

**MINUTES
BREVARD PLANNING BOARD
AUGUST 16, 2016**

Brevard Planning Board met for a regular meeting, Tuesday, August 16, 2016, at 6:00 PM in Council Chambers of City Hall.

Members Present: Kimsey Jackson, Chair
Demi Loftis, Vice Chair
Jimmy Perkins
Chris Strassner
Keenan Smith
Frank Porter

Members Absent: Katie Thompson

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Planner
Paul Ray, Senior Code Enforcement Officer
Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 6:00 PM Chair, Kimsey Jackson, called the meeting to order and there was a moment of silent reflection. No introductions were necessary.

II. Approval of Minutes –

a. June 21, 2016, motion to approve with changes by J. Perkins, seconded by D. Loftis, unanimously carried.

III. New Business-

a. Residential apiary updates –

A. Bland presented his staff report stating that the recommended changes to the ordinance are being made to meet the State requirements. He further explained that the North Carolina General Statutes clearly state two requirements of local laws that regulate bee hives which the City's code does not currently conform to:

"Any ordinance shall permit up to five hives on a single parcel within the land use planning jurisdiction of the city." § 106-645(b) (1)

"Any ordinance shall require that the hive be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the city may permit the anchor or stand to be permanently attached to a roof surface." § 106-645(b) (2)



The following language was recommended by Staff:

1 CODE OF ORDINANCES CITY OF BREVARD, NORTH CAROLINA

2

3 Chapter 14 – Animals and Fowl

4

5 Article I – In General

6

7 Sec. 14-9. – Keeping bees.

8 (a) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use,
9 on any lot or parcel of land within the corporate limits of the city, any hives or other
enclosures

10 for the purpose of keeping any bees or other such insects unless every part of such hive or
11 enclosure is located at least 75 feet from a dwelling house located on the adjoining property.

12

13 (b) On lot sizes of 15,000 square feet or less, no more than ~~four~~ **five** hives (colonies of bees)
will

14 be permitted. The hives shall be no closer than 15 feet from any property line, and all hives
15 shall be placed at ground level or securely attached to an anchor or stand. On lots larger
than

16 15,000 square feet, additional hives will be permitted on the basis of one hive for each 5,000
17 square feet in excess of 15,000.

18

19 (c) This section shall pertain only to honey bees maintained in movable frame hives and it
does

20 not authorize the presence of hives with no movable frames or feral honey bee colonies
21 (honey bees in trees, sides of houses, etc.).

22

23 (d) The hives (colonies) of bees may not be manipulated between the hours of sunset and
24 sunrise unless the hives are being moved to or from another location.

25

26 (e) The City may require the removal of a hive, or hives, if the owner no longer maintains the
27 hive(s), or if removal is necessary to protect the health, safety, and welfare of the public, as
28 allowed by NCGS 106-645(b) (4).

After discussion, F. Porter made a motion that 5,000 be changed to 3,000 in line 16 and to
strike (d) in its entirety, seconded by D. Loftis and unanimously carried.

b. Invasive species ordinance changes

Daniel Cobb presented his staff report which is attached hereto and labeled, Exhibit "A" for
reference, along with a power point presentation.

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After discussion, the Board recommended that the Staff recommendations be approved with the following changes: a specific list of invasive species be listed in UDO Chapter 8.2, p. to further strike the reference to the North Carolina Cooperative Extension Office's "Guide to Successful Gardening in Transylvania County" and to further remove language regarding "invasive plant species" from Chapter 38 of the Code of Ordinances.

Motion to approve as stated by J. Perkins, seconded by D. Loftis and unanimously carried.

c. Annual Work Plan

D. Cobb, Planning Director, explained that the Planning Department develops an informal work plan each year and lists what they want to achieve during the fiscal year. He asked the board to think about the idea and give him feedback as to their ideas of what they would like to accomplish. He further explained that much of their time would be devoted to the review of the Form Based Codes project this year.

IV. Old Business - None

V. Other Business –

D. Cobb informed the Board of the Form Based Codes presentation and input session to be held the next day at the Transylvania County Library, Rogow Room. He stated that specific groups would also be targeted for their input at a later date.

