

ORDINANCE NO. 2022-25

**AN ORDINANCE AMENDING THE UNIFIED
DEVELOPMENT ORDINANCE CHAPTER 13 – INFRASTRUCTURE IMPROVEMENT
REQUIREMENTS AND CHAPTER 19 – DEFINITIONS**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 13 – Infrastructure Improvement Requirements and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following adopted plans and policies of the City of Brevard:

2015 Comprehensive Plan:

POLICY 2.2.H: Provide financial incentives to encourage additional affordable and workforce housing development.

OBJECTIVE 4.2: Develop a system of “complete neighborhoods” throughout Brevard.

POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

2002 Land Use Plan:

Goal 6.1: Provide adequate and appropriate rental housing for the various socio-economic groups.

Goal 6.2: Provide safe, adequate, and affordable housing for families within the City limits.

Focus 2020 Community Report:

Housing & Neighborhoods Rental Goal: To provide adequate and appropriate rental housing for the various socio-economic groups.

Housing & Neighborhoods Homeownership Goal: To provide safe, adequate, and affordable housing for families within the City limits.

and,

WHEREAS, a legislative public hearing was conducted on Monday, May 16, 2022, 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 the Code of Ordinances and 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. The Brevard Unified Development Ordinance 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 first reading this the 16th day of May 2022.



Maureen Copelof
Maureen Copelof
Mayor

ATTEST:

Jill Murray
Jill Murray, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
Mack McKeller
City Attorney

1 **13.4. General infrastructure design requirements.**

2 A. *Connection to city sewer system required.*

- 3 1. All developed property within the city limits and located within 300 feet of a city sewer line shall
4 be connected therewith, and the property owner shall be charged the prescribed tap fee and
5 system development fee for all such connections. Such connection shall be made in accordance
6 with the provisions of this article within 90 days after the date of official notice to connect.
- 7 2. Improved property served by wells and annexed by the city shall be connected to the city sewer
8 systems within five years of the effective date of annexation; provided, however, that no
9 connection to the sewer system shall be permitted without also connecting to the city's water
10 system.
- 11 3. New development within the city limits shall, in all cases, connect to a city sewer line. Sewer line
12 improvements required for new development are the sole responsibility of the developer. The
13 installation of improvements beyond the development boundary which are required for service to
14 the development will be provided by the developer.
- 15 4. City sewer is not required but may be permitted for new development within the city's
16 extraterritorial jurisdiction. The owner of any property within the city's extraterritorial
17 jurisdiction who requests connection to the city sewer system shall request voluntary annexation
18 into the City of Brevard. Proposed development that will not connect to the city sewer system
19 must contain adequate area for the installation of approved septic tank and disposal fields and
20 must be approved in writing by the county health officer.
- 21 5. Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy
22 vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

23 B. *Connection to city water system required.*

- 24 1. All developed property within the city limits shall be connected therewith and the property owner
25 shall be charged the prescribed tap fee and system development fee for all such connections.
- 26 2. Improved property served by wells and annexed by the city shall be connected to the city water
27 system, if within 300 feet, within five years of the effective date of annexation.
- 28 3. New development within the city limits shall, in all cases, connect to a city water line. Water line
29 improvements required for new development are the sole responsibility of the developer. The
30 installation of improvements beyond the development boundary which are required for service to
31 the development will be provided by the developer.
- 32 4. City water is not required but may be permitted for new development within the city's
33 extraterritorial jurisdiction. Proposed development that will not connect to the city sewer system
34 must contain adequate area for the installation of approved wells and must be approved in writing
35 by the county health officer.
- 36 5. Any development served by the city water system shall install fire hydrants in accordance with
37 city standards. Fire hydrant spacing and placement shall be determined by the public works
38 director in consultation with the fire marshal. For any development within the city's ETJ without a
39 fire suppression rated water system, that either has or is adjacent to an adequate permanent
40 surface water supply, the applicant may be required to install a dry fire hydrant system, the type
41 and the location of which is to be determined by the fire marshal. A road and easement to the
42 water source providing permanent all-weather access to the water source that is adequate for fire-
43 fighting equipment shall be constructed and dedicated to the city, if applicable.

