http://www.nerdwallet.com/blog/category/small-business/>)



Like 1.2k Tweet 48 17

Acclaimed North Carolina entrepreneur Neal Hunter recently spoke to Tar Heel business school students and urged these future leaders: “Empower your people (<http://www.kenan-flagler.unc.edu/news/2015/04/Neal-Hunter-lecture>), give them a vision, and they’ll take you anywhere you want to go.”

They might not want to go too far, though. There’s rising optimism about North Carolina as a place to do business. A Wells Fargo report (https://www08.wellsfargomedia.com/downloads/pdf/com/insights/economics/regional-reports/NC_Employment_03272015.pdf) says the state’s economy “has clearly shifted into high gear.”

Amid the upbeat outlook, a NerdWallet analysis has determined the best places in the state to start a business.

A few key takeaways from the NerdWallet survey:

Technology is crucial

Ted Zoller, director of the Center for Entrepreneurial Studies at the University of North Carolina’s Kenan-Flagler Business School, points to Research Triangle Park. Created in 1959, it’s one of the country’s top high-tech research-and-development centers.

The park, Zoller tells NerdWallet, is giving rise to a “robust and deep entrepreneurial stack.”

“We’re on a roll. We definitely are,” Zoller tells NerdWallet. “There’s an emerging entrepreneurial ecosystem that’s just supercharging.”

Tourism and seniors give the state a boost

“A lot of retirement communities are springing up all around the place,” says Moses Acquah, director of the MBA program at the Bryan School of Business and Economics at the University of North Carolina at Greensboro.

And North Carolina’s mountains and beach communities, he tells NerdWallet, are a potent draw for tourists.

Small doesn't necessarily mean small time

Half of the top 10 places on the NerdWallet list are towns and cities with fewer than 10,000 residents. Except for the city of Hickory, all of them have fewer than 20,000. Catawba County stands out in the survey, with two cities — Hickory and Conover — in the top 10.

By the way, Wilmington ranked second in a previous NerdWallet study of the best places to start a business in the country (<http://www.nerdwallet.com/blog/small-business/best-places-to-start-business-2015/>). But we've ranked it 51st in this North Carolina survey. That's because the national survey focused specifically on 183 metropolitan areas with a large population.

How NerdWallet created these rankings

The survey was based on U.S. Census data covering 121,462 businesses in 115 communities in North Carolina and ranked the communities based on two key metrics.

One was business climate, which made up 65% of the overall score and included the average annual revenue of businesses, the percentage of companies with paid employees and the number of companies per 100 people.

The other metric takes into account the health of the local economy, which made up 35% of the total score. It covered such factors as median annual income, median annual housing costs and the unemployment rate.

1. Pineville

The town of Pineville (<http://townofpineville.com/>), with just over 7,700 residents, bills itself as the "biggest small town" in the region. The community has its own telecommunications and electric company (<http://www.pinevilledsl.net/>), as well as recreational facilities and venues, led by Jack Hughes Park. Pineville tops the NerdWallet list with roughly 1,200 businesses recording an impressive average revenue per business of \$2.2 million.

2. Morrisville

Morrisville is in the Research Triangle area of North Carolina, a vibrant economic hub where Research Triangle Park (<http://www.rtp.org/>), home to many high-tech companies, is located. That's no doubt a factor in the town's high ranking in the NerdWallet survey, which shows Morrisville posting an average per-business revenue of \$4.6 million, the highest among the communities surveyed. The town has been "a very attractive business address for companies that are growing," Joan Siefert Rose, president of the Council for Entrepreneurial Development, tells NerdWallet. The Morrisville Chamber of Commerce (<http://www.morrisvillechamber.org/>), which touts the city as the "Heart of the Triangle," offers a range of services and aid to businesses, including those run through the Morrisville Innovation Foundation (<http://morrisvilleinnovation.org/>).

3. Mount Airy

Nestled at the foot of the Blue Ridge Mountains, Mount Airy became famous for its granite quarry and its furniture and textile industries. You get a sense of how the city's business leaders take pride in their community from the Greater Mount Airy Chamber of Commerce website, which features a live webcam feed (http://www.fastlinkcommunications.com/index.php?page=downtown_mtairy_chamber) of downtown and a weather cam

(<http://www.wxii12.com/weather/cams>) from a local TV station. The city of 10,400, which was the hometown of TV star Andy Griffith, has roughly 1,200 businesses that posted average revenue of \$1.4 million per company.

