

**AGENDA  
(Amended)  
City of Brevard  
Brevard Planning Board  
Regular Meeting  
Tuesday, February 17, 2015 at 7:00 PM  
Council Chambers, City Hall  
95 W. Main Street, Brevard NC 28712**

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- I. Welcome and Introduction of Planning Board Members
- II. New Business:
  - A. City Council initiated Text Amendment regarding Ground Signs and Group Developments.
  - B. Proposed Text Amendments:
    - 1. Chapter 3.12.D.6 – Amendment to Clarify Dimension.
    - 2. Chapter 3.23.E.10.c – Amendment to Mobile Food Vendor Requirements.
- III. Old Business:
  - A. Blue Ridge Community College, Application #14-456 for Proposed Text Amendment to Unified Development Ordinance, Chapter 12.9.B.iii.
  - B. Proposed Amendments to City of Brevard Unified Development Ordinance.
- IV. Other Business:
  - A. Election of Chair.
- V. Adjourn.



The City of  
**Brevard**  
North Carolina

**PLANNING BOARD STAFF REPORT**

February 27, 2015

**Title:** Ground Signs in Group Developments  
**Speaker:** Joshua Freeman, Planning Director  
**From:** Joshua Freeman, Planning Director  
**Prepared by:** Joshua Freeman, Planning Director  
**Approved by:** Joshua Freeman, Planning Director

**Executive Summary:** Planning Board will consider and offer recommendations regarding proposed amendments to Brevard City Code, Unified Development Ordinance, Chapter 12, Signs, Subsection 12.9.11.

**Background:** Chase McKelvey, owner of Chase Insurance, and Tony Duscio, owner of Tony's Deli, intend to place signs panels representing their businesses on the Chestnut Square ground sign. However, Chestnut Square is currently zoned Corridor Mixed Use (CMX); UDO Chapter 12, Section 12.9.B.1.ii limits permits ground signs in CMX zoning districts to 85 square feet in surface area per side of sign. The existing sign panels on the Chestnut Square ground sign, when added together, equal 79.91 square feet, leaving no meaningful space upon which to accommodate additional sign panels.

McKelvey and Duscio appeared before City on November 17, 2014 during the public participation portion of the agenda and asked that City Council provide relief from their situation. City Council provided general direction to Staff to prepare and present amendments to the UDO to satisfy McKelvey's and Duscio's request and provide additional signage flexibility for other, similar group development projects; Council did not provide more specific direction.

**Discussion:** The attached map (see large, 36x48" print) shows all identified group developments within the City of Brevard, as well as all CMX zoning districts within the City of Brevard. UDO Chapter 19 provides the following definition of a group development:

*Group development:*

[1.] Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (Examples may include, but are not limited to, summer camps, school campuses and hospitals, shopping centers,

industrial parks, and apartment complexes, or any other combination of primary structures).

[2.] Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.

There are only four reasonable options available to Council to satisfy the McKelvy / Duscio request:

- 1) Option 1: Amend UDO Section 12.9.B.1.ii to increase the maximum allowable size of ground signs in CMX zoning districts. Staff estimates that, in order to satisfy the McKelvy / Duscio request, the maximum allowable sign size would need to increase from 85 square feet to 110 square feet. This approach would apply to all CMX zoning as shown on the attached map, not just the ground sign at Chestnut Square.
- 2) Option 2: Amend 12.11.A to allow larger ground signs in group development projects. Again, Staff estimates that, in order to satisfy the McKelvy / Duscio request, the maximum allowable sign size would need to increase from 85 square feet to 110 square feet. This, also, would apply to all group developments as shown on the attached map.
- 3) Option 3: Option 1 and Option 2 could be blended to limit the larger sign allowance to group developments within CMX.
- 4) Option 4: Use Option 2, but limit the geographic applicability to group developments within the Asheville Highway Sign Overlay District, the establishment of which was proposed by Staff in response to Planning Board concerns associated with the Blue Ridge Community College text amendment.

The attached, draft text amendments, are crafted in accordance with Option 4. Note proposed language on page 14 of Chapter 12.

**Staff / Board Recommendation:** Staff has no recommendation, other than to note that Option 4 is the option that satisfies Council's direction with the least geographic and visual impact.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments as presented.
3. Recommend approval of the proposed text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Saturday, April 18, 2015.

**Fiscal Impact:** None.

**Policy Impact:** No specific policy exists to inform the proposed text amendment. Policy issues pertain to community character, aesthetics, and the advertisement needs of businesses and institutions within the City of Brevard; the Planning Board should carefully consider these factors in formulating its recommendation to City Council.

**Attachments:**

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The City of  
**Brevard**  
North Carolina

**NEW BUSINESS STAFF REPORT**

**February 17, 2015**

**Title:** Proposed Text Amendments  
UDO Chapters 3 – Additional Use Standards

**Speaker:** Aaron Bland, Planner & Assistant Zoning Administrator

**From:** Joshua Freeman, AICP, CFM, Director

**Prepared by:** Aaron Bland, Planner & Assistant Zoning Administrator

**Approved by:** Joshua Freeman, AICP, CFM, CZO, Director

**Executive Summary:** Planning Board is to consider proposed amendments to the City of Brevard Unified Development Ordinance to correct confusing language and references.

**Background:** Over the course of day-to-day operations, Planning Staff routinely references the UDO for development review, departmental support, and to answer questions for citizens. During this review Staff and citizens occasionally find items to be addressed. Below is a summary of the amendments to be discussed.

- Chapter 3.12.D.6 – amend to clarify language regarding qualification for exemption from buffer requirement.
- Chapter 3.23.E.10.c – amend to match and reference Health Department requirements.

A full discussion can be found in the attached Staff Memo.

**Discussion:** Staff has prepared a draft ordinance for each of the changes proposed above for the Planning Board's consideration. The Board is to prepare a recommendation to Brevard City Council.

**Staff Recommendation:** Staff recommends approval of the amendments as presented.

**Fiscal Impact:** N/A

**Policy Impact:** The proposed changes reflect minor changes and represent no policy impacts.



The City of  
**Brevard**  
North Carolina

**TEXT AMENDMENT REVIEW MEMO**

**February 17, 2015**

**Unified Development Ordinance Amendments**

**To:** Brevard Planning Board  
**From:** Aaron Bland, Planner & Assistant Zoning Administrator  
**Prepared By:** Aaron Bland, Planner & Assistant Zoning Administrator  
**Approved By:** Joshua Freeman, AICP, CFM, Director

**Chapter 3.12.D.6 – Amendment to Clarify Dimension**

This amendment will clarify a qualification for an exemption to a Type A buffer requirement for accessory structures greater than 500 square feet in size.

The ordinance language currently reads:

*“Accessory structures with a footprint of more than 500 square feet shall be buffered from the adjacent residential development with a type A buffer yard. Accessory structures located on a bona fide farm and accessory structures located not less than 24 feet from a property line shall be exempt from this buffering requirement.”*

The underlined text above is confusing to citizens, developers, and staff. The amended language below will eliminate any uncertainty and make the exemption qualifications clear.

*Accessory structures with a footprint of more than 500 square feet shall be buffered from the adjacent residential development with a type A buffer yard. Accessory structures located on a bona fide farm and accessory structures located ~~not less than~~ greater than 24 feet from a property line shall be exempt from this buffering requirement.*

**Chapter 3.23.E.10.c – Amendment to Mobile Food Vendor Requirements**

The mobile food vendors section of the language pertaining to standards for temporary vendors includes the following requirement:

*“Mobile food vendors must have a base of operations such as a restaurant or commissary and must report to said base daily for supplies, cleaning, and servicing.”*

The proposed amendment clarifies the intent of this standard, which is to match the requirements of the Transylvania County Health Department and North Carolina Administrative Code, by using identical language, as well as including a reference to the North Carolina Administrative Code section regarding requirements for pushcarts and mobile food units.

*Mobile food vendors ~~must have a base of operations such as a restaurant or commissary and must report to said base daily~~ shall operate in conjunction with a permitted restaurant or commissary and shall report at least daily to the restaurant or commissary for supplies, cleaning, and servicing. (In accordance with 15A NCAC 18A .2670 – General Requirements for Pushcarts and Mobile Food Units.)*

The Transylvania County Health Department regulations and North Carolina Administrative Code 15A NCAC 18A .2670 are attached for the Board’s convenience.



**Public Health**  
Prevent. Promote. Protect.

Transylvania County  
Department of Public Health

Transylvania County Department of Health  
Environmental Health Section

**MINIMUM REQUIREMENTS Mobile Food Unit**

1. Food protection:
  - a. Where exposed to public, dust or insects---protected by glass or similar at front, top and ends
  - b. Screening or effective use of fans for flies/insects
2. Equipment:
  - a. Potable water system, inlet capped and protected
  - b. Water heating system
  - c. Handwashing sink
  - d. Single compartment washing sink with drainboards (not required if cleaning done at restaurant and no food prepared on mobile unit)
  - e. Food thermometer required on unit
  - f. Single service items only; single service storage area.
  - g. Garbage and solid waste storage
  - h. All NSF listed or equivalent equipment
  - i. Free of flies, roaches, rodents, vermin
  - j. Sewage disposal
    - 1) 15 percent larger than water supply
    - 2) Connections different size or type than potable water
    - 3) Waste connection lower than water inlet
3. Employees: clean as to person and foodhandling, clean outer clothing, hair restraints.
4. Permit posted on unit.

**MINIMUM REQUIREMENTS Restaurant or Commissary:**

1. Permit issued to restaurant and mobile unit, permit must be posted on the mobile unit at all times.
2. Provide list of locations, counties and dates of operation. Must be kept current.
3. Contact each jurisdiction (local county health department) where you plan to operate. Submit unit for inspection in each jurisdiction where you will operate.
4. Mobile unit must report to restaurant daily for supplies, cleaning and servicing.
  - a. Servicing operations area required at restaurant (water supply, flush sewage tanks, sewage disposal)
  - b. Supplies storage areas at restaurant (refrigerated, frozen and dry)
  - c. Unit stored in an area that protects it from dirt, debris, contamination
  - d. Solid waste and liquid waste disposal facility required at restaurant
5. Restaurant or Commissary must meet minimum requirements for food service.

**15A NCAC 18A .2670 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS**

(a) A permit shall be issued by the regulatory authority that inspects the commissary from which a pushcart or mobile food unit is to operate, if the regulatory authority determines that the pushcart or mobile food unit complies with the rules of this Section. The permit shall be maintained on the pushcart or mobile food unit and made available to the regulatory authority upon request.

(b) The regulatory authority that issues the permit shall be provided by the permit holder a list of counties and locations where each pushcart or mobile food unit will operate.

(c) Prior to initiating food service operations in a particular county, the pushcart or mobile food unit permit holder shall provide the regulatory authority in each county in which food service operations are proposed a list of locations where they will operate. Such lists must be kept current.

(d) Pushcarts or mobile food units shall operate in conjunction with a permitted commissary and shall report at least daily to the commissary for supplies, cleaning, and servicing. Facilities, in compliance with this Section, shall be provided at the commissary for storage of all supplies. The pushcart shall also be stored in an area that protects it from dirt, debris, vermin, and other contamination. Water faucets used to supply water for pushcarts or mobile food units shall be protected to prevent contact with chemicals, splash, and other sources of contamination. Solid waste storage and liquid waste disposal facilities must also be provided on the commissary premises.

(e) All food shall be obtained from sources that comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.

(f) All potentially hazardous food (time/temperature control for safety food) shall be maintained at temperatures as required in Chapter 3 of the Food Code as amended by Rule .2653. A metal stem-type thermometer accurate to 1°C (2°F) shall be available to check food temperatures.

(g) Single service articles shall be used for serving customers. Single-service articles shall be purchased in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a manner to prevent contamination.

(h) All garbage and other solid waste shall be stored and disposed in an approved manner.

(i) Employees shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.

(j) Employees shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule 2652 of this Section.

(k) Equipment and utensils shall meet the requirements in Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.

(l) The pushcart or mobile food unit shall be kept clean and free of flies, roaches, rodents, and other vermin.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

**15A NCAC 18A .2671 SPECIFIC REQUIREMENTS FOR PUSHCARTS**

(a) Only hot dogs shall be prepared, handled, or served from a pushcart; however, food which has been prepared, pre-portioned, and individually pre-wrapped at a food establishment or commissary may be served from a pushcart.

(b) Food and utensils on the pushcart exposed to the public or to dust or insects shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit the handling and serving of food.

(c) Toilet facilities, handwashing sinks, and running water are not required. Single-service towels are required.

(d) All pre-wrapped potentially hazardous food (time/temperature control for safety food) shall be maintained at temperatures as required in Chapter 3 of the Food Code as amended by Rule .2653 of this Section or as labeled on the food item. Each pre-wrapped food item shall contain the name of the food establishment at which it was prepared, the name of the food item, and the time and date of expiration. The wrapper shall enclose the food at all times but sealing is not required.

(e) Pre-portioned, individually pre-wrapped food that remains after the specified time period has elapsed shall not be sold for human consumption.

(f) Pushcarts shall not be provided with seating facilities.

(g) Pushcarts shall not be used for consumer self-service.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

**ORDINANCE NO. 2015-\_\_**

**AN ORDINANCE AMENDING THE CITY OF BREVARD  
UNIFIED DEVELOPMENT ORDINANCE CHAPTER 3  
TO CLARIFY LANGUAGE AND REFERENCES**

WHEREAS, over the course of day-to-day operations within the Planning Department minor errors and inconsistencies are noted within the Unified Development Ordinance; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 3 amended to correct confusing language and incorrect references; and,

WHEREAS, a public hearing was conducted on (update after Planning Board) 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, Chapter 3 be amended to make the corrections and additions as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Amendments to Brevard City Code, Unified Development Ordinance, Chapter 3. Additional Use Standards, Subsection 3.12.D Accessory Structures, Requirements as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 3. Additional Use Standards, Subsection 3.23.E.10.c Temporary Uses Permitted with Standards, Temporary Vendors, Mobile Food Vendors as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 03. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 04. 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 05. 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 06. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the (update after Planning Board)

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Jimmy Harris  
Mayor

ATTEST:

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Desiree D. Perry, CMC, NCCMC  
City Clerk

APPROVED AS TO FORM:

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Michael K. Pratt  
City Attorney

**Exhibit A**  
**(Ordinance Number 2015-\_\_ )**

**Chapter 3 Additional Standards**  
**Subsection 3.12.D.6**

Accessory structures with a footprint of more than 500 square feet shall be buffered from the adjacent residential development with a type A buffer yard. Accessory structures located on a bona fide farm and accessory structures located ~~not less than~~ greater than 24 feet from a property line shall be exempt from this buffering requirement.

