

**ORDINANCE NO. 2023-07**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE  
CHAPTER 2 – DISTRICT PROVISIONS, CHAPTER 4 – GENERAL LOT AND STRUCTURE  
PROVISIONS, CHAPTER 17 – DEVELOPMENT PLAN REQUIREMENTS, 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 4 – General Lot and Structure Provisions, Chapter 17 – Development Plan 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 elements of the City of Brevard Comprehensive Plans:

2015 Comprehensive Plan:

- **POLICY 3.1.A:** Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.
- **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.
- **OBJECTIVE 5.1:** Increased safety and efficiency of vehicular traffic within and passing through Brevard.

and,

**WHEREAS**, a public hearing was conducted on Tuesday, January 17, 2023, 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 3, Chapter 4, Chapter 10, 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 6<sup>th</sup> day of February 2023.



Maureen Copelof  
Maureen Copelof  
Mayor

ATTEST:

Denise Hodsdon  
Denise Hodsdon, CMC  
City Clerk

APPROVED AS TO FORM:

Mack McKeller  
Mack McKeller  
City Attorney

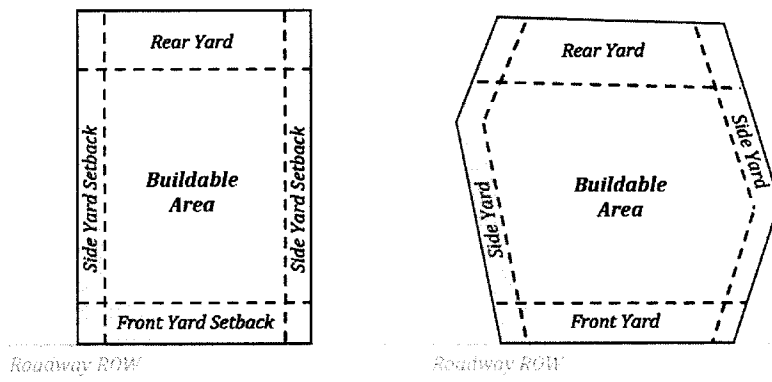
**EXHIBIT A**

**2.3. Density and dimensional requirements.**

**B. General standards for all setbacks.**

1. A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section 5.17.
  - a. Landscaping requirements set forth in Chapter 8 of this ordinance may supersede setbacks listed herein.
2. *Types of setbacks:*
  - a. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
  - b. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.
  - c. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

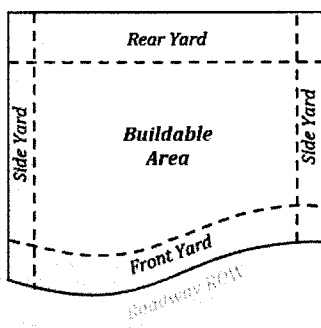
**Illustrative Setback Diagrams**



**3. Measurement of setbacks:**

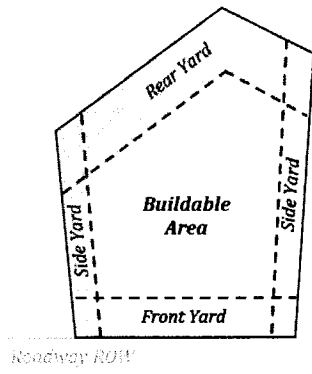
- a. Required yard setbacks are measured parallel to the applicable lot line or public right-of-way line.
  - i. Front yard setbacks shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
  - ii. Side yard and rear yard setbacks shall be measured from the property line(s).
- b. When lot lines are curvilinear, setbacks shall be measured parallel to the curvilinear lot line.

**Setbacks from Curvilinear Lot Lines**



- c. When there are multiple rear lot lines, the rear setback must be measured from each of the rear lot lines.

### Setbacks from Multiple Rear Lot Lines



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4. *Administrative decisions for setbacks:*

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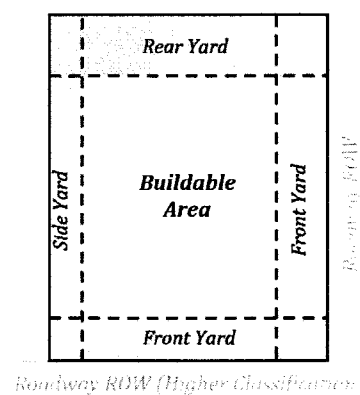
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5. *Corner lots and multi-frontage lots setbacks:*

- a. Any structure on any lot that fronts on more than one street shall comply with the minimum front yard setback requirement for each street upon which the lot fronts.
- b. Alleys, rear lanes, and commercial service lanes are not classified as streets for the purpose of determining corner or multi-frontage lot setbacks.
- c. The rear yard shall be determined as the portion of the lot on the opposite side of the lot from the front yard on the street with the higher classification.