44 C. *Sewer and water connections and infrastructure.* Sewer and water connections and infrastructure shall
45 occur in accordance with Chapter 70 of Brevard City Code and the City of Brevard *Standard Design and*
46 *Specifications Manual for Public Improvements*, and any necessary conditions of the public works
47 director.

48 D. *Utility easements.*

- 49 1. Sewer, water, storm water, and other utility easements shall be required within all new
50 development (including developments within the ETJ for which no public sewer or water is
51 proposed), and may be required within existing developments undergoing improvements at the
52 discretion of the administrator.
- 53 2. The precise location and width of easements shall be determined by the administrator. However,
54 unless otherwise specified, underground utilities should be located in alleys and lanes. If no alley
55 or lane is provided, then a five-foot (minimum) utility easement shall be provided behind the
56 sidewalk located within either the right-of-way or a public utility easement. Utility easements
57 centered on rear or side lot lines shall be provided where deemed necessary by the approving
58 authority and shall be at least 30 feet in width.
- 59 3. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall
60 be provided a stormwater easement or drainage right-of-way conforming substantially with the
61 lines of such water course, and such further width or construction, or both, as may be adequate for
62 the purpose of drainage.

- 63 4. Lakes, ponds, creeks, and similar areas within a subdivision will not be accepted for maintenance
64 by the city except as provided for in Chapter 6.
- 65 5. Easements shall be accurately depicted upon all plats and plans, and dedicated to the city by
66 means of a plat of dedication in accordance with procedures established by the administrator.
- 67 6. No structure shall be placed upon any easement. Fences and other impermanent obstructions may
68 be permitted by the administrator in consultation with the public works director.
- 69 E. *Sewer and water.* Sewer and water shall be installed by the developer and dedicated to the city prior to
70 the approval of any final subdivision plat or development plan unless a performance guarantee is
71 provided to the administrator in accordance with city Code, this ordinance, and procedures established
72 by the administrator. Sewer and water infrastructure shall be installed by the developer and dedicated
73 to the city prior to the issuance of any Certificates of Occupancy for any building within that phase or
74 along that line, as applicable to the particular development.
- 75 F. *Tap Fee Waivers for Eligible Affordable and Workforce Housing Projects.* The City is authorized to issue
76 tap fee waivers for eligible affordable rental housing and workforce rental housing projects within the
77 City to facilitate the construction of dwellings units at these income levels. Projects are eligible if the
78 developer agrees to provide housing exclusively for persons of low-income or moderate to middle-
79 income, respectively, for a minimum of 5 years beginning from the date of issuance of the Certificate of
80 Occupancy.
- 81 1. System development fees shall not be eligible for the waiver.
- 82 2. The waiver must be signed by the City Manager, at the recommendation of the Zoning Administrator,
83 and the Developer with written agreement to these conditions. The dwellings shall be fully constructed
84 within 18 months of the date of waiver of the fees.
- 85 3. In the event the guarantee is violated, the Developer shall reimburse the City of the full amount
86 waived plus interest at 18% per annum plus costs of recovering this sum.
- 87 4. The total available waiver amount is established each fiscal year as part of the City's annual budgeting
88 process. The funds for this amount shall not come from the utility budget. Eligible properties are able to have
89 100% of their tap fees waived, unless the total cost is greater than the remaining annual budget.

1 **19.3. Definitions.**

2 The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this
3 section, except where the context clearly indicates a different meaning:

4 *Affordable housing:* Housing units that cost no more than 30% of a low-income household's gross income, including
5 rent, utilities, insurance, and other housing-related expenses. Low-income refers to households earning no more than
6 80% of area median income (AMI) for a family in Transylvania County, as adjusted periodically by the Department of
7 Housing and Urban Development (HUD).

8 *Workforce housing:* Housing units that cost no more than 30% of a moderate-income household's gross income,
9 including rent, utilities, insurance, and other housing-related expenses. Moderate-income households earn 80-120% of
10 area median income (AMI) for a family in Transylvania County, as adjusted periodically by the United States Department
11 of Housing and Urban Development (HUD).