

CHAPTER 2. - DISTRICT PROVISIONS

2.1. - General intent and establishment of districts.

A. *Base districts.*

1. In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the City of Brevard and its extra-territorial jurisdiction (hereafter, the "regulatory jurisdiction"), as indicated on the official zoning map is hereby divided into various districts that set forth uniform regulations for the development of land within each district.
2. The purpose of these district regulations is to provide a comprehensive plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

B. *Establishment of base districts, and purpose statements.* This ordinance establishes the following base districts for use as zoning categories

1. *General Residential (GR4 and GR6).* The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Land-Use Plan.
2. *Residential Mixed-Use (RMX).* The Residential Mixed-Use District is intended to provide for areas of higher density residential development in close proximity (within $\frac{1}{2}$ — $\frac{1}{4}$ mile) to existing and planned commercial centers such as the Downtown Mixed Use District. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.
3. *Neighborhood Mixed-Use (NMX).* The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.
4. *Railroad Avenue Mixed-Use (RAMX).* The Railroad Avenue Mixed-Use District is intended to provide pedestrian scaled, higher density residential uses and opportunities for a blend of commercial and light industrial uses in an area of transition at the functional center of an existing neighborhood. The district is distinguished from other mixed-use districts in that it accommodates site layouts, building forms and architectural styles that are consistent with the industrial history of the geographic context in which the district is situated.
54. *Downtown Mixed-Use (DMX).* The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.
65. *Corridor Mixed-Use (CMX).* The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. In addition, this district is established to assure the continuation of the natural beauty and green appearance of the major thoroughfares leading into the city, for

enhancement of the appearance of newly developed and redeveloped properties, and for the promotion of public safety by limiting the number and location of access points.

76. *Institutional Campus (IC)*. The Institutional Campus District is coded to allow for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health-care facilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles.

87. *General Industrial (GI)*. This district is primarily for general industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail. The standards established for general industrial areas are designed to promote sound permanent industrial development.

C. *Establishment of conditional zoning districts*. In addition to the base districts established above, and as authorized under G.S. 160A-382 and G.S. 153A-342 the following conditional districts are established which correspond to the above-referenced districts but which require the submission of a master plan as a prerequisite to any development. These districts are intended to allow for the establishment of specific land uses not otherwise permitted in the underlying base district, subject to applicable conditions of the approving authority, while insuring compliance with all other applicable provisions of this ordinance. These districts are not intended to relieve hardships that should be resolved by means of a variance, or to provide the design and dimensional flexibility of development overlay districts listed in Section 2.1(D), below. The procedure for the establishment of these districts is found in Chapter 16 of this ordinance.

1. General Residential Conditional Zoning District 10 (GR 10 CD).
2. Residential Mixed-Use Conditional Zoning District (RMX CD).
3. Neighborhood Mixed Use Conditional Zoning District (NMX CD).
4. Corridor Mixed Use Conditional Zoning District (CMX CD).
5. Central Business District Conditional Zoning District (CBD CD).
6. General Industrial Conditional Zoning District (GI CD).

D. *Overlay districts*. In accordance with North Carolina General Statute 160A-382, the following overlay districts are established. These overlay districts impose additional requirements on properties within one or more underlying base or conditional districts.

1. *Manufactured Home Overlay District (MHD)*. The purpose of the MHD is to allow for the continued placement of manufactured homes "by right" in areas where manufactured housing is a historical housing form. Manufactured homes shall be subject to the design requirements of Chapter 5 as well as other provisions of this ordinance. Manufactured home parks shall require a special use permit in all parts of the city in which they are permitted.

E. *Planned Development (PD)*. A Planned Development (PD) is a base zoning district classification which may only be assigned by means of conditional zoning pursuant to the procedures and criteria set forth in Section 16.8. This zoning classification is intended to provide an effective means for the city to manage the impacts of large-scale developments or developments in sensitive contexts and to provide developers with the flexibility for creative design approaches. The following developments may only be authorized for development in a Planned Development (PD) zoning district:

- ◆ Any development where the total ground floor area of all principal structures equals or exceeds 100,000 square feet;
- ◆ Any group development containing 25 or more structures or units;
- ◆ Any subdivision of land proposing 50 or more lots or condominium units;

- ◆ Any development for which the developed area is proposed to include ten or more acres of land (inclusive of required recreation and open spaces).