### Setbacks from Multi-frontage Lots



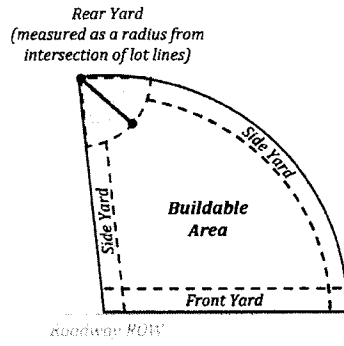
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6. *Triangle lots and other lots without a rear lot line:*

- 57 a. On properties where there is no rear lot line, the rear setback shall be measured as a radial  
 58 distance from the intersection of side lot lines at the rear of the lot.

**Setbacks from Lots with  
 No Rear Lot Line**



- 59 b.  
 60 7. Irregular lot setbacks:  
 61 a. The location of required front, side and rear yards on irregularly shaped lots shall be  
 62 determined by the administrator. This determination shall be based on the spirit and intent  
 63 of this ordinance to continue the appropriate spacing and location of buildings and  
 64 structures on individual lots.  
 65 b. Lots that do not have an obvious visual relationship with the fronting street, such as  
 66 "irregular lots," shall be evaluated on the basis of having one setback from neighboring  
 67 properties. The setback amount shall be equal to the minimum rear setback for the district,  
 68 unless:  
 69 i. A newly-created irregular lot would convert an existing conforming secondary or  
 70 accessory dwelling unit to a principal single-family structure. In this case, the  
 71 setbacks for the principal structure may equal that of an accessory structure of that  
 72 size in the zoning district.  
 73 c. For irregular lots, the Zoning Administrator will determine the termination of the "parcel  
 74 connector" based on the definition and will measure front-yard setbacks from that point.

- 75 8. Zero-lot line development setbacks:  
 76 a. Zero-lot line development (i.e., townhomes, condominiums and similar structures) and other  
 77 structures using partiwalls are permitted subject to other requirements as set forth in this  
 78 ordinance.

- 79 9. Infill lot setbacks:  
 80 a. The administrator may grant exceptions to the setback requirements of this ordinance for  
 81 infill developments where the average setback on already-built-upon lots located wholly or  
 82 in part within the same block and zoning district, and fronting on the same street as such lot,  
 83 is less than the minimum required setback. In such cases, the front and side setbacks on such  
 84 lot may be less than the required setback but not less than the average of the existing  
 85 setbacks on the developed lots.  
 86 b. In established neighborhoods, the administrator may determine that the functional rear yard  
 87 is not opposite the front yard based on the peculiar shape of the parcel or the development  
 88 pattern. In these cases, the administrator may determine that another line shall be  
 89 considered the rear lot line for setback purposes.

- 90 10. Lots within the Downtown Development Overlay District:  
 91 a. New buildings in the Downtown Development Overlay District shall be subject to a front  
 92 build-to line, or maximum setback, of 12 feet, as measured from the edge of the right-of-way,  
 93 with a build-to percentage of 80 percent. The build-to percentage may be reduced to 50  
 94 percent if the new building includes a public courtyard or plaza space.

95 C. Setbacks for zoning districts:

- 96 1. The minimum setback distance for principal structures varies by zoning district and shall be  
 97 measured in accordance with this section.

| District  | Front Yard Setback   | Rear Yard Setback                           | Side Yard Setback                          |
|-----------|----------------------|---|--|
| GR (4, 8) | 15 feet              | 25 feet                                     | 6 feet                                     |
| RMX       | 10 feet              | 25 feet                                     | 6 feet                                     |
| NMX       | Edge of right-of-way | 10 feet                                     | 0 feet / 10 feet from residential district |
| DMX       | Edge of right-of-way | 0 feet                                      | 0 feet                                     |
| CMX       | 10 feet              | 10 feet / 25 feet from residential district | 0 feet / 10 feet from residential district |

|     |   |   |   |
|-----|---|---|---|
| IC  | 40 feet                                 | 40 feet                                     | 40 feet                                     |
| GI  | 15 feet                                 | 10 feet / 25 feet from residential district | 10 feet / 25 feet from residential district |
| CZD | To be determined by approving authority |   |   |

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D. *Setbacks for accessory structures.*

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1. Setbacks for accessory structures vary based on the size of the structure and the zoning district.

