



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Tuesday, January 21, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Andrew Crimmins, St. Timothy United Methodist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. January 6, 2025 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Proclamation 2025-01 Brevard Music Center Day
2. Proclamation No. 2025-02 - White Squirrel Day

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 12 and 19 - Signs
2. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 4, 5, 8, 10, 12 and 13 - Pisgah Gateway District

K. Consent and Information

1. Tax Settlement Report - December, 2024
2. Resolution re Jimmy Carter Memorial Wall Installation in Clemson Plaza
3. Estatoe Trail Boardwalk Assessment and "Mini-Brooks" Act Exemption

L. Unfinished Business

1. Proposed Amendment to City of Brevard Fee Schedule - Utility Tap Fees

M. New Business

1. Guiding Public Interests and Engagement Summary for Azalea Avenue Property
2. Transition of Planner Position from Part-time to Full-time

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Pending Litigation: NCGS §143-318.11.(a)(3)

P. Adjourn

Agenda Posted, Website, Sunshine List (January 16, 2025)
D. Hodsdon, City Clerk

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packets" tab. Agenda packet materials are posted on Thursday afternoon prior to Council's Monday meeting.

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 6, 2025 – 5:30 PM**

The Brevard City Council met in regular session on Monday, January 6, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel, and Council Members Mac Morrow, Aaron Baker, Lauren Wise and Pamela Holder

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Assistant to the City Manager Selena Coffey, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Stephanie Holland, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Wastewater Treatment Plant ORC Emory Owen, Community Center Director Tyree Griffin, Police Captain Aaron Thompson, and Police Department Evidence Collection Technician Eden Hinds

Press – Dave Bradley, Transylvania Times.

A. Welcome and Call to Order – Mayor Copelof called the meeting to order and welcomed those present.

B. Invocation – Rev. Bob Renjilian of Unitarian Universalists of Transylvania County offered an invocation.

C. Pledge of Allegiance – Mayor Copelof led the pledge of allegiance.

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present.

E. Approval of Agenda – Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes

F-1. December 2, 2024 Regular Meeting – Mr. Baker moved, seconded by Mr. Wise to approve the minutes of the December 2, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Dr. Paula Hartman-Stein, Age Friendly Task Force Coordinator, distributed a written summary of the Age-Friendly Brevard program for 2024 (a copy is on file in the Clerk's office). She said we are living through a longevity revolution, yet our culture is relentlessly negative about aging. Even though our survey showed that most people in Brevard don't feel that they have experienced ageism, I can tell you first hand that students that I taught at Brevard College have deeply-held ageist beliefs. Four months later, following one-on-one discussions with older adults, 70% of the responses were positive. In 2023 only 1 of 40 nursing students at BRCC wanted to work with older adults. Could age-friendly programs make a difference? I think they do and have. Year one of our program focused on the domains of respect, communication and information, and community health. We offered 17 different sessions, including 8 life-long learning programs and 9 support groups, totaling 410 contacts. We have more to do and with your support of our action plan, we'll accomplish a lot more for all ages, all stages of life. If I have a say in the programs, just maybe we'll reduce the ageism present in our young adults who receive their education here.

Rebecca Chaplin, AARP Associate State Director, said as your AARP staff delegate, I am joined today by committed volunteers and community members to ask for your endorsement of the adoption of the Brevard Age Friendly Action Plan, because it's really good. I have seen a lot of action plans and this one really summarizes the needs that were expressed in the survey. The 8 domains of an Age Friendly Community are social participation, civic engagement, respect and inclusion, outdoor spaces, transportation, housing, community and health services, and communication and information. I think we can all accept that enhancements and improvements in all of those areas will improve the quality of life for all ages and all ability levels. An Age Friendly Community is truly a community for all ages. This action plan chooses to focus on 5 of those domains: affordable housing, transportation, community and health services, communication and information, and outdoor spaces. Each of these domains bring in a benefit to social inclusion, economic benefits, benefits to tourism, but really benefit the people who already live in Brevard. What I mostly want to do is congratulate this diverse task force that has worked hard in a short amount of time to create this plan. I see that it builds on your Master Plan, your Pedestrian Plan and affordable housing plans, and it paves the way for the future. You have already joined the network and there's benefits to that, like becoming a network with other communities nationwide who are like-minded. But, now that you have this focused action plan, it can increase grant funding opportunities, as I have seen in other communities, and it can also really focus efforts and improve community collaboration. I am here to endorse the plan and let you know that it is a really good one relatively, to thank those members of the task force that put this together, and to thank you in anticipation of your approval of the plan.