Finally, inasmuch as planned developments allow for flexibility in building location and proximity, thus allowing appropriate densities while protecting sensitive areas, they are encouraged in steep slope and flood plain areas where site conditions limit the development area.

1. *General intent/purpose of planned developments.* The planned development zoning district classification allows projects of innovative design and layout that would not otherwise be permitted under this ordinance because of the strict application of zoning district or general development standards. Planned development zoning encourages innovative land planning and design concepts by:
 - ◆ Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
 - ◆ Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
 - ◆ Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, housing prices, lot sizes, densities, and non-residential uses in a planned development;
 - ◆ Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
 - ◆ Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.

In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Planned development districts shall not be used as a means of circumventing the city's adopted land development regulations for routine developments.

2. *Designation procedure.* A Planned Development (PD) District shall only be created by means of conditional zoning pursuant to the procedure set forth in Section 16.8, which shall include submission, review, and approval of a planned development master plan or preliminary master plan as defined in Section 16.7. Simultaneous submission of a site and/or subdivision plan is optional.
3. *General use and development standards for PD Districts.*
 - (a) *Uses allowed.* A planned development may contain only those uses specified in the ordinance creating the PD district. Such uses may include any of the uses indicated in the use matrix contained in Section 2.C, provided such uses are consistent with the Land Use Plan.
 - (b) *Mixed uses encouraged.*
 - (1) Mixed use developments are strongly encouraged in PD zoning districts, including the mixing of principal residential uses with principal non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building).

Unless otherwise provided in the ordinance creating a planned development district, mixed use developments shall comply with the Traditional Neighborhood Development specific standards contained in Section 2.E.8, below.

- (2) Planned developments containing both residential and non-residential uses shall be designed, located, and oriented on the site so that non-residential uses are directly accessible to residents of the development. For the purposes of this section, "directly accessible" shall mean pedestrian and vehicular access by way of improved sidewalks or paths and streets that do not involve leaving the planned development or using a major thoroughfare. "Directly accessible" does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the development to the non-residential use.

(c) *Applicable standards.*

- (1) Development in a PD district shall comply with the standards contained in the following chapters of the Unified Development Ordinance: Chapter 4, General Lot and Structure Provisions; Chapter 6, Environmental Protection; Chapter 9, Circulation and Connectivity; Chapter 11, Lighting; Chapter 13, Infrastructure Improvement Requirements. Provided, however, the General Lot and Structure Provisions in Section 4.4.D, whereby all subdivisions of land are required to front on a public street, may be modified by means of the ordinance creating a planned development district.
- (2) The ordinance creating a PD district shall establish the following standards for development which may vary from applicable standards contained in the Unified Development Ordinance. If the ordinance creating a PD district fails to provide any of the standards required by this paragraph, any development in the district shall comply with the applicable standards contained in Brevard City Code.
 - a. Density and dimensional requirements (Section 2.3).
 - b. Additional use standards (Chapter 3).
 - c. Building types and architectural standards (Chapter 5).
 - d. Open space (Chapter 7), which shall be adequate to meet the needs of the proposed development.
 - e. Tree protection and landscaping (Chapter 8).
 - f. Parking standards (Chapter 10).
 - g. Signs (Chapter 12).
- (3) Development and land use in a PD district shall comply with the requirements of Chapters 14 through 19 of the UDO.
- (4) The ordinance creating the PD district shall specify whether phasing is proposed as well as the process, if applicable, for the review and approval of such phases, including any future subdivision of the property. Any references to final master plan in this section may apply to the entire planned development or an individual phase of such development.

