

CHAPTER 4: PROVISIONS FOR COMMERCIAL DISTRICTS

4.01 STATEMENT OF PURPOSE

A. General Purposes of Commercial Districts

The commercial districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, and prosperity of other aspects of the general welfare. These general goals include, among others, the following:

- 1 To provide space for the many diverse types of commercial activity needed to serve the people, industry and Brownsville;
- 2 To promote the constructive improvements and orderly growth of the existing well located commercial centers;
- 3 To prevent indiscriminate mixtures of commercial activity within commercial areas;
- 4 To protect adjacent residential areas from offensive and detrimental influences;
- 5 To promote the most efficient and desirable land use.

4.02 NC - NEIGHBORHOOD COMMERCIAL DISTRICT

A. Purpose and Intent

These districts are designed to provide a limited variety of goods and services for the immediate residential neighborhood. It is not intended that these districts permit uses that generate large volumes of truck traffic. Adequate buffers and appropriate open spaces between commercial and residential areas are required to protect the integrity of residential neighborhoods.

B. Uses and Structures

1. Principal Permitted Uses and Structures

INSTITUTIONAL - limited to -

- Parks, playgrounds and playfields
- Community centers
- Post Offices (excluding major mail processing centers)
- Police and fire stations

PUBLIC UTILITIES - limited to -

- Communication, installations or exchanges
- Electric or gas substations
- Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)
- Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)
- Private Streets
- Rights-of-way to all modes of transportation
- Small landscaped, scenically significant open areas, natural reserves

FOOD, DRUG, BEVERAGE - except for -

- Supermarkets
- Package liquor stores
- Beverage Stores

BOOKS, STATIONARY - limited to -

- Magazines
- Newspapers
- Greeting Cards
- Stationery

PERSONAL SERVICES - limited to -

- Laundry dry-cleaning pick-up station
- Self-service laundry
- Beauty Shop
- Barber shop
- Pipe and tobacco shop
- Shoe repair
- Tailoring & dressmaking
- Apparel repair and alteration
- Fitness Studios
- Health Spas

Photography Studios
Nail Salons

UNDEVELOPED AND VACANT - except for -
Circuses, carnivals and similar transient enterprises
Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

2. Permitted Accessory Uses and Structures

(a) Accessory off-street parking and loading facilities as required in Chapter 7 of this ordinance.

(b) Accessory facilities and buildings customarily to a permitted use.

3. Conditional Uses

INSTITUTIONAL - limited to -

Day Care Centers
Group day care homes
Family day care homes
Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

Reservoirs and water tanks
Water production, treatment facility

FINANCE, INSURANCE, REAL ESTATE

All uses

UNDEVELOPED AND VACANT - limited to open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by right, by accessory or by conditional use is prohibited in the Neighborhood Commercial District.

C. Bulk Regulations

1. Maximum Area for a NC Zone

No NC District shall exceed one and one-half (1 1/2) acres in size.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street line shall be twenty-five (25) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within NC Districts.

a. Front Yards

In all NC Districts, front yards shall be a minimum of forty (40) feet on lots that do not have facilities for parking within the required front yard. On lots that provide parking within the required front yard, the front yard shall be a minimum of sixty (60) feet. On double frontage and corner lots, there shall be a front yard on each side facing a street.

b. Side Yards^{xiii}

For all lots within the NC District the minimum side yard shall be ten (10) feet.

c. Rear Yards^{xiv}

For all lots within the NC District the minimum rear yard shall be twenty (20) feet.

E. Use of Required Yard Areas

The following uses may be made of yard areas in the NC Districts:

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping (as defined in Section 2.02). All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-Street Parking

No driveway or parking area shall occupy more than half of any required yard.

3. Sidewalks

F. Site Plan Review

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Brownsville Planning Commission. The Site Plan shall conform to the following requirements:

a. Be drawn on a scale of 1" = 100';

b. Include the following:

-All existing and proposed roads and drainage ways;

-Curb cuts, drives and parking areas;

-Landscaping and planting screens;

-Building lines enclosing the portion of the tract within which the buildings are to be erected;

-The proposed use of the land and buildings;

-The existing zoning.

c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.

d. Include a vicinity map showing the relationship of the proposed development to Brownsville;

- e. Show the relation of the proposed development to:
 - The street system
 - The surrounding use district, and
 - Surrounding properties.
 - f. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;
 - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
 - h. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any requirement improvements of adjacent streets as shown on the plan.
2. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.
 3. The certification required of the owner and trustee of the mortgage in 4.05 (F) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
 4. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

G. Other Requirement

1. Enclosed Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses that by their nature must exist outside a building.

2. Outside Display

No outside display of merchandise shall be permitted beyond the front building line.

3. Exterior Storage

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only and such facilities shall

be appropriately screened and maintained using the same materials from which the principal use is constructed.

H. Certificate of Occupancy / Compliance Requirement

Prior to the installation of services provided by the Brownsville Energy Authority for uses within NC-Neighborhood Commercial Districts, a Certificate of Occupancy / Compliance shall be obtained from the City of Brownsville Building and Codes Enforcement Department.