Sara Knapp of 78 Bruce Circle, Pisgah Forest said it has been my pleasure to have been part of the Brevard Age Friendly Task Force and to witness the evolution of the Age Friendly Brevard Action Plan. This plan has evolved through gathered input from adults, aged 50 and above, about Brevard livability, and to formulate the results into action initiatives. I have been happy to play a role in particular in data analysis for the survey results and more significantly, the plan has been the result of no small effort on the part of Mayor Copelof, on the part of Task Leader Dr. Hartman-Stein, as well as the other Task Force members in terms of pulling the action plan together, finding a way to actually help to see a path forward in terms of the Age Friendly initiative. What impresses me most is how well the action plan actually melds with the current initiatives that the City has, particularly the Comprehensive Land Use Plan. Just that recognition that as we look at the issues associated with being age friendly, those initiatives not only benefit older adults, but also benefit the community overall. As we look at the specific needs perhaps related to older adults, we will see how the types of solutions in the plan actually helps everyone in the community, young and old. One of the best benefits of the Age Friendly Action Plan is the opportunity it gives members of the community to participate in city planning. I know that this opportunity has always existed, but for me, being part of the Task Force actually provides a very natural avenue in terms of understanding more deeply the City's priorities and how I can be a part of providing input to those priorities. I will feel a satisfying sense of participation when I consult a new community calendar, use a new crosswalk or repaired sidewalk, or use alternative transportation to get to destinations downtown. These are just a few benefits I anticipate as we become more entrenched in an age friendly way of life; the benefits will gradually grow and build upon each other. To me, Age Friendly Brevard is simply meant to be.

Kay Argroves 167 Hilt St. said I am here to ask you to vote in the affirmative for the Age Friendly Action Plan. Several of us locals approached the Mayor requesting her to see if she could support this and to her credit, she listened to us. As a result of the survey that looked at what the population here in Brevard wanted, some of the activities that were really a lot of fun included a 6-week wellness program that was opened up to the community where they could have private consultations with a physical therapist, dental folks, the Nursing School was involved in it, and they could have their blood pressure checked. It was later turfed into a support group after the hurricane. We also had a very dynamic program learning about GPT and GPT4 and had

the IT cybersecurity from the Jr. College come to teach us how to be safer with our internet browsing, which actually has a long-term effect because it builds in safety and lowers your responsibilities and the Police Department's responsibilities for scam issues. The Task Force was very diverse; we had our Planning and Transportation Director, a sociologist, Heart of Brevard was represented, we had 5 AARP volunteers, a local physician, and when you looked at the survey, we addressed then, and with our action plan, things that the community was concerned about in very creative ways. Dr. Hartman-Stein wrote several articles which garnered national attention and made Brevard look very good. I can only tell you that I and many of my compatriots here are very passionate and committed to this program and we would request that you vote in the affirmative to this action plan.

Jeff Adams, Transylvania County Director of Transportation, Planning and Community Development, said I want to thank the Mayor for including us in part of this plan. I think why it's important – three things that I want you to remember – 1) just look at the data; we're the 6th oldest county, out of 100 counties according to the 2020 census in the state; 2) look at your key finds from your survey and note that 7 of the 8, whether it is the ability to age in place, affordable housing, transportation, conveniently located public parking, safety issues, adult daycare, they're all having to do with planning, transportation and community development; and those are all things that drive me every day to think about to make better connections, and that's number 3. I think of it as an age spectrum and I think some of the earlier comments talked about what you do for the elderly, you also do for the younger. What we're doing with this Task Force is to look at all the age spectrum and to think about planning in advance, whether it's with the City or with the County and those other agencies that need to be at the table to think about our planning for the future. Thank you and thanks for the consideration.