4. Hickory

Visitors to the city of Hickory's official website will find the greeting "Welcome to a life well crafted," a reference to Hickory's history as a major furniture-making center. At the site for the Catawba County Chamber of Commerce (<http://www.catawbachamber.org/pages/Home>), which covers the city of about 40,000, there's a special section on furniture shopping. Hickory has more than 5,400 businesses, the highest among the top 10 cities and towns on the NerdWallet survey.

5. Morehead City

Morehead City is a port town that's done well by banking on its beautiful beaches and picturesque waterfront district. The town of nearly 9,000 residents in Carteret County bills itself as the "gateway to North Carolina's Crystal Coast." Also called the Outer Banks, that 85-mile stretch of coastline includes beaches protected as national parks. The county Chamber of Commerce (<http://www.nccoastchamber.com/>) says its vision is to become "the most desirable location for business and leisure in North Carolina." Morehead has about 1,400 businesses with a total of nearly \$667,000 in average revenue per company.

6. Conover

Fifty miles northwest of Charlotte, Conover has steadily shifted (http://www.conovernc.gov/index.asp?Type=B_BASIC&SEC=%7BE92D4443-76D7-4933-800C-E90AEB0D750E%7D) from a heavy focus on manufacturing to more services-oriented industries. In the wake of the 2008 recession, the city got a boost from the Manufacturing Solutions Center (<http://www.manufacturingsolutionscenter.org/index.html>), a 30,000-square-foot research, development and testing laboratory, which opened in November 2012. Conover has only 900 businesses, but they boast average revenue per firm of about \$1.9 million.

7. Brevard

Brevard, with a population of about 7,600, is known for its Land of Waterfalls, (<http://www.visitwaterfalls.com/>) a major attraction in Transylvania County. Not surprisingly, tourism and summer camps are big economic drivers, although city and business leaders say they're pushing for a more diversified economy. Brevard has a little over 1,800 businesses, with average revenue per business of about \$288,000.

8. Aberdeen

Aberdeen bills itself as a "quaint little railroad town (<http://www.townofaberdeen.net/>) steeped in history" and is famous for the Aberdeen Carolina & Western Railway, the largest privately held regional freight railroad in North Carolina. The community of about 6,500 residents recently got news that Reliance Packaging, which makes printed bags and rollstock, is expanding its operations in Aberdeen, (<http://www.areadevelopment.com/newsitems/4-7-2015/reliance-packaging-expand-aberdeen-nc-manufacturing-plant455533.shtml>) bringing several dozen new jobs to the small town. Aberdeen has 540 businesses and roughly \$1.5 million in average revenue per business, according to

the NerdWallet survey. The Moore County Partner in Progress (<http://www.moorebusiness.org/about-us/>), the region's economic development organization, has extensive information on Aberdeen's business community.

9. Reidsville

Reidsville embraced the slogan "Live simply, think big" to highlight the city's efforts to diversify its formerly tobacco-dominated economy. It seems the city of 14,360 is succeeding in this as it makes it to the top 10 of the NerdWallet survey. There are a little over 1,000 businesses in Reidsville with average revenue per business of \$2.1 million. The Reidsville website (<http://www.ci.reidsville.nc.us/community/history.php>) has a variety of information on the city's tourist attractions and its business community.

10. Hendersonville

Wineries, breweries and other tourist attractions draw visitors to Hendersonville. The city, which has a population of 13,233, has a supportive business community, highlighted by the Henderson County Partnership for Economic Development (<http://gohendersoncountync.org/index.php>). The partnership is based in the city and offers a range of services, including support for small companies (<http://gohendersoncountync.org/dyn.php?res=1&page=sb.php>). Hendersonville has about 2,300 businesses, with almost \$914,000 in average revenue per business.

