UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.7. Yards and setbacks.

2.7.2. Setbacks for principal structures.

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

TABLE 2.7.2-A: SETBACKS FOR PRINCIPAL STRUCTURES			
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 GR & RMX
PGX	15 feet	10 feet	6 feet
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from GR & RMX	0 feet / 10 feet from GR & RMX
IC	~~40~~ 10 feet	10 feet / 25 feet from GR & RMX ~~40 feet~~	6 feet / 10 feet from GR & RMX ~~40 feet~~
GI	15 feet	10 feet / 25 feet from GR & RMX	10 feet / 25 feet from GR & RMX
CZD	To be determined by approving authority		

2.7.3. Setbacks for accessory structures.

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

TABLE 2.7.3-A: SETBACKS FOR ACCESSORY STRUCTURES				
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
PGX	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

TABLE 2.7.3-A: SETBACKS FOR ACCESSORY STRUCTURES				
District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
IC	0 feet/6 feet from GR & RMX	6 feet/10 feet from GR & RMX	0 feet/6 feet from GR & RMX	6 feet/10 feet from GR & RMX
~~IC~~	~~40 feet along all external boundaries~~			
GI	10 feet/25 feet from GR & RMX	10 feet/25 feet from GR & RMX	10 feet/25 feet from GR & RMX	10 feet/25 feet from GR & RMX
CZD	To be determined by approving authority			

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

CHAPTER 4. LOT AND SUBDIVISION REQUIREMENTS

4.2. Lot requirements.

4.2.3. Street frontage required.

A. All newly created parcels, lots, tracts, or other subdivisions of land, shall directly abut and have direct frontage upon a public street, except:

1. Interior lots within a group development where the overall site abuts a public street and is designed in such a manner that access is furnished to all interior lots or building sites (see Section 4.2.5).
2. Air lots (see Section 4.2.6).
3. Environmental containment and conservation lots (see Section 4.2.7).

B. Street frontage for conventional lots shall meet the minimum requirements set forth below at the right-of-way line:

TABLE 4.2.3-A: STREET FRONTAGE REQUIREMENTS FOR CONVENTIONAL LOTS	
District	Minimum Street Frontage
GR (4, 8)	30 feet
RMX	30 feet
NMX	20 feet
PGX	20 feet
DMX	0 feet
CMX	0 feet

TABLE 4.2.3-A: STREET FRONTAGE REQUIREMENTS FOR CONVENTIONAL LOTS	
District	**Minimum Street Frontage**
IC	~~60~~ 40 feet
GI	60 feet
Note: The dimensional requirements for irregular lots, including minimum street frontage, can be found in Section 4.2.4.	

C. The following shall not be considered a public street for the purposes of satisfying street frontage requirements:

1. 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;
2. 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

D. Private streets, in lieu of public streets, may satisfy street frontage requirements if the following provisions are met:

1. The lots are not located within the corporate limits of the City of Brevard;
2. The private street is either:
   a. 150 linear feet or less in length may satisfy frontage requirements for up to three single-family lots;
   b. Maintained in perpetuity by a property owner's association or development agreement.
3. The private street consists of a drivable surface of at least 20 feet in width and remains adequately maintained to afford a reasonable means of ingress and egress of emergency vehicles.

E. The private street is designed and built in accordance with public street standards set forth in CHAPTER 13 of this ordinance.

F. *Reserve strips:* There shall be no reserve strips or any other means of limiting the accessibility of parcels platted in any subdivision.

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.4. Buffers and screening.

A. ***Applicability:***

1. These regulations shall apply to the following:
   i. All newly developed properties
   ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined in CHAPTER 19 of this ordinance, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.

iii. When the zoning district classification changes for an existing use or parcel at the request of the property owner or representative thereof, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.

2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections ii and iii above.

3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in CHAPTER 6 of this ordinance.

B. ***Buffer yard types:***

1. *Type A buffer yard:*

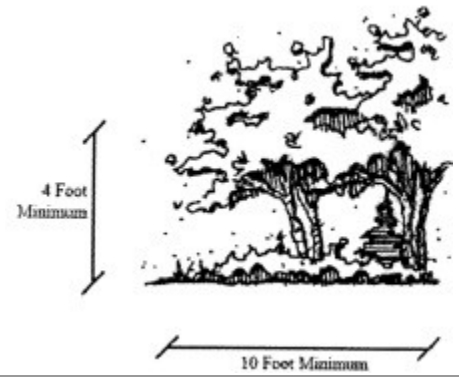
   a. Minimum width: 10 feet.

   b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.

   c. Maximum horizontal openings: 20 feet.

   d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity.