**Exhibit B**  
**(Ordinance Number 2015-\_\_ )**

**Chapter 3 Additional Standards**  
**Subsection 3.23.E.10.c**

*Mobile food vendors ~~must have a base of operations such as a restaurant or commissary and must report to said base daily~~ shall operate in conjunction with a permitted restaurant or commissary and shall report at least daily to the restaurant or commissary for supplies, cleaning, and servicing. (In accordance with 15A NCAC 18A .2670 – General Requirements for Pushcarts and Mobile Food Units.)*



The City of  
**Brevard**  
North Carolina

**PLANNING BOARD STAFF REPORT**

February 27, 2015

**Title:** Ground Signs in Institutional Campus Zoning District  
**Speaker:** Joshua Freeman, Planning Director  
**From:** Joshua Freeman, Planning Director  
**Prepared by:** Joshua Freeman, Planning Director  
**Approved by:** Joshua Freeman, Planning Director

**Executive Summary:** Planning Board will give second review and offer recommendations regarding proposed amendments to Brevard City Code, Unified Development Ordinance, Chapter 12. Signs, Subsection 12.9.B.1.iii. Staff has developed new language based upon discussion at the Board's January 27, 2015 meeting.

**Background:** The applicant, Blue Ridge Community College (see applicant materials, attached), proposes to amend Brevard City Code, Unified Development Ordinance (UDO), Chapter 12. Signs, Subsection 12.9.B.1.iii., to expand the maximum allowable ground sign size within Institutional Campus (IC) zoning districts. The Board discussed the proposed amendment at its January 27, 2015 meeting, and remanded the proposed amendments back to Staff for further work, with suggestions. Staff subsequently met with the applicant, and has prepared a modified amendment that is mutually satisfactory to the applicant and Staff.

**Discussion:** UDO Subsection 12.9.B.1.iii currently limits the maximum allowable ground sign size within IC zoning districts to 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign. Current Ordinance language is as follows:

*"IC district: 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign;"*

The applicant originally proposed to amend Subsection 12.9.B.1.iii to expand the maximum allowable ground sign size within IC zoning districts to 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.

Subsequent discussion at the January 27, 2015 Planning Board meeting revealed concern on the part of the Board regarding 85 square feet being generally applicable to all IC districts. However, the Board was generally comfortable with 85 square foot signs along Asheville Highway within the "commercial strip".

**Staff / Board Recommendation:** In response to the Board's concerns, Staff proposes an alternative approach. Staff recommends establishment of an "Asheville Highway Sign Overlay District." The proposed boundaries of such overlay district are depicted upon the attached maps.

Proposed ordinance language is attached hereto.

Staff recommends approval of the proposed text amendments as revised and presented.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed zoning map and text amendments as presented.
2. Recommend approval of the proposed zoning map and text amendments as presented.
3. Recommend approval of the proposed zoning map and text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Friday, March 28, 2015.

**Fiscal Impact:** None.

**Policy Impact:** No specific policy exists to inform the proposed text amendment. Policy issues pertain to community character, aesthetics, and the advertisement needs of businesses and institutions within the City of Brevard; the Planning Board should carefully consider these factors in formulating its recommendation to City Council.

**Attachments:**

Applicant materials  
Official Zoning Map



The City of  
**Brevard**  
North Carolina

**PLANNING BOARD STAFF REPORT**

**February 17, 2015**

**Title:** Planning Board, Community Appearance Commission, Technical Review  
Commission Roles in Development Review Process  
**Speaker:** Joshua Freeman, Planning Director  
**From:** Joshua Freeman, Planning Director  
**Prepared by:** Joshua Freeman, Planning Director  
**Approved by:** Joshua Freeman, Planning Director

**Executive Summary:** Planning Board will give second consideration to, and offer a recommendation regarding, amendments to various chapters of the Unified Development Ordinance pertaining to the respective roles of the Planning Board, Community Appearance Commission, and Technical Review Commission in the development review process. Additional language has been added based upon feedback from the Board at its January meeting.

**Background:** The proposed text amendments are presented by Staff, upon direction of the City Manager, as a means of expediting certain development applications.

**Discussion:**

1. Previously approved text amendments eliminated the Technical Review Committee ("TRC"); a number of the proposed amendments are to remove references to the TRC, which were overlooked in those prior amendments.
2. Proposed amendments would remove the Community Appearance Commission ("CAC") from involvement in the development review process. The CAC was established in the 1990's to serve as a "Tree Commission," which advises the City Horticulturalist on urban forestry issues (as required by the City's participation in the National Arbor Day Foundation), and to manage the City's public sculpture program. The CAC continues serving in these roles to this day. In 2006, City Council adopted the Unified Development Ordinance ("UDO"), which contains the City's zoning regulations. The UDO contains Chapter 05, Architectural Design. The architectural design of new commercial buildings are generally approved by Staff, but the CAC was assigned an advisory role. This advisory role has limited value under the current structure of UDO Chapter 05; architectural design standards are prescriptive, meaning that they are not flexible or negotiable. Therefore, Staff has no authority to act upon recommendations from the CAC that might exceed the prescriptive standards of Chapter 05. It is Staff's position that this structure does not make efficient use

of the CAC's time and skill set, and adds time to the development review process without adding meaningful value to development outcomes.

3. Proposed amendments would remove the Planning Board from the review of final master plan in Planned Development Districts ("PDD"). City Council has directed Staff to identify and present modifications to the PDD process that will expedite the review timeline. The Planning Board plays a critically important role in reviewing PDD proposals; the board's role is to be the "the eyes, ears and voice of the general public", as well as advocates for implementation of City policy and sound planning principles in the context of major development projects. This role is most relevant in the review of PDD projects prior to their approval by City Council. Once Council has issued its approval, the review of final master plans become a ministerial task to ensure that the developer has complied with all ordinance requirements and conditions of approval. The proposed amendments would place this ministerial responsibility with Staff, while preserving the Planning Board's role in the policy development process leading to a City Council to approve, deny, or approve a PDD project with conditions.

**Staff / Board Recommendation:** Staff recommends approval of the proposed text amendments as presented.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments as presented.
3. Recommend approval of the proposed text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Friday, April 17, 2015.

**Fiscal Impact:** None.

**Policy Impact:** It is Staff's position that the proposed amendments will expedite the development review process without negatively impacting the City's ability to implement or advance adopted plans, policies and regulations.

**Attachments:**

Proposed amendments to the UDO.

1 12.9.A.2.i

2 12.9. - Signs allowed with permits.

3 A. *Signs allowed in GR districts:* The following types of signs shall be allowed in all of the residential  
4 districts subject to the accompanying restrictions and the issuance of a sign permit:

5 2. *Ground signs at neighborhood entrances:* Distinct neighborhoods, residential subdivisions,  
6 residential group developments, residential planned development districts, and  
7 manufactured home parks are permitted one ground sign at each entrance.

8 i. Such communities may include those older existing communities that may not have  
9 been permitted as unified projects (e.g., "Welcome to the Rosenwald Community",  
10 "Maple Street Community"). However, such signs shall be of a uniform design to be  
11 approved by the city. ~~Designs and locations shall be approved by the administrator in~~  
12 ~~consultation with the public works director and the community appearance commission.~~

Commented [JF1]: Language unnecessary. All signs are approved by the administrator.

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33 15.1, first paragraph

34 15.1.C

35 15.1. - Boards and commissions established.

36 The following boards and commissions are hereby established:

- 37 • Brevard Planning Board (BPB).
- 38 • Board of Adjustment (BOA).

39 ~~• Community Appearance Commission (CAC).~~

40 ~~C Community appearance commission.~~

41 ~~1. Authority and responsibility. The community appearance commission (hereinafter CAC) shall~~  
42 ~~have the following duties and responsibilities:~~

43 ~~a. Upon request of the administrator or the technical review committee, to review and~~  
44 ~~submit recommendations regarding the schematic design of any individual building and~~  
45 ~~the landscaping plan of any project that is under consideration as part of a Category I~~  
46 ~~Development Application. All Category II Development Applications shall be reviewed~~  
47 ~~by the community appearance commission.~~

48 ~~b. To review and submit recommendations to the administrator regarding the schematic~~  
49 ~~design of any individual building and the landscaping plan of any project that is under~~  
50 ~~consideration as part of a Category I or III Land Development Application.~~

51 ~~c. Give advice to property owners concerning the treatment of the historical and visual~~  
52 ~~characteristics of their properties.~~

53 ~~d. Propose changes in this ordinance, and recommend new ordinances dealing with the~~  
54 ~~visual appearance of the city.~~

55 ~~e. Undertake programs of research, information, education, or analysis relating to any~~  
56 ~~matters under its purview.~~

57 ~~2. Membership and terms of office.~~

58 ~~a. In accordance with G.S. 160A-451-455, and G.S. 180A-400, the appearance~~  
59 ~~commission shall consist of a total of seven members. Representation shall be provided~~  
60 ~~for the extraterritorial jurisdiction by appointing at least one resident therefrom.~~

61 ~~b. Representatives from within the city limits shall be appointed by the city council.~~  
62 ~~Representatives from the ETJ area shall be appointed by the Transylvania County~~  
63 ~~Board of Commissioners.~~

64 ~~c. Where possible, the city council shall appoint to a majority of the commission those~~  
65 ~~residents who have had special training or experience in a design field, such as~~  
66 ~~architecture, landscape architecture, horticulture, planning, or a closely related field.~~

67 ~~d. The term of office shall be three years, although initial appointments shall be made for~~  
68 ~~one, two and three years so the terms may be staggered. Vacancies occurring for~~  
69 ~~reasons other than expiration of terms shall be filled as they occur for the period of the~~  
70 ~~unexpired term.~~

71 ~~e. The community appearance commission shall elect the commission chair and vice chair~~  
72 ~~from among its members. They shall each serve a one-year term.~~

Commented [JF2]: CAC is disbanded as a board under the City's development regulations. A resolution will be enacted by Council that re-establishes the CAC as a tree and art commission.

75 16.5.E is hereby amended to read as follows.

76 16.5. - Review procedure in general.

77 E. Outline of review procedures:

Review Procedure (In descending order)	Permit Category Type		
	I	II	III
The applicant must schedule a pre-application meeting with administrator and submit sketch plan (Chapter 17)	✓	✓	✓
Upon determination of sketch plan completeness and general conformity with this ordinance, the administrator shall authorize the Applicant to submit Master Plan/Environmental Survey/Traffic Impact Analysis/Preliminary Plat (Chapter 17) and other documentation as required by administrator	✓	✓	✓
The administrator may require neighborhood compatibility meeting for any project	✓	✓	✓
<del>The administrator shall forward application to Community Appearance Commission as appropriate</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>
The administrator shall forward application to other federal, state, local entities for review as appropriate	-	✓	✓
<del>The administrator shall forward application to the TRC for recommendation/action as appropriate</del>	<del>-</del>	<del>✓</del>	<del>✓</del>
The administrator shall forward application to BPB/BOA for recommendation/action as appropriate	-	-	✓
The administrator shall forward application to city council for action as appropriate	-	-	✓
The Approving Authority shall table, approve, approve with conditions, or deny master plan/preliminary plat as appropriate	✓	✓	✓

Commented [JF3]: CAC removed from development review process.

Upon approval of Master Plan by approving authority the administrator shall authorize the applicant to submit Construction Documents/Final Plats (Chapter 17) and other documentation as required by administrator	✓	✓	✓
Administrator shall require evidence of approval of any other permit required by any other Federal, State, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of Engineers permits, etc.)	✓	✓	✓
The administrator shall review construction documents and approve, approve with conditions, or deny	✓	✓	✓
Administrator may issue land development permit as appropriate	✓	✓	✓

78

79 16.5. G.1 through 3 are hereby repealed.

80 G. Schedule for review: Unless otherwise specified herein, the timeframe for land development  
81 application review shall be as follows:

82 ~~1. Community appearance commission (CAC).~~

83 ~~2. The CAC shall review the following application types for conformance with Chapter 5 of this  
84 ordinance, and shall recommend other conditions it deems appropriate in order to protect and  
85 enhance property values and the character of the community:~~

86 ~~(a) Multi-family dwelling units (more than two dwelling units);~~

87 ~~(b) All commercial, industrial, or mixed-use development except home occupations;~~

88 ~~(c) All applications for Special Use Permit, Conditional Zoning District, or Planned Development  
89 for which new structures are proposed.~~

90 ~~3. The CAC will submit a recommendation regarding any land development application to the  
91 administrator within 15 days of the meeting at which it first considers such application.~~

92

93 Section 16.7.C.7.b is hereby amended to read as follows:

94 16.7. - Text amendments and rezonings (map amendments).

95 C. Review procedure:

96 7. The following additional procedures apply to applications requesting creation of a conditional  
97 zoning district or a planned development district:

98 b. The administrator may require that the application be circulated to ~~the community~~  
99 ~~appearance commission as well as other~~ relevant city, county, and state agencies and  
100 officials for comment(s) as to the proposed development's conformance to all applicable  
101 standards and requirements and whether approval is recommended.

102

103

Commented [JF4]: CAC removed from development review process.

104 Section 16.7.F.4 is hereby amended as follows:

Commented [JF5]: CAC / TRC removed from development review process.

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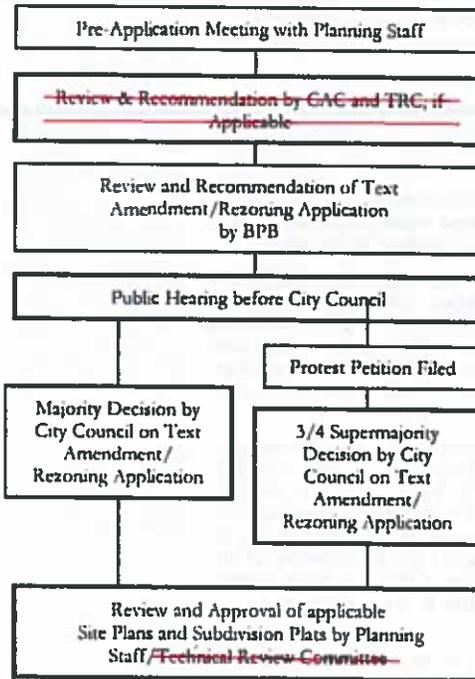
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120 Sections 16.8.C.2 and 7 are hereby amended to read as follows:

121 16.8. - Conditional zoning.

Commented [JF6]: CAC / TRC removed from development review process.

122 C. *Application procedure.* When applying for conditional zoning, the owner shall specify the nature of the  
123 proposed development and shall propose conditions to ensure compatibility with the surrounding uses  
124 and consistency with adopted plans. Applications for conditional zoning shall be processed,  
125 considered, and voted upon using the same procedures and subject to the same requirements as  
126 those established in this article for zoning map and zoning text amendments, except as provided  
127 below:

128 ~~1. The application shall include a master plan or preliminary master plan, as well as any other~~  
129 ~~documentation deemed necessary by the administrator in order to provide city council with a~~  
130 ~~complete and accurate description of the proposed development.~~

131 12. The application and supporting materials shall be submitted to ~~the administrator~~ and reviewed by  
132 the administrator, planning board, and city council as set forth below ~~community appearance~~  
133 ~~commission, and technical review committee in accordance with the procedures set forth above~~  
134 ~~for Category II Land Development Permits. The application shall include a master plan or~~  
135 ~~preliminary master plan, as well as any other documentation deemed necessary by the~~

136 administrator in order to provide the planning board and city council with a complete and accurate  
137 description of the proposed development.

Commented [JF7]: Language in yellow added at the request of the Planning Board.