F. Porter commented on the fact that Planning Staff is well prepared and friendly.

VI. Adjourn –

There being no further business, F. Porter moved to adjourn, seconded by D. Loftis unanimously carried and the meeting adjourned at 6:53 PM.

Richard K. Jackson, Chair

Janice H. Pinson, Board Secretary



The City of Brevard North Carolina

NEW BUSINESS STAFF REPORT

August 16, 2016

Title: Invasive Plant Species Changes
Speaker: Daniel P. Cobb, AICP, Planning Director
Prepared by: Daniel P. Cobb, AICP, Planning Director
 Paul C. Ray, Senior Code Enforcement Officer

EXECUTIVE SUMMARY: Planning Board will consider an amendment to strike language regarding "invasive plant species" from Chapter 38, of the Code of Ordinances - Health and Sanitation, and to adopt specific language prohibiting the introduction of invasive exotic plant species in Chapter 8, of the Unified Development Ordinance (UDO) - Tree Protection and Landscaping.

BACKGROUND: Language pertaining to invasive exotic plant species appears briefly in both the City's Code of Ordinances and the Unified Development Ordinance. Generally speaking, the Code of Ordinance contains a stronger concentration of laws pertaining to public welfare, while the Unified Development Ordinance is geared toward land use and design standards. The City's intent to control invasive exotic plant species through legislation is currently present in both, but neither mention of invasive exotic species has been carried out to the fullest extent due to the ambiguity of the ordinance. The commonality and popularity of invasive tree and plant species, along with the cost and practicality of implementing certain regulations, should be carefully considered during the decision making process in determining if such language should remain as a nuisance violation within the Code of Ordinance or be placed within the Unified Development Ordinance. This move would prohibit the introduction of such plant species.

DISCUSSION: Code of Ordinance: The purpose and intent of Chapter 38, of the Code of Ordinances is to maintain and ensure an adequate level of Health and Sanitation, whereby the enumerated and described conditions are declared to constitute a detriment, danger and hazard to the health, safety, and general welfare of the inhabitants of the city and declared to be unlawful. Section 38-32(2) prohibits the *accumulation of invasive exotic species*. A violation of this section has two remedies for non-compliance. The City can cause the abatement of invasive exotic plant species, hiring a landscaping contractor to abate the invasive plants from private property and attempt to recover its costs by placing a lien against the property. Alternately, the City can swear a complaint against the property owner charging them with a misdemeanor crime.

Unified Development Ordinance: The purpose and intent of Chapter 8 of the Unified Development Ordinance is to aid in preserving ecological balance by contributing to the preservation of wildlife habitat, the promotion of natural diversity, air quality, groundwater recharge, energy conservation, and stormwater runoff, while reducing noise, glare, and heat. Therefore, natural habitats and trees are protected under this chapter and certain landscaping features are required for responsible, urban development. Generally, all trees on commercial properties, or those being used for commercial purposes, are required to maintain their tree canopy. Removal of any such trees is subject to the permitting requirements in Chapter 8 of the UDO. Section 8.3(B)(2) acknowledges invasive tree species and exempts them from this requirement. The current list of commonly accepted invasive exotic species is as follows: Chinese Elm, Silver Maple, Lombardy Poplar, Paulonia, Mimosa and Tree of Heaven (Ailanthus). This amendment as presented will provide additional clarity in this chapter by referencing a known publication.

POLICY ANALYSIS: Section 38-32(2) of the Code of Ordinance (which falls under nuisance section of City Code) states, "Accumulations of invasive exotic species shall be prohibited." This reference alone is not specific enough to enforce. The Code of Ordinance does not contain a definition or list of prohibited plants necessary for successful abatement or prosecution. The Vagueness Doctrine is a constitutional rule that rests on the due process clauses of the Fifth and Fourteenth Amendments, and it requires criminal laws to state explicitly and definitely what conduct is punishable. Without fair notice of what constitutes an invasive exotic species, the language is too vague for the average citizen to understand.

There is a risk of creating public discord, with the perception of arbitrary enforcement of law. Several non-native invasive species of plants, including privet, kudzu and bamboo, are currently growing in the City's own rights-of-way, parks and other public places and institutions. The eradication of invasive exotic plants within the City's control may be hindered by a lack of funding. Similarly, a fair and active enforcement program, authorized by an amendment to the Code of Ordinance, may be hindered by a lack of staffing required for proper implementation. Lastly, proper training of staff would be necessary to gain proficiency in the identification of a variety of invasive exotic plant species.