4.03 MPO - MEDICAL-PROFESSIONAL OFFICE DISTRICT

A. Purpose and Intent

These districts are designed to provide adequate space in appropriate locations suitable for accommodating medical, dental or similar personal services; and to provide for professional and business offices. In addition, certain commercial trade and service uses are permitted if necessary to serve the frequent and recurring needs of persons working in this district. Bulk limitations are designed to maximize compatibility with less intensive land use in adjacent residential districts.

B. Uses and Structures

1. Principal Permitted Uses and Structures

INSTITUTIONAL - limited to -

- Place of worship
- Health Clinic
- Hospital
- Nursing Home
- Observation - rehabilitation center
- Parks, playgrounds and playfields
- Community centers
- Rest homes and homes for the aged
- Public, parochial and private non-profit museums, art galleries, libraries and observatories
- Non-profit private, public and utility administrative offices
- Post Offices (excluding major mail processing centers)
- Police and fire stations

PUBLIC UTILITIES - limited to -

- Communications equipment, installations or exchanges
- Electric or gas substations
- Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)
- Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)
- Private Streets
- Rights-of-way to all modes of transportation
- Small landscaped, scenically significant open areas, natural reserves

FINANCE, INSURANCE, REAL ESTATE

All uses

PROFESSIONAL SERVICES - except for -
 Veterinarians
 Medical services generating biochemicals

BUSINESS OFFICES
 All Uses

BUSINESS SERVICES - limited to -
 Employment agencies
 Consulting services
 Detective and protective
 Clerical services

UNDEVELOPED AND VACANT - except for -
 Yard areas, greenbelt and open spaces, wildlife habitat refuge, hiking, nature
 and bike trails and related uses
 Erosion and sedimentation control measures, facilities and districts
 Flood proofing and flood hazard reduction structures
 Agriculture and forestry

2. Permitted Accessory Uses and Structures

- a. Accessory off-street parking and loading facilities as required in Chapter 7 of this ordinance.
- b. Accessory facilities and buildings customarily to a permitted use.

3. Conditional Uses

INSTITUTIONAL - limited to -
 Day Care Centers
 Group day care homes
 Family day care homes
 Country club
 All golf courses
 Temporary non-profit festivals

PUBLIC UTILITIES - limited to -
 Reservoirs and water tanks
 Water production, treatment facility

FOOD, DRUG, BEVERAGE - except for -
 Bakery
 Candy, Confectionery
 Delicatessen
 Drugs and Pharmaceuticals

APPAREL AND ACCESSORIES - except for -
 Shoe stores
 Children's shop

ART - ANTIQUE - JEWELRY - except for -
 Antique store

BOOKS AND STATIONARY - except for -

Stationery

EATING AND DRINKING PLACES - limited to -
Restaurants, cafes, cafeterias, coffee shops

HOBBY - TOY - PET - limited to -
Camera shop

PERSONAL SERVICES - limited to -

Photographic Services

Beauty Shop

Pipe and tobacco shop

Barber shop

Shoe repair

Fitness Studios

Health Spas

BUSINESS SERVICES - limited to -

Duplicating, mailing, stenographic

EDUCATIONAL SERVICES - limited to -

Correspondence Schools

Other Special Training and Schooling

UNDEVELOPED AND VACANT - limited to -

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

PROFESSIONAL SERVICES - limited to -

Small animal clinics as defined by this Ordinance.

4. Prohibited Uses

Any use not allowed by right, by accessory use or by conditional use is prohibited in the MPO District.

5. Restriction on the Amount of Space Devoted to Conditional Uses

In order to maintain the office and professional character of the MPO districts, at least seventy-five (75) percent of the gross floor area of any structure on a lot in an MPO district shall be occupied by uses permitted by right (i.e. Principal Permitted Uses and Structures).

C. Bulk Regulations

1. Minimum Required Lot Area

With the MPO Districts, there is no minimum lot size.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street line shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 2.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within MPO Districts.

a. Front Yards

In all MPO Districts, front yards shall be a minimum of forty (40) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

b. Side Yards^{xv}

For all lots within the MPO Districts the minimum side yard shall be ten (10) feet.

c. Rear Yards^{xvi}

For all lots within the MPO District the minimum rear yard shall be thirty (30) feet.

E. Use of Required Yard Areas

The following uses may be made of yard areas in the MPO Districts:

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping (as defined in Section 2.02). All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-Street Parking

No driveway or parking area shall occupy more than half of any required yard.

3. Sidewalks

F. Site Plan Review

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

a. Be drawn on a scale of 1" = 100';

b. Include the following:

-All existing and proposed roads and drainage ways;

-Curb cuts, drives and parking areas;

-Landscaping and planting screens;

-Building lines enclosing the portion of the tract within which the buildings are to be erected;

-The proposed use of the land and buildings;

-The existing zoning.

c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.