| District  | Side Yard Setback                         |   | Rear Yard Setback                         |   |
|-----------|---|---|---|---|
|           | < 120 sq. ft.                             | ≥ 120 sq. ft.                             | < 120 sq. ft.                             | ≥ 120 sq. ft.                             |
| GR (4, 8) | 3 feet                                    | 6 feet                                    | 3 feet                                    | 10 feet                                   |
| RMX       | 0 feet                                    | 3 feet                                    | 0 feet                                    | 3 feet                                    |
| NMX       | 0 feet                                    | 3 feet                                    | 0 feet                                    | 3 feet                                    |
| DMX       | 0 feet                                    | 0 feet                                    | 0 feet                                    | 0 feet                                    |
| CMX       | 0 feet                                    | 0 feet                                    | 0 feet                                    | 0 feet                                    |
| IC        | 40 feet along all external boundaries     |   |   |   |
| GI        | 10 feet/25 feet from residential district | 10 feet/25 feet from residential district | 10 feet/25 feet from residential district | 10 feet/25 feet from residential district |
| CZD       | To be determined by approving authority   |   |   |   |

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2. Accessory structures to residential uses within 6 feet of the principal structure are considered to be attached for the purpose of setbacks, and shall comply with the setbacks of the principal structure.

E. *Other structure and lot dimensional requirements.*

| District  | Height By Right (1)                     | Min. Lot Width for Conventional Lot (2) | Min. Lot Width of Irregularly Shaped Lot (3) | Max. Parcel Connector Length of Irregular Lots (4) | Out-Parcels (5) |
|-----------|---|---|--|--|-----------------|
| GR (4, 8) | 35 feet                                 | 30 feet                                 | 20 feet                                      | 300 feet   | -               |
| RMX       | 35 feet                                 | 30 feet                                 | 20 feet                                      | 300 feet   | -               |
| NMX       | 35 feet                                 | 20 feet                                 | -  | -  | -               |
| DMX       | 50 feet                                 | 0 feet                                  | -  | -  | P               |
| CMX       | 50 feet                                 | 0 feet                                  | -  | -  | P               |
| IC        | 50 feet                                 | 60 feet                                 | 20 feet                                      | 300 feet   | P               |
| GI        | 50 feet                                 | 60 feet                                 | 20 feet                                      | 300 feet   | P               |
| CZD       | To be determined by approving authority |   |  |  |                 |

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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. Minimum lot width for conventional lots shall be fulfilled at the right-of-way line.
- 3&4. Irregularly shaped lots are permitted to have the reduced minimum lot width at the right-of-way line if the lot width reaches the minimum lot width for a conventional lot within the maximum allowable parcel connector length. Additional standards are levied on these parcels (see Section 4.3.G).
5. In Zoning Districts where out-parcels are permitted, the minimum lot width at the right-of-way for irregular lots may be fulfilled by an exclusive access easement for ingress, egress, and utilities. This easement must be at least the width of the minimum lot width for irregular lots in the Zoning District.
  - a. "P" denotes out-parcels are permitted.
  - b. "-" denotes out-parcels are not permitted within the given district.
6. No structure or land use shall encroach upon any public right-of-way or easement, unless otherwise provided for by this ordinance.

124 **4.3. Lot requirements.**

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- A. *May not reduce/create lot(s) below minimum requirements:* No lot existing upon adoption of this ordinance shall be reduced in size or area below the minimum requirements of the zoning district in which it is located. Lots created after the effective date of this ordinance shall meet the minimum requirements established by this ordinance. This prohibition shall not be construed to prevent the purchase or condemnation of land for public utilities, substations, street right-of-way, pedestrian facilities, recreational facilities, stormwater management or similar public purposes.

131 B. *Right-of-way protection:*

- 132 1. Notwithstanding any other provision of this ordinance, no building or structure shall be permitted  
133 within a public street, road right-of-way, or easement, public sidewalk or other pedestrian facility,  
134 or within any private right-of-way, except for those encroachments permitted in Chapter 5 of this  
135 ordinance.
- 136 2. No portion of any structure shall be placed upon any parcel boundary or within any street right-of-  
137 way. New subdivisions of land shall be designed to prevent the placement of a structure on any  
138 parcel boundary or within any street right-of-way. This provision shall not prohibit zero lot line  
139 structures with common walls situated on one or more lot lines.
- 140 3. Rights-of-way or easements for streets and roads shall not be considered a part of a lot or open  
141 space, or front, side, or rear yards for the purpose of meeting yard requirements.