FIGURE 8.4-A: TYPE A BUFFER YARD



2. *Type B buffer yard:*

   a. Minimum width: 20 feet.

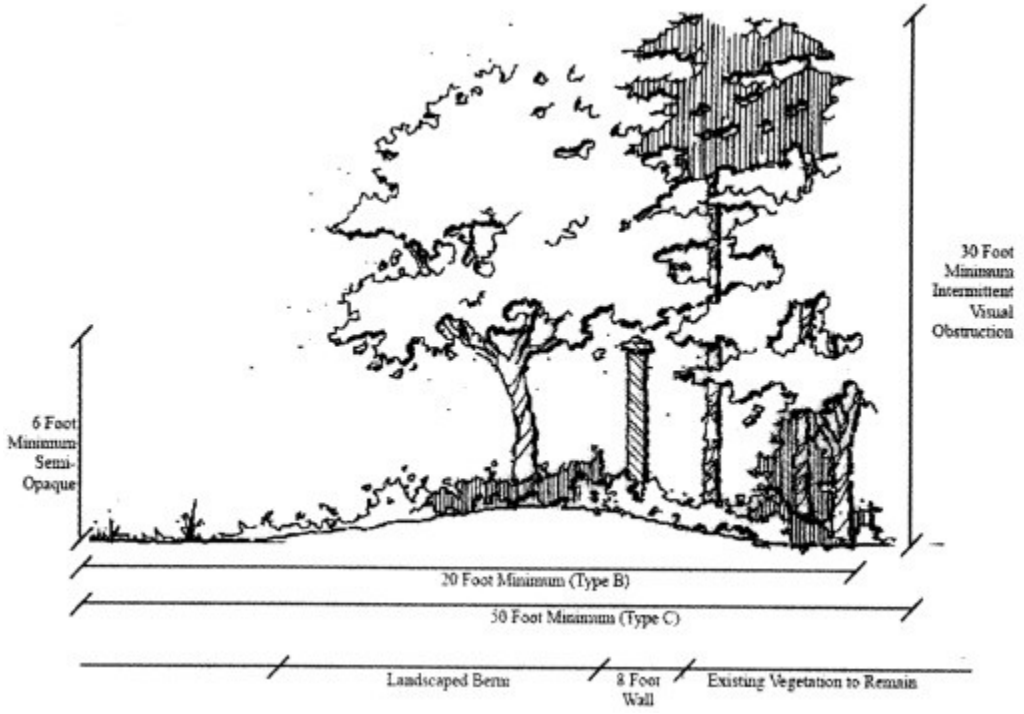
   b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.

   c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.

   d. Performance standard: A buffer which is 20 feet in width and contains screening materials which at maturity provide semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening materials within semi-opaque areas shall contain horizontal openings no greater than 15 feet in width upon the plants' maturity.

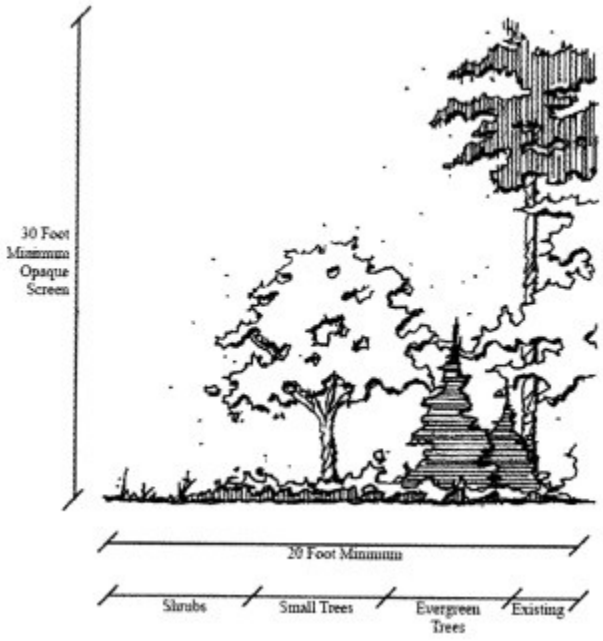
3. *Type C buffer yard:*
   a. Minimum width: 50 feet.
   b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
   c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
   d. Performance standard: A buffer which is 50 feet in width and contains screening materials which at maturity provides semi-opacity from the ground to a height of six feet, and intermittent visual obstruction from a height of six height up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; Vegetative screening materials within semi-opaque areas shall contain no horizontal openings greater than 15 feet in width upon the plants' maturity.