4. *Transportation and circulation system.* The planned development's master plan shall demonstrate a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the city. If a preliminary master plan has been utilized in establishing a planned development district, final approval of the transportation and circulation system may be deferred to review of a final master plan for the entire development or any individual phase thereof. In such event, the planning board may condition final master plan approval on the developer's agreement to fund transportation and circulation

improvements identified in a traffic impact analysis or other submittal or reasonably related thereto. Failure by the developer to agree to such conditions shall constitute a major modification pursuant to Section 16.8.E.4(b).

5. *Off-street parking and loading.* The planned development's master plan shall comply with the off-street parking and loading requirements of Chapter 10, below, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the development is submitted as part of the master plan that is suitable for the development and consistent with the intent and purpose of the off-street parking and loading standards of this ordinance. If a preliminary master plan has been utilized in establishing a planned development district, final approval of the off-street parking and loading requirements may be deferred to review of a final master plan for the entire development or any individual phase thereof.
6. *Landscaping.* Landscaping shall comply with the standards of Chapter 8, below, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas, and is consistent with the urban design objectives and/or character of the area. Notwithstanding the foregoing, no variations from Section 6.7 shall be permitted.
7. *Open space.* Each planned development shall provide open space adequate to meet the needs of its residents, employees, and/or invitees. Such open space shall, at a minimum, comply with the requirements of Chapter 7, below.
8. *Traditional neighborhood development.* Unless the ordinance creating a PD district specifies otherwise, PD districts which contain residential uses shall incorporate the following traditional neighborhood development design principles:
 - (a) All neighborhoods shall have identifiable centers and edges.
 - (b) Edge lots shall be readily accessible to retail and/or recreation by non-vehicular means (a distance not greater than $\frac{1}{4}$ — $\frac{1}{2}$ mile).
 - (c) Uses and housing types shall be mixed and in close proximity to one another.
 - (d) Street networks shall be interconnected and blocks small.
 - (e) Sidewalks and other pedestrian infrastructure shall be interconnected and comprehensive.
 - (f) Civic uses shall be given prominent sites throughout the neighborhood.
 - (g) The entire land area of the development shall be divided into blocks, streets, lots and open space areas.
 - (h) Similar land categories shall generally front across streets. Dissimilar categories should abut at rear lot lines. Corner lots which front on streets of dissimilar use should be set back the same as the adjacent use with the lesser setback.
 - (i) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
 - (j) Open space shall be centrally located so that it is within walking distance from all locations within the planned development. No portion of the planned development shall be further than 760 feet ($\frac{1}{8}$ mile) from a public open space as defined in Chapter 7
 - (k) Dimensional standards shall be established in accordance with neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.
9. *Land use allocations.* The applicant shall specify the land use allocation in a planned development incorporating residential uses. Unless a different land use allocation is approved in the ordinance creating the PD district, land use allocation for such development shall be required to comply with the following table.

Land Use	Minimum	Maximum
Single-Family	15%	75%
Multi-Family	10%	40%
Lodging/Office/Retail	2%	40%
Civic	2%	None

(Note: The figures in the table above are to be calculated as the net development area, excluding street rights-of-way.)

10. *Land use areas.* If a preliminary master plan has been utilized in establishing a planned development district, said plan may divide the district into land use areas and specify use and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas which shall permit deferring the determination of the precise boundaries between land use areas until final master plan review.

2.2. - Use categories and tables of permitted uses.

A. All uses permitted in this Code have been divided into nine general categories as detailed below and are generally defined as follows:

1. *Residential:* Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
2. *Lodging:* Premises available for short-term human habitation, including daily and weekly rental.
3. *Office/service:* Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
4. *Retail/restaurants:* Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
5. *Entertainment/recreation:* Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
6. *Manufacturing/wholesale/storage:* Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
7. *Civic/institutional:* Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
8. *Infrastructure:* Uses and structures dedicated to transportation, communication, information, and utilities.
9. *Temporary uses:* Uses as defined in Chapter 19 of this ordinance.

