CHAPTER 15. BOARDS AND COMMISSIONS

15.1. Boards and commissions established.

The following boards and commissions are hereby established:

A. *Brevard Planning Board.* The authority to establish a Planning Board for the City of Brevard is granted under the authority of G.S. 160D-301 and 160D-307.

1. *Authority and responsibility.* The Brevard Planning Board (hereafter BPB) shall have the following duties and responsibilities:

~~a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions.~~

~~b. Prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area.~~

~~c. Establish principles and policies for guiding action in the development of the area.~~

~~d. Prepare and recommend to the city council ordinances promoting orderly development along the lines indicated in the comprehensive plan.~~

~~e. Determine whether specific proposed zoning amendments developments conform to the principles and requirements of the adopted comprehensive plan for the growth and improvement of this area, as well as any other officially adopted plan that is applicable in accordance with G.S. 160D- 604(d).~~

~~f. Keep the city council and the general public informed and advised as to these matters.~~

~~g. To review and make a recommendation on development activities and other requests as set forth in Section 16.6 of this ordinance in accordance with G.S. 160D-604(c).~~

~~h. To render opinions and make recommendations on all issues and petitions related to the City of Brevard Code of Ordinances and other land use plans and policies, transportation plans and policies, road closings, and other policies which may be adopted from time to time which require approval by the city council, pursuant to G.S. 160D-604(c).~~

~~i. To review with the city manager and other city officials and report its recommendations to the city council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, in the absence of a recommendation from the board, the city council may, if it deems wise, after the expiration of 30 days from the date on which the question has been submitted in writing to the board for review and recommendation, take final action.~~

a. Review and comment on all proposed amendments to the zoning regulations or zoning map in accordance with G.S. 160D-604(b).

b. Advise and comment on whether any proposed amendment to the zoning regulations or zoning map action is consistent with any comprehensive or land-use plan that has been adopted, and any other officially adopted plan that is applicable, in accordance with G.S. 160D-604(d). The planning board shall provide a written recommendation to city council that addresses plan consistency and other matters as deemed appropriate by the planning board.

c. Review and provide advice and consultation to the city council when adopting a new comprehensive

plan, in accordance with G.S. 160D-501(c).

d. Prepare, review, maintain, monitor, and periodically update and recommend to the city council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis to do so, in accordance with G.S. 160D-301(b).

e. Review and comment on the required investigative study and reports required for the changing of the boundaries of a historic district, or the creation of additional districts within the city.

f. Review and make a recommendation on development activities and other requests as set forth in Section 16.6 of this ordinance, in accordance with G.S. 160D-604(c).

~~j.~~g. Perform any other duties which may lawfully be assigned to ~~it~~the BPB by the city council or General Statutes.

2. *Membership and terms of office.*

a. The BPB shall consist of a total of seven members with ~~four~~ five members residing within the city and ~~three~~ two members residing in the extraterritorial jurisdiction. The members residing in the ETJ shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the UNIFIED DEVELOPMENT ORDINANCE both within the corporate limits of the city and within its ETJ.

b. In accordance with G.S. 160D-307(a), the total membership of the BPB shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.

c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.

d. The term of office shall be three years staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

e. The BPB shall elect the board chair and vice-chair from among its members. They each shall serve a one-year term.

B. *Board of adjustment.* The authority to establish a board of adjustment is granted under the authority of G.S. 160D-302.

1. *Authority and responsibility.* The board of adjustment (hereinafter BOA) shall have the following duties and responsibilities:

a. To hear and decide appeals from any order, decision, determination, or interpretation made by the administrator pursuant to or regarding these regulations and in accordance with G.S. 160D-405, G.S. 160D-705, or G.S. 160D-1008.

b. To hear and decide petitions for variances from the requirements of these regulations.

c. To hear and decide petitions for special use permits.

d. To make an interpretation of any portion of this ordinance.

~~e. To change the use of, or expand certain nonconformities.~~

2. *Membership and terms of office.*

a. The BOA shall consist of a total of five members with three members residing in the city limits and two members residing in the ETJ. In addition, two alternate members residing in the city limits and one alternate member residing in the ETJ shall be appointed. Alternates shall serve on the board in the absence of any member and while serving shall have and may exercise all of the powers and duties of a regular member. The members residing in the ETJ shall have equal right, privileges and

duties with other members of the board in all matters pertaining to the UNIFIED DEVELOPMENT ORDINANCE both within the corporate limits of the city and within its ETJ.

b. In accordance with G.S. 160D-307(a), the total membership of the BOA shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.

c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.

d. The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

e. The BOA shall elect the board chair and vice-chair from among its members. They shall each serve a one-year term.

(Ord. No. 15-08, § 37, 12-5-08; Ord. No. 03-10, § 1(Exh. A), 2-15-10; Ord. No. 2014-25, § 05(Exh. E), 12-15-14; Ord. No. 2019-27 , § 1(Exh. A), 11-18-19; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2023-06, § 1(Exh. A), 2-6-23)