- d. Include a vicinity map showing the relationship of the proposed development to Brownsville;
 - e. Show the relation of the proposed development to:
 - The street system
 - The surrounding use district, and
 - Surrounding properties.
 - f. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;
 - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
 - h. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.
2. The Planning Commission shall review the Site Plan and make a recommendation within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.
 3. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.
 4. The certification required of the owner and trustee of the mortgage in 4.03 (F) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan.

Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

5. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

G. Other Requirement

1. Enclosed Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses that by their nature must exist outside a building.

2. Exterior Storage

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same materials from which the principal use is constructed.

H. Certificate of Occupancy / Compliance Requirement

Prior to the installation of services provided by the Brownsville Energy Authority for uses within the MPO-Medical-Professional Office Districts, a Certificate of Occupancy / Compliance shall be obtained from the City of Brownsville Building and Codes Enforcement Department.

4.04 SCC - SHOPPING CENTER COMMERCIAL DISTRICT

A. Purpose and Intent

These districts are designed to provide for the development of shopping and commercial centers of integrated design of various sizes to serve the community.

In these coordinated commercial developments a variety of uses are permitted including commercial trade and service uses, entertainment facilities and offices. These districts are intended to be designed to accommodate safely a high volume of automotive traffic, so ease of automotive access is essential. Appropriate open space between commercial and residential areas is required.

B. Uses and Structures

1. Principal Permitted Uses and Structures

INSTITUTIONAL - limited to -

- Place of worship
- School, public or private, grades K-12
- Day care centers
- Group day care homes
- Family day care homes
- Parks, playgrounds and playfields
- Community centers
- Public, parochial and private non-profit museums, art galleries, libraries and observatories
- Non-profit private, public and utility administrative offices
- Post Offices (excluding major mail processing centers)
- Police and fire stations

PUBLIC UTILITIES - limited to -

- Communications equipment, installations or exchanges
- Electric or gas substations

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas, natural reserves

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

Building materials heating and plumbing equipment

Lumber Yards

Electrical supplies

Lawn Mower sales and service Welding supplies

Greenhouse and nursery products

GENERAL MERCHANDISE

All uses

FOOD, DRUG, BEVERAGE

Except for fruit and vegetable stands

AUTO DEALER AND SERVICE STATIONS - limited to -

Auto parts (new)

APPAREL AND ACCESSORIES

All uses

FURNITURE, HOME FURNISHING, APPLIANCES

All uses

EATING AND DRINKING PLACES - except for -

Nightclubs

Taverns, bars

ART, ANTIQUE, JEWELRY

All uses

BOOKS, STATIONERY

All uses

HOBBY, TOY, PET

All uses

MISCELLANEOUS RETAIL

Except for salvage clothing

FINANCE, INSURANCE, REAL ESTATE

All uses

PERSONAL SERVICES - except for -

Funeral services

PROFESSIONAL SERVICES - except for -

Veterinarians

Medical Clinic - outpatient

BUSINESS OFFICES

All Uses

RECREATION AND ENTERTAINMENT - limited to -

Motion picture Theater

Roller skating

Bowling

Health Spa

BUSINESS SERVICES - limited to -

Duplicating, mailing and stenographic

Employment agencies

Consulting services

Detective and protective

Trading stamps

Clerical services

Custom painting, excluding the printing of books other than pamphlets and small reports

Window cleaning

REPAIR SERVICES - except for -

Auto body repair and paint shops

Armature rewinding

Welding Shops

Reupholstery

Tire recapping or retreading

Auto repair, garages

EDUCATIONAL SERVICES

All uses

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and water ways (all man made)

2. Permitted Accessory Uses and Structures

a. Accessory off-street parking and loading facilities as required in Chapter 7 of this ordinance.

b. Accessory facilities and buildings customarily incidental to a permitted use.

3. Conditional Uses

INSTITUTIONAL - limited to -

Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

Railroad, bus, and transit terminals

Reservoirs and water tanks

Water production, treatment facility

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

Greenhouse and nursery products
 Heating and plumbing supplies
 Electrical supplies
 Welding supplies
 Lawn Mower sales and service

AUTO DEALERS AND SERVICE STATIONS - limited to -

Motorcycle sales
 Tire sales and servicing
 Service stations

RECREATION AND ENTERTAINMENT - limited to -

Electronic amusement devices
 Arcade
 Billiard parlors

BUSINESS SERVICES -

Equipment rental and leasing

REPAIR SERVICES - limited to

Auto repair and garage

UNDEVELOPED AND VACANT - limited to -

Circuses, carnivals and similar transient enterprises
 Open water including ponds, lakes and reservoirs, streams and waterways (all man-made):

4. Prohibited Uses

Any use not allowed by right, by accessory use or by conditional use is prohibited in the SCC District.

