

**ORDINANCE NO. 2020-11**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE  
CHAPTERS 12 AND 19 TO LIMIT THE USE OF ELECTRONIC DISPLAY SIGNS**

**WHEREAS**, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard Unified Development Ordinance, Chapters 12 and 19 be amended to limit the use of electronic display signs; and,

**WHEREAS**, the City Council of the City of Brevard finds that the proposed amendments are consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

*ELEMENT 4: LIVABLE COMMUNITIES*

*POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character...*

and,

**WHEREAS**, the purpose of the City's sign regulations is to ensure that signs in the City's regulatory jurisdiction "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;" and,

**WHEREAS**, a public hearing was conducted on Monday, June 15, 2020, 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 Unified Development Ordinance be amended as outlined below.

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

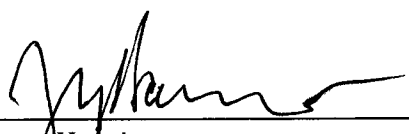
**SECTION 01.** Brevard City Code, Unified Development Ordinance Chapter 10 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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


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

Adopted and approved upon first reading this the 29<sup>th</sup> day of June, 2020.


  
\_\_\_\_\_  
Jimmy Harris  
Mayor



ATTEST:

  
\_\_\_\_\_  
Jill Murray, CMC  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael K. Pratt  
City Attorney

**12.9. - Signs allowed with permits.**

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- 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.
  5. Only the following uses shall be permitted to install electronic display signs:
    - (a) Colleges/universities
    - (b) Schools – Elementary and Secondary
    - (c) Schools – Vocational/Technical
    - (d) Government Services
  6. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.

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**19.3 – Definitions.**

*Electronic display signs:* A sign designed where the face or portion thereof is a "screen" that receives information to create motion pictures or creates a light-emitting electrochemical cell or emissive electroluminescent layering using light emitting diode displays such as LED or OLED, fiber optics, or other technological advanced illumination methods within the electronic display panel (other than mere lightbulbs behind a semi translucent motionless sign face) which is capable of forming messages, capable of displaying moving text and graphical imagery at high-intensity illumination. These signs are usually controlled by a computer or modem and use proprietary software or cloud-based technology to communicate advertising messages or moving graphics using primarily blue light rays with the shortest wavelengths and highest energy as a means of drawing attention. Exceptions include signs or sign toppers that only display time and temperature at not less than 5 second intervals.