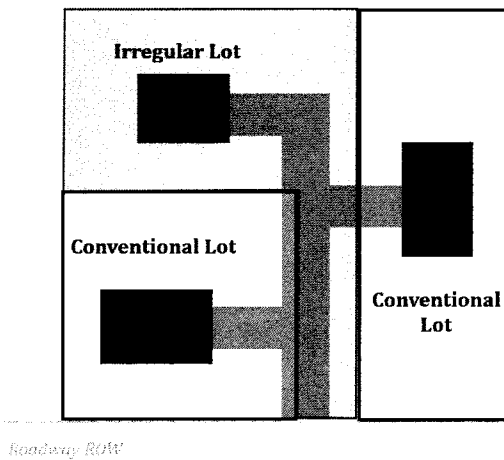
142 D. *Number of principal buildings per lot:*

- 143 1. Except as indicated in paragraph 4.3(E(3)), below, there shall be no limit on the number of  
144 principal buildings on an individual lot and provided that all other requirements set forth in this  
145 ordinance and other federal, state, or local laws are met.
- 146 2. Multiple principal buildings shall be considered to be group developments in accordance with  
147 Section 2.3.
- 148 3. Single-family dwellings. There shall be no more than one single-family dwelling on an individual  
149 lot in a residential zoning district. This requirement shall not prohibit the establishment of  
150 secondary dwelling units in accordance with Section 3.14.

151 E. *New Irregularly shaped lots:*

- 152 1. An irregular lot shall only be permitted if necessary to allow a property owner reasonable use and  
153 benefit from their land or to alleviate situations which would otherwise cause a hardship as  
154 determined by the Zoning Administrator, including but not limited to the following:
- 155 a. Where necessary to eliminate access onto arterials
  - 156 b. To reasonably utilize irregularly shaped land
  - 157 c. To reasonably utilize land with extreme topography
  - 158 d. To reasonably utilize land with limited sites suitable for septic tank nitrification fields
  - 159 e. Where it is unlikely that a road created in lieu of an irregular lot would ever be extended,  
160 or otherwise needed to provide access to adjoining parcels
  - 161 f. To provide for the protection of significant natural or cultural resources
- 162 2. Irregular lots shall not be permitted:
- 163 a. If the dimensional requirements or other element of the definition is not met.
  - 164 b. If the irregular lot does not appear to have reasonable development potential.
  - 165 c. If the irregular lot is a clear circumvention of other provisions of this ordinance.
- 166 3. The Zoning Administrator may grant exceptions to the requirement that the "parcel connector"  
167 provide functional access with an exclusive access easement for ingress, egress, and utilities. This  
168 easement must be at least the width of the minimum lot width for irregular lots in the Zoning  
169 District. All other requirements for irregular lots shall be fulfilled by the exclusive access  
170 easement. This exemption may only be granted in instances where:
- 171 a. The property is located in zoning districts where out-parcels are permitted.
  - 172 b. The Administrator determines that an easement is necessary to reduce the number of  
173 driveways on a public street where the posted speed limit is 25 miles per hour or greater.
  - 174 c. The Administrator determines that extreme site conditions preclude the property owner from  
175 reasonably achieving functional access.
- 176 4. Use of a shared private drive to serve an irregular lot and adjoining lot(s) is permitted and  
177 encouraged. The shared private drive shall be constructed in accordance with Section 9.3.B.

**Illustrative Diagram of  
Shared Private Drives**



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5. The development standards of the zoning district in which a property is located shall apply to the irregular lot development, except that the required minimum lot width for a conventional lot is replaced by the minimum lot width for irregular lots in the zoning district (Section 2.3.E).