138 ~~3. The recommendations and comments of the technical review committee shall be reported to the~~  
139 ~~planning board. In addition, the administrator shall evaluate conditional zoning applications on~~  
140 ~~the basis of the criteria for Special Use Permits as set forth in this chapter, and shall submit said~~  
141 ~~report at the public hearings on said applications.~~

142 24. Following review by the administrator, technical review committee the planning board shall  
143 consider the application and take one of the following steps: recommend approval of the  
144 application, including recommending conditions for the zoning; recommend denial of the  
145 application; or continue the consideration of the application in order to receive further information.

146 35. Upon receipt of the recommendations from the planning board, the city council shall hold a public  
147 hearing on the application for conditional zoning. Notice of the public hearing shall be provided  
148 as the same is required for a public hearing for rezoning property as set forth in this chapter.

149 46. The city council's consideration of an application for conditional zoning is legislative in nature, and  
150 the council may consider any relevant information in its deliberations, ~~including the criteria for~~  
151 ~~issuing Special Use Permits as set forth in this chapter.~~ Consideration shall be given to adopted  
152 land use plans for the area, small area plans, corridor plans, transportation plans, and other land  
153 use policy documents, and to surrounding land uses. The council may adopt or not adopt an  
154 enacting ordinance for a conditional zoning or planned development district, or may continue its  
155 consideration of the application as necessary or appropriate.

156 57. During the adoption of a conditional zoning or planned development district, specific conditions  
157 may be proposed by the applicant, city council, planning board, ~~technical review committee,~~  
158 ~~community appearance commission, or~~ administrator, but only those conditions mutually  
159 approved by city council and the applicant may be incorporated into the zoning regulations and  
160 permit requirements. Conditions and site-specific standards imposed in a conditional use or  
161 planned development district shall be limited to those that address the conformance of the  
162 development and use of the site to city ordinances, an officially adopted comprehensive or other  
163 plan and those that address the impacts reasonably expected to be generated by the  
164 development or use of the site.

165 68. Specific findings of the city council are not required for action on an application for conditional  
166 zoning. However, a statement analyzing the reasonableness of the proposed rezoning shall be  
167 prepared for each conditional zoning.

168 79. Upon adoption of an enacting ordinance establishing a conditional zoning or planned  
169 development district the official zoning map of the City of Brevard shall be amended to add the  
170 district. The administrator shall maintain a book or file of enacting ordinances, and each enacting  
171 ordinance shall be filed therein. Failure to comply with this provision shall not render the ordinance  
172 invalid.

173 840. The conditional zoning ordinance adopted as provided herein shall be perpetually binding upon  
174 the affected property unless subsequently changed or amended as provided for in this chapter.

175 914. Conditional zoning ordinances are legislative in nature, and judicial review of conditional zoning  
176 ordinances shall be as provided by law for zoning ordinances.

177 D. *Special requirements for conditional zoning districts.* In addition to all other applicable regulations, the  
178 following special requirements shall apply to conditional zoning districts.

179 1. All standards and requirements of the corresponding base district shall be met, except to the  
180 extent that conditions imposed by the conditional zoning are more restrictive than the base district  
181 standards.

182 2. Minor modifications to the approved conditional zoning district requirements may be approved by  
183 the administrator. The minor modifications authorized herein are intended to provide relief where  
184 conditions established by enacting ordinance of the conditional zoning district create a hardship  
185 based upon a unique physical attribute of the property itself or some other factor unique to the

186 property which was not known at the time of adoption of the enacting ordinance and which has  
187 subsequently rendered the property difficult or impossible to use due to the condition(s) imposed  
188 by the zoning. The permit holder shall bear the burden of proof to secure the modification(s). Such  
189 modifications shall be limited to the following:

190 (a) A deviation of up to ten percent or 24 inches, whichever is greater, from the approved  
191 setback.

192 (b) A reduction of up to 25 percent in the number of parking spaces.

193 (c) Any other minor modification in accordance with the limitations and procedures prescribed  
194 in this ordinance, unless an enacting ordinance of a conditional zoning district adopted  
195 pursuant to this section specifies otherwise.

196 Any other modifications must be approved by the city council as an amendment to the enacting  
197 ordinance of the conditional zoning district, ~~and shall be referred to the planning board or technical~~  
198 ~~review committee as appropriate.~~ The administrator shall in every case have the discretion to  
199 decline to exercise the power to approve or deny modifications as provided for herein, and may  
200 require the applicant to seek an amendment to the conditional zoning ordinance.

201 E. *Special requirements for planned development districts.* In addition to all other applicable regulations,  
202 the following special requirements shall apply to planned development districts.

203 1. *Preliminary master plan.* Where the scale of a proposed planned development is such that it  
204 makes the submittal of a final master plan impractical, the planning director may allow the  
205 applicant to submit a preliminary master plan in lieu of a final master plan. The preliminary  
206 master plan shall address all of the applicable parameters specified in Section 17.5 for master  
207 plans but may do so in a more conceptual manner. City Council may approve the preliminary  
208 master plan in lieu of a final master plan provided that the PD approving ordinance sets forth  
209 specific requirements and criteria, which must be to be satisfied by a upon a subsequent final  
210 master plan and all subsequent site plans, construction documents, and subdivision plats.

211 2. *Final master plan.* Unless a final master plan was approved at the time of creation of a planned  
212 development district, then the applicant shall submit a final master plan for development, or any  
213 phase thereof, within the timeframe specified in the ordinance establishing the planned  
214 development district, which timeframe shall not exceed five years. The administrator shall grant  
215 final master plan approval for the development or a phase thereof, as applicable, upon  
216 determining that the final master plan is complete and complies with the ordinance creating the  
217 PD district, including all conditions attached thereto, and with the approved preliminary master  
218 plan, and with all applicable regulations.

219 ~~Unless a final master plan was approved at the time of creation of a planned development~~  
220 ~~district, then within one year of the enactment of the ordinance creating the district, or such~~  
221 ~~other period, not to exceed five years, specified in said ordinance, the applicant shall submit a~~  
222 ~~final master plan for the development, or any phase thereof, meeting the requirements of~~  
223 ~~Section 17.5, below. The provisions contained herein relating to submittal of final master plans~~  
224 ~~may be modified by means of a development agreement between the developer and the City of~~  
225 ~~Brevard.~~

226 ~~(a) Upon receipt of a final master plan the planning director shall review it for completeness and~~  
227 ~~for compliance with the conditions and standards imposed in the ordinance creating the PD~~  
228 ~~district. If the planning director determines that the plan is complete and does not constitute~~  
229 ~~a major modification of the ordinance creating the PD district, including all conditions~~  
230 ~~attached thereto and the approved preliminary master plan, he or she shall forward it to the~~  
231 ~~technical review committee for its review and recommendations.~~

232 ~~(b) The planning director shall then forward the recommendations of the TRC to the planning~~  
233 ~~board for its consideration. If the planning board determines that the final master plan~~  
234 ~~complies with the ordinance creating the PD district, including all conditions attached thereto,~~

Commented [JF8]: Language in yellow added at the request of the Planning Board.

Commented [JF9]: Cleanup of language directing timeframe for submittal of final master plan after approval of preliminary master plan.

Commented [JF10]: Planning Board is removed from the review process for final master plans of planned development districts.

- 235 ~~and with the approved preliminary master plan, and with all applicable regulations, it shall~~  
 236 ~~grant final master plan approval for the development or a phase thereof, as applicable.~~
- 237 3. *Construction document requirements.* Construction documents meeting the requirements of  
 238 Section 17.6 shall be submitted within one year of the date of final master plan approval.
- 239 4. *Modifications.* No major modifications of any conditions imposed as part of the ordinance creating  
 240 the PD district ~~may be authorized except by means of enactment of a new ordinance, following~~  
 241 ~~the procedures specified in Section 16.8.C, establishing a new PD district. No major~~  
 242 ~~modifications, or~~ of an approved preliminary master plan, may be authorized except by means of  
 243 enactment of a new ordinance, following the procedures specified in Section 16.8.C, establishing  
 244 a new PD district. Modifications of approved preliminary master plans are major unless  
 245 determined to be minor or intermediate pursuant to this paragraph. The ordinance creating the  
 246 PD district may specify the circumstances for determining whether a proposed change is  
 247 intermediate or major, which provisions shall control over any contrary provision in the Unified  
 248 Development Ordinance.
- 249 (a) *Minor modifications.* Minor modifications have a negligible impact on an approved  
 250 preliminary master plan. Examples include changing the spacing or species of approved  
 251 landscaping plants, altering lot sizes by a few square feet, or amending utility plans. Minor  
 252 modifications are reviewed, and may be approved, by the ~~planning director~~ administrator.
- 253 (b) *Intermediate modifications.* Intermediate modifications have a more substantial impact but  
 254 do not completely change the application. Examples include changes in building design,  
 255 residential lot configurations, or commercial driveway locations. These changes are  
 256 reviewed by the Planning Board without a public hearing.
- 257 (c) *Major modifications.* Major modifications have substantial impacts to an approved  
 258 preliminary master plan. Examples include changing the intensity or mix of proposed uses  
 259 or significantly increasing the amount of traffic generated by a development. Major  
 260 modifications may only be authorized by means of a new ~~conditional zoning~~ ordinance as  
 261 provided for in this chapter.
- 262 5. *Major modification determination.* If a master plan or other plan of development is submitted for  
 263 a PD district, the ~~planning director~~ administrator shall determine whether such plan of  
 264 development is consistent with the ordinance creating the PD district, including the preliminary  
 265 master plan for such district. If such master plan or other plan of development is not consistent,  
 266 the ~~planning director~~ administrator shall determine whether any modifications contained therein  
 267 are minor, intermediate or major. The ~~planning director~~ administrator, in his or her discretion, may  
 268 refer this determination to the planning board. If the ~~planning director~~ administrator or the planning  
 269 board, as the case may be, determines any modification is major, the ~~planning director~~  
 270 administrator shall notify the applicant in writing of such determination.
- 271 6. *Appeals of decisions relating to modifications.*
- 272 (a) Decisions of the ~~planning director~~ administrator. A decision of the ~~planning director~~  
 273 administrator, whether it relates to a decision regarding a minor modification or a  
 274 determination of major modification, may be appealed to the ~~planning board~~ zoning board of  
 275 adjustment.
- 276 (b) Decisions of the planning board. A decision of the planning board ~~whether it relates to a~~  
 277 ~~decision regarding an intermediate modification, a decision determining a modification is~~  
 278 ~~major, or an appeal of a decision of the planning director,~~ may be appealed to city council.
- 279 (c) Notice of appeal. Appeals shall be perfected by filing them in writing with the ~~planning director~~  
 280 administrator within 30 days of receipt of the decision being appealed.
- 281 (d) Hearing on appeal. Unless a longer period of time is agreed to by the applicant, hearings on  
 282 an appeal shall be held within 30 days of receipt of the notice of appeal.
- 283 7. *Issuance of permits.* Demolition permits may be issued based upon an approved preliminary  
 284 master plan. However, no permit shall be issued for the construction, remodel, or rehabilitation of

Commented [JF11]: Planning Board retains authority to review / approve / deny intermediate modifications proposed in final master plans.

285 any structure within the area of a PD district, nor shall any structure be approved within the area  
286 of a PD district, until a master plan has been approved by the approving authority and,  
287 subsequently, site plans, construction documents, and / or subdivision plats, as applicable, have  
288 been approved by the administrator. No subdivision of land within a PD district shall be permitted  
289 prior to final master plan approval unless the ordinance creating the district provides otherwise.

290

291 Section 16.9 B is hereby amended to read as follows:

292 16.9. - Vested rights.

293 B. Review procedure:

294 ~~1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan along~~  
295 ~~with an environmental survey to the administrator for a non-binding review. Upon determination~~  
296 ~~of completeness and general conformity with this ordinance, the administrator shall authorize the~~  
297 ~~applicant to submit the master plan as defined in Chapter 17 for formal review.~~

298 ~~2. The administrator shall review and make comment on the master plan. When the administrator~~  
299 ~~determines that the application is complete and complies with the ordinance it shall be~~  
300 ~~provisionally approved. If the master plan is denied, the reasons for denial shall be stated in writing~~  
301 ~~and the applicant may resubmit the development for further review.~~

302 ~~3. Following approval of the master plan by the administrator, the applicant shall submit the master~~  
303 ~~plan, construction documents, and all other documents as required by Chapter 17 for review by~~  
304 ~~the TRC. The administrator shall require evidence of approval of any other permit required by any~~  
305 ~~other federal, state, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of~~  
306 ~~Engineers permits, and etc.).~~

307 ~~4. When the administrator determines that the application is complete and complies with this~~  
308 ~~ordinance, the administrator shall transmit submitted application materials along with any~~  
309 ~~recommendations to the TRC, as well as to the community appearance commission and other~~  
310 ~~applicable review entities as appropriate. The administrator may require that the application be~~  
311 ~~circulated to other relevant city, county, and state agencies and officials for comment(s) as to the~~  
312 ~~proposed development's conformance to all applicable standards and requirements and whether~~  
313 ~~approval is recommended.~~

314 ~~5. The community appearance commission and other agencies and officials shall transmit any~~  
315 ~~recommendations to the TRC prior to the next regularly scheduled meeting of the TRC.~~

316 ~~6. The TRC shall review and make comment on the application. The TRC may require a Traffic~~  
317 ~~Impact Study, and Environmental Impact Statement, and any other additional information as~~  
318 ~~necessary to properly consider the application.~~

319 ~~7. The TRC shall, within 30 days of receipt of all necessary application materials and additional~~  
320 ~~information, take action to recommend approval, approval with conditions, or deny the application.~~

321 ~~8. Following action by the TRC, the administrator shall transmit the application to the BPB for a~~  
322 ~~recommendation. The BPB shall, within 30 days of receipt of all necessary application materials~~  
323 ~~and additional information, take action to recommend approval, approval with conditions, or deny~~  
324 ~~the application.~~

325 1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan to the  
326 administrator for a non-binding review. Upon determination of completeness and general  
327 conformity with this ordinance, the administrator shall authorize the applicant to submit the master  
328 plan as defined in Chapter 17 for formal review.

329 2. The administrator may require a Traffic Impact Study, and Environmental Impact Statement, and  
330 any other additional information as necessary to properly consider the application.

Commented [JF12]: Vested rights review procedure narrative is cleaned up; TRC is removed from process.

- 331 3. The administrator may require evidence of approval of other permits required by other federal,  
332 state, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of Engineers permits,  
333 and etc.).
- 334 4. The administrator may require that the application be circulated to other relevant city, county, and  
335 state agencies and officials for comment(s) as to the proposed development's conformance to all  
336 applicable standards and requirements and whether approval is recommended.
- 337 5. The administrator shall review and make comment on the master plan. When the administrator  
338 determines that the application is complete and complies with the ordinance it shall be  
339 preliminarily approved. If the master plan is denied, the reasons for denial shall be stated in writing  
340 and the applicant may resubmit the development for further review.
- 341 6. Following preliminary approval of the master plan by the administrator, the administrator shall  
342 transmit the application to the BPB for a recommendation. The BPB shall, within 30 days of receipt  
343 of all necessary application materials and additional information, take action to recommend  
344 approval, approval with conditions, or deny the application.
- 345 7. Upon receipt of a recommendation from the BPB, the administrator shall transmit the application  
346 to City Council for review as set forth in subsection C, below.