Reference to "invasive exotic species" in the Unified Development Ordinance is an exception to the tree protection chapter, exempting species like Chinese Elm, Silver Maple, Lombardy Poplar, Paulonia, Mimosa and Tree of Heaven (Ailanthus) from normal tree protection requirements. There are currently no regulations prohibiting the introduction of invasive exotic plant species into landscaping designs, and the aforementioned list of species are limited to trees.

The North Carolina Cooperative Extension Transylvania County Center provides a list entitled, "Guide To Successful Gardening in Transylvania County." This publication is essentially divided into two categories, "Very Invasive" and "Moderately Invasive."

The common names of “very invasive plant species” are as follows:

Trees: Mimosa, Princesstree, Russian olive, Tree of heaven.

Shrubs: Autumn olive, Chinese privet, Multiflora rose, Winter honeysuckle.

Vines: Chinese wisteria, English ivy, Japanese honeysuckle, Kudzu, Oriental bittersweet.

Herbaceous Plants: Garlic mustard, Japanese knotweed, Japanese Stilt Grass, Korean or Chinese lespedeza, Shrubby lespedeza.

The common names of “moderately invasive plant species” are as follows:

Trees: Bradford pear, Japanese privet, Norway maple, Paper mulberry, Thorney olive, White mulberry, White poplar.

Shrubs: Amur honeysuckle, Common privet, Glossy privet, Japanese Barberry, Japanese spiraea, Morrow’s honeysuckle, Tatarian honeysuckle, Sacred bamboo Nandina, Winged burning bush, Winter creeper.

Vines: Bigleaf periwinkle, Common periwinkle, Cypressvine Morningglory, Fiveleaf akebia, Japanese Wisteria, Porcelain berry, Sweet Autumn Virginsbower.

Herbaceous Plants: Bamboo, Chinese silvergrass, Crownvetch Securigera, Golden bamboo, Johnsongrass, Oregon Grape, Purple loosestrife, Queen Anne’s lace.

While there are no specific references to invasive or exotic species in any adopted plans or policies of the City of Brevard, there are *Goals* listed in the 2015 Comprehensive Plan related to the subject, specifically within the Environmental Health Element:

Goals

Through appropriate conservation and preservation measures that protect the health and sustainability of the environment and our abundant natural resources, Brevard will:

- Successfully preserve our woods and water for future generations.
- Promote our world-class natural resources as an asset.
- Prevent development in environmentally sensitive and critical areas.
- Preserve farmland.

Further, as a recognized Tree City USA by the Arbor Day Foundation, Brevard should take steps to maintain and protect the native plant species within the City.

STAFF RECOMMENDATION: Existing regulations on invasive exotic species are unclear and ambiguous under the Code of Ordinance, and would be costly and difficult to enforce on private property. Staff believes the City should adopt specific language in the Landscaping Chapter of the Unified Development Ordinance prohibiting the introduction of invasive exotic plant species, and encourage the use of landscaping with native plants as recommended by the NC Cooperative Extension for Transylvania County Center. The eradication of existing invasive species would be encouraged but not required under the penalty of law. The administrator would be responsible for maintaining a current list of plants and trees commonly accepted to be “invasive exotic species” as determined by the Board. Site plans for development would

continue to be reviewed by the Planning Department for landscaping requirements, and the use of invasive exotic tree and plant species would be strictly prohibited.

Staff recommends approval of the amendments as shown in attachments A and B.

FISCAL IMPACT: None at this time. However, should the Board wish to maintain the ordinance as it is currently written, the language should be modified to include the specific list describe above. Doing so would allow for legal and fair enforcement. If this is the case additional staff, training, and funding for abatement is necessary. An entry-level code enforcement officer salary is \$38,000.