C. Bulk Regulations

1. Minimum Required Lot Area

With the SCC Districts, there is a minimum lot size of six (6) acres.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street line shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

Within the SCC Districts, the placement of buildings and parking areas shall be designed to protect residential areas; ornamental screening from noise and light shall be provided where necessary. However, in no case shall the design of the shopping center provide less than the following standards.

a. Front Yards

All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.

b. Side Yards ^{xvii}

The minimum side yard requirements shall be fifteen (15) feet.

c. Rear Yards

There shall be a rear yard, alley, service court or combination thereof, of not less than thirty (30) feet in depth; and all of the service areas of all buildings shall be completely screened from public view with permanent screening materials subject to approval by the Planning Commission.

E. Use of Required Yard Areas

The following uses may be made of yard areas in the SCC Districts:

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping (as defined in Section 2.02). All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-Street Parking

3. Sidewalks

F. Site Plan Review

1. Preliminary Plan

The owner or lessee of any tract of land zoned SCC who desires to develop said tract shall submit to the Brownsville Planning Commission a Preliminary Plan for the use and development of the entire tract.

The Preliminary Plan shall:

a. Be drawn on a scale of 1" = 100';

b. Include the following:

-All existing and proposed roads and drainage ways;

-Building lines enclosing the portion of the tract within which the buildings are to be erected;

-Curb cuts, drives and parking areas;

-Boundaries and tracts;

-The proposed use of the land and buildings;

-Landscaping, planting screens wall and fences;

- c. Exhibit a vicinity map showing the relation of the proposed development to Brownsville;
- d. Show the relation of the proposed development to:
 - The street system;
 - Traffic flow;
 - The surrounding property and use district;
 - Available community services (water, sewer, etc.);
 - General drainage patterns;
 - Contours at vertical intervals of not more than five (5) feet.
- e. Contain a certification by a licensed surveyor, architect, contractor or civil engineer that said boundaries have been surveyed and are true and correct;
- f. Provide a form for certificate of approval:
 - The Board of Mayor and Aldermen;
 - The Secretary of the Planning Commission;

The owner or lessee shall incorporate into his Preliminary Plan any changes and/or additional requirements imposed by the Planning Commission. When the Preliminary Plan is drawn to their satisfaction, the Planning Commission shall approve the Plan and the Secretary of the Commission shall sign on the form provided.

The Planning Commission shall review the Preliminary Plan and may hold a public hearing on the Plan if a majority of the Commission deems such action desirable. The owner or lessee shall incorporate into his Preliminary Plan any changes and/or additional requirements imposed by the Planning Commission and approval by the Commission shall constitute acceptance of the Plan as the overall development scheme for said tract.

2. Final Plan

Following the approval of the Preliminary Plan by the Planning Commission a Final Plan in conformity with the approved Preliminary Plan which shows all or that portion of the tract the applicant proposes to develop initially shall be submitted to the Planning Commission.

The Final Plan Shall:

- a. Be drawn to a scale of 1" = 100'.
- b. Include the following:
 - (1) The location and exterior dimensions of all proposed buildings;
 - (2) The location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
 - (3) The location, arrangement and dimensions of truck loading berths;
 - (4) The location and dimensions of vehicular entrance, exists, roads and drives;

- (5) The location and dimensions of pedestrian entrances, exists, walks and walkways;
 - (6) The location and materials of walls, fences, screens and landscaping; and,
 - (7) The location, size, height and orientation of all signs.
- c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
 - d. Bear a form for certificate of approval by: The Secretary of the Planning Commission
 - e. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

The Planning Commission shall review the Final Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.

The Planning Commission shall approve the Final Plan as submitted or reject the Final Plan as submitted. The reasons for rejection of the Final Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Final Plan, subject to minor revisions being required of the applicant.

The certification required of the owner and trustee of the mortgage in 404 (F) (2) (e) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Final Plan. Upon such certification by the owner, the approved Final plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved site plan, he shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Final Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

The Building Inspector shall have the authority to authorize minor revisions to the approved Final Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Final Plan, with the written concurrence of the Chairman of the Planning Commission.

G. Other Requirement

1. Landscaping

Any part of the project area not used for buildings or other structures, parking loading and access way shall be devoted to landscaping, as defined in Section 2.02.

H. Certificate of Occupancy / Compliance Requirement

Prior to the installation of services provided by the Brownsville Energy Authority for uses within SCC-Shopping Center Commercial Districts, a Certificate of Occupancy / Compliance shall be obtained from the City of Brownsville Building and Codes Enforcement Department.

4.05 CB - CENTRAL BUSINESS DISTRICT

A. Purpose and Intent

This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a central business district. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. This district is intended to be designed in a manner conducive to and safe for a high volume of pedestrian traffic.