F. *Reserve strips:* There shall be no reserve strips platted in any subdivision.

**4.4. Street frontage required.**

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- A. A public street is any road or street that is under the ownership, control, and maintenance of the City of Brevard, the State of North Carolina, or the United States of America.
- B. Access, utility, service, or other easements under the ownership, control, or maintenance of the City of Brevard, the State of North Carolina, or the United States of America shall not be considered public streets for the purposes of satisfying street frontage requirements.
- C. Public rights-of-way under the ownership and control of the City of Brevard, the State of North Carolina, or the United States of America, which are not open and operable as a travel lane for motorized vehicles shall not be considered public streets for the purposes of satisfying street frontage requirements, but shall be protected from encroachment in accordance with Section 4.3(C), above.
- D. All subdivisions of land (i.e., parcels, lots, tracts, or other subdivisions of land), shall directly abut and have direct frontage upon a publicly-maintained street. Street frontage shall meet the minimum requirements set forth in Chapter 2.
- E. In no case shall a new parcel, lot, tract, condominium, lot or space, or other subdivision of land be created that does not conform to the public street frontage requirements of this ordinance, except as otherwise provided herein. Private streets, rights-of-way or access easements shall not be permitted in lieu of public street frontage requirements contained herein except as allowed below.
1. *Residential single-family developments in General Residential—4 (GR4) zoning districts.*
- a. Privately-maintained streets, rights-of-way, or access easements of less than 100 linear feet in length may satisfy frontage requirements for up to three single-family lots, provided they consist of a drivable surface of at least 16 feet in width.
- b. Privately-maintained streets 100 linear feet or greater in length may satisfy frontage requirements for up to eight single-family lots, provided they consist of a paved surface of at least 16 feet in width.
- c. All such privately-maintained streets, rights-of-way, or access easements must remain adequately maintained to afford a reasonable means of ingress and egress of emergency vehicles.
- F. Exceptions to street frontage requirements: Following are standards whereby certain uses are excepted from the street frontage requirements contained herein:
1. *Commercial, group developments, and developments in General Industrial zoning districts:* Subdivisions for the creation of outparcels within the foregoing developments may be allowed without frontage on a public street.
2. *Residential multi-family developments:* Private streets, right-of-way, and access easements may be permitted within the foregoing developments proposing no more than four principal structures, each containing no more than four dwelling units in each structure, and for which no subdivision activity or condominium buildings or lots are proposed.
3. *Condominium lots and condominium buildings:*
- a. Condominium lots may be separated from a public street by common space, maintained by a property owner's association, that is permitted within the same phase of the same subdivision within which the condominium lot is located.



- 223 b. No condominium lot shall be situated more than 100 feet from a public street. This distance  
224 shall be considered a maximum distance that is in keeping with the public health and safety,  
225 which shall not be varied or extended.
- 226 c. Condominium lots that are separated from a public street by common space shall be serviced  
227 by a private access easement or private right-of-way that directly connects to the nearest  
228 public street. No more than four condominium lots or spaces shall be serviced by the same  
229 private access easement or right-of-way.
- 230 d. Private streets, right-of-way, and access easements serving condominium lots and buildings  
231 shall be no longer than 100 feet as measured from the intersection of the centerlines of the  
232 public street and the private easement or right-of-way. Parking for condominium lots not  
233 accessed by a public street shall be accessed by such private access easements or private  
234 rights-of-way.
- 235 e. These provisions shall only apply to subdivisions of land for the creation of condominium  
236 lots and condominium buildings, and shall not be applied to any other form of subdivision of  
237 land.
- 238 4. *Pre-existing lots without adequate street frontage:*
- 239 a. On parcels of land that do not front upon a public street ("landlocked parcels") or that  
240 otherwise do not meet frontage requirements of this ordinance, only one "by right" use or  
241 structure, along with related accessory uses or structures, shall be. No subdivision activity  
242 shall be permitted on parcels of land that do not meet the street frontage requirements of  
243 this ordinance. This requirement shall apply regardless of the size of the landlocked or  
244 otherwise non-compliant parcel.
- 245 b. In such cases the administrator shall require evidence of the presence of a deeded right-of-  
246 way or other access easement prior to the issuance of any permit.
- 247 c. The administrator may permit the establishment of a private right-of-way or access  
248 easement in order to facilitate access to pre-existing land-locked parcels. However, the  
249 provision of such private access shall not be considered satisfaction of the requirement that  
250 all lots front upon a public street.
- 251 5. *Additional private access, when all frontage requirements are met:* The administrator may permit  
252 the establishment of additional private rights-of-way or access easements to properties that  
253 otherwise conform to public street frontage requirements of this ordinance.
- 254 6. *Designed and built in accordance with public street standards:* All newly created private streets,  
255 right-of-way, and access easements except those authorized under Section 4.4(F(4)), above, shall  
256 be designed and built in accordance with public street standards set forth in Chapter 13 of this  
257 ordinance.
- 258 7. *Relation to private streets:* Buildings shall be oriented and situated in relation to private streets so  
259 that they conform to all applicable requirements for public streets, such that private streets could  
260 be accepted as public streets.
- 261 8. *Additional requirements/conditions:* In addition to any other applicable requirements set forth in  
262 this ordinance, the approving entity may impose such conditions, including but not limited to, the  
263 provision of access easements to the City of Brevard, as are necessary to ensure the adequate  
264 provision of public services.