ATTACHMENTS

- A. Proposed Amendment – Chapter 38 Brevard City Code
- B. Proposed Amendment – Chapter 8 Unified Development Ordinance
- C. Statement of Consistency

CODE OF ORDINANCES CITY OF BREVARD, NORTH CAROLINA

Chapter 38 – Health and Sanitation

Article II – Nuisances

Sec. 38-32 – Enumeration

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, and general welfare of the inhabitants of the city, and the same are found, deemed and declared, to be public nuisances wherever the same may exist and are hereby declared unlawful; however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive.

- 1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.
- 2) Any growth or overgrowth of grass, weeds or other vegetation that is greater than 18 inches on the average, or any accumulation of dead weeds, grass, brush or undergrowth. This section shall not apply to lots that are natural area lots unless the lot is found to violate section 38-32(1) or 38-32(6). Natural area lots are lots that have never been cleared in anticipation of development, or lots that have been landscaped or replanted to appear as natural, undeveloped areas. ~~Accumulations of invasive exotic species shall be prohibited.~~ If a natural area lot is adjacent to a property occupied by a dwelling or other structure, and that dwelling or other structure is located within 50 feet of the natural area lot, then the natural area lot shall comply with the requirements of this subsection to a depth of ten feet from said adjacent property line, however, this requirement shall not apply to property that consists of a ravine, creek bank or other severe slope where maintenance would be unsafe and the chance of erosion would increase if the vegetation were decreased.
- 3) Any concentration of combustible items including but not limited to mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes and rags.
- 4) Any collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
- 5) Any indoor furniture, indoor appliances, or metal products of any kind or nature openly kept which are broken or inoperable or have jagged edges of metal or glass, or areas of confinement.

- 44 6) Any condition which blocks, hinders, or obstructs in any way the natural flow of
45 branches, streams, creeks, surface waters, ditches, or drains, to the extent that the
46 premises is not free from standing water.
47
- 48 7) Any improper or inadequate drainage on private property which causes flooding or
49 interferes with the use of or endangers in any way the streets, sidewalks, parks or
50 other city-owned property of any kind; provided, the notices required and powers
51 conferred by this article by and on the code enforcement officer in abating the
52 nuisances defined by this subsection shall be given and exercised by the director of
53 public works.
54
- 55 8) Any and all grass or weeds growing in any sidewalk and any hedges or plantings
56 bordering thereon not properly trimmed.
57
- 58 9) Any and all trees or bushes dead, diseased or not properly trimmed, or any object or
59 growth within the sight distance, on private property adjacent to city street rights-
60 of-way that constitute a hazard to city property or to the health or safety of
61 motorists or pedestrians. "Sight distance" shall be defined as the area required to
62 provide a ten-foot by 70-foot unobstructed view across property primarily located at
63 street intersections, driveways, and along sharp horizontal curves in the roadway.
64 No owner, lessee or occupant, or any agent, servant, representative or employee of
65 any such owner, lessee or occupant, having control of any lot or land in the city,
66 regardless of whether the lot is occupied or not, shall permit or maintain on such lot
67 or land, or on or along the sidewalk, street or alley adjacent to the same between
68 the property line and the curb or middle of the alley or for ten feet outside the
69 property line if there is no curb, any of the conditions described in this subsection. It
70 shall be the joint and several duty of any owner, lessee and occupant of any lot or
71 land to cut and/or remove or cause to be cut and/or removed all causes of such
72 conditions as often as may be necessary to comply with the provisions of this
73 chapter.
74
- 75 10) Any other condition specifically prohibited in this article, or any other condition
76 specifically declared to be a nuisance or a danger to the public health, safety, morals
77 and general welfare of inhabitants of the city and a public nuisance by the city
78 council.