347  
348 Section 16.9.C.1 is hereby amended to read as follows:

349 C. *City council action:*

- 350 1. The city council shall determine whether or not to grant or establish a vested right after the review  
351 and consideration of the application ~~by TRC and the BPB~~ in accordance with the aforementioned  
352 procedures.

353

354 Section 16.11 C is hereby amended to read as follows:

355 16.11. - Special use permits.

356 C. *Review procedure.*

- 357 ~~1. The applicant shall request a meeting as required per chapter 17 and submit a sketch plan along~~  
358 ~~with an environmental survey to the administrator for a non-binding review.~~
- 359 ~~2. Upon determination of completeness and general conformity with this ordinance, the~~  
360 ~~administrator shall authorize the applicant to submit the master plan as defined in chapter 17 for~~  
361 ~~formal review. Depending upon the nature of the application, additional construction documents~~  
362 ~~such as building elevations may be necessary. Such master plan shall be submitted at least 60~~  
363 ~~days prior to the TRC meeting at which it will first be reviewed.~~
- 364 ~~3. The administrator shall review and make comment on the master plan. When the administrator~~  
365 ~~determines that the application is complete and complies with the ordinance, it shall be accepted.~~  
366 ~~If the master plan is denied, the reasons for denial shall be stated in writing, and the applicant~~  
367 ~~may resubmit the development for further review.~~
- 368 ~~4. When the administrator determines that the application is complete and complies with this~~  
369 ~~ordinance, the administrator shall transmit submitted application materials along with any~~  
370 ~~recommendations to the TRC, as well as to the community appearance commission and other~~  
371 ~~applicable review entities as appropriate. The administrator may require that the application be~~  
372 ~~circulated to other relevant city, county, and state agencies and officials for comment(s) as to the~~  
373 ~~proposed development's conformance to all applicable standards and requirements and whether~~  
374 ~~approval is recommended.~~
- 375 ~~5. The community appearance commission and other agencies and officials shall transmit any~~  
376 ~~recommendations to the TRC prior to the next regularly scheduled meeting of the TRC.~~

Commented [JF13]: Special Use Permit review procedure narrative is cleaned up; CAC / TRC is removed from process.

377 ~~6. The TRC shall, within 30 days of receipt of all necessary application materials and additional~~  
378 ~~information, take action to recommend approval, approval with conditions, or denial [of] the~~  
379 ~~application.~~

380 ~~7. Following action by the TRC, the administrator shall transmit the application to the BOA for action.~~

381 1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan to the  
382 administrator for a non-binding review. Upon determination of completeness and general  
383 conformity with this ordinance, the administrator shall authorize the applicant to submit the master  
384 plan as defined in Chapter 17 for formal review.

385 2. The administrator may require a Traffic Impact Study, Environmental Impact Statement,  
386 architectural elevations, and any other additional information as necessary to properly consider  
387 the application.

388 3. The administrator may require that the application be circulated to other relevant city, county, and  
389 state agencies and officials for comment(s) as to the proposed development's conformance to all  
390 applicable standards and requirements and whether approval is recommended.

391 4. The administrator shall review and make comment on the site plan. When the administrator  
392 determines that the application is complete and complies with the ordinance, the administrator  
393 shall transmit the application to the BOA for action.

394 ~~5.~~ In addition to the notice requirements contained in subsection 16.10.B, above, the administrator  
395 shall provide additional notice of the hearing date, time, and location in accordance with the  
396 following:

397 (a) A notice shall be published in a newspaper having general circulation in the city once a week,  
398 for two successive weeks, the first notice to be published not less than ten days nor more  
399 than 25 days prior to the date established for the hearing.

400 (b) A prominent sign shall be posted on the subject property or properties beginning not less  
401 than ten days nor more than 25 days prior to the date established for the hearing. Such  
402 notice shall state the date, time, and location of the public hearing, and a phone number to  
403 contact during business hours for additional information. The sign shall remain until after the  
404 BOA has rendered its final decision.

405 ~~6.~~ The processing of a special use permit shall be conducted by the BOA. During the public hearing,  
406 all parties presenting testimony and evidence shall be duly sworn.

407 ~~7.~~ The BOA may require a traffic impact study, an environmental impact statement, and any other  
408 additional information as necessary to properly consider the application.

409 ~~8.~~ The BOA may attach reasonable and appropriate conditions on the location, nature, and extent  
410 of the proposed use.

411 ~~9.~~ Following approval of the master plan by the BOA, the applicant shall submit to the administrator  
412 all construction documents, and all other documents specified by chapter 17 for project approval  
413 and administration. The administrator shall require evidence of approval of any other permit  
414 required by any other federal, state, or local agency (i.e., NCDOT permits, NCDENR permits,  
415 Army Corps of Engineers permits, etc.)

416

417 Section 16.15.B.3 is hereby amended to read as follows:

418 16.15. - Architectural exceptions.

419 B. *Procedure.*

420 3. Upon satisfaction of all other required review procedures of this chapter, the administrator shall  
421 forward the request to the BOA along with a recommendation ~~from the CAC.~~

Commented [JF14]: Word changed from "master" to "site" at the request of the Planning Board.

Commented [JF15]: CAC is removed from Architectural Exception review process.

422 Subsection 17.2.B is hereby amended to read as follows:

423 17.2. - Establishment of land development permit and development plan.

424 B. The submission of a complete land development permit application and accompanying development  
425 plans in accordance with this chapter is necessary prior to the scheduling of any review by the  
426 administrator, Brevard Planning Board (hereafter, "BPB"), Brevard Board of Adjustment (hereafter,  
427 "BOA"), ~~Community Appearance Commission (hereafter, "CAC")~~, or city council, and prior to the  
428 issuance of an approved land development permit. The number of copies of plans and plats required  
429 by this chapter shall be determined by the administrator. The administrator may require that copies of  
430 final plans and plats be provided in digital format. The administrator shall have the authority to deny  
431 and return any submitted land development permit application and associated development plans  
432 upon a determination that such submitted items are insufficient or do not demonstrate compliance with  
433 the requirements of this ordinance. The administrator shall not forward submitted applications to any  
434 higher reviewing entity until submitted materials satisfy the requirements of this ordinance, except  
435 when specific and permissible deviations from this ordinance are requested (i.e., dimensional variance,  
436 or deviations common to a planned development).

Commented [JF16]: CAC is removed from the development review process.

## CHAPTER 2. - DISTRICT PROVISIONS

### 2.1. - General intent and establishment of districts.

#### A. *Base districts.*

1. In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the City of Brevard and its extra-territorial jurisdiction (hereafter, the "regulatory jurisdiction"), as indicated on the official zoning map is hereby divided into various districts that set forth uniform regulations for the development of land within each district.
2. The purpose of these district regulations is to provide a comprehensive plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

#### B. *Establishment of base districts, and purpose statements.* This ordinance establishes the following base districts for use as zoning categories

1. *General Residential (GR4 and GR6).* The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Land-Use Plan.
2. *Residential Mixed-Use (RMX).* The Residential Mixed-Use District is intended to provide for areas of higher density residential development in close proximity (within  $\frac{1}{2}$ — $\frac{3}{4}$  mile) to existing and planned commercial centers such as the Downtown Mixed Use District. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.
3. *Neighborhood Mixed-Use (NMX).* The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.
4. *Downtown Mixed-Use (DMX).* The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.
5. *Corridor Mixed-Use (CMX).* The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. In addition, this district is established to assure the continuation of the natural beauty and green appearance of the major thoroughfares leading into the city, for enhancement of the appearance of newly developed and redeveloped properties, and for the promotion of public safety by limiting the number and location of access points.
6. *Institutional Campus (IC).* The Institutional Campus District is coded to allow for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health-care facilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles.

7. *General Industrial (GI)*. This district is primarily for general industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail. The standards established for general industrial areas are designed to promote sound permanent industrial development.
- C. *Establishment of conditional zoning districts*. In addition to the base districts established above, and as authorized under G.S. 160A-382 and G.S. 153A-342 the following conditional districts are established which correspond to the above-referenced districts but which require the submission of a master plan as a prerequisite to any development. These districts are intended to allow for the establishment of specific land uses not otherwise permitted in the underlying base district, subject to applicable conditions of the approving authority, while insuring compliance with all other applicable provisions of this ordinance. These districts are not intended to relieve hardships that should be resolved by means of a variance, or to provide the design and dimensional flexibility of development overlay districts listed in Section 2.1(D), below. The procedure for the establishment of these districts is found in Chapter 16 of this ordinance.
1. General Residential Conditional Zoning District 10 (GR 10 CD).
  2. Residential Mixed-Use Conditional Zoning District (RMX CD).
  3. Neighborhood Mixed Use Conditional Zoning District (NMX CD).
  4. Corridor Mixed Use Conditional Zoning District (CMX CD).
  5. Central Business District Conditional Zoning District (CBD CD).
  6. General Industrial Conditional Zoning District (GI CD).
- D. *Overlay districts*. In accordance with North Carolina General Statute 160A-382, the following overlay districts are established. These overlay districts impose additional requirements on properties within one or more underlying base or conditional districts.
1. *Manufactured Home Overlay District (MHD)*. The purpose of the MHD is to allow for the continued placement of manufactured homes "by right" in areas where manufactured housing is a historical housing form. Manufactured homes shall be subject to the design requirements of Chapter 5 as well as other provisions of this ordinance. Manufactured home parks shall require a special use permit in all parts of the city in which they are permitted.
  2. [Asheville Highway Sign Overlay District. The purpose of the AHSOD is to provide standard signage requirements for the commercial corridor along Asheville Highway.](#)
- E. *Planned Development (PD)*. A Planned Development (PD) is a base zoning district classification which may only be assigned by means of conditional zoning pursuant to the procedures and criteria set forth in Section 16.8. This zoning classification is intended to provide an effective means for the city to manage the impacts of large-scale developments or developments in sensitive contexts and to provide developers with the flexibility for creative design approaches. The following developments may only be authorized for development in a Planned Development (PD) zoning district:
- ◆ Any development where the total ground floor area of all principal structures equals or exceeds 100,000 square feet;
  - ◆ Any group development containing 25 or more structures or units;
  - ◆ Any subdivision of land proposing 50 or more lots or condominium units;
  - ◆ Any development for which the developed area is proposed to include ten or more acres of land (inclusive of required recreation and open spaces).

Finally, inasmuch as planned developments allow for flexibility in building location and proximity, thus allowing appropriate densities while protecting sensitive areas, they are encouraged in steep slope and flood plain areas where site conditions limit the development area.

1. *General intent/purpose of planned developments.* The planned development zoning district classification allows projects of innovative design and layout that would not otherwise be permitted under this ordinance because of the strict application of zoning district or general development standards. Planned development zoning encourages innovative land planning and design concepts by:

- ◆ Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
- ◆ Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- ◆ Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, housing prices, lot sizes, densities, and non-residential uses in a planned development;
- ◆ Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- ◆ Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.

In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Planned development districts shall not be used as a means of circumventing the city's adopted land development regulations for routine developments.

2. *Designation procedure.* A Planned Development (PD) District shall only be created by means of conditional zoning pursuant to the procedure set forth in Section 16.8, which shall include submission, review, and approval of a planned development master plan or preliminary master plan as defined in Section 16.7. Simultaneous submission of a site and/or subdivision plan is optional.

3. *General use and development standards for PD Districts.*

(a) *Uses allowed.* A planned development may contain only those uses specified in the ordinance creating the PD district. Such uses may include any of the uses indicated in the use matrix contained in Section 2.C, provided such uses are consistent with the Land Use Plan.

(b) *Mixed uses encouraged.*

(1) Mixed use developments are strongly encouraged in PD zoning districts, including the mixing of principal residential uses with principal non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building). Unless otherwise provided in the ordinance creating a planned development district, mixed use developments shall comply with the Traditional Neighborhood Development specific standards contained in Section 2.E.8, below.

(2) Planned developments containing both residential and non-residential uses shall be designed, located, and oriented on the site so that non-residential uses are directly accessible to residents of the development. For the purposes of this section, "directly accessible" shall mean pedestrian and vehicular access by way of improved sidewalks

or paths and streets that do not involve leaving the planned development or using a major thoroughfare. "Directly accessible" does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the development to the non-residential use.

(c) *Applicable standards.*

- (1) Development in a PD district shall comply with the standards contained in the following chapters of the Unified Development Ordinance: Chapter 4, General Lot and Structure Provisions; Chapter 6, Environmental Protection; Chapter 9, Circulation and Connectivity; Chapter 11, Lighting; Chapter 13, Infrastructure Improvement Requirements. Provided, however, the General Lot and Structure Provisions in Section 4.4.D, whereby all subdivisions of land are required to front on a public street, may be modified by means of the ordinance creating a planned development district.
  - (2) The ordinance creating a PD district shall establish the following standards for development which may vary from applicable standards contained in the Unified Development Ordinance. If the ordinance creating a PD district fails to provide any of the standards required by this paragraph, any development in the district shall comply with the applicable standards contained in Brevard City Code.
    - a. Density and dimensional requirements (Section 2.3).
    - b. Additional use standards (Chapter 3).
    - c. Building types and architectural standards (Chapter 5).
    - d. Open space (Chapter 7), which shall be adequate to meet the needs of the proposed development.
    - e. Tree protection and landscaping (Chapter 8).
    - f. Parking standards (Chapter 10).
    - g. Signs (Chapter 12).
  - (3) Development and land use in a PD district shall comply with the requirements of Chapters 14 through 19 of the UDO.
  - (4) The ordinance creating the PD district shall specify whether phasing is proposed as well as the process, if applicable, for the review and approval of such phases, including any future subdivision of the property. Any references to final master plan in this section may apply to the entire planned development or an individual phase of such development.
4. *Transportation and circulation system.* The planned development's master plan shall demonstrate a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the city. If a preliminary master plan has been utilized in establishing a planned development district, final approval of the transportation and circulation system may be deferred to review of a final master plan for the entire development or any individual phase thereof. In such event, the planning board may condition final master plan approval on the developer's agreement to fund transportation and circulation improvements identified in a traffic impact analysis or other submittal or reasonably related thereto. Failure by the developer to agree to such conditions shall constitute a major modification pursuant to Section 16.8.E.4(b).
5. *Off-street parking and loading.* The planned development's master plan shall comply with the off-street parking and loading requirements of Chapter 10, below, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the development is submitted as part of the master plan that is suitable for the development and consistent with the intent and purpose of the off-street parking and loading standards of this ordinance. If a

preliminary master plan has been utilized in establishing a planned development district, final approval of the off-street parking and loading requirements may be deferred to review of a final master plan for the entire development or any individual phase thereof.

