

ORDINANCE NO. 2021-45

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 9**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 9, be amended to change the regulatory standards for access management; 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 2: ECONOMIC HEALTH

POLICY 2.1.C: Prioritize transportation and utility investments within corporate limits to support infill development...

ELEMENT 4: LIVABLE COMMUNITIES

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; and,

WHEREAS, a legislative public hearing was conducted on Monday, October 18, 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 Chapter 9 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

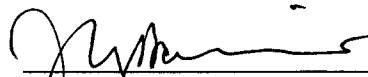
SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

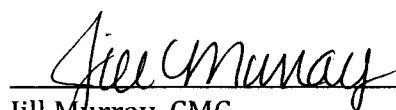
SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions 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 18th day of October, 2021.




Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

APPROVED AS TO FORM:



Mack McKeller
City Attorney

9.3. - Access management.

Access management standards that regulate the connection of new driveways to the street system shall be as follows. NCDOT must approve the design and location for the connection of new driveways when located on state-maintained roadways.

- A. New driveways, on public streets with curbing, shall be limited in accordance with the following standards:

Posted Speed Limit (mph)	Minimum distance between driveways	Minimum distance between driveways and intersections *
15	20 feet	40 feet
20	40 feet	80 feet
25 to 35	60 feet	120 feet
40	120 feet	240 feet
45	140 feet	280 feet
50	160 feet	320 feet
55	180 feet	360 feet

Note: Access separation between driveways shall be measured from inside edge of curb cuts. Access separation between a driveways and intersecting streets shall be measured from the nearest inside edge of the driveway curb cut to the intersecting right-of-way lines.

- B. Additional provisions:

1. The administrator shall require the closure of any nonconforming driveway or curb cut as a condition of approval of any land development application.
2. Whenever feasible in the interests of access management the administrator shall encourage the establishment of common drives and entrances with adjacent properties, and may require that driveways and entrances be situated along property lines.
3. Single-family, duplex, and secondary dwellings on existing lots of record and new infill development lots on roads 35 MPH and under shall be exempt from the "Minimum distance between driveways" standards for the first driveway, but shall meet minimum separation requirements for additional driveways. Additionally, driveway separation distances on new dead-end streets posted 30 MPH and under and with no on-street parking may also be exempted by the administrator. Further modification of these requirements shall be considered by the Board of Adjustment.
4. The Board of Adjustment may modify these requirements only after the following are satisfactorily provided by an applicant:
 - a. A transportation assessment performed by an engineer licensed in the State of North Carolina containing sufficient detail to demonstrate that the modification request does not adversely impact public safety or traffic operation; and
 - b. Evidence that the modification request represents the minimum necessary to address existing site constraints or to improve site circulation stemming from urban infill and/or redevelopment.
5. Appeals from any adverse decision by the administrator shall be made to the Board of Adjustment.

(Ord. No. 3-07, §§ 7, 8, 2-5-07; Ord. No. 15-08, § 27, 12-5-08; Ord. No. 2014-25, § 03(Exh. C), 12-15-14; Ord. No. 2018-26, § 1(Att. A), 9-17-18)