B. Interpretation of use matrices.

1. Any use not listed in the use matrix and not otherwise explicitly permitted within this ordinance is prohibited, unless the administrator determines that it falls within the same class as a listed use as set forth below.
 2. Uses not listed as a permitted (P), permitted with additional standards (PS) or requiring a special use permit (SUP) are presumed to be prohibited from the applicable zoning district, except that prohibited uses may be permitted within the applicable zoning district through the application of a conditional zoning district in accordance with the provisions set forth in Chapter 16
 3. In the event that a particular use is not listed in the use matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the administrator shall determine whether a materially similar use exists in this chapter. Should the administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing. Should the administrator determine that a materially similar use does not exist, this chapter may be amended to establish a specific listing for the use in question in accordance with the provisions set forth for text amendments in Chapter 16
 4. The administrator may determine that a use is materially similar if:
 - (a) The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection (b) below.
 - (b) The proposed use shall not generate average daily trips exceeding other uses proposed in the zoning district by more than ten percent, as determined by the Institute of Transportation Engineers, Trip Generation (7th ed., 2003, or as subsequently updated)(the "ITE Manual"), which document is hereby incorporated by this reference. If the proposed use trip generation is not specifically listed in the ITE Manual, a use considered materially similar shall be used. The administrator may also refer to similar local traffic studies.
 5. In order to assist in interpretation of the use matrix, the LBCS numbers where applicable are enumerated. In interpreting the use matrix, the following rules of construction shall apply:
 - (a) If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications get more specific.
 - (b) Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.
- 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 may be permitted as a Group Development in accordance with the provisions set forth in Chapter 16
6. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.
7. "CD" denotes those uses that are permitted by means of the Conditional Zoning District process, which includes Planned Development Districts and Traditional Neighborhood Developments.

BASE DISTRICT	GR	RMX	RAMX	NMX	DMX	CMX	IC	GI
Residential								
Dwelling—Single Family (Site-built) ^(a)	P	P	P	—	—	—	P	—
Dwelling—Duplex	P	P	P	P	—	—	P	—
Dwelling—Town Home or Condominium Structure	GD	P	P	P	P	P	P	
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	SUP	P	P	P	P	P	P	—
Dwelling—Multifamily more than 4 units/bldg	—	P	P	P	P	P	P	—
Dwelling—Secondary	PS	PS	PS	PS	PS	PS	PS	—
Family Care Home (Less than 6 residents)	P	P	P	P	P	P	P	—
Home Occupation	PS	PS	PS	P	P	P	P	—
Housing Service for the Elderly	SUP	P	P	P	P	P	P	—
Live-Work Units (See Subsection (e) below)	P	P	P	P	P	P	P	—
Manufactured Home (single unit) ^(b)	MHD	MHD	—	MHD	MHD	MHD	MHD	
Manufactured Home Park	SUP	SUP	—	—	—	—	—	—
Recreational Vehicle	—	—	—	—	—	—	—	—
Lodging								
Bed and Breakfast Home	PS	PS	PS	PS	PS	PS	PS	—

Bed and Breakfast Inns	SUP	PS	PS	PS	PS	PS	PS	PS	—
Accessory Rental Cottage/Cabins ^(c)	PS	PS	PS	PS	—	—	—	—	—
Hotels/Motels/Inns	—	—	P	—	P	P	P	P	—
Rooming or Boarding House	—	—	P	P	P	P	P	P	—
Recreational Vehicle Park	—	—	—	—	—	—	—	—	—
Office/Service									
Animal Services	—	—	P	P	P	P	P	P	P
Artist Workshop	—PS	P	P	P	P	P	P	P	P
ATM	—	—	P	P	P	P	P	P	—
Banks, Credit Unions, Financial Services	—	—	P	P	P	P	P	P	P
Business Support Services	—	SUP	P	P	P	P	P	P	P
Adult/Child Day Care Home (Less than 6)	PS	PS	PS	PS	PS	PS	PS	PS	—
Adult/Child Day Care Center (6 or more)	—	PS	PS	PS	PS	PS	PS	PS	PS
Community Service Organization	—	SUP	P	P	P	P	P	P	P
Drive Thru Service	—	—	—	SUP	SUP	P	—	—	—
Equipment Rental (Indoor)	—	—	P	P	P	P	—	—	P
Equipment Rental (Outdoor)	—	—	—	—	—	P	—	—	P
Funeral Homes	—	—	PS	PS	PS	PS	PS	PS	—
Group Care Facility (6 or more residents)	—	P	P	P	P	P	P	P	—
Government Services	—	P	P	P	P	P	P	P	P
Kennels	—	—	SUP	SUP	—	PS	—	—	PS