ORDINANCE NO. 2015-_____

**AN ORDINANCE TO EXTEND THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF BREVARD, NORTH CAROLINA, AND TO
AMEND THE OFFICIAL ZONING MAP TO EXTEND THE EXTRATERRITORIAL
JURISDICTION AND DESIGNATING SUBJECT PROPERTY AS
GR-4 GENERAL RESIDENTIAL ZONING DISTRICT**

WHEREAS, North Carolina General Statute 160A-360 authorizes the City of Brevard to establish an Extraterritorial Jurisdiction and to undertake the enforcement of ordinances dealing with planning and the regulation of development within a defined area lying outside of and beyond its corporate limits for a distance of up to one mile; and

WHEREAS, the Brevard City Council received a Petition Requesting Voluntary Inclusion Into The City of Brevard Extraterritorial Jurisdiction by Newton F. and Marilyn J. Lockhart, on March 6, 2015, and by Ralph C. Jr., and Sharon P. Ward, on May 8, 2015, requesting certain real property as described herein be incorporated into the City of Brevard Extraterritorial Jurisdiction; and

WHEREAS, a public hearing on the question of this inclusion of the subject area into the City of Brevard Extraterritorial Jurisdiction was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 18th day of May, 2015, after due notice by publication on the 4th and 11th day of May, 2015, whereby public comment was received regarding said extension; and

WHEREAS, the Brevard City Council, after hearing all persons wishing to comment on the proposed extension of extraterritorial jurisdiction, desires to enact the request of the petitioners and amend Appendix D of Brevard City Code to expand the City's Extraterritorial Planning Jurisdiction; and

WHEREAS, North Carolina General Statute 160A-360(b) provides that extraterritorial jurisdiction shall be adopted by ordinance to specify its boundaries and that these boundaries shall at all times be drawn on a map, set forth in a written description, or shown by combination of these techniques, and shall be recorded in the office of the register of deeds of the county; and

WHEREAS, North Carolina General Statute 160A-360(b) provides that when a city extends its extraterritorial jurisdiction to include an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the extension, whichever is sooner, and that, during this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-30.

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

Section 1. By virtue of the authority granted by G.S. 160A-30, as amended, all of that property lying in Transylvania County, previously owned by, Newton F. Lockhart and Marilyn J. Lockhart, being all of the property in a deed, recorded in Deed Book 259, Page 468, Transylvania County Registry on May 31, 1983, (Transylvania Tax Office Property Identification Number 8585-10-8199-000), and currently owned by Ralph C. Jr. and Sharon P. Ward, being all of the property in a deed recorded in Deed Book 718, Page 563, Transylvania County Registry (PIN #8585-10-8199-000), 1710 North Country Club Road, is hereby incorporated and made part of the City of Brevard Extraterritorial Jurisdiction as of the 18th day of May, 2015.

Said property is more fully described as follows:

BEGINNING at an iron pin set in the north margin of Towhee Lane at its point of intersection with the eastern margin of Laurel Valley Road and running up and with the eastern margin of Laurel Valley Road the following calls: North 68 deg. 33 min. 45 sec. East 94.25 feet to an iron pin; North 29 deg. 48 min. 45 sec. East 86.90 feet to an iron pin; North 22 deg. 47 min. East 320.77 feet to an iron pin; thence leaving Laurel Valley Road in a southeasterly direction with the southwestern margin of Country Club Road the following calls: South 30 deg. 02 min. 15 sec. East 165.88 feet to an iron pin; South 29 deg. 21 min. East 194.11 feet to an iron pin; thence up and with the line of Fred Owenby, South 58 deg. 45 min. West 174.95 feet to an iron pin the line of Owenby, Galloway and the Grantor, thence down and with the line of Galloway, South 45 deg. 41 min. West 139.72 feet to an iron pin in the North margin Towhee Lane, thence along and with the north margin of Towhee Lane, North 62 deg. 31 min. 30 sec. West 207.22 feet to the point of BEGINNING. Containing 2.01 acres, more or less, as surveyed and platted by P.R. Raxter, RLS, April 26, 1983. Being all of Lots 11, 16, 17, 18 and 19, Section 2 of Montclove Estates as recorded in the office of the Register of Deeds for Transylvania County, North Carolina in Plat Book 1, Page 2.

The following deed references appear on the above-said plat and survey: Deed Book 69, Page 105; Deed Book 91, Page 217; Deed Book 74, Page 303 and Deed Book 126, Page 159.