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#### 266 **4.8. Accessory structures.**

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- 267 A. Principal buildings required. The construction of an accessory structure or building is not permitted  
268 unless a principal building is located on the lot, except as set forth below or as otherwise provided in  
269 this ordinance. Accessory structures shall be incidental and subordinate to the principal  
270 structure(s). Accessory and principal buildings may be constructed concurrently.
- 271 1. Accessory structures utilized for agricultural purposes in association with bona-fide agricultural  
272 operations may be permitted in the absence of a principal structure.
- 273 2. Garden sheds may be permitted in the absence of a principal structure subject to the following  
274 requirements:
- 275 a. Garden sheds shall be no larger than 120 square feet in size;
- 276 b. Garden sheds shall be single-story;
- 277 c. Garden shed shall not be connected to water, sewer, or electricity; and
- 278 d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and  
279 other implements necessary for the maintenance of gardens and grounds.
- 280 B. Accessory structures shall meet the density and dimensional requirements set forth in Section 2.3 of  
281 this ordinance.
- 282 C. Accessory structures shall not exceed two stories in height.

- 283 D. Accessory structures on lots with single-family dwellings and duplexes.
- 284 1. Maximum number permitted. No more than two accessory structures shall be permitted per lot.  
285 Beehives and chicken coops shall not count toward the maximum number of accessory structures  
286 on a lot.
- 287 2. Accessory structures shall be located only in the side or rear yards, except for gazebos, private  
288 garages, and carports. Such structures shall comply with the front yard setbacks in Section 2.3.C.  
289 The administrator shall make a determination as to the side or rear yard for accessory structures  
290 proposed to be located on lots fronting more than one street.
- 291 3. Accessory buildings shall not cover more than 30 percent of the required side or rear yard except  
292 as otherwise provided in this ordinance.
- 293 4. Accessory structures with a footprint of more than 500 square feet shall be buffered from the  
294 adjacent residential development with a type A buffer yard. Accessory structures located more  
295 than 24 feet from a property line shall be exempt from this buffering requirement.
- 296 5. Under no circumstances shall the use of a shipping container be permitted for the purpose of  
297 providing permanent storage as an accessory use.
- 298 E. Accessory structures on lots with non-residential uses, multi-family uses, and group developments.
- 299 1. Maximum number permitted. No more than two accessory structures shall be permitted per lot,  
300 except in General Industrial (GI). In all other zoning districts, additional structures shall be  
301 considered as principal structures in a group development.
- 302 2. Accessory structures shall be located only in side or rear yards except for bona-fide agricultural  
303 enterprises.
- 304 3. Accessory structures shall comply with the applicable landscaping requirements of Chapter 8 of  
305 this ordinance.
- 306 4. Accessory structures shall be clad in materials similar in appearance to the principal structure in  
307 accordance with Chapter 5, except when such material is non-conforming with this ordinance.

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309 **17.6. Construction document requirements.**

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310 The construction documents for site plans, conditional rezoning plans, special use plans, major  
311 subdivisions, vested rights, and master plans shall be submitted in accordance with the specifications of this  
312 section except where specifically noted. Construction documents shall constitute the complete submittal  
313 requirements for site plans and preliminary plats required prior to construction.

314 The size and number of completed application submittal copies required shall be set by the  
315 administrator. No certifications other than the certificate of survey and accuracy as in Section 17.7(J) and the  
316 seal of the professional designer must be provided in connection with the submission.

317 Construction drawings must be drawn to the following specifications and must contain or be  
318 accompanied by the applicable information listed below. All plans shall be submitted at a scale not less than  
319 one inch = 50 feet unless otherwise authorized by the administrator. No processing or review of construction  
320 documents will proceed without all of the following information:

- 321 A. The boundary, as determined by survey, of the area to be subdivided with all bearings and  
322 distances shown and the location within the area, or contiguous to it, of any existing streets,  
323 railroad lines, water courses, easements, bridges, floodplains, or other significant features of the  
324 tract.
- 325 B. Scale in feet denoted both graphically and numerically with north arrow and declination.
- 326 C. A sketch vicinity map at a scale no smaller than one inch equals 1,200 feet showing the  
327 relationship between the proposed subdivision and surrounding area.
- 328 D. Environmental survey in accordance with Section 17.2.
- 329 E. Existing topography and finish grading with contours drawn at two foot intervals. This  
330 requirement may be waived for developments smaller than one acre or where insufficient  
331 topographic changes warrant such information.
- 332 F. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
- 333 G. The proposed names of the development and streets, the owner's name and address, signature of  
334 the owner or owner's duly authorized agent, the surveyor's name, the names of existing and  
335 proposed adjoining subdivisions or property owners, the names of the city, county, and state in  
336 which the development is located, the date of preparation, and the zoning classification of the tract  
337 to be developed and of adjoining properties.
- 338 H. Proposed lot lines, lot and block numbers, and exact dimensions.
- 339 I. The future ownership (dedication or reservation for public use to a governmental body; for  
340 owners to duly constituted home owners' associated, for tenant's remaining in subdivider's  
341 ownership of recreation and open space lands).