UNIFIED DEVELOPMENT ORDINANCE CITY OF BREVARD, NORTH CAROLINA

Chapter 8 – Tree Protection and Landscaping

Sec. 8.2 – General Provisions

- A. *Maintenance of existing built and vacant lots:* Every owner, occupant, agent or person in control of property shall cut down and remove from the property all weeds, grass, vines and other growth which endangers the property or any other property, or which is likely to burn. This requirement shall not require the clearance of surface water protection areas or the removal of significant or protected tree and shrub species.
- B. *Pre-construction conference:* Prior to the commencement of any new development activities an on-site pre-construction conference shall take place with the developer and the administrator to review procedures for the protection and management of all protected landscape elements identified on the landscape protection plan.
- C. *Existing vegetation, fences, walls, and berms:* The use of existing trees or shrubs to satisfy the landscaping requirements of this section is strongly encouraged. Existing significant vegetation within the landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless otherwise approved by the City of Brevard at the time of site plan approval. Existing berms, walls, or fences within the landscaped area but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.
- D. *Installation of new vegetation and other features:* New plant material should complement existing vegetation native to the site. If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences) shall be planted or installed within the required landscaping area. The use of indigenous, native and/or regionally grown species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing native habitats. The introduction of non-native, invasive, or exotic species shall be prohibited. The Administrator shall maintain a copy of the North Carolina Cooperative Extension Office's "Guide to Successful Gardening in Transylvania County" as reference for this section.
- E. *Grading and development in required landscape areas:* The required landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. No

grading, development, or land-disturbing activities shall occur within this area if forest canopy, specimen trees, or significant vegetation exists within the buffer yard, unless approved by the administrator. If grading within a buffer yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping and maintenance.

- F. *Easements and rights-of-way*: Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the city and the easement holder at the time of site plan approval.
- G. *Protection during surveying*: No tree greater than 12 inches in diameter at breast height (DBH) located on public property or within a required tree protection area shall be removed for the purpose of surveying without an approval from the administrator.
- H. *Tree trimming*: Every owner of any tree overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The public works director and utilities director are authorized to remove and/or trim trees and shrubs from public properties and public rights-of-way. North Carolina Department of Transportation is authorized to remove and/or trim trees and shrubs in the public rights-of-way owned by the State of North Carolina. Approval is required to trim a tree in a tree protection area, required landscaping area, or buffer yard more than 25 percent of its overall canopy.
- I. *Trimming and removal by utility companies*: Trees to be removed from the public right-of-way by electric utilities and other overhead utilities must be replaced by such entity in equal quantity and minimum caliper size with an approved species.
- J. *Tree topping*: Tree topping shall be prohibited on all trees on public property, designated rights-of-way, required tree protection areas, landscaping, and buffer yards unless otherwise approved by the administrator. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the administrator.
- K. *Removal of dead trees on public property*: Approval by the administrator shall be issued for trees that are dead, infected by disease, or determined to be a hazard to public safety and welfare. Should any tree designated in a tree protection area, required landscaping area, or buffer yard die, the agency shall replace it within 180 days with a tree(s) [of] equal size.

- 88 L. *Tree removal on private property:* The city may require removal of any dead or diseased
 89 trees or trees harboring insects, on private property when such trees constitute a threat
 90 to public property. The administrator will notify in writing the owner(s) of such trees.
 91 Removal shall be done at the owner(s) expense within 60 days after the date of service
 92 of notice. In the event of failure of the owner(s) to comply with such provisions, the city
 93 shall have the authority to remove such trees and charge the cost of removal as a lien
 94 on the owner's property taxes.
 95
- 96 M. *Stumps:* All stumps of trees and park trees shall be removed so that the top of the
 97 stump does not project above the surface of the ground.
 98
- 99 N. *Use of off-site landscape easements:* Permanent off-site landscape easements may be
 100 used to meet required buffer yards provided that the size or shape of the parcel
 101 significantly restricts the ability to reasonably use the property and meet the buffer yard
 102 requirements. These easements must be recorded prior to or in conjunction with the
 103 approval of the site or subdivision plan.
 104
- 105 O. *Protective measures during construction:* Protective barricades shall be placed around
 106 all protected trees designated to be saved prior to the start of development activities or
 107 grading. Barricades shall be erected five feet past the drip line for any tree to be saved
 108 or tree save areas. Protective barricades shall remain in place until development
 109 activities are completed. The area within the protective barricade shall remain free of all
 110 building materials, dirt or other construction debris, construction traffic, storage of
 111 vehicles and materials, and grading shall not take place within five feet of the drip line of
 112 the existing trees to be protected.
 113
- 114 P. *Non-native plant species:* The introduction of non-native, invasive, or exotic species shall
 115 be prohibited. The Administrator shall maintain a copy of the North Carolina
 116 Cooperative Extension Office's "Guide to Successful Gardening in Transylvania County"
 117 as reference for this section.
 118