Section 2. Upon and after the 18th day of May, 2015, the above described property shall be subject to all laws, ordinances and regulations in force in the City of Brevard extraterritorial jurisdiction and shall be entitled to the same privileges and benefits as other parts of the City of Brevard Extraterritorial Jurisdiction.

Section 3. The zoning designation of the above described property shall be GR-4 General Residential District.

Section 4. The City Clerk of the City of Brevard is hereby authorized and directed to cause the stated description of the "Area of Extraterritorial Jurisdiction" to be recorded in the Transylvania County Registry in accordance with G.S. 160A-360. The City Clerk is further authorized and directed to cause the provisions of this Ordinance to be codified into the Brevard City Code.

Adopted and approved the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

STAFF REPORT – May 18, 2015 Council Meeting

Date: May 7, 2015
Title: Board Appointment – Firefighter’s Relief Fund
Prepared by: Desiree Perry, City Clerk
Approved by: Jim Fatland, Interim City Manager

Executive Summary: Council will consider appointment to the Brevard Firefighter’s Relief Fund.

Background:

Firefighter’s Relief Fund. Mr. Kirk Hooper has been serving as a Trustee. His term expired in January.

<u>Firefighter’s Relief Fund Roster:</u>	<u>Term Expires</u>
Kirk Hooper	January 2015 (Appointed by City Council)
Mark Norton	January 2015 (Appointed by Fire Department)
Meredith Baldrige	January 2016 (Appointed by City Council)
Wesley Rogers	January 2016 (Appointed by Fire Department)
Jim Fatland	No Term Expiration (Appointed by Insurance Commissioner)

Discussion: Attached is a letter dated April 20, 2015, from Secretary Rogers of the Brevard Firefighter’s Relief Fund that advises the Board recommends Council reappoint Mr. Hooper to another term. If reappointed, his term will expire January 2017.

Fiscal Impact: None

Policy Analysis: It has been the practice for the Firefighter’s Relief Fund Board to make their recommendation to Council.

Staff Recommendation: Staff does not make recommendations on any citizen advisory board appointments or reappointments. Council options are: (a) Re-appointment; (b) Table to make a decision at a later date; or, (c) Appoint another citizen to serve.

received
4-20-2015

Brevard Firefighter's Relief Fund Board

95 West Main Street
Brevard, NC 28712

To: Desiree Perry, City Clerk

From: Wes Rogers, BFFRF Secretary

Ref: City Council approval of BFFRF Trustee

Date: April 20, 2015

Desiree,

Could you please ask City Council to place the following on their consent agenda for the May 18, 2015 council meeting: approval of the Brevard Firefighter's Relief Fund (BFFRF) Board's recommendation to reappoint Kirk Hooper as a trustee? NC state law requires the following regarding the aforementioned appointment: *The mayor and board of aldermen or other local governing body shall appoint, in January 1950, two representatives to above board, one to hold office for two years and one to hold office for one year, and each year in January thereafter they shall appoint only one representative and his term of office shall be for two years.* If you have any questions please let me know.

Thanks,



Wes Rogers

Secretary, Brevard Firefighters Relief Fund Board

STAFF REPORT – May 18, 2015 Council Meeting

Date: May 7, 2015

Title: Board Appointment – Brevard Housing Authority

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, Interim City Manager

Executive Summary: Council will consider appointment to the Brevard Housing Authority.

Background:

Brevard Housing Authority (BHA). Effective April 21st, board member Mr. Ronald W. Rutherford resigned because he is moving to Wilmington, NC. (Email attached.)

Brevard Housing Authority (BHA) - The Housing Authority oversees the general operation of the Housing Authority, following the guidelines provided by the Housing Urban Development (HUD). BHA is a 5 member board to which Council appoints city residents. BHA meet at the Housing Authority office located at 133 West Morgan Street on the third Tuesday of the month at 3:00 PM. Meetings are open to the public.

BHA Member Roster:	<u>Term Expires</u>	
Carl Mooney, Chair	Nov. 2017	
John Lampert	Nov. 2016	
Vacant	Nov. 2020	(Former member Rutherford)
Kathryn Thompson	Nov. 2019	
Judith West	Nov. 2018	

Discussion: Appointment of a new member to the Brevard Housing Authority. One Application is on file.