- 342 J. A statement from the City of Brevard regarding the availability of adequate water and sewer  
343 capacity for the proposed development.
- 344 K. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating  
345 connections to existing systems. All systems shall conform to current city standards.
- 346 L. The location and size of all utility lines, easements, and rights-of-way. Easements shall be provided  
347 on all construction documents as follows:
- 348 1. *Utility easements:* Easements for underground or above ground utilities shall be provided for  
349 and centered along rear or side lot lines, and shall be a minimum of ten feet in width.  
350 Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe  
351 and a minimum of 20 feet in width or as required by design manual.
- 352 2. *Drainage easements:* Where a development is crossed by a stream or drainage way, an  
353 easement shall be provided conforming with the lines of such stream and of sufficient width  
354 as shall be adequate to maintain the overall integrity of the drainage area and provide for its  
355 periodic maintenance.
- 356 3. *Landscape easements:* Landscape easements along streets should be designed in accordance  
357 with the provisions of Chapters 6, Environmental Protection, and 8, [Tree Protection and]  
358 Landscaping. The city may require landscape easements for developments where industrial  
359 or commercial uses abut residential uses.
- 360 4. *Public access easements:* Public access easements shall be provided for sidewalks, trails,  
361 greenways, and other pedestrian and bicycle facilities that provide connections other than  
362 within public rights-of-way.
- 363 M. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other  
364 open spaces, reservations (i.e. school sites), property lines and building setback lines with street  
365 dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood  
366 hazard areas, watershed protection districts, and/or jurisdictional wetlands. Buildings shown for  
367 the purpose of measuring setbacks must reflect these elements when applicable.
- 368 N. Site calculations shall include total acreage of tract, acreage in parks and other non-residential  
369 uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use  
370 and non-residential buildings, gross project density per acre, linear feet of streets, and the  
371 accurate locations and descriptions of all monuments, markers, and control points.
- 372 O. The location and dimensions of all off-street parking and loading spaces, and walkways indicating  
373 the type of surfacing, size, angle of stalls, width of aisles, and a specific.
- 374 P. Development permit and certification application with supporting documentation as required by  
375 the flood hazard prevention requirements of Chapter 34 of Brevard City Code.
- 376 Q. The location and dimensions of any sidewalks, curb cuts, curb and gutters to be installed along  
377 public street frontages, and other required street improvements designated in Chapter 11 of this  
378 ordinance, or as called for in the Brevard Transportation Plan, the Rural Planning Organization  
379 Thoroughfare Plan or Transportation Improvement Program, or other plan or policy of the city.  
380 Required right-of-way shall be drawn in the location shown on any official plan at the width  
381 specified in this ordinance.
- 382 R. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and  
383 design engineering data for all corners and curves. Where a proposed street is an extension of an  
384 existing street the profile of the street shall include 300 feet of the existing roadway, with a cross  
385 section of the existing street. Where a proposed street within the subdivision abuts a tract of land  
386 that adjoins the subdivision and where said street may be expected to extend into said adjoining  
387 tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- 388 S. The location of any existing or proposed demolition landfills in the site. Such sites shall not be  
389 used for building.
- 390 T. A copy of the full soil erosion and sedimentation permit application including forms, plans, and  
391 calculations to be submitted to the North Carolina Department of Environmental Quality-Erosion  
392 and Sediment Control Office, and a copy of the approval letter prior to site plan or preliminary plat  
393 approval.
- 394 U. Final proposed elevations of all non-single family and duplex buildings proposed for construction  
395 as part of this site plan approval. Subsequent buildings within the development may be handled as  
396 separate site plans. Such elevations shall include all facades visible from public streets.
- 397 V. Supplemental plans as applicable:
- 398 1. Landscape plan in accordance with Section 17.8.
- 399 2. Tree preservation plan in accordance with Section 17.9.
- 400 3. Lighting plan in accordance with Section 17.10.
- 401 4. Architectural plans in accordance with Section 17.11.
- 402 5. Traffic impact analysis (if required) in accordance with Section 17.12.

