

ORDINANCE NO. 2022-40

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 2 – DISTRICT PROVISIONS, CHAPTER 5 – BUILDING TYPES
AND ARCHITECTURAL STANDARDS, AND CHAPTER 19 - DEFINITIONS**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 2 – District Provisions, Chapter 5 – Building Types and Architectural Standards, 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 elements of the City of Brevard Comprehensive Plan:

1. **OBJECTIVE 2.1:** Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - a. **POLICY 2.1.A:** Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction
2. **OBJECTIVE 4.1:** Increased efficiency of land uses to help stabilize and grow the City's tax base.
 - a. **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.
 - b. **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.
 - c. **POLICY 4.2.A:** Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

and,

WHEREAS, a public hearing was conducted on Monday, June 20, 2022, by the 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 2, Chapter 5 and Chapter 19 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

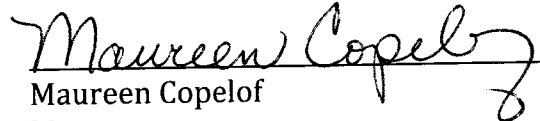
SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

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.

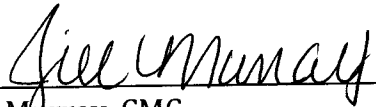
SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 20th day of June 2022.




Maureen Copelof
Mayor

ATTEST:


Jill Murray, CMC
City Clerk

APPROVED AS TO FORM:



Mack McKeller
City Attorney

EXHIBIT A

2.2. Use categories and tables of permitted uses.

C. *Use matrix.* The following matrix sets forth the manner by which certain uses may be permitted within the various districts set forth above.

1. "P" denotes those uses that are permitted "by right."
2. "—" denotes those uses that are not permitted within the given district.
3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in Chapter 16. Additional standards for certain uses requiring a special use permit are set forth in Chapters 3 and 5 of this ordinance.
4. "PS" denotes those uses that are permitted with additional standards, which are set forth in Chapter 3.
5. "GD" denotes those uses that may be permitted as a Group Development.
6. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.

BASE DISTRICT	GR	RMX	NMX	DMX	CMX	IC	GI
Residential							
Dwelling—Single Family ^(a)	P	P	—	—	—	P	—
Dwelling—Duplex	P	P	P	—	—	P	—
Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	—
Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	—
Dwelling—Secondary	PS	PS	PS	PS	PS	PS	—
Family Care Home (Less than 6 residents)	P	P	P	P	P	P	—
Home Occupation	PS	PS	P	P	P	P	—
Housing Service for the Elderly	SUP	P	P	P	P	P	—
Live-Work Units	Please see Subsection ^(f) below						—
Manufactured Home (single unit) ^(b)	MHD	MHD	MHD	MHD	MHD	MHD	—
Manufactured Home Park	SUP	SUP	—	—	—	—	—
Recreational Vehicle	—	—	—	—	—	—	—

2.3. Density and dimensional requirements.

District	Minimum Lot Size/Project Area	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density	Maximum Ground Floor Area Each Principal Structure
GR4	None	20 acres	4 du/ac	10,000 sq. ft.
GR8	None	20 acres	8 du/ac	8,000 sq. ft.
RMX—Single-family home and duplex	None	10 acres	15 du/ac	8,000 sq. ft.
RMX—Multi-family and nonresidential	None	10 acres	15 du/ac	25,000 sq. ft.
NMX	None	10 acres	25 du/ac	30,000 sq. ft.
DMX	None	10 acres	None	25,000 sq. ft.
CMX	None	10 acres	40 du/ac	50,000 sq. ft.
IC	None	None	15 du/ac	100,000 sq. ft.
GI	None	None	DU Not Permitted	100,000 sq. ft.

(Note: Projects or developments that do not meet one or more of the above standards may apply for conditional zoning in accordance with Section 2.1.C.)

17 **5.6. Permitted building type by district.**

18 The following table indicates the permitted building type requirements by district. An "X" indicates that
19 the specific building type and its requirements are applicable.

Building Type	Zoning District						
	GR	RMX	NMX	DMX	CMX	IC	GI
Civic	X	X	X	X	X	X	
Institutional	X	X				X	
House	X	X	X				
Townhome	X	X	X	X	X	X	
Apartment		X	X	X	X	X	
Mixed-Use			X	X	X	X	
Commercial					X		

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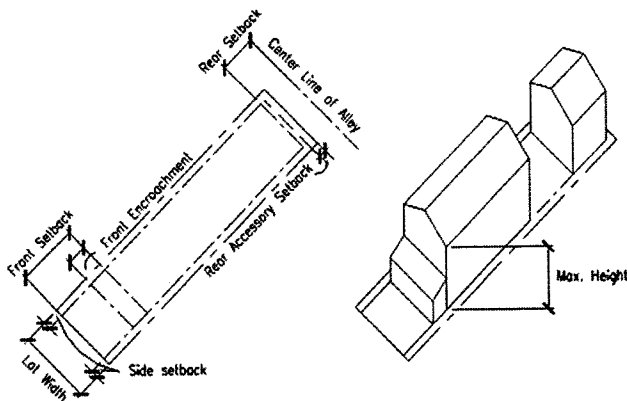
(Note: Because of the unique characteristics of group developments, they may be exempted from the permitted building type by district above, and instead may include all building types for all zoning districts, as determined by the administrator.)