On April 24, 2015, Ms. Tamasa M. Heinemann submitted an Application for appointment consideration. If appointed, she would fill the vacancy from member Rutherford. Term would expire November 2020. (Application attached.)

Fiscal Impact: None

Policy Analysis: City Policy requires persons interested in serving on a City advisory board of committee to complete an Application.

Staff Recommendation: Staff does not make recommendations on any citizen advisory board appointments or reappointments. Council options are: (a) Appointment and/or Reappointment; (b) Table to make a decision at a later date; or, (c) Appoint another citizen to serve.

Subject Resignation of Ronald W Rutherford
From Ron Rutherford <ronr@me.com>
To Carl Mooney <csmoon@mtnwaves.net>, Rhodney Norman <rnorman@haca.org>
Date 2015/04/21 5:08 pm

received
4-22-2015

Carl,

As of the end of the Brevard Housing Authority Commissioners' meeting on April 21, 2015, I resign as a commissioner of the Brevard Housing Authority.

I will soon be moving from Brevard to Wilmington, NC, to be near family. I have met many wonderful people during my tenure and I shall miss you all. Never forget that you are doing good work and helping many people in their time of need. I am thankful for all I have learned during my time on the Board.

Thanks to all of you.

Ron

Sent from my iPhone 6+



received
4-24-2015

CITY OF BREVARD Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board • Board of Adjustment • Brevard Housing Authority
- Community Appearance Commission • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: BHA

* List only one per Appointment Application form.

Date 5/14/2015

Name Tamara M Heinemann

Home Address 148 Hillview Ave Apt # 302

Phone (home) 828-884-6483 Cell 828-384-0254
(work)

Occupation CNA / Med Aide E-Mail tshope2@gmail.com

May you be contacted at work? NO Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

NA

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

BS in Environmental Science

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

Strong desire to improve the community

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Tamara M Heinemann
Signature of Applicant

Please return this application to:

City of Brevard
Attn: Desiree D. Perry, City Clerk
95 West Main Street
Brevard, North Carolina 28712

Phone: 828-885-5614
Fax: 828-883-2853
e-mail: dperry@cityofbrevard.com

STAFF REPORT – May 18, 2015 Council Meeting

Date: May 7, 2015

Title: Appointment – City Council Public Works and Utilities Committee

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, Interim City Manager

Executive Summary: Council will consider a citizen appointment to the City Council Public Works and Utilities Committee

Background: Council approved the concept of creating five City Council Committees, one being the Public Works and Utilities Committee. A Resolution Establishing the City Council Public Works and Utilities Committee has been drafted for Council consideration at their May 18th meeting.

PROPOSED City Council Public Works & Utilities Committee Roster:

2 City Council Members

(Mayor Pro Tem Mac Morrow, Chair, and Council Member Maurice Jones, Vice-Chair)

City Manager

Public Works Director

Water Treatment Plant ORC

Wastewater Treatment Plant ORC

2 Citizen Appointments

Mayor, ex officio

Discussion: Should Council adopted the drafted Resolution establishing the Council Public Works and Utilities Committee, it would be appropriate to appoint a citizen(s) to the Committee. The following Application for consideration has been received:

On May 11, 2015, Mr. Clay Sykes submitted an Application for appointment consideration. If appointed, his two year term would expire May 2017. (Application attached.)

Fiscal Impact: None

Policy Analysis: City Policy requires persons interested in serving on a City advisory board of committee to complete an Application.

Staff Recommendation: Staff does not make recommendations on any citizen advisory board appointments or reappointments. Council options are: (a) Appointment; (b) Table to make a decision at a later date; or, (c) Appoint another citizen to serve.



received
5-11-2015

CITY OF BREVARD Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board • Board of Adjustment • Brevard Housing Authority
- Community Appearance Commission • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: Public Works & Utility Advisory Subcommittee
** List only one per Appointment Application form.*

Date May 11, 2015

Name Clay Sykes

Home Address 40 Homestead Trace

Phone (home) 828-862-8434 (work) 478-474-5025

Occupation Environmental Engineer E-Mail csykes@esginc.net

May you be contacted at work? Yes, on cellphone Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

None

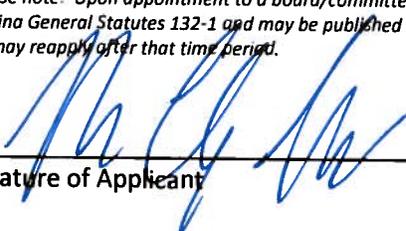
Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

Have masters degree in civil/environmental engineering. 30 years work experience as practicing engineer focused on water and wastewater infrastructure challenges.

