

**ORDINANCE NO. 2021-31**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE  
SECTION 8.4 REQUIRED BUFFER YARDS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Section 8.4, be amended to add requirements for multifamily development (more than 4 units/building) and remove requirements based on the number of lots; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

*ELEMENT 4: LIVABLE COMMUNITIES*

*OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.*

*POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.*

*POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.*

and,

WHEREAS, a legislative public hearing was conducted on Monday, June 21, 2021, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

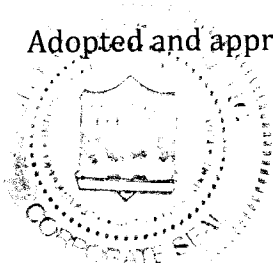
SECTION 01. Brevard City Code, Unified Development Ordinance Section 8.4 hereby be amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

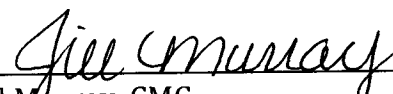
SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.


SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon this the 21<sup>st</sup> day of June, 2021.

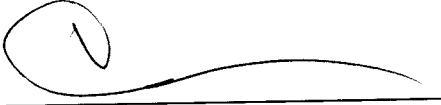


ATTEST:

  
\_\_\_\_\_  
Jill Murray, CMC  
City Clerk

  
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Mac Morrow  
Mayor Pro Tem

APPROVED AS TO FORM:



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Mack McKeller  
City Attorney

**8.4. - Buffers and screening.**

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**D. Required buffer yards:**

1. A buffer yard is intended to give spatial separation and to decrease visual contact between incompatible uses. Buffer yards shall be required in accordance with the tables below when any use is being established on a property that abuts an existing developed lot or less intense zoning district. More stringent buffer yard requirements may apply to certain specified uses as set forth in Chapter 3 of this ordinance.
2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

	Adjacent District							
	GR	RMX	NMX	DMX	IC	CMX	GI	
District in Which Development is Located	GR	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	D
	DMX	B	A	A	None	None	None	D
	IC	C	C	C	C	None	None	None
	CMX	D	D	D	D	None	None	None
	GI	E	E	E	E	None	None	None

3. In addition to the buffer yards required between districts as set forth above, buffer yards shall be required for certain types of development *within* certain zoning districts and associated conditional districts, as follows. This requirement applies regardless of the adjacent district. However, where conflicts occur between 8.4(D(2)), above, and this section, the more restrictive requirement shall apply.

	Type of Proposed Development			
		New Multifamily (more than 4 units/bldg.)/Residential Group Development (see i, below)	Mixed-Use/Non-Residential Subdivision and Non-Residential Group Development	Special Use Permit (see ii, below)
District in Which Development is Located	GR	B	B	B
	RMX	B	B	B
	NMX	B	B	A
	DMX	B	B	A
	CMX	B	D	B
	IC	B	C	B
	GI	N/A	E	B

- i. This requirement shall apply to any new residential project where a multifamily development contains more than 4 dwelling units per building, or residential group development.

- ii. This requirement shall apply to any project for which a Special Use Permit is issued for an individual use or structure on a distinct parcel of land as set forth above, unless a more restrictive buffer yard is otherwise required in Chapter 3 of this ordinance. No individual buffer yard shall be required for a use or structure permitted within a group development, or conditional district, for which project-wide buffering and general landscaping is required, unless such individual buffer yard is specifically required in Chapter 3 of this ordinance.

(Ord. No. 2021-31, § 1(Exh. A), 6-21-21)