24 **5.9. Building type: House.**

25 A. *Description:* The house is the predominant building type in the City of Brevard. It is flexible in use,
26 accommodating single family uses, multi-family uses up to four units, home occupations, professional
27 offices, and limited retail uses based on the zoning district in which it is located. The two types of houses
28 addressed herein are distinguished by how the lot is accessed with an automobile. Hence, there are
29 different standards for lots accessed by a driveway from a fronting street and for lots accessed by a rear
30 lane or alley. In general, within a block, building types should be uniform in their use of driveways or
31 rear lanes/alleys.

32 B. *Applicability:* These requirements shall only apply to such structures that have uses other than single
33 family dwelling or duplex.

34 **House with Driveway**

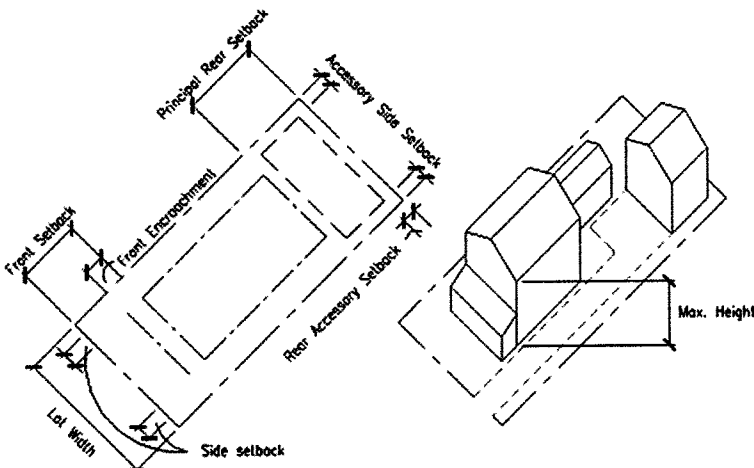


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37 **House with Rear Lane/Alley**

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40 C. *General requirements:*

- 41 1. Usable porches and stoops should be used as a primary architectural element of the building
42 design and be located on the front and/or side of the home. Useable front porches are at least eight
43 feet deep and extend more than 50 percent of the facade.
- 44 2. The width of an attached garage shall not exceed 40 percent of the width of the building facade.
- 45 3. Triplexes and quadraplexes shall have a single main entry. Additional auxiliary entrances shall be
46 hidden from street view. Primary building entrances shall be visibly emphasized, architecturally
47 embellished, and accessible from a street or sidewalk.
- 48 4. The architectural features (including colors, materials, embellishments, landscaping) shall be
49 similar or complimentary to that of surrounding buildings and landscape to achieve unity of
50 design and to not detract from buildings in the vicinity, especially if they are designated as
51 architecturally or historically significant. Bay windows, cornices, and other architectural elements
52 are encouraged, particularly when similar to surrounding buildings.

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54 D. *Materials:*

- 55 1. Residential building walls shall be primarily clad in one or more of the following materials: wood
56 clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board
57 and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance
58 and durability.
- 59 2. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional
60 asphalt shingles or synthetic materials similar and/or superior in appearance and durability.

61 E. *Other requirements:*

- 62 1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12
63 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main
64 building. No monopitch roof shall be pitched less than 4:12.
- 65 2. Two wall materials may be combined horizontally on one facade. The heavier material should be
66 vertically placed below the other material.
- 67 3. The undercroft of buildings shall be enclosed.
- 68 4. Overhanging eaves may expose rafters.
- 69 5. Flush eaves shall be finished by profiled molding or gutters.

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Triplex



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Quadraplex



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Professional Offices



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83 **19.3. Definitions.**

84 *Dwelling*: A building that contains one or two "dwelling units" used, intended or designed to be used,
85 rented, leased, let or hired out to be occupied for living purposes. See Dwelling unit.

86 *Dwelling—Duplex*: A building containing two residential dwelling units that is typically divided
87 horizontally, each unit having a separate entrance from the outside or through a common vestibule. Buildings
88 are typically under one ownership. (LBCS F 1100 and S1121)

89 *Dwelling—Multi-family (three or four units/building), also known as a Triplex or Quadraplex*: A building
90 containing three or four residential dwelling units. Each unit has a separate entrance from the outside or
91 through a common vestibule. Multi-family dwellings may include triplexes or fourplexes (buildings under one
92 ownership with three or four dwelling units in the same structure), as well as townhomes (a type of structure
93 that has at least three or more separate dwelling units divided vertically, each unit having separate entrances
94 to a front and rear yard). (LBCS S1121 and S1140)

95 *Dwelling—Multi-family (more than four units/building)*: A building containing more than four residential
96 dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These
97 structure may include apartments (five or more units under one ownership in a single building), and
98 townhomes (a type of structure that has at least three or more separate dwelling units divided vertically, each
99 unit having separate entrances to a front and rear yard). (LBCS S1121 and S1140)

100 *Dwelling—Secondary*: A dwelling unit designed for occupancy by one or two persons, not exceeding 800
101 square feet of gross floor space and located on a lot with an existing single-family dwelling or duplex. No
102 more than one such dwelling shall be situated on any lot.

103 *Dwelling—Single-family*: A free standing building designed for and/or occupied by one household. These
104 residences may be individually owned as residences or owned by rental or management companies. Single-
105 family dwellings are typically site-built structures that comply with the North Carolina Residential Building
106 Code, current edition, but also include factory-built, modular home units. (LBCS F1100 and S1100)

107 *Dwelling unit*: A single unit providing complete, independent living facilities for one or more persons,
108 including permanent provisions for living, sleeping, eating, cooking and sanitation.