Medical Services—Clinic, Urgent Care Center	—	SUP	SUP	SUP	P	P	P	—
Medical Services—Doctor office	—	P	P	P	P	P	P	—
Post Office	—	—	P	P	P	P	P	—
Professional Services	SUP	P	P	P	P	P	P	P
Personal Services	—	P	P	P	P	P	P	—
Studio—Art, Dance, Martial Arts, Music	—	P	P	P	P	P	P	—
Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
Vehicle Services—Minor Maintenance/Repair ^(d)	—	—	—	SUP	SUP	PS	PS	PS
Retail/Restaurants								
Accessory Retail	—	—	P	—	—	—	—	PS
Alcoholic Beverage Sales Store	—	—	P	SUP	P	P	—	—
Auto/Mechanical Parts Sales	—	—	P	—P	P	P	—	P
Bar/Tavern/Night Club	—	—	P	SUP	P	P	—	—
Drive-Thru Retail/Restaurants	—	—	—	—	SUP	PS	—	—
Gas Station	—	—	—	SUP	SUP	PS	—	PS
General Retail	—	—	P	P	P	P	P	—
Restaurant	—	—	P	P	P	P	P	P
Shopping Center—Neighborhood Center	—	—	GD	GD	GD	GD	—	—
Shopping Center—Community Center	—	—	—	—	—	GD	—	—
Vehicle/Heavy Equipment Sales—Indoor	—	—	PS	PS	PS	PS	—	PS
Vehicle/Heavy Equipment Sales—Outdoor	—	—	—	—	—	PS	—	PS

Entertainment/Recreation								
Amusements, Indoor	—	—	P	SUP	P	P	SUP	P
Amusements, Outdoor	—	—	—	SUP	SUP	P	—	P
Cultural or Community Facility	SUP	P	P	P	P	P	P	—
Meeting Facilities	—	SUP	P	P	P	P	P	—
Recreation Facilities, Indoor	SUP	SUP	P	SUP	P	P	P	P
Recreation Facilities, Outdoor	SUP	P	P	P	P	P	P	P
Theater, Movie	—	—	P	—	P	P	—	—
Theater, Live Performance	—	SUP	P	SUP	P	P	P	—
Manufacturing/Wholesale/Storage								
Contractors Office and Equipment Shed (See subsection (f) below)	PS	—	P	—	P	P	P	P
Inert Debris Storage or Disposal Facilities	—	—	—	—	—	—	—	PS
Junkyard	—	—	—	—	—	—	—	SUP
Laboratory—Medical, Analytical, Research and Development	—	—	P	—	—	SUP	SUP	P
Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
Manufacturing, Light	—	—	P	—	—	SUP	—	P
Manufacturing, Neighborhood	—	—	P	P	P	P	P	P
Manufacturing, Heavy	—	—	—	—	—	—	—	SUP
Media Production	—	—	P	P	P	P	P	P
Metal Products Fabrication, Machine or Welding	—	—	P	SUP	SUP	P	—	P

Shop								
Mini-Warehouses	—	—	P	—	—	SUP	—	P
Recycling—Small Collection Facility	—	—	—	—	—	SUP	SUP	P
Research and Development	—	—	P	—	P	P	P	P
Storage—Outdoor Storage Yard as a Primary Use	—	—	—	—	—	SUP	—	P
Storage—Warehouse, Indoor Storage	—	—	P	—	—	SUP	—	P
Wholesaling and Distribution	—	—	P	—	—	P	—	P
Civic/Institutional								
Campground/Artist Colony/Summer Camp	SUP	SUP	SUP	SUP	—	—	SUP	—
Cemeteries	PS	PS	—	PS	PS	PS	PS	—
Colleges/Universities	—	—	P	SUP	P	P	P	—
Hospital	—	—	—	—	P	P	P	—
Jail	—	—	—	SUP	SUP	P	P	P
Public Safety Station	SUP	SUP	P	P	P	P	P	P
Religious Institutions	SUP	P	P	P	P	P	P	—
Schools—Elementary and Secondary	SUP	P	P	P	P	P	P	—
Schools—Vocational/Technical	SUP	P	P	P	P	P	P	P
Infrastructure								
Wireless Telecommunication Facility—Stealth	P	P	P	P	P	P	P	P
Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS

Utilities—Class 1 and 2	P	P	P	P	P	P	P	P
Utilities—Class 3	—	—	P	—	—	—	—	P
Miscellaneous Uses								
Adult Establishment	—	—	—	—	—	—	—	SUP
Outdoor Firing Range	—	—	—	—	—	—	—	SUP
Indoor Firing Range	—	—	P	—	SUP	SUP	SUP	SUP
Agriculture	P	—	P	—	—	P	P	P
Parking	PS	P	P	P	P	P	P	P
Swimming Pool—Residential Accessory Use	PS	PS	P	PS	PS	PS	PS	—
Swimming Pool—Primary Use	—	SUP	P	SUP	PS	PS	PS	—
Fences	PS	PS	P	PS	PS	PS	PS	PS
Human Crematories	—	—	P	PS	PS	PS	P	P
Temporary Uses and Structures								
Carnivals or Circus	—	—	—	—	—	PS	PS	PS
Farmers Market	—	—	PS	PS	PS	PS	PS	—
Religious Meeting	PS	PS	PS	PS	PS	PS	PS	PS
Contractor's Office and Equipment Shed (Temporary)	PS	PS	PS	PS	PS	PS	PS	PS
Seasonal Structures	PS	PS	PS	PS	PS	PS	PS	PS
Satellite Real Estate Sales Office	PS	PS	PS	PS	PS	PS	PS	PS
Special Event	PS	PS	PS	PS	PS	PS	PS	PS

Temporary Vendors	—	—	PS	PS	PS	PS	—	—
Vending Pushcarts	—	—	PS	—	PS	—	—	—
Mobile Food Vendors	—	—	PS	PS	PS	PS	PS	PS

- (a) Within NMX, DMX, and CMX districts, single family structures are permitted only as town homes or multi-family structures; on the second or higher floor of any structure where the ground floor is used for non-residential purposes; or as part of a group development, or conditional district, in which event they shall not be subject to the foregoing limitation.
- (b) Manufactured homes are permitted with standards in the Manufactured Home Overlay District.
- (c) Accessory rental cottage/cabins are permitted with standards in association with approved bed and breakfasts.
- (d) Vehicle services are permitted within institutional campuses only for the purposes of maintaining vehicles associated with the operation of the campus and for instructional classes. For example, a college may operate a maintenance shop for the campus fleet, as well as, for instructional classes. Other vehicle service operations shall not be permitted within institutional campuses.
- (e) Non-residential uses within a live-work unit must be listed within Chapter 2, Section 2.2 (C. Use Matrix) as a permissible use within the district in which the live-work unit is proposed. and such non-residential use must be approved by means of the appropriate permitting process. Non-residential enterprises and residential units within any live-work unit that is located within a General Residential District shall have a common tenant. In districts where residential building types are not permitted. live-work units may be permitted within pre-existing non-conforming residential structures.
- (f) Contractors Office and Equipment Sheds are permitted in GR4, but are not permitted in GR6.
- (g) Allowable uses of land within Conditional Zoning Districts, Planned Development Districts, and Traditional Neighborhood Developments shall be determined by City Council and enumerated within site specific development ordinances associated with such projects. Note subsection 2.4.A.2, below.

2.3. -- “By Right” Ddensity and dimensional requirements.

District	Minimum Lot Size/Project Area By Right	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density By Right	Maximum Ground Floor Area Each Principle Structure By Right	Principal Structure Ground Floor Area With SUP (See 2.3(A) and 2, below)
GR4	None	20 acres	4 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR6	None	20 acres	6 du/ac	4,000 sq. ft.	>4,000 sq. ft.