6. **Landscaping.** Landscaping shall comply with the standards of Chapter 8, below, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas, and is consistent with the urban design objectives and/or character of the area. Notwithstanding the foregoing, no variations from Section 6.7 shall be permitted.
7. **Open space.** Each planned development shall provide open space adequate to meet the needs of its residents, employees, and/or invitees. Such open space shall, at a minimum, comply with the requirements of Chapter 7, below.
8. **Traditional neighborhood development.** Unless the ordinance creating a PD district specifies otherwise, PD districts which contain residential uses shall incorporate the following traditional neighborhood development design principles:
  - (a) All neighborhoods shall have identifiable centers and edges.
  - (b) Edge lots shall be readily accessible to retail and/or recreation by non-vehicular means (a distance not greater than ¼—½ mile).
  - (c) Uses and housing types shall be mixed and in close proximity to one another.
  - (d) Street networks shall be interconnected and blocks small.
  - (e) Sidewalks and other pedestrian infrastructure shall be interconnected and comprehensive.
  - (f) Civic uses shall be given prominent sites throughout the neighborhood.
  - (g) The entire land area of the development shall be divided into blocks, streets, lots and open space areas.
  - (h) Similar land categories shall generally front across streets. Dissimilar categories should abut at rear lot lines. Corner lots which front on streets of dissimilar use should be set back the same as the adjacent use with the lesser setback.
  - (i) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
  - (j) Open space shall be centrally located so that it is within walking distance from all locations within the planned development. No portion of the planned development shall be further than 760 feet (1/8 mile) from a public open space as defined in Chapter 7
  - (k) Dimensional standards shall be established in accordance with neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.
9. **Land use allocations.** The applicant shall specify the land use allocation in a planned development incorporating residential uses. Unless a different land use allocation is approved in the ordinance creating the PD district, land use allocation for such development shall be required to comply with the following table.

Land Use	Minimum	Maximum
Single-Family	15%	75%
Multi-Family	10%	40%

Lodging/Office/Retail	2%	40%
Civic	2%	None

(Note: The figures in the table above are to be calculated as the net development area, excluding street rights-of-way.)

10. *Land use areas.* If a preliminary master plan has been utilized in establishing a planned development district, said plan may divide the district into land use areas and specify use and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas which shall permit deferring the determination of the precise boundaries between land use areas until final master plan review.

(Ord. No. 15-08, §§ 1, 2, 12-5-08; Ord. No. 20-09, § 4(Exh. B(2)), 9-21-09)

## 2.2. - Use categories and tables of permitted uses.

- A. All uses permitted in this Code have been divided into nine general categories as detailed below and are generally defined as follows:

1. *Residential:* Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
2. *Lodging:* Premises available for short-term human habitation, including daily and weekly rental.
3. *Office/service:* Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
4. *Retail/restaurants:* Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
5. *Entertainment/recreation:* Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
6. *Manufacturing/wholesale/storage:* Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
7. *Civic/institutional:* Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
8. *Infrastructure:* Uses and structures dedicated to transportation, communication, information, and utilities.
9. *Temporary uses:* Uses as defined in Chapter 19 of this ordinance.

- B. Interpretation of use matrices.

1. Any use not listed in the use matrix and not otherwise explicitly permitted within this ordinance is prohibited, unless the administrator determines that it falls within the same class as a listed use as set forth below.
2. Uses not listed as a permitted (P), permitted with additional standards (PS) or requiring a special use permit (SUP) are presumed to be prohibited from the applicable zoning district, except that prohibited uses may be permitted within the applicable zoning district through the application of a conditional zoning district in accordance with the provisions set forth in Chapter 16

3. In the event that a particular use is not listed in the use matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the administrator shall determine whether a materially similar use exists in this chapter. Should the administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing. Should the administrator determine that a materially similar use does not exist, this chapter may be amended to establish a specific listing for the use in question in accordance with the provisions set forth for text amendments in Chapter 16
  4. The administrator may determine that a use is materially similar if:
    - (a) The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection (b) below.
    - (b) The proposed use shall not generate average daily trips exceeding other uses proposed in the zoning district by more than ten percent, as determined by the Institute of Transportation Engineers, Trip Generation (7th ed., 2003, or as subsequently updated)(the "ITE Manual"), which document is hereby incorporated by this reference. If the proposed use trip generation is not specifically listed in the ITE Manual, a use considered materially similar shall be used. The administrator may also refer to similar local traffic studies.
  5. In order to assist in interpretation of the use matrix, the LBCS numbers where applicable are enumerated. In interpreting the use matrix, the following rules of construction shall apply:
    - (a) If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications get more specific.
    - (b) Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.
- C. Use matrix. The following matrix sets forth the manner by which certain uses may be permitted within the various districts set forth above.
1. "P" denotes those uses that are permitted "by right."
  2. "—"denotes those uses that are not permitted within the given district.
  3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in Chapter 16. Additional standards for certain uses requiring a special use permit are set forth in Chapters 3 and 5 of this ordinance.
  4. "PS" denotes those uses that are permitted with additional standards, which are set forth in Chapter 3
  5. "GD" denotes those uses may be permitted as a Group Development in accordance with the provisions set forth in Chapter 16
  6. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.

BASE DISTRICT	GR	RMX	NMX	DMX	CMX	IC	GI
Residential							

Dwelling—Single Family (Site-built) <sup>(a)</sup>	P	P	—	—	—	P	—
Dwelling—Duplex	P	P	P	—	—	P	—
Dwelling—Town Home or Condominium Structure	GD	P	P	P	P	P	
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	SUP	P	P	P	P	P	—
Dwelling—Multifamily more than 4 units/bldg	—	P	P	P	P	P	—
Dwelling—Secondary	PS	PS	PS	PS	PS	PS	—
Family Care Home (Less than 6 residents)	P	P	P	P	P	P	—
Home Occupation	PS	PS	P	P	P	P	—
Housing Service for the Elderly	SUP	P	P	P	P	P	—
Live-Work Units	Please see Subsection (e) below						—
Manufactured Home (single unit) <sup>(b)</sup>	MHD	MHD	MHD	MHD	MHD	MHD	
Manufactured Home Park	SUP	SUP	—	—	—	—	—
Recreational Vehicle	—	—	—	—	—	—	—
Lodging							
Bed and Breakfast Home	PS	PS	PS	PS	PS	PS	—
Bed and Breakfast Inns	SUP	PS	PS	PS	PS	PS	—
Accessory Rental Cottage/Cabins <sup>(c)</sup>	PS	PS	PS	—	—	—	—
Hotels/Motels/Inns	—	—	—	P	P	P	—
Rooming or Boarding House	—	—	P	P	P	P	—
Recreational Vehicle Park	—	—	—	—	—	—	—

Office/Service							
Animal Services	—	—	P	P	P	P	P
Artist Workshop	—	P	P	P	P	P	P
ATM	—	—	P	P	P	P	—
Banks, Credit Unions, Financial Services	—	—	P	P	P	P	P
Business Support Services	—	SUP	P	P	P	P	P
Adult/Child Day Care Home (Less than 6)	PS	PS	PS	PS	PS	PS	—
Adult/Child Day Care Center (6 or more)	—	PS	PS	PS	PS	PS	PS
Community Service Organization	—	SUP	P	P	P	P	P
Drive Thru Service	—	—	SUP	SUP	P	—	—
Equipment Rental	—	—	—	—	P	—	P
Funeral Homes	—	—	PS	PS	PS	PS	—
Group Care Facility (6 or more residents)	—	P	P	P	P	P	—
Government Services	—	P	P	P	P	P	P
Kennels	—	—	SUP	—	PS	—	PS
Medical Services—Clinic, Urgent Care Center	—	SUP	SUP	P	P	P	—
Medical Services—Doctor office	—	P	P	P	P	P	—
Post Office	—	—	P	P	P	P	—
Professional Services	SUP	P	P	P	P	P	P
Personal Services	—	P	P	P	P	P	—

Studio—Art, Dance, Martial Arts, Music	—	P	P	P	P	P	—
Vehicle Services—Major Repair/Body Work	—	—	—	—	PS	—	PS
Vehicle Services—Minor Maintenance/Repair <sup>(d)</sup>	—	—	SUP	SUP	PS	PS	PS
<b>Retail/Restaurants</b>							
Accessory Retail	—	—	—	—	—	—	PS
Alcoholic Beverage Sales Store	—	—	SUP	P	P	—	—
Auto/Mechanical Parts Sales	—	—	—	P	P	—	P
Bar/Tavern/Night Club	—	—	SUP	P	P	—	—
Drive-Thru Retail/Restaurants	—	—	—	SUP	PS	—	—
Gas Station	—	—	SUP	SUP	PS	—	PS
General Retail	—	—	P	P	P	P	—
Restaurant	—	—	P	P	P	P	P
Shopping Center—Neighborhood Center	—	—	GD	GD	GD	—	—
Shopping Center—Community Center	—	—	—	—	GD	—	—
Vehicle/Heavy Equipment Sales—Indoor	—	—	PS	PS	PS	—	PS
Vehicle/Heavy Equipment Sales—Outdoor	—	—	—	—	PS	—	PS
<b>Entertainment/Recreation</b>							
Amusements, Indoor	—	—	SUP	P	P	SUP	P
Amusements, Outdoor	—	—	SUP	SUP	P	—	P
Cultural or Community Facility	SUP	P	P	P	P	P	—

Meeting Facilities	—	SUP	P	P	P	P	—
Recreation Facilities, Indoor	SUP	SUP	SUP	P	P	P	P
Recreation Facilities, Outdoor	SUP	P	P	P	P	P	P
Theater, Movie	—	—	—	P	P	—	—
Theater, Live Performance	—	SUP	SUP	P	P	P	—
<b>Manufacturing/Wholesale/Storage</b>							
Inert Debris Storage or Disposal Facilities	—	—	—	—	—	—	PS
Junkyard	—	—	—	—	—	—	SUP
Laboratory—Medical, Analytical, Research and Development	—	—	—	—	SUP	SUP	P
Laundry, Dry Cleaning Plant	—	—	—	—	SUP	P	P
Manufacturing, Light	—	—	—	—	SUP	—	P
Manufacturing, Neighborhood	—	—	P	P	P	P	P
Manufacturing, Heavy	—	—	—	—	—	—	SUP
Media Production	—	—	P	P	P	P	P
Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	P	—	P
Mini-Warehouses	—	—	—	—	SUP	—	P
Recycling—Small Collection Facility	—	—	—	—	SUP	SUP	P
Research and Development	—	—	—	P	P	P	P
Storage—Outdoor Storage Yard as a Primary Use	—	—	—	—	SUP	—	P
Storage—Warehouse, Indoor Storage	—	—	—	—	SUP	—	P

Wholesaling and Distribution	—	—	—	—	P	—	P
<b>Civic/Institutional</b>							
Campground/Artist Colony/Summer Camp	SUP	SUP	SUP	—	—	SUP	—
Cemeteries	PS	PS	PS	PS	PS	PS	—
Colleges/Universities	—	—	SUP	P	P	P	—
Hospital	—	—	—	P	P	P	—
Jail	—	—	SUP	SUP	P	P	P
Public Safety Station	SUP	SUP	P	P	P	P	P
Religious Institutions	SUP	P	P	P	P	P	—
Schools—Elementary and Secondary	SUP	P	P	P	P	P	—
Schools—Vocational/Technical	SUP	P	P	P	P	P	P
<b>Infrastructure</b>							
Wireless Telecommunication Facility—Stealth	P	P	P	P	P	P	P
Wireless Telecommunication Facility—Tower	—	—	—	—	SUP	—	PS
Utilities—Class 1 and 2	P	P	P	P	P	P	P
Utilities—Class 3	—	—	—	—	—	—	P
<b>Miscellaneous Uses</b>							
Adult Establishment	—	—	—	—	—	—	SUP
Outdoor Firing Range	—	—	—	—	—	—	SUP
Indoor Firing Range	—	—	—	SUP	SUP	SUP	SUP

Agriculture	P	—	—	—	P	P	P
Parking	PS	P	P	P	P	P	P
Swimming Pool—Residential Accessory Use	PS	PS	PS	PS	PS	PS	—
Swimming Pool—Primary Use	—	SUP	SUP	PS	PS	PS	—
Fences	PS	PS	PS	PS	PS	PS	PS
Human Crematories	—	—	PS	PS	PS	P	P
Temporary Uses and Structures							
Carnivals or Circus	—	—	—	—	PS	PS	PS
Farmers Market	—	—	PS	PS	PS	PS	—
Religious Meeting	PS	PS	PS	PS	PS	PS	PS
Contractor's Office and Equipment Shed	PS	PS	PS	PS	PS	PS	PS
Seasonal Structures	PS	PS	PS	PS	PS	PS	PS
Satellite Real Estate Sales Office	PS	PS	PS	PS	PS	PS	PS
Special Event	PS	PS	PS	PS	PS	PS	PS
Temporary Vendors	—	—	PS	PS	PS	—	—
Vending Pushcarts	—	—	—	PS	—	—	—
Mobile Food Vendors	—	—	PS	PS	PS	PS	PS

(a) Within NMX, DMX, and CMX districts, single family structures are permitted only as town homes or multi-family structures; on the second or higher floor of any structure where the ground floor is used for non-residential purposes; or as part of a group development, or conditional district, in which event they shall not be subject to the foregoing limitation.

(b) Manufactured homes are permitted with standards in the Manufactured Home Overlay District.

(c) Accessory rental cottage/cabins are permitted with standards in association with approved bed and breakfasts.

(d) Vehicle services are permitted within institutional campuses only for the purposes of maintaining vehicles associated with the operation of the campus and for instructional classes. For example, a college may operate a maintenance shop for the campus fleet, as well as, for instructional classes. Other vehicle service operations shall not be permitted within institutional campuses.

(e) Non-residential uses within a live-work unit must be listed within Chapter 2, Section 2.2 (C. Use Matrix) as a permissible use within the district in which the live-work unit is proposed. and such non-residential use must be approved by means of the appropriate permitting process. Non-residential enterprises and residential units within any live-work unit that is located within a General Residential District shall have a common tenant. In districts where residential building types are not permitted. live-work units may be permitted within pre-existing non-conforming residential structures.

(Ord. No. 13-07, § 1, 9-17-07; Ord. No. 3-08, § 1, 3-17-08; Ord. No. 14-08, § 1, 11-17-08; Ord. No. 15-08, § 3, 12-5-08; Ord. No. 07-10, § 1(Exh. A, D), 4-5-2010; Ord. No. 03-2011, § 1, 3-21-2011; Ord. No. 19-2011, § 1(Exh. A), 8-1-2011; Ord. No. 24-2011, § 3(Exh. A), 9-19-2011; Ord. No. 2012-25, § 1(Exh. A), 11-5-2012; Ord. No. 2013-13, § 01.b)(Exh. A), 10-21-2013)

**2.3. - Density and dimensional requirements.**

District	Minimum Lot Size/Project Area	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density	Maximum Ground Floor Area Each Principle Structure	Principal Structure Ground Floor Area With SUP (See 2.3(A) and 2, below)
GR4	None	20 acres	4 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR6	None	20 acres	6 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR 10 CD	None	20 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RMX	None	10 acres	10 du/ac, 15 SUP	4,000 sq. ft.	>4,000 sq. ft.
RMX CD	None	10 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
NMX	None	10 acres	10 du/ac, 15 SUP	10,000 sq. ft.	>10,000 sq. ft.
NMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.

DMX	None	10 acres	10 du/ac, 15 SUP	10,000 sq. ft.	>10,000 sq. ft.
DMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
CMX	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
CMX CD	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
IC	None	None	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
GI	None	None	DU Not Permitted	50,000 sq. ft.	>50,000 sq. ft.
GI CD	None	None	DU Not Permitted	20,000 sq. ft.	>20,000 sq. ft.

