

ORDINANCE NO. 2015-32

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE
AND THE OFFICIAL ZONING MAP
TO EXPAND, RENAME, AND AMEND THE
ASHEVILLE HIGHWAY CORRIDOR SIGN OVERLAY DISTRICT**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2, 12, 19 be amended to establish standards for murals and vintage signs, and to amend the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Official Zoning Map of the City of Brevard, be amended to establish the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, Brevard City Council finds that these proposed amendments are neither consistent nor inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, November 16, 2015, by 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, and the Official Zoning Map of the City of Brevard, 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, Section 2.1.D.2 is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District. The purpose of the Highway 64 Corridor Sign Overlay District is to provide standard signage requirements for the commercial corridor along the Asheville and Rosman Highway commercial corridors of US Highway 64.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.N is hereby amended and shall read as follows:

N. Murals

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.
2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. The Administrator will issue a Letter of Zoning Compliance to Owners seeking to create murals on their property.
4. Murals do not require a sign permit if they adhere to the following:
 - i. If media other than, or in addition to, paint are used in a mural such media shall not extend more than 12" above the

surface on which the mural is applied, or affixed and may not extend into a right-of-way.

ii. The Mural does not extend beyond the existing dimensions of the building wall, retaining/screening wall, or other outdoor surface on which it is applied.

iii. The Mural may incorporate advertising logo, symbols, pictures, devices and copy within the image, however such elements combined shall not exceed 8% of the mural's total surface area.

iv. The following shall be used for purposes of measuring surface area:

a. The area of a the mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.

b. Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.

5. Murals that do not adhere to section 12.8.N.4 above, and its subsections, shall be considered wall sign in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 03. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.0 is hereby amended and shall read as follows:

O. Vintage Signs

1. Vintage sign, as defined herein, is any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls, or on roofs of privately owned, non-residential buildings, and retaining/screening walls in a nonresidential zoning districts.

2. Vintage signs are not allowed in residential zoning districts.

3. Vintage signs shall require only a Letter of Compliance before placement if they adhere to the following:

i. If used by a property Owner with no affiliation to the active, or closed business, Vintage signs may be placed or incorporated:

a. On a building wall as long as no more than 40% of the wall face is covered,

b. On a pitched or flat roof as long as no more than 20% of the area of the surface plane on which the vintage sign is placed is covered,

c. Within Murals as long as all provisions for Murals (see section 12.8.N) are met in addition to those for Vintage signs provided herein.

4. Vintage signs shall require a sign permit if used by an operational business in place of its current advertising signage. In such instances the vintage sign shall be considered wall signage in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 04. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.B.1.v is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign.

SECTION 05. Brevard City Code, Unified Development Ordinance, Chapter 19, Section 19.3 is hereby amended to insert definitions as follows:

Mural: Any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.

Vintage Sign: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

SECTION 06. The Official Zoning Map of the City of Brevard is hereby amended to establish the Asheville Highway Corridor Sign Overlay District as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

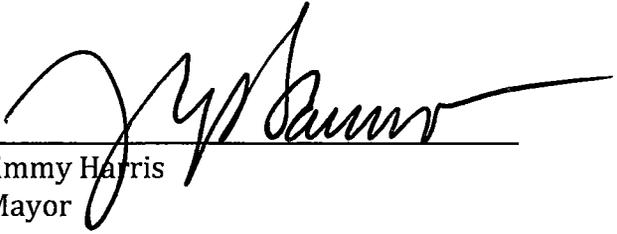
SECTION 07. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 08. 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 09. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

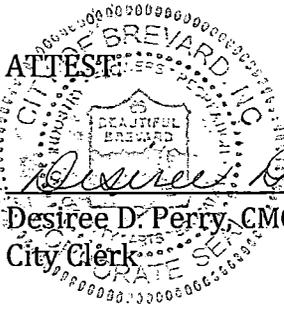
SECTION 10. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16th day of November, 2015.



Jimmy Harris
Mayor

ATTEST



Desiree D. Perry

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt

Michael K. Pratt
City Attorney

EXHIBIT A
Ordinance No. 2015-32
November 16, 2015



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|--|---|--|---|
| | Special Districts Effective April 18, 2011 | | City of Brevard Regulatory Jurisdiction |
| | General Industrial | | Parcels |
| | Corridor Mixed Use | | Major Roads |
| | Downtown Mixed Use | | Special Flood Hazard Area |
| | Neighborhood Mixed Use | | Floodway & Zone AE |
| | Residential Mixed Use | | Zone AE |
| | Institutional Campus | | PROPOSED HIGHWAY SIGN OVERLAY DISTRICT |
| | General Residential (6) | | |
| | General Residential (4) | | |
| | Special District | | |
| | Manufactured Home Overlay District Effective April 16, 2010 | | |

List of Map Amendments

- April 03, 2006, Ordinance 08-06, Effective Date
- May 07, 2007, Ordinance 05-07, French Broad Place
- May 21, 2007, Ordinance 07-07, Gravely
- September 17, 2007, Ordinance 12-07, Cowart / Conley
- October 05, 2007, Ordinance 14-07, Brevard Community Church
- December 03, 2007, Ordinance 20-07, Morris Road
- March 17, 2008, Ordinance 04-08, Bridges
- February 02, 2009, Ordinance 03-09, Davidson River Village
- June 15, 2009, Ordinance 11-09, Brevard Music Center
- June 16, 2009, Ordinance 12-09, Transylvania Regional Hospital
- June 16, 2009, Ordinance 13-09, Broad River Terrace
- July 06, 2009, Ordinance 16-09, Duvall
- May 17, 2010, Ordinance 09-10, ETJ Extension
- January 24, 2011, Ordinance 08-2011, Habitat for Humanity
- March 07, 2011, Ordinance 09-2011, Gardens at English Village
- April 18, 2011, Ordinance 10-2011, Cottages at Brevard
- June 20, 2011, Ordinance 13-2011, The Family Place at Transylvania County
- February 20, 2012, Ordinance 2012-05, SAFE, Inc.
- March 18, 2013, Ordinance 2013-02, Jennings Industrial Park
- May 20, 2013, Ordinance 2013-05, Brenton

*Note: The Special Flood Hazard Area is shown for informational purposes only. Please refer to the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM's) for Transylvania County, NC and Incorporated Areas, dated October 2, 2009 for site-specific flood hazard information.

Official Zoning Map
of the
City of Brevard
North Carolina



May 30, 2013
 City of Brevard Planning Department
 95 West Main Street
 Brevard NC 28712