- 403 6. Floodplain development information (if required) in accordance with Section 17.13.  
404 7. Stormwater management concept plan in accordance with Section 17.14.  
405 W. The following statement shall be placed upon all final construction documents, as applicable:  
406 "Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is  
407 subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and  
408 any development, disturbance, or encroachment is prohibited except in accordance  
409 therewith."  
410 In addition to the above required information, the following additional information may be  
411 necessary for specific sites as determined by the administrator:  
412 X. Where a proposed water and sewer system does not contemplate the use of facilities owned and  
413 operated by the city, the proposed facility plans as approved by the appropriate agency, shall be  
414 submitted with the construction documents.  
415 Y. Where public or community water supply and/or sewerage systems are not available or to be  
416 provided, a written statement from the Transylvania County Health Department shall be  
417 submitted with the construction documents indicating that each lot has adequate land area and  
418 soil conditions suitable to accommodate the proposed methods of water supply and sewage  
419 disposal.

### 420 **17.7. Final plat requirements.**

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421 The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North  
422 Carolina and must be drawn to a scale no less than one inch = 100 feet, and shall meet the requirements of the  
423 Transylvania County Register of Deeds Office. The final plat shall constitute all portions of the preliminary  
424 plat site, which the subdivider proposes to record, and develop at the time. The size and number of completed  
425 applications shall be set by the administrator.

426 No final plat shall be approved unless and until the subdivider has installed in the platted area all  
427 improvements required by this ordinance or has posted performance guarantees in accordance with Chapter  
428 11. The final plat shall contain the following:

- 429 A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all  
430 portions of the tract.  
431 B. Scale denoted both graphically and numerically with north arrow and declination. A vicinity map  
432 showing the location of the subdivision with respect to adjacent streets and properties.  
433 C. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating  
434 their layouts and connections to existing systems. Such plans shall show all easements and rights-  
435 of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants,  
436 blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information  
437 shall not be placed on the final plat but must be submitted at the time of request for final plat  
438 approval or release of any surety for required improvements, whichever comes later.  
439 D. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing,  
440 and length of every street, alley line, lot line, building line, and easement line. All dimensions shall  
441 be measured to the nearest one-hundredth of a foot and all angles to the nearest second.  
442 E. The lines and names of all streets, alley lines, lot lines, lot and block numbers, easements,  
443 reservations, protected areas or required open space (steep slope areas, surface water protection  
444 areas, floodways and non-encroachment areas, etc.), the special flood hazard area, on-site  
445 demolition landfills and areas dedicated to public purpose with notes stating their purposes. The  
446 final plat shall contain the following statement:  
447 "Areas delineated upon this plat or plan as a protection area or special flood hazard areas is  
448 subject to limitations upon development as set forth Chapter 6 of the City of Brevard Unified  
449 Development Ordinance, and any development, disturbance, or encroachment is prohibited  
450 except in accordance therewith."  
451 F. The accurate locations and descriptions of all monuments, markers, and control points.  
452 G. Underground and aerial utility easements shall be shown.  
453 H. The name of the city in which the subdivision is located, the name of the subdivision, the name of  
454 the owner, the name, registration number, and seal of the registered surveyor under whose  
455 supervision the plat was prepared, and the date of the plat.  
456 I. Submittal of payment in lieu of dedicated open space (if applicable).  
457

### 458 **19.3. Definitions.**

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459 *Infill development:* New development or expansions, including all uses except industrial, on vacant,  
460 undeveloped or underdeveloped land in a built-up area which is abutted by urban development or designated  
461 open space and which can be readily connected to public infrastructure, such as transportation, water,

462 wastewater, and other utilities. Development on tracts of land larger than 5 acres shall not be considered infill  
463 development.

464 *Principal building or structure:* A building in which is conducted the principal use of the parcel on which  
465 it is situated.

466 *Property line:* The legally established boundary of a lot, which boundary shall be considered coincident  
467 with any abutting public street right-of-way line unless the metes and bounds description contained in.

468 *Right-of-way:* A dedicated strip of land reserved for a specific use, such as for a street, pedestrian, or  
469 utility easement.

470 *Setback:* The minimum distance a structure may be located from a curb line, lot line, or right-of-way line  
471 along frontages and side and rear lot lines. *Yard:* A space on the same lot with a principal building, open,  
472 unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments  
473 and accessory buildings and structures are expressly permitted.

474 *Yard, front:* A yard situated between the front building line and the front lot line or the edge of the right-  
475 of-way, whichever is greater, extending the full width of the lot.

476 *Yard, rear:* A yard situated between the rear building line and the rear lot line extending the full width of  
477 the lot.

478 *Yard, side:* A yard situated between a side building line and side lot line and extending from the required  
479 front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall  
480 be assumed to extend through the rear yard to the rear lot line.