Jeanne Denon of 268 Fox Cross Dr. said I am here to support Dr. Paula Hartman-Stein's program. I have been participating and have benefitted greatly with her program. I am so thankful and if I can benefit, I think the whole community can, so I am just here to say thank you and please consider it a done deed.

H. Certificates/Awards/Recognition – None.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Fee Schedule – Utility Tap Fees – Mr. Hooper explained that this proposed amendment to waive utility tap fees would only be available for temporary uses intended to support the response and recovery of a "state of emergency". The amendment is a footnote to the Fee Schedule as follows:

"During a "State of Emergency" as defined by Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3 of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated."

Mr. Hooper added that anyone applying for this waiver would be required to complete a waiver application and acknowledge that should the temporary use become permanent, or cease to support response and recovery, the waiver would no longer be valid, and the applicant would be subject to expiration provisions set out in the waiver. The duration of the waiver corresponds with the length of the local State of Emergency declared under Chapter 21.2 of the UDO. If City Council were to extend the State of Emergency, the applicant would need to reapply for the waiver. When the tap loses its waiver eligibility, the applicant would have 30 days to pay the fee in full. If not paid

within 30 days, the meter will be subject to immediate recovery by the City and the service will be terminated.

At 6:02 p.m. Mr. Morrow moved, seconded by Mr. Daniel to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:02 p.m. Mr. Morrow moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously. This item will be added to Council’s agenda for action at the February 3, 2025 meeting.

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Copelof read aloud the items listed and asked for a motion to approve the consent agenda. Mr. Morrow moved, seconded by Mr. Baker to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – November 2024

K-2. Property Tax Releases – December, 2024

RESOLUTION 2025-01

A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard, and it is necessary to release the below shown amount from the city tax records.

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

The Tax Collector is hereby authorized to remove December 2024 property values from the tax scroll in the amount of:

2024: \$ 2,950.98

Adopted and approved this the 6th day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-3. Proclamation No. 2024-26 May Declared State of Emergency – Tropical Storm Helene

PROCLAMATION NO. 2024-26

MAYOR DECLARED STATE OF EMERGENCY

WHEREAS, on September 25, 2024 Governor Roy Cooper declared a statewide state of emergency in the State of North Carolina due to the anticipated impacts from Tropical Storm Helene; and

WHEREAS, on September 25, 2024 Jason Chappell, Chairman of the Transylvania County Board of Commissioners declared a local state of emergency inclusive of all areas and townships inside the geographic borders of Transylvania County; and

WHEREAS, on September 28, 2024 President Biden granted Governor Roy Cooper’s request for a Federal Major Disaster Declaration for Tropical Storm Helene providing immediate federal help for 25 North Carolina counties; and

WHEREAS, as authorized by Brevard Code of Ordinances Chapter 26, Article 1, Section 26.32, City of Brevard Mayor Maureen Copelof consented to the Transylvania County declaration of local state of emergency; and

WHEREAS, the State of North Carolina has vested in the City Council and, where so ordained, the Mayor the power to issue such proclamations and any subsequent proclamations that may restrict movement and other actions during declared emergencies; and

WHEREAS, I, as Mayor, have adjudged it practical and expedient because of existing circumstances to declare an emergency and issue such a proclamation; and

WHEREAS, on December 2, 2024 Brevard City Council passed revisions to the Brevard Unified Development Ordinance, establishing Chapter 21 – Emergency Response and Recovery, that would apply during certain declared emergencies, adding stipulations for temporary housing and non-residential uses; and

WHEREAS, Chapter 21’s emergency provision may not be applicable to all states of emergency, and thus Chapter 21 includes an additional and separate declaration procedure.