FIGURE 8.4-B: TYPE B AND TYPE C BUFFER YARDS



4. *Type D buffer yard:*
   a. Minimum width: 30 feet.
   b. Minimum height and opacity: Ground to 30 feet—Opaque.
   c. Maximum horizontal openings: None permitted.
   d. Performance standard: A buffer which is 30 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

FIGURE 8.4-C: TYPE D BUFFER YARD



5. *Type E buffer yard.*
   a. Minimum width: 25 feet.
   b. Minimum height and opacity: Ground to 30 feet—Opaque.
   c. Maximum horizontal openings: None permitted.
   d. Performance standard: A buffer which is 25 feet in width and contains screening materials which at maturity provides opacity from the ground to a height of 30 feet. Vegetative screen materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

C. *Fences, walls, and berms:*

1. Fences, walls, or earthen berms may be substituted for all or a portion of the shrub requirement in all buffer types. In addition, existing vegetation within the buffer shall be maintained and may receive partial or total credit towards screening requirements. All berms, if provided, shall not exceed a slope with maximum rise of one foot to a run of two feet (a ratio of 1:2) and a maximum height of four feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. Berms taller than four feet shall be approved by the administrator on a case by case basis.

D. *Required buffer yards:*

1. A buffer yard is intended to give spatial separation and to decrease visual contact between incompatible uses. Buffer yards shall be required in accordance with the tables below when any use is being established on a property that abuts an existing developed lot or less intense zoning district. More stringent buffer yard requirements may apply to certain specified uses as set forth in CHAPTER 3 of this ordinance.

2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

TABLE 8.4-A: REQUIRED BUFFER YARDS BY ZONING DISTRICT									
		Adjacent District							
		GR	RMX	NMX	PGX	DMX	IC	CMX	GI
District in Which Development is Located	GR	None	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	None	D
	PGX	B	A	A	None	None	None	None	D
	DMX	B	A	A	A	None	None	None	D
	IC	B~~C~~	B~~C~~	A~~C~~	A~~C~~	A~~C~~	None	None	None
	CMX	D	D	D	D	D	None	None	None
	GI	E	E	E	E	E	~~None~~E	None	None

3. In addition to the buffer yards required between districts as set forth above, buffer yards shall be required for certain types of development *within* certain zoning districts and associated conditional districts, as follows. This requirement applies regardless of the adjacent district. However, where conflicts occur between 8.4.D.2, above, and this section, the more restrictive requirement shall apply.

TABLE 8.4-B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT			
		New Multifamily (more than 4 units/bldg.)	Non-Residential Group Development
District in Which Development is Located	GR	B	B
	RMX	B	B
	NMX	B	B
	PGX	B	B
	DMX	B	B
	CMX	B	D
	IC	B	~~C~~B
	GI	NA	E

4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed along the perimeter of the property or project; however, when there are irregular topographic conditions (such as the perimeter of the property is at a lower grade than the use being screened) the approving authority may require the relocation of the required buffer yard in order to better serve its purpose.

6. Natural vegetation, vegetation required for tree protection, riparian buffer areas, and other forms of existing vegetation may be utilized to satisfy these requirements when such natural and existing vegetation clearly satisfies the purpose of this section.
7. Off-site vegetation:
    a. Existing plant material on adjacent property may be credited toward buffer requirements, provided that such material is in a permanently protected area such as a conservation easement or similarly preserved area.
    b. Plant material, existing or proposed, on an adjacent property may be credited toward buffer requirements through use of a landscape easement.
8. Buffer requirements may be reduced or waived by the approving authority in the following circumstances:
    a. Such requirements would pose a safety hazard.
    b. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon city trees, as recommended by the city horticulturalist.
    c. Special use permits based solely upon building height or building ground floor square footage size, where such requirement would serve no useful purpose.
    d. When projects to which these requirements apply exhibit unifying architectural and landscape design characteristics that integrate the project into surrounding development, and when the landscape design of such a project clearly meets and exceeds the goal of these requirements such that these requirements become unnecessary.
9. Fences, walls and berms in buffers
    a. Where walls and berms are built within any required project boundary buffer, they shall meet the following requirements.
        i. Walls and berms within a buffer may be used to permit a reduction in the buffer up to 25 percent of the required width.
        ii. Walls and berms shall not be permitted within surface water protection areas, floodplains, and floodways.
        iii. Walls and berms shall conform to other applicable requirements of this ordinance.
        iv. All walls, when located within a buffer, shall be planted on the face towards the adjacent property with at least one upright shrub for every six feet of wall length.
        v. Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
        vi. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
        vii. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall, berm, or fence structure at the time of landscape plan approval.
        viii. Chain link and concertina wire fences shall be buffered by a Type A buffer yard on all sides.

FIGURE 8.4-D: ILLUSTRATIONS OF APPROPRIATE SCREENING OF DUMPSTERS AND LOADING AREAS