119 8.3. - Tree protection

120 A. *Applicability:*

- 121 1. The provisions of the tree protection section of this chapter shall be applicable to
 122 any tree that falls within one or more of the following categories:
 123
- 124 i. Any tree which has a trunk six inches or more in diameter at one foot above
 125 the ground; or is of a horticultural variety or is highly ornamental (such as a
 126 dogwood, redbud, crab apple, sourwood, flowering cherry, holly or any like
 127 or similar such plant) and has a trunk diameter of three inches or more at
 128 one foot above the ground.
 - 129 ii. Any tree that is noted as part of a development plan or that is required as
 130 part of a special use permit, group development, planned development,
 131 Conditional Zoning District, or other development approval.

- 132 iii. Any tree located within a historic district or any property containing a
- 133 historically designated structure.
- 134 iv. Any tree located within an RMX, NMX, DMX, CMX, GI, GR, or IC Zoning
- 135 District or associated Conditional District, and any other property containing
- 136 a non-residential use.
- 137 v. Any tree subject to D, below.

138

139 B. *Exemptions:*

- 140 1. Trees located on properties developed for single family or duplex uses located
- 141 within GR districts shall be exempt from the tree protection provisions of this
- 142 chapter, except for those trees subject to A.1.ii.—iii., above, and trees and other
- 143 vegetation in protection areas set forth in Chapter 6 and listed as Tier 1 trees in
- 144 Section 8.3(D), below.
- 145 2. The following trees are exempt from the provisions of this Chapter: ~~Chinese Elm,~~
- 146 ~~Silver Maple, Lombardy Poplar, Paulonia, Mimosa and Tree of Heaven (Ailanthus).~~
- 147 ~~The administrator shall maintain a list of plant and tree species that are commonly~~
- 148 ~~accepted to be invasive exotic species that that should be controlled or eradicated,~~
- 149 ~~which shall be exempted from these requirements. Mimosa, Princess tree, Russian~~
- 150 ~~olive, Tree of heaven, Bradford pear, Japanese privet, Norway maple, Paper~~
- 151 ~~mulberry, Thorney olive, White mulberry, White poplar. The Administrator shall~~
- 152 ~~maintain a copy of the North Carolina Cooperative Extension Office's "Guide to~~
- 153 ~~Successful Gardening in Transylvania County" as reference for this section.~~
- 154 3. Pruning trees as normal maintenance provided such pruning does not result in the
- 155 mutilation, death or destruction of the tree.
- 156 4. All trees which are grown by a licensed plant or tree nursery or tree farm, provided
- 157 such trees are planted and grown on the licensee's premises for the sale or intended
- 158 sale to the general public in the ordinary course of the licensee's business.
- 159 5. All trees which have been destroyed or harmed by a storm or similar act of nature or
- 160 casualty loss; provided the administrator is notified of such intended removal,
- 161 replacement or relocation at least two business days prior to removal, replacement
- 162 or relocation of any tree. The administrator shall approve or deny the request within
- 163 the two-day period, and may require replacement subject to the requirements of
- 164 this ordinance. There shall be no fee for this inspection and review.

**STATEMENT OF REASONABLENESS &
CONSISTENCY WITH CITY POLICIES AND PLANS:
INVASIVE PLANT SPECIES PROHIBITION**

NCGS 160A-383 requires that the City's review of the proposed zoning amendments include a written statement analyzing the reasonableness and the consistency of the amendment with adopted plans and policies of the City. The Planning Board forwards this recommendation with a finding that the proposed zoning amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan – Element 3 – Environmental Health:

Goals

Through appropriate conservation and preservation measures that protect the health and sustainability of the environment and our abundant natural resources, Brevard will:

- Successfully preserve our woods and water for future generations.
- Promote our world-class natural resources as an asset.
- Prevent development in environmentally sensitive and critical areas.
- Preserve farmland.

2012 City of Brevard Vision Statement:

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/historic assets of music, arts, and outdoor recreation.

This document is a true and accurate representation of the findings and recommendations of the Brevard Planning Board. This matter was discussed on August 16, 2016 and recommended for approval.

Kimsey Jackson, Chair
Brevard Planning Board

Date

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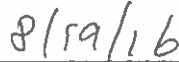
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