B. Uses and Structures

1. Principal Permitted Uses and Structures

RESIDENTIAL – All Uses Except Mobile Home Park^{xviii}

INSTITUTIONAL - limited to -

- Place of worship
- Lodge, club
- Parks, playgrounds and playfields
- Community centers
- Public, parochial and private non-profit museums, art galleries, libraries and observatories
- Non-profit private, public and utility administrative offices
- Post Offices (excluding major mail processing centers)
- Police and fire stations

PUBLIC UTILITIES - limited to -

- Communications equipment, installations or exchanges
- Electric or gas substations
- Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)
- Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)
- Private Streets
- Rights-of-way to all modes of transportation
- Small landscaped, scenically significant open areas, natural reserves

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

- Building materials
- Heating and plumbing equipment
- Paint, glass and wallpaper
- Hardware
- Electrical supplies
- Welding supplies
- Lawnmower sales

GENERAL MERCHANDISE

All uses

FOOD, DRUG, BEVERAGE

All uses

AUTO DEALER AND SERVICE STATIONS - limited to -

Auto parts (new)

APPAREL AND ACCESSORIES

All uses

FURNITURE, HOME FURNISHING, APPLIANCES

All uses

EATING AND DRINKING PLACES - except for -

Taverns, bars, Nightclubs

ART, ANTIQUE, JEWELRY

All uses

BOOKS, STATIONERY

All uses

HOBBY, TOY, PET

All uses

MISCELLANEOUS RETAIL

All uses

FINANCE, INSURANCE, REAL ESTATE

All uses

PERSONAL SERVICES - except for -

Funeral services

PROFESSIONAL SERVICES - except for -

Veterinarians

Medical Clinic - outpatient

BUSINESS OFFICES

All Uses

RECREATION AND ENTERTAINMENT - limited to -

Motion picture Theater

Roller skating

Bowling

Health Spa

BUSINESS SERVICES - limited to -

Duplicating, mailing and stenographic

Employment agencies

Consulting services

Detective and protective

Trading stamps

Equipment rental and leasing
 Clerical services
 Custom painting, excluding the printing of books other than pamphlets and small reports
 Window cleaning

REPAIR SERVICES - except for -

Auto repair, garages
 Electrical repair, small APPLIANCES
 Watch, clock and jewelry repair
 Furniture and large household appliance repair

EDUCATIONAL SERVICES

All uses

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises
 Open water including ponds, lakes and reservoirs, streams and water ways (all man made)

2. Permitted Accessory Uses and Structures

(a) Accessory off-street parking and loading facilities

(b) Accessory facilities and buildings customarily incidental to a permitted use

3. Conditional Uses

INSTITUTIONAL - limited to -

Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

Railroad, bus, and transit terminals
 Reservoirs and water tanks
 Water production, treatment facility

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

Greenhouse and nursery products

AUTO DEALERS AND SERVICE STATIONS - limited to -

Service stations
 Used car sales
 Auto dealerships

PERSONAL SERVICES - limited to

Funeral Services

RECREATION AND ENTERTAINMENT - limited to -

Electronic amusement devices, arcade
 Billiard parlors

BUSINESS SERVICES -

Disinfecting and exterminating

REPAIR SERVICES - limited to

Reupholstery

UNDEVELOPED AND VACANT - limited to -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by right, by accessory use or by conditional use is prohibited in the Central Business District.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the CB District, there is no minimum lot size.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

Within the CB District, no yards, as such, are required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed from the ground to the sky.

E. Use of Open Space

The following uses may be made of any open space in the CB District:

1. Landscaping

All open areas not occupied by driveways, sidewalks, and parking or loading areas, shall be devoted to landscaping as defined in Section 2.02.

2. Driveways

3. Off-Street Parking

4. Sidewalks

F. Access

All buildings in the CB District shall be readily accessible from the rear in order to provide for off-street loading or delivery, where feasible.

G. Site Plan Review

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

a. Be drawn on a scale of 1" = 100';

b. Include the following:

-All existing and proposed roads and drainage ways;

-Curb cuts, drives and parking areas;

-Building lines enclosing the portion of the tract within which the buildings are to be erected;

-The proposed use of the land and buildings;

- The existing zoning.
 - c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
 - d. Include a vicinity map showing the relationship of the proposed development to Brownsville.
 - e. Show the relation of the proposed development to:
 - The street system;
 - The surrounding use district, and
 - Surrounding properties
 - f. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;
 - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
 - h. Provide a certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.
2. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.
 3. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.
 4. The certification required of the owner and trustee of the mortgage in 4.05 (G) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
 5. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

H. Other Requirement

1. Exterior Storage

Exterior storage of goods and materials of any kind is prohibited.

The placement of waste disposal facilities shall be in the rear of buildings only.

2. Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses that by their nature must exist outside a building.

3. Outside Display

No outside display of merchandise shall be permitted.

I. Certificate of Occupancy / Compliance Requirement

Prior to the installation of services provided by the Brownsville Energy Authority for uses within the CB-Central Business District, a Certificate of Occupancy / Compliance shall be obtained from the City of Brownsville Building and Codes Enforcement Department.

4.06 GC - GENERAL COMMERCIAL DISTRICT

A. Intent and Purpose

These districts are designed to provide adequate space in appropriate locations for the establishment of a wide variety of uses including commercial trade and service uses, entertainment facilities, offices and establishments engaged in wholesale trade. Since these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential district as such as possible.