GR 10 CD	None	20 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RMX	None	10 acres	1510 du/ac, 15 SUP	4,000 sq. ft.	>4,000 sq. ft.
RMX CD	None	10 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RAMX	None	10 acres	None	10,000 sq. ft.	
NMX	None	10 acres	10 du/ac, 15 SUP None	10,000 sq. ft.	>10,000 sq. ft.
NMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
DMX	None	10 acres	10 du/ac, 15 SUP None	10,000 sq. ft.	>10,000 sq. ft.
DMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
CMX	None	10 acres	15 du/acNone	20,000 sq. ft.	>20,000 sq. ft.
CMX CD	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
IC	None	None	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
GI	None	None	DU Not Permitted	50,000 sq. ft.	>50,000 sq. ft.
GI CD	None	None	DU Not Permitted	20,000 sq. ft.	>20,000 sq. ft.
CD / PDD / TND	To be determined by approving authority				

A. *Development intensity.*

1. The following development types are considered group developments that may be permitted by the technical review committee in accordance with Chapter 16

- (a) Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (Examples include but are not limited to summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes);
 - (b) Minor subdivisions, as defined in Chapter 19, resulting in the establishment of condominium buildings, lots or spaces, town homes, and other projects for which zero lot line development is proposed; or,
 - (c) Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.
2. [Reserved.] The density, dimensional, and setback requirements, which are set forth in Section 2.3, may be modified by City Council by means of the Conditional Zoning District, Planned Development District, Traditional Neighborhood Development processes as set forth herein and in Chapter 16 of this Ordinance.

B. Front yard setbacks.

Minimum Front Yard Setbacks		
District	Setback from Right-of-Way (See 2.4(B(1)))	Commercial Service/Alley/Rear Lane (See 2.3(B(1)))
GR (4, 6, 10 CD)	15 feet	Edge of right-of-way
RMX/RMX CD	10 feet	Edge of right-of-way
RAMX	Edge of right-of-way	Edge of right-of-way
NMX/NMX CD	Edge of right-of-way	Edge of right-of-way
DMX/CBD CD	Edge of right-of-way	Edge of right-of-way
CMX/CMX CD	10 feet	Edge of right-of-way
IC (2.4, 2.3)	40 feet	Edge of right-of-way
GI/GI CD (2.4, 2.3)	40 feet	Edge of right-of-way
CD / PDD / TND	To be determined by approving authority	

1. Front yard setbacks as set forth below shall be measured from the edge of the right-of-way of the roadway. For private streets, a right-of-way in accordance with Chapter 13 shall be

assumed by the administrator. The administrator may impose additional setbacks based upon specific guidance from the *City of Brevard Comprehensive Transportation Plan*, the *City of Brevard Downtown Master Plan* and other district or small area/master plans, the *City of Brevard Comprehensive Pedestrian Plan*, the *City of Brevard Street Schedule*, or other plans or policies of the city.

2. IC and GI setbacks as listed above shall only apply to public streets within and adjacent to the subject campus or project. Internal setbacks shall be to the edge of the right-of-way or assumed right-of-way.
3. Setbacks as listed in the preceding table may not account for landscaping requirements set forth in Chapter 8 of this ordinance.
4. [Reserved.]
5. The administrator may approve deviations from required setbacks by up to 20 percent of the required area in accordance with Chapter 16 in order to protect right-of-way or in deference to the steep slope, surface water protection, and other requirements of this ordinance, as well as the flood damage prevention requirements of Chapter 34 of Brevard City Code.
6. Structures located on corner lots or multi-fronted lots shall conform to the front yard setbacks as set forth herein along all streets upon which such lots front.
7. The administrator shall require additional setbacks as necessary to account for existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-street parking, and other improvements that deviate from a standard street cross-section.
8. The administrator shall deduct appropriate setbacks as necessary to account for one-way streets.