**A. Development intensity.**

1. The following development types are considered group developments that may be permitted by the technical review committee in accordance with Chapter 16
  - (a) Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (Examples include but are not limited to summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes);
  - (b) Minor subdivisions, as defined in Chapter 19, resulting in the establishment of condominium buildings, lots or spaces, town homes, and other projects for which zero lot line development is proposed; or,
  - (c) Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.

2. [Reserved.]

**B. Front yard setbacks.**

Minimum Front Yard Setbacks		
District	Setback from Right-of-Way (See 2.4(B(1)))	Commercial Service/Alley/Rear Lane (See 2.3(B(1)))

GR (4, 6, 10 CD)	15 feet	Edge of right-of-way
RMX/RMX CD	10 feet	Edge of right-of-way
NMX/NMX CD	Edge of right-of-way	Edge of right-of-way
DMX/CBD CD	Edge of right-of-way	Edge of right-of-way
CMX/CMX CD	10 feet	Edge of right-of-way
IC (2.4, 2.3)	40 feet	Edge of right-of-way
GI/GI CD (2.4, 2.3)	40 feet	Edge of right-of-way
PD	To be determined by approving authority	

1. Front yard setbacks as set forth below shall be measured from the edge of the right-of-way of the roadway. For private streets, a right-of-way in accordance with Chapter 13 shall be assumed by the administrator. The administrator may impose additional setbacks based upon specific guidance from the *City of Brevard Comprehensive Transportation Plan*, the *City of Brevard Downtown Master Plan* and other district or small area/master plans, the *City of Brevard Comprehensive Pedestrian Plan*, the *City of Brevard Street Schedule*, or other plans or policies of the city.
  2. IC and GI setbacks as listed above shall only apply to public streets within and adjacent to the subject campus or project. Internal setbacks shall be to the edge of the right-of-way or assumed right-of-way.
  3. Setbacks as listed in the preceding table may not account for landscaping requirements set forth in Chapter 8 of this ordinance.
  4. [Reserved.]
  5. The administrator may approve deviations from required setbacks by up to 20 percent of the required area in accordance with Chapter 16 in order to protect right-of-way or in deference to the steep slope, surface water protection, and other requirements of this ordinance, as well as the flood damage prevention requirements of Chapter 34 of Brevard City Code.
  6. Structures located on corner lots or multi-fronted lots shall conform to the front yard setbacks as set forth herein along all streets upon which such lots front.
  7. The administrator shall require additional setbacks as necessary to account for existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-street parking, and other improvements that deviate from a standard street cross-section.
  8. The administrator shall deduct appropriate setbacks as necessary to account for one-way streets.
- C. *Side and rear yard setbacks.*

District	Side Yard Setback	Setback Between Buildings New Development Without Partiwall	Rear Yard Setback
GR (4, 6, 10CD)	6	6	25
RMX/RMX CD	6	6/10 (MF)	25
NMX/NMX CD	0/30 from residential district	6/10 (MF)	25
DMX/CBD CD	0	0	0
CMX/CMX CD	0/30 from residential district	0	10/40 from residential district
IC	40 foot setback along all external boundaries		
GI/GI CD	40 foot setback along all external boundaries		
PD	To be determined by approving authority		

1. Zero-lot line development (i.e. town homes, condominiums and similar structures) and other structures using partiwalls are permitted subject to other requirements as set forth in this ordinance.

D. *Accessory structures.*

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 6, 10CD)	3	6	3	10
RMX/RMX CD	0	3	0	3
NMX/NMX CD	0	3	0	3
DMX/CBD CD	0	0	0	0

CMX/CMX CD	0	0	0	0
IC	40 foot setback along all external boundaries			
GI/GI CD	40 foot setback along all external boundaries			
PD	To be determined by approving authority			

**E. Other structure and lot dimensional requirements.**

District	Height By Right (1)	Min. Lot Width at Building Line and Right-of-Way Line (2)
GR (4, 6 10 CD)	35 feet	30 feet
RMX/RMX CD	35 feet	30 feet
NMX/NMX CD	35 feet	20 feet
DMX/CBD CD	50 feet	0 feet
CMX/CMX CD	50 feet	0 feet
IC	50 feet	60 feet
GI/GI CD	50 feet	60 feet
PD	To be determined by approving authority	

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. The approving authority may authorize the establishment of lots in GR, RMX, and NMX districts that do not meet the minimum width requirements set forth above. However, the following standards shall apply:
  - (a) Such lots shall have frontage upon a public street.
  - (b) Off-street parking shall be provided in the rear of the principal structure and shall not be located in the side yard or front yard of the lot.

- (c) Off-street parking shall be accessed by a commercial service street, alley, or rear lane. Provided that all lots meet minimum public street frontage requirements of this ordinance. Such travel lane may be situated upon a private easement or right-of-way.
- 3. Front and side yard setbacks for infill structures shall be consistent with or equal to the average setbacks for all principal structures within 300 feet or one block length (whichever is greater). Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be as stated above. Other setback modifications are permitted through the provisions of Chapter 16 of this ordinance.
- 4. Handicapped ramps are permitted to encroach into the front setback and side setback in accordance with Chapter 4
- 5. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this ordinance.

(Ord. No. 3-07, § 1, 2-5-07; Ord. No. 8-07, § 1(A), 5-21-07; Ord. No. 15-08, §§ 4—9, 12-5-08; Ord. No. 20-09, § 4(Exh. B(3)), 9-21-09)

**2.4. - Traditional Neighborhood Development (TND) specific standards.**

**A. Specific district provisions.**

- 1. *Development size (Minimum—Maximum): 20 acres—200 acres.*

*(Note: Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions.)*

- (a) The entire land area of the TND shall be divided into blocks, streets, lots and open space areas.
- (b) Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- (c) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
- (d) No portion of the TND is further than 760 feet (1/8 mile) from a public open space as defined in Chapter 7
- (e) Open space shall be centrally located so that it is within walking distance (¼—½ mile) from all locations within the TND. All required open space shall be in accordance with the provisions of Chapter 7
- (f) Dimensional standards: The dimensional standards shall be established in accordance with the neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.

- 2. *Land allocation by use.*

*(Note: The figures in the table below are to be calculated as the net development area, excluding street rights-of-way.)*

Land Use	Minimum	Maximum
Single-Family Uses	15%	75%

<b>Two-Family and Multi-Family Uses</b>	<b>10%</b>	<b>40%</b>
<b>Lodging/Office/Retail Uses</b>	<b>2%</b>	<b>40%</b>
<b>Civic Uses</b>	<b>2%</b>	<b>None</b>
<b>Open Space</b>	<b>Per Chapter 7</b>	

## CHAPTER 12. - SIGNS

### 12.1. - Purpose.

The purpose of this article is to permit such signs in the City of Brevard and its extraterritorial jurisdiction that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the zoning ordinance for the City of Brevard.

### 12.2. - General regulations.

The following regulations shall apply to all signs in all districts:

A. **Compliance:** No sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any district except in compliance with this ordinance.

1. **Repainting of signs:**

- i. Nonconforming painted signs may be repainted so long as the new coat of paint is for maintenance purposes and the design of the sign is not altered in any fashion.
- ii. If, during repairing, the design of the sign structure is altered in any way, then the entire structure shall comply with the provisions of this ordinance. See also Section 12.2(B).

2. **Billboards:**

- i. Billboards existing at on or before May 6, 1991 shall be allowed to be reposted so long as the structure of the sign itself remains in good repair.
- ii. The structure of the billboard shall be subject to all other provisions of this ordinance, particularly Section 12.2(D).
- iii. If at any time an advertising message on a billboard becomes obsolete or in disrepair, the advertising copy itself shall be subject to subsections 12.2(B) and 12.2(C), without the structure being subject to the provisions, provided it is in good repair.

3. **Vandalism and adverse weather:**

- i. Signs destroyed by vandals or adverse weather conditions shall be allowed to be replaced even if such signs do not conform to this ordinance provided they existed before the date of enactment of this ordinance and they are replaced in the exact same location, in the exact same manner and with the exact same advertising copy of the same size as the previously destroyed sign.
- ii. Adverse weather conditions shall not be interpreted to be normal weathering of a sign.
- iii. If a sign is allowed to deteriorate over time due to exposure to the weather elements, then it shall not be deemed as replaceable under this section.

B. **Maintenance:**

1. All signs, together with braces, guys and supports, shall at all times be kept in good repair.
2. If at any time a sign should become unsafe or poorly maintained, the administrator shall notify the owner or lessee of the sign of such condition.
3. Upon failure of the owner or lessee to correct such condition within 30 days, the administrator shall order the removal of such sign.
4. The expense of the removal of the sign shall be billed to the owner or lessee of said sign.

5. See Section 12.5(E) and Chapter 18 of this ordinance for collection procedures.

C. *Removal of obsolete signs:*

1. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities except that ground sign supports, braces, and guys which are not easily dismantled and are to be sold as a portion of the business assets shall remain.
2. However, remaining sign supports, braces, and guys shall comply with all other requirements of this ordinance. If remaining sign supports, braced, and guys are not used to support signs identifying establishments in compliance with this chapter for a period of two years or more, such sign supports, braces, and guys shall be removed in accordance with this chapter.
3. Temporary signs and political signs shall be removed within ten days after the termination of the event or election advertised.
4. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the administrator shall order their removal subject to the terms of this article and Chapter 18 of this ordinance and any additional expense of removal shall be billed to the owner or lessee of said sign(s).

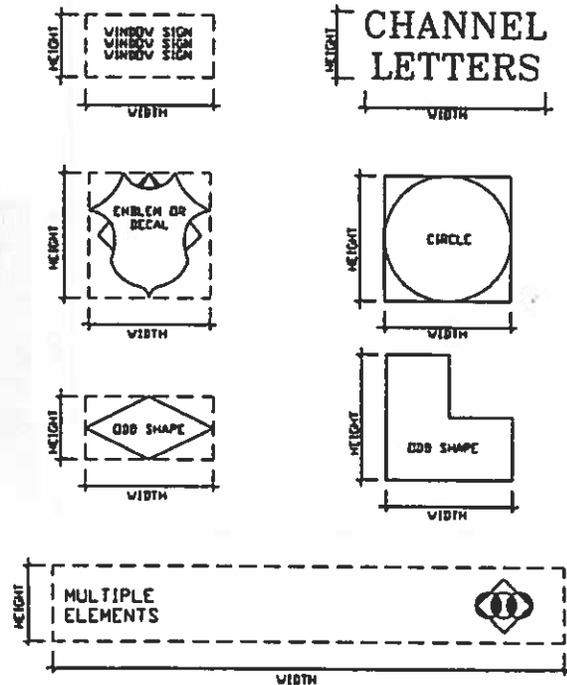
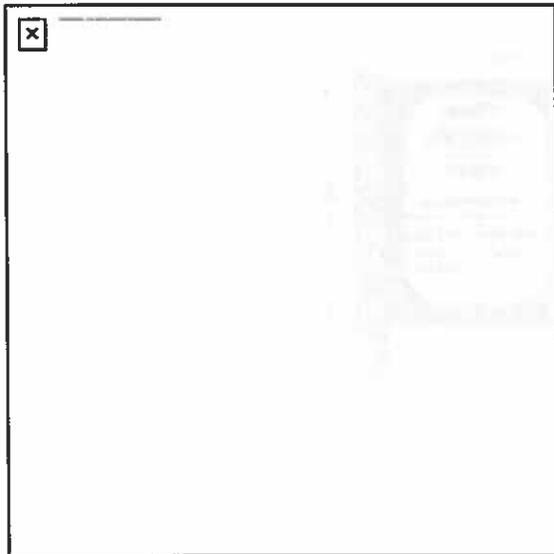
D. *Nonconforming signs:*

1. Any sign existing on the date of enactment of this ordinance which does not conform to the requirements of said ordinance shall be taken down and removed or brought into compliance by the owner, agent, or person having the beneficial use of the building, land, or structure upon which such sign may be found within a period of ten years.
2. The amortization period for nonconforming signs is ten years. All signs must be in compliance by April 1, 2000.
3. The amortization period for those signs which do not comply with the setback provisions of this ordinance, but that conform in every other respect, shall be extended to expire on January 1, 2003.
4. Signs subject to the provisions of G.S. 136-131.1 are exempt from the requirements for removal or compliance.
5. Removal of nonconforming signs: Any sign existing on the date of enactment of this article shall not be repaired if 50 percent or more of the structure must be restored in order for it to be deemed in good repair; instead, such a sign shall be removed and a new sign which conforms to the regulations set forth by this article may be erected.
6. Relocation of nonconforming signs: Any nonconforming sign existing on the date of enactment of this article may be relocated on the same premises of the establishment having beneficial use of said structure so long as it is the same sign structure and the nonconformance is not increased in any manner beyond the point of noncompliance that existed before the movement of said structure.
7. Replacement of nonconforming sign inserts: The plastic inserts within existing nonconforming sign frames may be replaced for continued use until the amortization period expires.
8. Nonconforming signs within newly annexed areas outside the city's area of extraterritorial jurisdiction (ETJ):
  - i. Nonconforming signs within voluntary annexed areas outside the city's ETJ must comply with the provisions of this article (the sign ordinance) within one year from the effective date of annexation.

- ii. Nonconforming signs within involuntary annexed areas outside the city's ETJ must comply with the provisions of this article by April 2000, or three years from the effective date of annexation, whichever is greater.

12.3. - Computation of signage area.

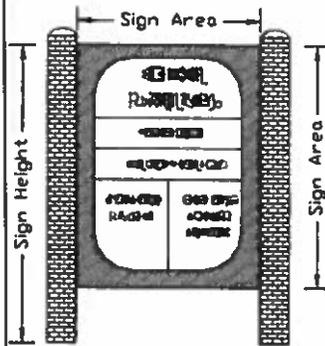
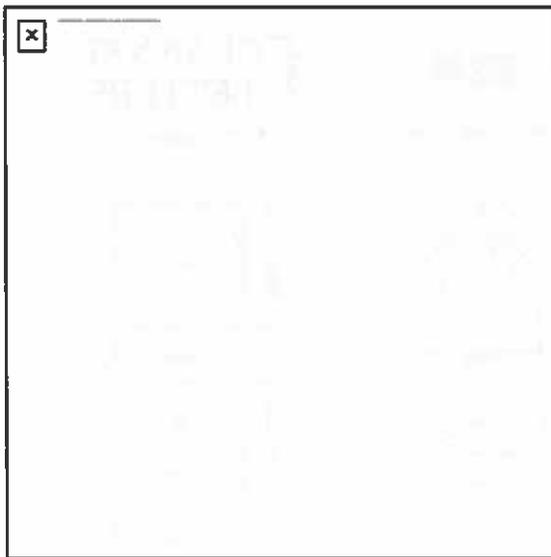
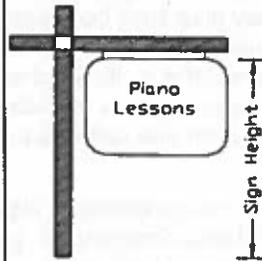
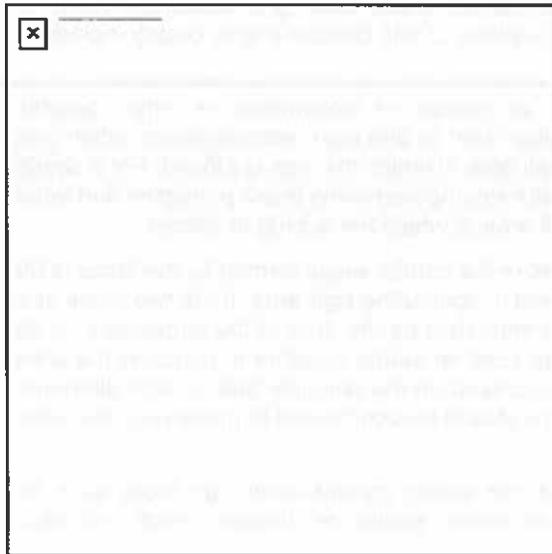
- A. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself.
- B. For a single wall on a single-occupant building, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles and each individual sign shall not exceed the permitted total wall area to which the sign(s) is affixed.
- C. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that side of the sign.
- D. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be computed from the smallest three-dimensional geometrical shape or shapes which will best approximate the actual surface area of such faces.