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

Have extensive experience solving challenges similar to Brevard's current water and wastewater challenges. Bring relevant, current practical expertise.

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.


Signature of Applicant

Please return this application to:

City of Brevard
Attn: Desiree D. Perry, City Clerk
95 West Main Street
Brevard, North Carolina 28712

Phone: 828-885-5614
Fax: 828-883-2853
e-mail: dperry@cityofbrevard.com

STAFF REPORT – May 18, 2015 Council Meeting

Date: May 7, 2015
Title: Board Appointments – Brevard ABC Board of Directors
Prepared by: Desiree Perry, City Clerk
Approved by: Jim Fatland, Interim City Manager

Executive Summary: Council will consider appointments to the Brevard ABC Board of Directors at their May 18th or June 15th, 2015, Council meeting.

Background:

ABC Board of Directors. In July Board members Chair Tracey Love and Milton Tynch terms will expire. Ms. Love was appointed in June 2005, Mr. Tynch was appointed in 2007. Both have served more than two full terms.

Brevard City Charter, Article VI. Special Provisions, Section 6.3(d) Alcoholic Beverage Control
“...The members and chairman of said Board shall be appointed by the governing body of the City....the Mayor and City Council shall annually appoint one member of the Board to serve as chairman at the pleasure of the Council....No member may serve more than two consecutive full terms on the Board...”

Resolution No. 2003-12 Policy and Procedures for Appointments, adopted March 3, 2003.

F. Terms

- (a) No citizen may serve more than two (2) consecutive terms in any one position. The preferred length of terms is considered to be three (3) years, unless specified otherwise with terms staggered so that appointments are made each year. An individual whose initial appointment was the fill an unexpired term shall be eligible to serve two full terms.
- (b) This policy may be waived if City Council determines that the removal of a member of individuals made ineligible by this statute would be detrimental to the functioning of that board, committee, commission or council.
- (c) Reappointment to a second term is not automatic and will be based on circumstances to be determined by the City Council in each individual case.

Also in July, Board members Brian Philips, Cameron Austin and LeRoy Cowan terms will expire, completing their first term.

ABC Board - The ABC Board meets monthly and reviews the business operations of the local ABC Store in keeping with the NC State Alcohol Beverage Commission operation requirements. This is a 5 member board to which Council appoints city residents. Meetings are held at the City Hall Administrative Conference Room on the fourth Wednesday of the month at 8:30 A.M. Meetings are open to the public.

<u>ABC Board of Directors Roster:</u>	<u>Term Expires</u>
Brian Philips	July 2015
Cameron Austin	July 2015
LeRoy Cowan	July 2015
Tracey Love, Chair	July 2015
Milton Tynch, Secretary	July 2015

Currently, there are two Applications are on file:

On May 20, 2014, Mr. Tim Robinson submitted an Application. On May 1, 2015, I spoke with Mr. Robinson to ask him if he is still interested in serving on the Board and if he wanted me to forward his Application to Council for consideration. His response was, "Yes". (Application Attached)

On March 11, 2015, Mr. William C. Riecke submitted an Application. (Application Attached)

Discussion: Appointment of members to the ABC Board should be considered by Council at the May 18th or June 15th meeting as the terms of all five members are set to expire in July.