C. *Side and rear yard setbacks.*

District	Side Yard Setback	Setback Between Buildings New Development Without Partwall	Rear Yard Setback
GR (4, 6, 10CD)	6	6	25
RMX/RMX CD	6	6/10 (MF)	25/10
RAMX	0/10 from GR district	6/10 (MF)	0/10 from GR district
NMX/NMX CD	0/10/30 from residential GR district	6/10 (MF)	25/10
DMX/CBD CD	0/10 from GR district	0 Default to NC Building & Fire Codes	0/10 from GR district
CMX/CMX CD	0/30/20 from residential GR district	0	10/20/40 from residential GR district
IC	40 foot setback along all external boundaries		

GI/GI CD	40 foot setback along all external boundaries
CD / PDD / TND	To be determined by approving authority

1. Zero-lot line development (i.e. town homes, condominiums and similar structures) and other structures using partiwalls are permitted subject to other requirements as set forth in this ordinance.

D. *Accessory structures.*

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 6, 10CD)	3	6	3	10
RMX/RMX CD	0	3	0	3
RAMX	0	3	0	3
NMX/NMX CD	0	3	0	3
DMX/CBD CD	0	0	0	0
CMX/CMX CD	0	0	0	0
IC	40 foot setback along all external boundaries			
GI/GI CD	40 foot setback along all external boundaries			
CD / PDD / TND	To be determined by approving authority			

E. *Other structure and lot dimensional requirements.*

District	Height By Right (1)	Min. Lot Width at Building Line and Right-of-Way Line (2)
GR (4, 6 10 CD)	35 feet	30 feet

RMX/RMX CD	35 feet	30 feet
RAMX	35 feet	0 feet
NMX/NMX CD	35 feet	20 feet
DMX/CBD CD	50 feet	0 feet
CMX/CMX CD	50 feet	0 feet
IC	50 feet	60 feet
GI/GI CD	50 feet	60 feet
CD / PDD / TND	To be determined by approving authority	

1. Additional height may be permitted by the board of adjustment (hereinafter BOA) as a special use permit. See the requirements for large structures as set forth in Chapter 5, Section 5.14. See computation of building height as set forth in Chapter 5, Section 5.17
2. The approving authority may authorize the establishment of lots in GR, RMX, and NMX districts that do not meet the minimum width requirements set forth above. However, the following standards shall apply:
 - (a) Such lots shall have frontage upon a public street.
 - (b) Off-street parking shall be provided in the rear of the principal structure and shall not be located in the side yard or front yard of the lot.
 - (c) Off-street parking shall be accessed by a commercial service street, alley, or rear lane. Provided that all lots meet minimum public street frontage requirements of this ordinance. Such travel lane may be a situated upon a private easement or right-of-way.
3. Front and side yard setbacks for infill structures shall be consistent with or equal to the average setbacks for all principal structures within 300 feet or one block length (whichever is greater). Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be as stated above. Other setback modifications are permitted through the provisions of Chapter 16 of this ordinance.
4. Upon a determination that there is no practical alternative that would effectively facilitate access to a structure, the Administrator may permit Hhandicapped ramps and steps are permitted to encroach into the front setback areas and side setback in accordance with Chapter 4.
5. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this ordinance.

2.4. - Traditional Neighborhood Development (TND) specific standards.

A. Specific district provisions.

1. *Development size (Minimum—Maximum): 20 acres—200 acres.*

(Note: Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions.)

- (a) The entire land area of the TND shall be divided into blocks, streets, lots and open space areas.
- (b) Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- (c) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
- (d) No portion of the TND is further than 760 feet (1/8 mile) from a public open space as defined in Chapter 7
- (e) Open space shall be centrally located so that it is within walking distance (1/4—1/2 mile) from all locations within the TND. All required open space shall be in accordance with the provisions of Chapter 7
- (f) Dimensional standards: The dimensional standards shall be established in accordance with the neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.

2. *Land allocation by use.*

(Note: The figures in the table below are to be calculated as the net development area, excluding street rights-of-way.)

Land Use	Minimum	Maximum
Single-Family Uses	15%	75%
Two-Family and Multi-Family Uses	10%	40%
Lodging/Office/Retail Uses	2%	40%
Civic Uses	2%	None
Open Space	Per Chapter 7	