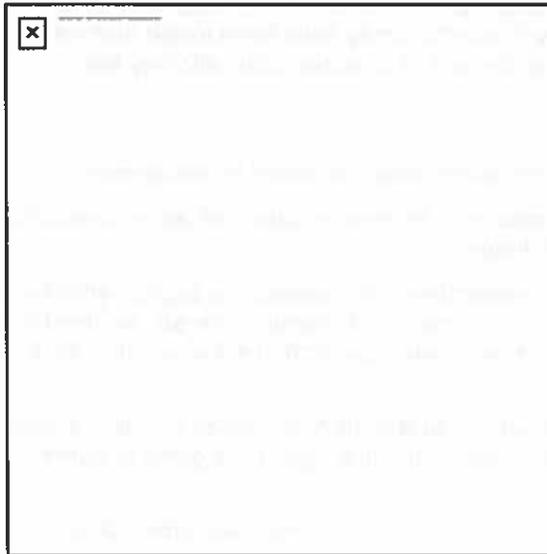
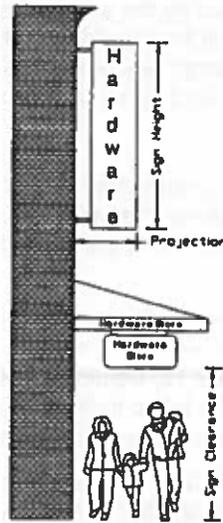
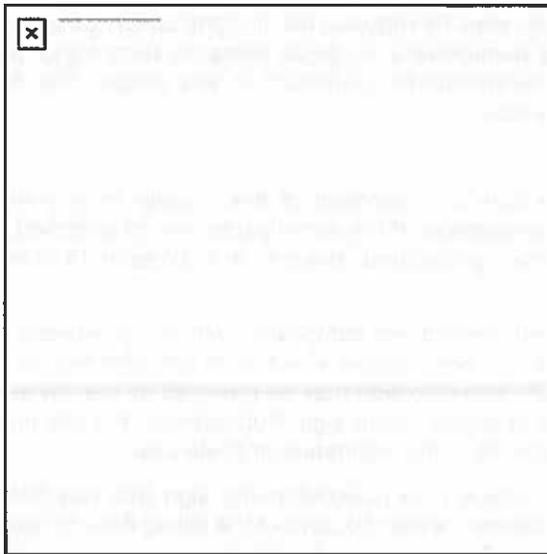


**Signage Area**

**12.4. - Computation of sign height.**

- A. Sign height shall be measured from the street grade of the closest point in the street the sign is located along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure. The maximum height of a ground sign cannot exceed 25 feet unless otherwise addressed in this ordinance.





12.5. - General provisions.

- A. *Building code compliance:* All signs shall fully comply with the requirements of the State of North Carolina building and electrical codes.
- B. *Sign setback requirements:* No portion of any freestanding sign may be located closer than ten feet to any street right-of-way except in the DMX district where signs shall be no closer than five feet to any street right-of-way. No portion of any freestanding sign shall be located any closer than 12 feet to any side or rear property line. No sign shall be located in such a manner as to constitute a traffic or safety hazard.
- C. *Illumination of signs:* Signage shall comply with all applicable provisions of Chapter 11 of this ordinance. Unless otherwise expressly prohibited, signs may be illuminated provided that lighting fixtures used to illuminate a sign either shall be by directed ground lighting or mounted on the top of the sign, and shall comply with shielding requirements of Chapter 11 of this ordinance. Lighting fixtures shall illuminate only the face of the sign, and shall not project into any portion of the traveled roadway.

- D. *Permit required:* A permit, issued by the administrator, shall be required for all signs unless otherwise provided herein. No permit shall be issued until the administrator inspects plans for such signs and determines that they are in accordance with the requirements contained in this article. The fee schedule for sign permits shall be determined by city council.
- E. *Enforcement of regulations:*
1. Any nonconforming sign constructed after the date of enactment of this chapter or any sign maintained in a nonconforming manner after the passage of the amortization period specified in Section 12.2(D) shall be subject to the enforcement procedures as set forth in Chapter 18 of this ordinance.
  2. *Removal.* If the nonconforming sign has not been brought into compliance with the provisions of this ordinance or removed within 30 days of having been issued a Notice of Decision/Notice of Intent as set forth in Chapter 18, Section 18.3(D), then said sign may be removed by the city and the cost of removal shall be billed to the owner or lessee of the sign. Furthermore, the city may pursue any other remedy available under Chapter 18 of this ordinance or State Law.
  3. *Failure to pay removal costs.* If the owner or lessee of a nonconforming sign that has been removed by the city fails to pay for the costs of removal within 30 days of the billing date for such action, then the city will collect the cost as a lien on the property in the same manner as provided in G.S. 105-355 and 105-356 for delinquent property taxes. The amount of such lien may include the actual cost of removal of said sign, plus any fines which may have been levied and not paid, plus 15 percent representing penalty and interest for cost of collection, plus attorney fees.

#### 12.6. - Prohibited signs.

The following signs are prohibited in all districts except as otherwise permitted by this section.

- A. *Signs constituting traffic hazards:* Any sign located in a manner or place so as to constitute a hazard to traffic as demonstrated by the administrator.
- B. *Signs in public right-of-way or easement:* Any freestanding sign located in a public right-of-way or easement, or extending over into a public right-of-way or easement, except as otherwise allowed by this chapter. The administrator may remove any sign located within a public right-of-way.
- C. *Signs obstructing passages:* Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building.
- D. *Off-premises advertising signs:* Billboards and other types of off-premises advertising signs, unless otherwise allowed by this chapter.
- E. *Flashing devices:* Any flashing device or sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time and/or temperature, with changes alternating on not less than a five-second level.
- F. *Moving devices:* Any moving signs or device to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to pennants, flags, propellers or discs, whether or not any said device has a written message. Moving devices may, however, be allowed if in compliance with Section 12.8(M) or 12.9(J).
- G. *Posted signs:* Any sign posted to utility poles, trees, fences, rocks or other signs.
- H. *Copies of official signs:* Any sign which is a copy or an imitation of an official sign, or which purports to have official status.
- I. *Portable signs.*
- J. *Roof signs.*

- K. *Signs not permitted:* Any sign not expressly permitted elsewhere in this ordinance.

#### 12.7. - Exempt signs.

The following signs are exempt from the provisions of this ordinance:

- A. *Governmental agency signs:* Signs erected by a governmental agency to regulate, control or direct traffic including signs indicating bus stops, taxi stands, and similar transportation facilities. Such signs may be illuminated, flashing, or moving as required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of a public facility may also be illuminated as is necessary.
- B. *Signs required by law:* Signs erected pursuant to federal, state, or local laws or ordinances.
- C. *Warning signs:* Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.
- D. *"No trespassing" signs:* "No trespassing" signs not to exceed four square feet in surface area.

#### 12.8. - Signs permitted without a permit.

The following types of signs shall be permitted in any use district without the issuance of a sign permit provided they meet the stated requirements:

- A. *Temporary real estate signs:* Temporary real estate signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such signs shall not exceed eight square feet in surface area per side of sign up to a maximum of 16 square feet of aggregate surface area. Signs shall not be illuminated and shall not exceed one per parcel of land unless such land is located at an intersection of two streets; in such case, two signs shall be allowed, one facing each street.
- B. *Signs on window glass:* Signs on window glass, regardless of size.
- C. *Private traffic signs:* Private, unofficial traffic signs not exceeding two square feet in surface area per side of sign up to a maximum of four square feet of aggregate surface area per sign, which indicate directions, entrances, and exits. Such signs are to be located entirely on the property to which they pertain, and shall not contain any advertising message.
- D. *Organization signs:* Any flag, badge, insignia, or design customarily displayed by any governmental agency or government, or any charitable, civic, fraternal, patriotic, religious, or similar organization.
- E. *Political party headquarters signs:* Signs for political party headquarters shall meet the requirements set forth for the district in which they are located.
- F. *Service station signs:* Gasoline service stations or any businesses selling gasoline are allowed, in addition to other provisions of this ordinance, the following signs:
  - 1. *Price and self-service signs attached to gasoline pumps:* Gasoline price/self-service signs located at and secured to each pump island and not exceeding nine square feet per side of sign. One gasoline price/self-service sign may be freestanding and located at a place other than the pump island, but must be on the business site and meet all other sign regulations. If such signs are freestanding signs, they shall not exceed 40 inches in height.
  - 2. *Brand name and grade signs:* Each brand sign, emblem of the gasoline sold, the grade of gasoline and any other related signs shall not exceed nine square feet in total aggregate surface area for each pump island.
  - 3. *North Carolina inspections sign:* A North Carolina inspections sign at any location on the business premises as long as said sign is not placed in any right-of-way. Said sign shall not exceed 40 inches in height.

- G. *Numbers and nameplates:* House numbers and nameplates are permitted in accordance with Brevard City Code, Chapter 62, Article VII, Property Addressing and Road Naming.
- H. *Construction signs:* One construction sign per construction project not exceeding 32 square feet of sign area in residential districts or 64 square feet in commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five days after completion of construction and prior to occupancy.
- I. *Public notice:* Official notices posted by public officers or employees in the performance of their duties.
- J. *Commemorative plaques:* Commemorative plaques of recognized historic agencies or identification emblems of such agencies, provided that no plaque or emblem seal exceeds four square feet in area.
- K. *Nonprofit organization signs:* Any sign erected by city personnel on behalf of a nonprofit organization sponsoring a one-time or annual event.
- L. *Public-owned ball field fence signs:* Nonprofit organizations, i.e., local ball leagues, may sell advertising signage to merchants for attachment to ball field fences providing the following requirements are met:
  1. Sign panels must be of uniform size and weather durable material and cannot exceed three feet by five feet in dimension.
  2. Signage must be attached to the interior (ball field) of the chain link fencing, have advertising copy on only the interior (ball field) side of fencing and cannot be self-illuminated.
  3. The back (exterior) side of the sign must be a dark solid green color and be uniform in color with all the other signs. All signs must be kept clean and in good repair.
  4. Signage cannot exceed one per fence panel. Sign must be uniform in height.
  5. Signage can be erected two weeks prior to the beginning of the ball season and must be taken down within two weeks from the conclusion of the season.
  6. The city/county/state agency (owner) or tenant leasing the property will be responsible for installing and removing the signs.
- M. *Automobile and motorized vehicle dealer signs:*
  1. Automobile dealers and motorized vehicle dealers within commercial districts are allowed to attach to vehicles for sale small pennants, flags or balloons on antennas and/or twirl-ads on hoods/roofs.
  2. Said devices shall not exceed two per vehicle; devices are less than three square feet in size; and devices are maintained and secured in a proper manner.
  3. If a device is not secured or maintained to the satisfaction of the administrator such device shall be deemed a prohibited moving device and be immediately removed.

12.9. - Signs allowed with permits.

The following types of signs shall be allowed within the City of Brevard upon the issuance of a sign permit for each proposed sign and subject to the regulations set forth below:

- A. *Signs allowed in GR districts:* The following types of signs shall be allowed in all of the residential districts subject to the accompanying restrictions and the issuance of a sign permit:
  1. *Nameplate signs:*
    - i. Home occupations shall be allowed one nameplate sign for purposes of identification.

- ii. Signs shall not exceed four square feet of surface area and shall be attached to the residence.
  - iii. Signs shall not be illuminated.
2. *Ground signs at neighborhood entrances:* Distinct neighborhoods, residential subdivisions, residential group developments, residential planned development districts, and manufactured home parks are permitted one ground sign at each entrance.
- i. Such communities may include those older existing communities that may not have been permitted as unified projects (e.g., "Welcome to the Rosenwald Community", "Maple Street Community"). However, such signs shall be of a uniform design to be approved by the city. Designs and locations shall be approved by the administrator in consultation with the public works director and the community appearance commission.
  - ii. Signs shall be no larger than 32 square feet of surface area per side of sign up to a maximum of 64 square feet of aggregate surface area per sign.
  - iii. Signs shall not exceed five in height and may be indirectly illuminated in accordance with Chapter 11 of this ordinance.
  - iv. Such signs may be located within the center median of boulevard streets at neighborhood entrances. Such placement shall require an encroachment agreement from the North Carolina Department of Transportation or the City of Brevard, as applicable.
3. *Nonresidential uses:* Nonresidential uses permitted in residential districts shall be allowed one ground or wall identification sign per street fronted on by the permitted use. Said sign shall be no larger than 32 square feet of surface area per side of sign up to a maximum of 64 square feet of aggregate surface area for said sign. Signs shall not exceed five feet in height and shall not be illuminated.
- B. *Ground signs (non-residential):* The following standards shall apply to individual businesses on individual parcels. Non-residential group developments, non-residential planned development districts, and institutional campuses shall be subject to the same dimensional requirements, but the number of allowable ground signs in such developments is set forth in Section 12.11, below.
- 1. One ground sign not to exceed the following surface area limitations:
    - i. DMX, NMX, and RMX districts: 32 square feet in surface area per side of sign, up to a maximum of 64 square feet of aggregate surface area for the entire sign;
    - ii. CMX districts: 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;
    - iii. IC district: 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign;
    - iv. GI district: 50 square feet per side of sign up to a maximum of 100 square feet of aggregate surface area for the entire sign;
    - v. Asheville Highway 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;
    - vi. Signs shall not exceed 25 feet in height in any district.
- C. *[Reader boards:]* Reader boards are allowed on ground signs provided that the total area of the sign, including the reader board, does not exceed the area allowed by this subsection.
- D. *Electronic display signs:* Electronic display signs may be permitted as ground or wall signs, subject to the following additional requirements:
- 1. Only one electronic display sign shall be permitted per parcel.