From the City Attorney: In May, 2014, Council extended the membership terms of both Chair Tracey Love and Milton Tynch, creating a situation whereby all board members terms will expire at the same time, July, 2015. This was the second extension for Tracey Love, even though the ordinance indicates that extensions are not allowed. This was the first extension for Mr. Tynch. There were extenuating circumstances at the time of those extensions, which I believe justified the extension, but I am of the opinion that the spirit of the ordinance does not lend itself to additional extensions, especially for Tracey. In order to re-establish staggered term, I am recommending that (if the other three members are willing to renew):

1. Two of the three be reappointed for two year terms, with one of the three designated as Chair;
2. The third be reappointed for a one year term; and
3. Two new members be nominated to replace Tracey and Milton, and that their terms be three years.

The ABC Board of Directors Chair shall be appointed by City Council. As appointments are made the Mayor and Council need to select the member who will serve as Chair.

Fiscal Impact: None

Policy Analysis: City Policy requires persons interested in serving on a City advisory board of committee to complete an Application.

Staff Recommendation: Staff does not make recommendations on any citizen advisory board appointments or reappointments. Council options are: (a) Appointment and/or Reappointment; (b) Table to make a decision at a later date; or, (c) Appoint another citizen to serve.



received
5-20-2014

5-1-2015 Called, he is still interested in serving.
DPerry, Clerk

CITY OF BREVARD Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board • Board of Adjustment • Brevard Housing Authority • Human Relations Council
- Community Appearance Commission • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: ABC Board

** List only one per Appointment Application form.*

Date 5/19/2014

Name Tim Robinson

Home Address 60 North Laurel Lane, Brevard, NC 28712

Phone (home) 828-883-2436 (work) 828-553-9664

Occupation Licensed General Contractor E-Mail tcrobinson1@citcom.net

May you be contacted at work? yes Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:
none

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

separate sheet

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

separate sheet

**Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.*



Signature of Applicant

Please return this application to:

City of Brevard
Attn: Desiree D. Perry, City Clerk
95 West Main Street
Brevard, North Carolina 28712

Phone: 828-885-5614
Fax: 828-883-2853
e-mail: dperry@cityofbrevard.com

ABC Board Application for Tim Robinson

Educational background and special qualifications:

Aiken High School, Aiken, SC, Class of 1977,

Brevard College, A.A., 1979

Appalachian State University, B. A., Sociology, 1982

President of the Homebuilders Association of Transylvania County, 4 terms

Officer and board member of The Homebuilders Association of Transylvania County, 14 years

Committee Chair for Whitewater Cove Remodel Project through the HBA of Transylvania County

Volunteered time and materials for "The Haven" homeless shelter in Transylvania County

Volunteer for "Squirrel Box Derby," 2009-present

Having lived in Brevard for the last 37 years, I have volunteered for many projects that I felt would make our community a better place. I have been a member of the Home Builders Association of Transylvania County for many years and have served as president, vice president, and as a board member. During that time the organization took on many projects that benefitted the citizens of Transylvania County, as well as partnering with members of the Henderson County HBA on service projects. I have assisted youths for Eagle Scout projects, as well as serving on panels of judges for senior projects at Brevard High School. I would now like to serve my community in a different way. I was made aware a position on the ABC board was opening up and thought that would be an interesting and positive way I could serve. I am familiar with how governing boards are run. I have researched the workings of The North Carolina Association of ABC boards and feel I can be an asset to this board.

My wife and I own and operate a business in this county. We vote. We love our town and county and wish to see Brevard and Transylvania County continue with positive growth. I would be honored to be a part of that by serving on the ABC Board.



Timothy C. Robinson

60 North Laurel Lane

Brevard, NC 28712

Cell phone 828-553-9664

Home phone 828-883-2436



received
3-11-2015

CITY OF BREVARD Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board • Board of Adjustment • Brevard Housing Authority
- Community Appearance Commission • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: ABC

** List only one per Appointment Application form.*

Date 3-11-2015

Name William C. Riecke

Home Address 703 Stone Drive

Phone (home) 862-8804 (work) —

Occupation MD (Retired) E-Mail mwmr@citcom.net

May you be contacted at work? — Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

—

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

M.D., B.S. Rotary - United Way

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

Office management - Medical Educator

**Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.*

Wm C Riecke M.D
Signature of Applicant

Please return this application to:

City of Brevard
Attn: Desiree D. Perry, City Clerk
95 West Main Street
Brevard, North Carolina 28712

Phone: 828-885-5614
Fax: 828-883-2853
e-mail: dperry@cityofbrevard.com