B. Uses and Structures

1. Principal Permitted Uses and Structures

OTHER HOUSING – limited to –

hotels and motels

INSTITUTIONAL - limited to -

Place of worship

School, public or private, grades K-12

Day care center

Group day care home

Family day care home

Nursing home

Park, playground, playfield

Community centers

Public, parochial and private non-profit museums, art galleries, libraries and observatories

Medical Clinics

Non-profit private, public and utility administrative offices

Post Offices (excluding major mail processing centers)

Police and fire stations

PUBLIC UTILITIES - limited to -

- Communications installations or exchanges
- Electric or gas substations
- Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)
- Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)
- Private Streets
- Rights-of-way to all modes of transportation
- Small landscaped, scenically significant open areas, natural reserves

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

- Lumber yards
- Greenhouse and nursery products

GENERAL MERCHANDISE

- All uses

FOOD, DRUG, BEVERAGE

- All uses

AUTO DEALER AND SERVICE STATIONS - limited to -

- Service Stations
- Auto parts (new)
- Auto dealership
- Car wash
- Electric vehicle charging stations
- Motorcycle Sales
- Tire sales and servicing

APPAREL AND ACCESSORIES

- All uses

FURNITURE, HOME FURNISHING, APPLIANCES

- All uses

EATING AND DRINKING PLACES (including microbreweries)- except for -

- Taverns, bars,
- Nightclubs

ART, ANTIQUE, JEWELRY

- All uses

HOBBY, TOY, PET

- All uses

MISCELLANEOUS RETAIL

- Salvage Clothing

FINANCE, INSURANCE, REAL ESTATE

- All uses

PERSONAL SERVICES

All uses

PROFESSIONAL SERVICES

All uses

BUSINESS OFFICES

All Uses

RECREATION AND ENTERTAINMENT - limited to -

Motion picture Theater

Roller skating

Bowling

Electronic amusement devices, arcades

Billiard parlor

Health Spa

Miniature golf

BUSINESS SERVICES - except for -

Photofinishing

Metal and wood fencing, ornamental grillwork

Central laundry, dyeing and dry-cleaning works

Truck terminals

Research services (private)

REPAIR SERVICES - except for -

Armature rewinding

Welding shop

Tire recapping or retreading

EDUCATIONAL SERVICES

All uses

CONTRACT CONSTRUCTION SERVICES

All uses

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and water ways (all man made)

WAREHOUSE FACILITIES- Limited to-

Self-service storage facilities

2. Permitted Accessory Uses and Structures

a. Accessory off-street parking and loading facilities as required in Chapter 7 of this ordinance.

b. Accessory facilities and buildings customarily incidental to a permitted use

3. Conditional Uses

INSTITUTIONAL - limited to -

Cemetery - mausoleum

Country Club

Airports, air cargo terminals, heliports and any other aeronautical device
 Major mail processing centers
 Military installations
 Colleges, junior colleges and universities, but excluding business schools
 operated as profit-making enterprises
 All golf courses
 Stadiums, sports arenas, auditoriums and bandstands
 Zoological gardens
 Temporary nonprofit festivals

PUBLIC UTILITIES - limited to -

Railroad, bus, and transit terminals
 Public and private utility corporations and truck yards
 Radio and television transmission stations
 Railroad yards and other transportation equipment marshaling and storage
 areas
 Reservoirs and water tanks
 Electric transmission lines and major fuel transmission lines
 Gas, electric production and treatment facilities
 Water production, treatment facility

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

Greenhouse and nursery products

AUTO DEALERS AND SERVICE STATIONS - limited to -

Used car sales
 Auto parts (used)
 Boat, marine sales
 Truck, heavy equipment sales
 Auto and truck rental
 Mobile Home Sales; prefabricated homes

EATING AND DRINKING PLACES - limited to -

Taverns, bars
 Nightclubs

RECREATION AND ENTERTAINMENT - limited to -

Drive-in movie
 Amusement park
 Fairground
 Golf driving range
 Indoor shooting range

BUSINESS SERVICES - limited to -

Photofinishing
 Research services (private)
 Metal and wood fencing, ornamental grill work

WHOLESALE TRADE - limited to -

Drugs, chemicals and allied products

Groceries and related products
 Electrical goods
 Hardware, plumbing and cooking equipment and supplies
 Metal and minerals

COMMUNICATIONS – limited to satellite dishes provided the following conditions are met in addition

- 1) Vegetative screening is provided;
- 2) The location for satellite dish is not seen from a public street

UNDEVELOPED AND VACANT - limited to -

Circuses, carnivals and similar transient enterprises
 Open water including ponds, lakes and reservoirs, streams and waterways (man-made).

4. Prohibited Uses

Any use not allowed by right, by accessory use or by conditional use is prohibited in the GC District.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the GC District, the minimum required lot area shall be 15,000 square feet.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this shall not apply to those uses spelled out in 1.04 (D), Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Section 1.05 of this ordinance.

