UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.6. Permitted building type by district.

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

TABLE 5.6A: PERMITTED BUILDING TYPE BY DISTRICT							
Building Type	Zoning District						
	GR	RMX	NMX	DMX	CMX	IC	GI
Civic	X	X	X	X	X	X	
Institutional	X	X				X	
House	X	X	X				
Townhome	X	X	X	X	X	X	
Apartment		X	X	X	X	X	
Mixed-Use			X	X	X	X	
Commercial					X		
Note: Because of the unique characteristics of group developments, they may be exempted from the permitted building type by district above, and instead may include all building types for all zoning districts, as determined by the administrator.							

(Ord. No. 2020-24 , § 1(Exh. A), 10-19-20; Ord. No. 2020-25 , § 1(Exh. A), 10-19-20; Ord. No. 2022-40, § 1(Exh. A), 6-20-22)

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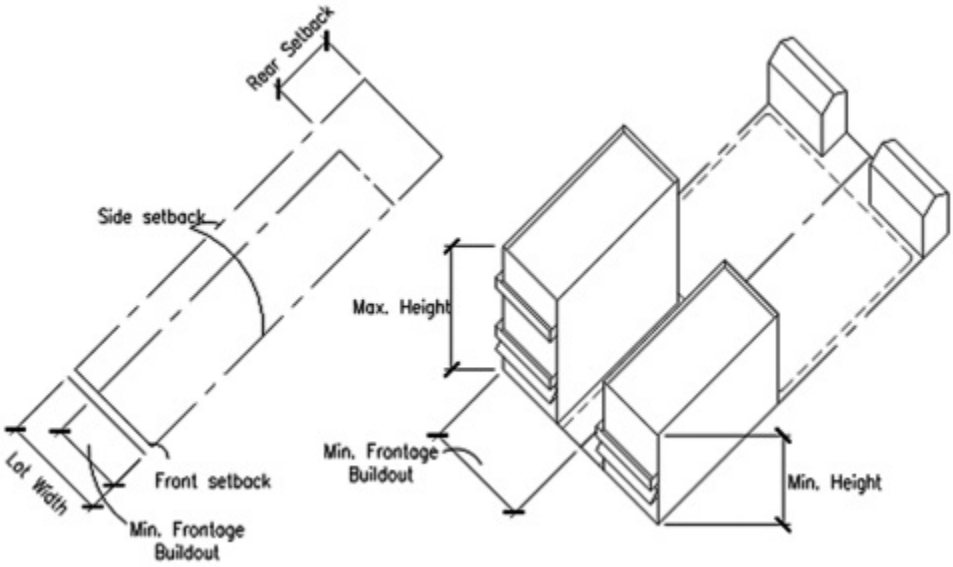
5.13. Building type: Mixed-use.

A. *Description:* A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial services, such as a neighborhood store, in close proximity to homes. The uses permitted within the building are determined by the regulations for the zoning district in which it is located.

FIGURE 5.13A: EXAMPLES OF MIXED-USE BUILDINGS	
Office Over Retail / Restaurant	**Office Over Retail / Office**
	
Residential / Office Over Retail	**Office Over Office / Retail**
	
Residential Over Residential / Office / Retail	
	

B. *Public space :* A mixed-use building may include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where parking is handled in a manner other than on-site surface parking.

FIGURE 5.13B: ILLUSTRATION OF MIXED-USE BUILDING



C. *General requirements:*

1. Mixed-use buildings shall have a minimum of two stories.
2. Street walls: The first floors of all mixed-use buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:
   a. The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 40 percent of the length of the first floor building elevation.
   b. Expanses of blank walls may not exceed 20 feet in length. (A "blank wall", in this context, is a facade that does not contain transparent windows or doors).
   c. Window dimensions:
      i. Maximum sill height (1st floor): 42 inches (as measured from the finished floor elevation).
      ii. Minimum area: 16 square feet.
      iii. Minimum width: 3 feet.
      iv. Minimum height: 4 feet.
3. Ventilation grates and emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.
4. Building entrances: A primary entrance facade shall be oriented toward the street, designed for the pedestrians, and distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
5. A building canopy, awing, or similar weather protection may be provided and should project a minimum of three—five feet from the facade.

D. *Materials:*

1. Mixed-use building walls shall be brick, stone, cementitious fiber board, stucco, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, or asphalt shingles.

(Ord. No. 2023-61, § 1(Exh. A), 12-18-23)

Effective on: 12/18/2023

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CHAPTER 14. NONCONFORMITIES

14.3. Nonconforming principal structures.

A. A nonconforming principal structure containing a use permitted in the district may continue only in accordance with the provisions of this chapter.

B. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures and any nonconforming use contained therein.

C. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.

D. Subject to the provisions of Section 14.3(E) and 14.3(F), when a nonconforming structure is moved on lot upon which it is located, it shall, if possible, be moved so as to make the structure conforming. Otherwise, the moved structure shall be placed on the lot in as conforming a manner as possible.

E. If a nonconforming structure is significantly damaged or significantly improved, the following requirements shall apply in the issuance of any permit:

1. Where modifications are proposed to repair damages to a structure, a permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction.
2. If the structure can be rebuilt on the same lot and meet all district and building type requirements, it shall be.
3. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located or building type, then it shall be placed on the lot in as conforming a manner as possible.
4. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.
5. Significant damage and/or significant improvement to any non-conforming structure that is located within a lot containing any other non-conforming condition shall, to the maximum extent possible, require the satisfaction all other requirements of this ordinance and the elimination of all non-conforming conditions. Examples include, but are not limited to, the provision of sufficient parking, landscaping and buffering, and public improvements (i.e., sidewalks and other), and full compliance with all applicable signage, flood hazard reduction, surface water protection, and stormwater management provisions.
6. In no case shall significantly damaged structure be rebuilt so as to encroach upon any public right-of-way, easement, regulatory floodway, surface water protection area or except as allowed by CHAPTER 6 of this ordinance or Chapter 34 of Brevard City Code.
7. A non-conforming use which existed within the structure to which modifications are made may reoccupy such structure upon issuance of certificate of occupancy provided that:
   a. Modifications do not result in an expansion of the nonconforming use.

b. The nonconforming use is reestablished within the structure within 60 days of the issuance of a certificate of occupancy.

c. Any use requiring the issuance of a special use permit shall not be reestablished in a district within which such special use is not permitted.

F. If a nonconforming structure is substantially damaged or substantially improved, the structure, all nonconforming uses contained therein, and all non-conforming conditions within the same property (i.e., parking, landscaping, signage, flood hazard issues, and etc.) shall be brought into full compliance with the requirements of this ordinance.

(Ord. No. 20-09, § 4(Exh. B(6)), 9-21-09)

CHAPTER 19. DEFINITIONS

19.3. Definitions.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Significant improvement*:* Any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure, taking place during any one-year period, for which the cost equals or exceeds 25 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, as of the date of start of construction of the improvement). In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. This term includes structures which have incurred significant damage regardless of the actual repair work performed. The term does not, however, include either of the following:

A. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a historic structure provided that: such alteration is necessary to maintain retain or restore historically significant characteristic; the alteration will not preclude the structure's continued designation as a historic structure; and the alteration does not result in the expansion of a non-conforming condition.