2. Only one electronic display sign shall be permitted within any group development, planned development, or institutional campus.
  3. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five-second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
  4. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of Chapter 11 of this ordinance.
- E. *[Canopy signs:]* Signs may be attached to a canopy provided that the total area of both the ground signs and all canopy signs does not exceed the amount described in this subsection.
- F. *[Sandwich board signs:]* In lieu of ground signs, business establishments within DMX, NMX, and RMX districts may instead be permitted a single sandwich board sign to be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard. A sandwich board sign is an A-frame or inverted V-shape sign which is portable and usually double-sided. This sign must comply with Section 46-1 of the City Code and must not exceed four feet in height or eight square feet in area per side of sign. Business establishments located in the Times Arcade Alley may also be permitted to collectively place one such sign near the West Main Street alleyway entrance in the brick paved area, providing such a location does not pose a safety hazard and providing further that the sign is removed at the end of each day when the last business in the Times Arcade Alley closes.
- G. *Wall signs:* Each establishment located in CMX, DMX, NMX, RMX, IC, and GI districts shall be allowed wall signs in accordance with the following provisions:
1. *Wall sign:* One wall sign located on the street frontage side of the building.
  2. *Projection sign:* One suspended or projection identification sign per business establishment, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign. Suspended or projection identification signs shall be located at the main entrance of the business.
  3. *Identification sign:* Each establishment located in one of the above-mentioned districts shall be allowed one small business identification sign not to exceed 16 square feet in surface area. That sign may be located on the rear or side of the business.
  4. *Marquee signs allowed in all commercial districts:* Theaters located within commercial districts shall be allowed a marquee with one or two copy sign surfaces. Total copy area allowance, for all sign surfaces, shall not exceed five square feet per linear foot of canopy with a maximum total height limit of no more than five feet at any point. A marquee shall not extend more than ten feet from the building nor be less than nine feet above the ground or sidewalk at the lowest point.
  5. *Menu reader board:* Each drive-through restaurant establishment shall be allowed one menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.
  6. *[Aggregate of wall signs:]* The aggregate of all wall signs, including building identification signs, business identification signs, suspended signs, projection signs, marquee signs, and product information signs, shall not exceed 25 percent of the total surface area of the front wall space of the building (surface area of said wall shall be computed excluding windows and doors).
- H. *Building identification signs:*
1. Each building located in non-residential districts shall be permitted one building identification sign in lieu of allowable ground sign attached to the front of said building, or to the side of the building if the side faces on a street, alley, or other public right-of-way.
  2. Such building identification signs shall not exceed 32 square feet of aggregate surface area.

I. *Temporary banners or A-frame signs:*

1. Temporary banners or A-frame signs may be allowed in CMX, DMX, NMX, RMX, GI, and IC districts, subject to the following requirements:
  - i. Temporary banners or A-frame signs advertising the initial openings of business establishments, special events, or special sales may be permitted provided the location of such signs is approved by the administrator and meets all other requirements.
  - ii. Banners shall be attached to any part of the building wall.
  - iii. Said signs shall not exceed 32 square feet of total aggregate surface area; A-frame signs shall not exceed 16 square feet per side of sign.
  - iv. Said signs may be installed ten days prior to the initial opening, special event, or special sale and may remain ten days after completion of the promotion.
  - v. Permits for these on-premises signs shall be obtained on an annual basis.

J. *Decorative flags, banners and other moving devices:* Decorative flags, banners, pennants, and other moving devices (balloons, windsocks, etc.) may be allowed in all districts except GR, subject to the following requirements

1. A plan for all banners, flags, pennants, and devices indicating locations must be submitted to the administrator. An annual permit is required showing location, size, style, copy, and manner of installation of said banners, flags, pennants, and devices.
2. Manner of installation must be based on established safety standards.
3. No banner, flag, pennant, or moving device shall obstruct any fire escape, window, or door, or be placed in such a manner so as to interfere with any openings required for ventilation, nor offer hindrance to fire department equipment or personnel.
4. All banners, flags, pennants, or moving devices shall be constructed of a fire-retardant material or be treated to be fire retardant.
5. All banner, flag, pennant, or moving devices must be well-maintained; frayed, faded, or worn banners constitute illegal moving devices.
6. No advertising message from any off-premise business may be contained on the face of any banner, flag, pennant, or moving device.
7. No banner, flag, pennant, or moving device may overhang any portion of a vehicular travelway, except as otherwise allowed by this ordinance.
8. No illuminated, electric, or motor-powered devices may be allowed; glare cannot pose a problem to passing motorists.
9. No banner, flag, pennant, or moving device shall be secured to the wall in such a manner that the bottom portion is at least seven feet from the sidewalk or does not interfere in any manner with pedestrian traffic.,
10. Banners or flags cannot exceed a width of four feet and a length of six feet.
11. Banners, flags and other devices cannot exceed one per every 20 linear feet of storefront.
12. If, in the opinion of the administrator, said devices cause a nuisance or safety problem, the owner of said devices must relocate or remove them to the satisfaction of the code [enforcement] officer.
13. Banners, flags or pennants must be properly designed and engineered to withstand the average prevailing winds and to meet the minimum wind load requirement of the North Carolina Building Code.
14. This provision is subject to annual review by the planning board.

**K. Political signs:**

1. No political sign shall be permitted in the corporate limits or one-mile extraterritorial boundary of the City of Brevard unless a candidate for a political office, or the candidate's designee, first deposits \$500.00 to insure the removal of such signs.
2. Ten days after the election, the \$500.00 deposit will be refunded to the candidate or candidate's designee if all the candidate's political signs have been removed.
3. If the signs have not been removed, the \$500.00 deposit will be forfeited to the city.
4. Candidates who have made a deposit and are nominated in a primary election may keep their political signs up until ten days after the general election.
5. Any political signs of candidates who have not complied with this section shall be removed subject to the terms of this article.
6. All political signs must comply with the following standards:
  - i. Ground signs may not exceed 16 square feet per side of sign. Maximum height of sign from grade to top of sign shall be six feet.
  - ii. Political signs may not be posted more than 90 days prior to an election or primary.
  - iii. Candidates must remove their signs within ten days after the election or primary, in compliance with Section 12.9(K).
  - iv. Location. All signs must comply with Section 12.6

**L. Festivals and special events sponsored by government, educational, religious, charitable, civic, fraternal, or political organizations and institutions:** Signs, banners, balloons, decorative flags and windsocks (hereafter, "special event signage") may be displayed during festivals and special events by permit during the day(s) of the event, subject to the following requirements:

1. Special event signage shall comply with all provisions of Section 12.9(J) except where modified herein.
2. Special event signage shall be approved by the administrator before being displayed. A plan showing the location, type and amount of all decorative signage and devices, along with the duration of the event, must be submitted to the administrator for review and approval.
3. A \$200.00 deposit, per event, must be given to the city insuring removal of all special event signage.
4. If the special event signage has not been removed, the \$200.00 deposit will be forfeited to the City of Brevard.
5. Any signs or other devices which have not complied with this section shall be removed subject to the terms of Section 12.2(C).
6. All special event signage must be firmly secured and well maintained.
7. No special event signage shall create a traffic hazard or obstruction to motorists or pedestrians.
8. The size of the overall special event signage shall not exceed 32 square feet of total aggregate surface area. However, if said special event signage is located in the DMX District, the width cannot exceed four feet and the length cannot exceed six feet.
9. With single sponsorship, the proportion of a sponsor's logo or name shall not exceed 25 percent of the overall area for any face of special event signage.
10. No more than three sponsor logos or names may be listed on special event signage. Sponsors logos or names shall not exceed when added together, 30 percent of the overall area for any face of special event signage.

11. Special event signage may not be illuminated, moving, or otherwise constitute a vehicular or pedestrian safety hazard.
12. Special event banners may be placed in or along the right-of-way of public streets in any district subject to the following requirements:
  - i. All other provisions of Section 12.9(J) are met; and
  - ii. A letter of permission from the proper utility company and/or property owner, holding the city harmless, must be submitted if a banner, flag or pennant is to be attached to or erected from any pole owned by the utility company.
  - iii. Banners shall contain no commercial advertisement copy or business logos.
  - iv. The size of an overhead banner crossing the road shall not exceed 30 feet in length and four feet in height. All overhead banners crossing the road will be composed of no more than two dimensions.
  - v. Overhead street banners and other banners within a right-of-way may not be displayed earlier than ten days prior to the event and must be removed within ten days after the event.
  - vi. Fees for the installation of overhead street banners shall be established by city council.

(Ord. No. 15-08, §§ 29—31, 12-5-08)

**12.10. - Off-premises directional signs.**

- A. *Ground signs in nonresidential districts.* For single establishments in all nonresidential districts except the DMX district, small self-illuminated ground signs are allowed to indicate directions to said establishments providing all of the following conditions are met:
  1. Establishments with street frontage on US #64, US #276, and NC #280 cannot qualify for this type of signage.
  2. Signs cannot exceed eight square feet per side of sign and cannot exceed eight feet in height.
  3. No more than one directional sign may be allowed for each establishment.
  4. A copy of the property owner's written permission allowing the posting of the sign must be submitted to the planning department along with a diagram showing location.
  5. Signs cannot carry advertising messages but simply contain the name of the establishment or the generic type of business with directions or arrows indicating location.
  6. Signs can only be posted within 50 feet of a street intersection with no more than two such signs at said intersection.
  7. Signs cannot be posted in residential districts.
  8. Signs shall meet all applicable setback requirements, shall not be located within any sight triangle, shall not be located in any public right-of-way, and cannot cause traffic visibility problems.
- B. *Off-premises emergency room directional signs.* Hospitals providing emergency care services are allowed small self-illuminated ground signs to indicate directions to said establishments, providing all of the following conditions are met:
  1. Signs cannot exceed 24 square feet per side of sign and cannot exceed four feet in height.
  2. A copy of the property owner's written permission allowing the posting of the sign must be submitted to the planning department along with a diagram showing location.
  3. Signs cannot carry advertising messages but simply contain the name of the establishment with directions or arrows indicating location.

4. Signs can only be posted within 200 feet of a street intersection with no more than two such signs at said intersection; signs cannot cause traffic visibility problems.
  5. All other applicable regulations in the [zoning] ordinance must be met, including sign setback requirements and prohibition of signs in rights-of-way.
- C. *Off-premises parking identification signs.* In addition to small traffic directional signs (see Section 12.8(C)), owners of off-premise parking lots may have one additional ground sign located on the parking lot property provided the following conditions are met:
1. The ground sign maximum surface area is six square feet per side of sign, up to a maximum of 12 square feet of aggregate surface area for the entire sign;
  2. Maximum sign height (from ground to top of sign) is six feet;
  3. A sign permit must be obtained indicating said sign complies with relevant sign setback requirements applicable to the district in which the sign is to be located.

12.11. - Additional standards for planned development districts, group developments, institutional campuses, and other similar projects.

- A. *Ground signs visible from a public street.* One ground sign may be permitted at each development entrance provided that:
1. No part of any ground sign shall be closer than 500 feet to any part of another ground sign within the same development along the same street frontage.
  2. No part of any ground sign shall be closer 250 feet to any part of any other ground sign within the same development.
  3. A ground sign may be situated at the convergence of two public streets upon which the development fronts but where no entrance is located. However, signs permitted under this provision shall be considered as situated upon both converging streets and shall be separated from all other ground signs within the same development in accordance with 12.11.A.1 and 2., above.
  4. Developments that are divided by a public street shall be considered as separate developments for the purposes of this subsection.
  5. No other ground signs will be permitted except in accordance with Section 12.11, below.
  6. These requirements shall apply regardless of whether such developments are subdivided into individual parcels.
  7. All other requirements of this Chapter shall apply to such ground signs. Ground sign size and height requirements shall be the same as the base district within which the development is located, except as provided in Section 12.11(A)9, below.
  8. Out-parcels as defined in Chapter 19 of this ordinance shall be allowed one ground sign in accordance with Section 12.9(B).
  9. Ground signs within Group Developments that are located within the Asheville Highway Sign Overlay District
    - i. Such signs shall not exceed 110 square feet in surface area per side of sign up to a maximum of 220 square feet aggregate surface area for the entire sign.
    - ii. Such signs shall be designed such that all business units or spaces located within the group development <sup>are</sup> can be represented upon the sign face. In such cases where a group development is able to employ multiple ground signs, the business units or spaces be distributed across multiple signs at the discretion of the property owner.

- B. *Wall signs visible from a public street.* Individual businesses and buildings located within planned development districts, group developments, institutional campuses, and other similar projects may have the following:
1. One wall sign which shall not to exceed 50 square feet or 50 percent of the surface area of the wall upon which the sign is located, whichever is the lesser.
  2. For buildings having frontage on more than one public right-of-way, signs may be placed on both walls fronting the public right-of-way.
  3. One identification sign not to exceed 16 square feet. That sign may be located on the rear or side of the business.
  4. One menu reader board for each drive-through restaurant establishment. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.
  5. One suspended or projection identification sign per business establishment, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign. Suspended or projected identification signs shall be located at the main entrance of the business.
  6. The aggregate area of all wall signs, including building identification signs, business identification signs, identification signs, suspended signs, projection signs, menu reader boards, and product information signs, shall not exceed 50 percent of the total surface area of the front wall space of the business (surface area of said wall shall be computed excluding windows and doors).
- C. *Internal development signage.*
1. There shall be no limit to the number signs posted within an Institutional Campus, group development, planned development district, or other similar developments, when such signs are in no way visible from any public street or right-of-way, or any adjacent property.
  2. Ground signs permitted under this provision shall comply with Section 12.11.A.1 and 2., above.
  3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area per side of sign up to a maximum of 64 square feet of aggregate surface area per sign, and shall not exceed five [feet] in height.
- D. *[Compliance:]* Otherwise, signs permitted the development under this section shall comply with all other requirements of this chapter, and other forms of signage within the development shall comply with all requirements of this chapter.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data used in the analysis.

2. The second part of the document describes the various methods and techniques used to collect and analyze the data. It details the procedures for data collection, including the use of surveys, interviews, and observations, and the methods for data analysis, such as statistical analysis and content analysis.

3. The third part of the document discusses the results of the study and the conclusions drawn from the data. It presents the findings of the research and discusses the implications of these findings for the field of study.

4. The fourth part of the document discusses the limitations of the study and the areas for future research. It identifies the strengths and weaknesses of the research and suggests directions for further investigation.

5. The fifth part of the document discusses the practical applications of the research findings. It describes how the results of the study can be used to inform policy and practice in the field of study.

6. The sixth part of the document discusses the ethical considerations of the research. It describes the measures taken to ensure the ethical treatment of the participants and the integrity of the research process.

7. The seventh part of the document discusses the contributions of the research to the field of study. It describes the new insights and knowledge gained from the study and the ways in which these contributions can advance the field.

8. The eighth part of the document discusses the implications of the research for the broader community. It describes the ways in which the findings of the study can be used to address social and public policy issues.

9. The ninth part of the document discusses the future of the field of study. It describes the current state of the field and the challenges and opportunities that lie ahead.

10. The tenth part of the document discusses the author's acknowledgments and the sources of funding for the research. It expresses gratitude to the individuals and organizations that supported the research and provided resources for the study.



**PROPOSED CORRIDOR SIGN OVERLAY DISTRICT**

**Legend**

- Corridor Sign Overlay District
- Streets
- Parcels