2. Basic Provisions

a. Front Yards

In all GC Districts, front yards abutting an arterial street shall be fifty (50) feet. For all other lots, front yards shall be a minimum of forty (40) feet. On double frontage and corner lots, there shall be a front yard on each street.

b. Side Yards^{xix}

The minimum side yard shall be ten (10) feet.

c. Rear Yards^{xx}

The minimum rear yard shall be thirty (30) feet.

E. Use of Required Yard Area

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping (as defined in Section 2.02). All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-street Parking
3. Sidewalks

F. Site Plan Review

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:
 - a. Be drawn on a scale of 1" = 100';
 - b. Include the following:
 - all existing and proposed roads and drainage ways;
 - curb cuts, drives and parking areas;
 - building lines enclosing the portion of the tract within which the buildings are to be erected;
 - the proposed use of the land and buildings; and,
 - the existing zoning.
 - c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
 - d. Include a vicinity map showing the relationship of the proposed development to Brownsville.
 - e. Show the relation of the proposed development to:
 - the street system;
 - the surrounding use district, and
 - surrounding properties
 - f. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;
 - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
 - h. Provide certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.
2. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.
3. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.

4. The certification required of the owner and trustee of the mortgage in 4.06 (F) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
5. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

G. Fencing and Automobile Limit Requirements for Auto Repair & Wrecker Service Operations

Auto repair and wrecker service operation establishments shall be required to have a screened fence for screening purposes, which shall contain a minimum of eight (8) feet in height in order to block the view of stored vehicles from the public. Screening shall be provided by solid plank wood or chain link with screen. Additionally, auto repair and wrecker service operations shall be required to contain all vehicles in need of repair within the fenced area of the subject property.

H. Certificate of Occupancy / Compliance Requirement

Prior to the installation of services provided by the Brownsville Energy Authority for uses within GC-General Commercial Districts, a Certificate of Occupancy / Compliance shall be obtained from the City of Brownsville Building and Codes Enforcement Department.

4.07 MU MIXED USE DISTRICT

A. Purpose and intent.

This district is designed to provide appropriate areas for quality mixed-use development that will link uses for living, working, shopping, educating and recreating within the limits of Downtown Brownsville or other areas adequately equipped or planned for such. The facilitation of mixed-use development reduces vehicle trips, improves pedestrian mobility, relieves traffic congestion and improves the overall quality of life in the City of Brownsville. The provision of a variety of residential housing types and densities assures activity in the district, supports a mix of uses and enhances the housing choices of residents. The integration of mixed-use development with its surroundings encourages connections for pedestrians and vehicles and assures the sensitive, compatible use, scale and operational transitions of neighboring uses. The Mixed-Use (MU) District

is intended to accommodate neighborhood uses that will serve the surrounding residents and neighborhoods with convenience retail and services. The MU District is intended to accommodate some automotive-oriented uses, but an emphasis shall be placed on the pedestrian and walkability. The mix of uses meets the need for professional and business services, personal services, specialty shops, restaurants, public and semipublic uses, and attached and detached residential dwellings. Infill development compatible with the existing character of downtown is encouraged.

B. Uses and structures

1. Principal permitted uses and structures

Residential - limited to –

Single family detached
two- family
multi-family
townhouses

Institutional- limited to-

day care center (children only)
lodge
club
park
playground or playfield
place of public assembly (including places of worship)
police or fire station, post office (excluding major processing center)

public, parochial & private non-profit museum

art gallery

library or observatory

schools, public or private, grades K-12

Public Utilities- limited to-

Communications installations or exchanges

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas or natural reserves, Water, storm drainage, sewer or gas distribution lines with incidental appurtenances

Lumber, Hardware, & Building materials – limited to –

paint, glass, and wallpaper

General Merchandise – limited to –

Department store

variety store

Foods Drugs and Beverages – limited to -

retail bakery

candy

confectionary

delicatessen

- drugs or pharmaceuticals
- fruit or vegetable store
- Apparel & Accessories - limited to –
 - apparel & accessories store
 - children’s shop
 - shoe store
- Eating and Drinking Places limited to –
 - coffee shops
 - ice cream parlors
 - microbreweries
 - restaurants
- Arts, Antiques, and Jewelry limited to –
 - antique store
 - art gallery or studio
 - arts & craft store
 - flower shop
 - florist
 - gift shop
 - glasses & china
 - jewelry & watches
 - optical goods
- General Retail limited to –
 - books & periodicals
 - greeting card & stationary
 - hobby
 - toys
 - pets
 - aquariums
 - birds and pet stores
 - camera shop
 - hobby shop
 - sporting goods
 - bicycles
 - toys
- Finance, Insurance, and Real Estate limited to –
 - banks
 - insurance carrier
 - real estate agent
 - savings and loan
 - other insurance and real estate services
- Personal services limited to –
 - barber shop
 - beauty shop
 - photography retail store
 - pipe & tobacco shop
 - shoe repair

