

ORDINANCE NO. 2023-15

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

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Ordinance Chapter 13 – Infrastructure Improvement Requirements; 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:

Building Brevard 2030

- **GOAL 1:** *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*
- **LAND USE & HOUSING-5:** *Consider adjustments to the development approval process and other incentives for projects that meet defined criteria in growth opportunity areas.*
- **LAND USE & HOUSING-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- **LAND USE & HOUSING-13:** *Utilize the Housing Trust Fund to leverage private investment to create affordable and workforce housing units.*
- **LAND USE & HOUSING-15:** *Consider additional incentives and policies to support workforce and affordable housing.*

and,

WHEREAS, the Brevard City Council concurs with the recommendation of the Brevard Housing Committee to include utility connections for qualifying affordable housing projects as an expense eligible for reimbursement through the Housing Trust Fund; and,

WHEREAS, a public hearing was conducted on Tuesday, March 20, 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:

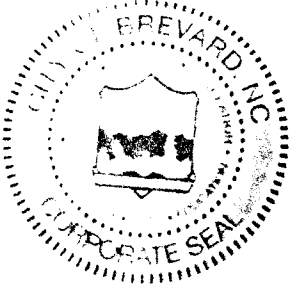
SECTION 01. Brevard City Code, Unified Development Ordinance Chapter 13 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved upon first reading this the 17th day of April 2023.



Maureen Copelof
Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
Mack McKeller
City Attorney

EXHIBIT A

13.4. General infrastructure design requirements.

A. Connection to city sewer system required.

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

B. Connection to city water system required.

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

- 53 C. *Sewer and water connections and infrastructure.* Sewer and water connections and
54 infrastructure shall occur in accordance with Chapter 70 of Brevard City Code and the
55 City of Brevard *Standard Design and Specifications Manual for Public Improvements*,
56 and any necessary conditions of the public works director.
- 57 D. Utility easements.
- 58 1. Sewer, water, storm water, and other utility easements shall be required within
59 all new development (including developments within the ETJ for which no public
60 sewer or water is proposed), and may be required within existing developments
61 undergoing improvements at the discretion of the administrator.
- 62 2. The precise location and width of easements shall be determined by the
63 administrator. However, unless otherwise specified, underground utilities should
64 be located in alleys and lanes. If no alley or lane is provided, then a five-foot
65 (minimum) utility easement shall be provided behind the sidewalk located within
66 either the right-of-way or a public utility easement. Utility easements centered on
67 rear or side lot lines shall be provided where deemed necessary by the approving
68 authority and shall be at least 30 feet in width.
- 69 3. Where a subdivision is traversed by a water course, drainage way, channel, or
70 stream, there shall be provided a stormwater easement or drainage right-of-way
71 conforming substantially with the lines of such water course, and such further
72 width or construction, or both, as may be adequate for the purpose of drainage.
- 73 4. Lakes, ponds, creeks, and similar areas within a subdivision will not be accepted
74 for maintenance by the city except as provided for in Chapter 6.
- 75 5. Easements shall be accurately depicted upon all plats and plans, and dedicated to
76 the city by means of a plat of dedication in accordance with procedures
77 established by the administrator.
- 78 6. No structure shall be placed upon any easement. Fences and other impermanent
79 obstructions may be permitted by the administrator in consultation with the
80 public works director.
- 81 E. *Sewer and water.* Sewer and water shall be installed by the developer and dedicated to
82 the city prior to the approval of any final subdivision plat or development plan unless a
83 performance guarantee is provided to the administrator in accordance with city Code,
84 this ordinance, and procedures established by the administrator. Sewer and water
85 infrastructure shall be installed by the developer and dedicated to the city prior to the
86 issuance of any Certificates of Occupancy for any building within that phase or along
87 that line, as applicable to the particular development.