- tailoring or dressmaking
- Professional Services limited to –
 - Accountants
 - Architects
 - Designers
 - Contractors
 - Attorneys
 - Dentists
 - Engineers
 - Hospital services or supplies
 - Office
 - Optometrists
 - Physicians
 - Planners
 - Executive, management, or administrative services
- Recreation & Entertainment limited to –
 - Health spa
- Business Services limited to –
 - Advertising services
 - Clerical services
 - Consulting service
 - Data processing
 - Detective or protective
 - Duplicating, mailing, or stenographic, employment agencies
 - Window cleaning
- Repair Services limited to –
 - Radio Computer and TV repair
- Educational Services limited to –
 - Art and music school
 - Barber and beauty school
 - Business & steno school
 - Other special training and schooling
- Miscellaneous Services limited to –
 - Essential Services
- Undeveloped and Vacant limited to –
 - Agriculture and forestry
 - Erosion & sedimentation control measures facilities and districts
 - Flood proofing & flood hazard reduction structures
 - Yard areas
 - Green belt
 - Open spaces
 - Wildlife habitat refuge
 - Hiking, nature, & bike trails
 - Open water including ponds, lakes, reservoirs, streams & water ways (all manmade)

2. Permitted accessory uses and structures

- a. Accessory off-street parking and loading facilities as required in Chapter 7 of this ordinance.
- b. Accessory facilities and buildings customarily incidental to a permitted use.

3. Conditional Uses

Accessory structures limited to –

Accessory residential (in conjunction with a principal residential use)

Accessory residential (above a non-residential use)

Adult care center

College

Junior college or university (excluding businesses operating as profit-making enterprises)

Residential limited to-

Bed and breakfast homestays

Public Utilities limited to-

Electric or gas substations

Electric transmission lines or major fuel transmission lines

Electric, communication or telephone dist. lines, poles, transformers or splice boxes

Wireless communication facilities

Food, Drugs & Beverages limited to –

Farmers market

Convenience stores

Service stations

4. Prohibited uses

Any use not allowed by right, by accessory or by conditional use is prohibited in the MU Mixed Use District.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the MU Mixed Use District, the minimum required lot area shall be as follows:

Residential – 3,000 square feet

Commercial - None.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this shall not apply to those uses spelled out in 1.04 (D), Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Section 1.05 of this ordinance.

2. Basic Provisions

a. Front Yards

In all MU Mixed Use Districts, front yards abutting arterial street shall be forty (40) feet. For all other lots, front yards shall be a minimum of thirty (30) feet. On double frontage and corner lots, there shall be a front yard on each street.

b. Side Yards

The minimum side yard shall be ten (10) feet.

c. Rear Yards

The minimum rear yard shall be thirty (30) feet.

E. Use of Required Yard Area

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping (as defined in Section 2.02). All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways

3. Sidewalks

F. Access

All mixed- use buildings in the MU Mixed Use District shall be readily accessible from the rear, in order to provide for off-street loading or delivery.

G. Site Plan Review Process

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission / Design Review Commission. The Site Plan shall conform to the following requirements:

a. Be drawn on a scale of 1" = 100'

b. Include the following:

- All existing and proposed roads, pedestrian ways (sidewalks) and drainage ways
- Curb cuts, drives and parking areas

- building lines enclosing the portion of the tract within which the buildings are to be erected
 - all existing and proposed utility infrastructure
 - required landscaping / vegetation plan
 - the proposed use of the land and buildings
 - building composition / building elevation illustrations
 - the existing zoning
 - tax map & parcel number reference
 - owner of record
- c. Show the building elevations for the front, rear and sides of all buildings are to be erected.
 - d. Include a vicinity map showing the relationship of the proposed development to Brownsville.
 - e. Show the relation of the proposed development to:
 - the street system
 - the surrounding use district
 - surrounding properties
 - f. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct
 - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
 - h. Provide certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.
2. The Planning Commission / Design Review Commission shall review the Site Plan within sixty (60) days. When conditions have been required of the applicant, such changes, as required by the Planning Commission / Design Review Commission, shall have been made.
 3. The Planning Commission/ Design Review Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission / Design Review Commission shall have the authority to give conditions approval to a Site Plan, subject to minor revisions being required by the Planning Commission, shall have been made.
 4. The certification required of the owner and trustee of the mortgage in 4.06 (F)(1) (H) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the

approved site plan, he or she shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

5. The Building Inspector shall have the authority to authorized minor revisions to the approved Site Plan during the process of construction, if, in his/her opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chair of the Planning Commission / Design Review Commission.

H. Enclosure requirements

All uses in the MU Mixed Use District shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses.

I. Certificate of Occupancy / Compliance Requirement

Prior to the installation of services provided by the Brownsville Energy Authority for uses within MU Mixed Use Districts, a Certificate of Occupancy / Compliance shall be obtained from the City of Brownsville Building and Codes Enforcement Department.