NOW, THEREFORE, by the power vested in me by the State of North Carolina and pursuant to the City Code of Ordinances, Section 26.32, and Unified Development Ordinance, Chapter 21, I, Maureen Copelof, Mayor of the City of Brevard do hereby declare that a state of emergency is in effect and proclaim the effectiveness of emergency procedures as follows:

1. This state of emergency is declared by the City of Brevard.
2. The state of emergency shall retroactively be in effect beginning on the 28th day of September, 2024.
3. The state of emergency covers the municipal boundaries of the City of Brevard, as well as all City-owned properties and facilities.
4. The City Manager is hereby authorized to take necessary actions and expend City funds to protect City facilities and the health, safety and welfare of Brevard citizens.
5. The state of emergency is in effect until the end of the state of emergency as declared by the Mayor.
6. The City Clerk and other persons designated by me are hereby directed to disseminate this declaration to the press and other news media and upon electronic distribution media controlled by the City of Brevard.

Signed this 27th day of December, 2024.

Attest: Denise Hodsdon, City Clerk

s/ Maureen Copelof, Mayor

K-4. Resolution in Support of Tobacco 21 to Protect Our Kids from Vaping and Nicotine Addiction

**RESOLUTION NO. 2025-02
RESOLUTION IN SUPPORT OF TOBACCO 21 TO PROTECT OUR KIDS
FROM VAPING AND NICOTINE ADDICTION**

WHEREAS, one of every five deaths in North Carolina is associated with cigarette smoking,¹ and for each death, 30 more people are sick or live with a disability²; and

WHEREAS, 95% of tobacco users start before the age of 21³; and

WHEREAS, as of 2022, 27% of high school students in North Carolina report tobacco use. E-cigarette use has significantly increased among youth since 2011⁴; and

WHEREAS, nicotine is harmful to developing brains, and its use during adolescence can disrupt the formation of brain circuits that control attention, learning, and susceptibility to addiction⁵; and

WHEREAS, in a 2020 study among NC schools, a high proportion of school administrator and teacher respondents believed that e-cigarette use among students is somewhat or very problematic (91%), and that student e-cigarette use it is a somewhat or high priority issue for their school administration (90%)⁶; and

WHEREAS, most North Carolina young people obtain tobacco products, including e-cigarettes, from retailers. NC young people who get e-cigarettes from friends primarily get them from friends who are under 21⁷; and

WHEREAS, in 2019, Congress increased the federal minimum legal sales age of all tobacco products, including e-cigarettes, from 18 to 21. While a majority of states (43 states, as of October 2024) have increased their minimum tobacco sales age to 21 to match federal law, North Carolina’s minimum sales age remains 18⁸; and

WHEREAS, having the same legal sales age at 21 for alcohol and tobacco products reduces the burden on retailers; and

WHEREAS, North Carolina is one of only 9 states in the country that do not require tobacco retailers to obtain a license or permit⁹; and

WHEREAS, the North Carolina ABC Commission is capable of implementing an efficient and effective tobacco retailer permitting system based on the system also in place for alcohol retailer permitting; and

WHEREAS, establishing a retailer permitting system AND raising the minimum legal sale age to 21 will:

- Allow the state to know where tobacco products are being sold
- Improve merchant education efforts
- Allow the state to inspect for responsible retail practices
- Protect law-abiding retailers by holding non-compliant retailers accountable
- Prevent and reduce youth use of highly addictive nicotine products
- Help eliminate the use of e-cigarette and other emerging nicotine products in schools
- Reduce any confusion among retailers and consumers by having one legal sales age for state and federal law^{10,11}; and

WHEREAS, Under the Federal Synar law, states are expected to reduce the illegal sale of tobacco products to individuals under the age of 21. NC could lose over \$5.2 million in annual funding from the Substance Abuse Prevention and Treatment Block Grant money (money NC uses to pay for drug treatment) through penalties under the federal Synar amendment if sales to underage youth are too high in required annual inspections¹²; and

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

Section 1. The City of Brevard supports policy changes for North Carolina to protect our children and youth from vaping and nicotine addiction by establishing a tobacco retailer permitting system, raising the minimum age of sales from 18 to 21, and adopting other needed provisions of legal sales of tobacco products to match federal law.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this the 6th day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-5. City Manager Employment Agreement Amendments

ORDINANCE NO. 2025-01 AN ORDINANCE FIXING COMPENSATION AND OTHER TERMS FOR EMPLOYMENT FOR CITY MANAGER WILSON HOOPER

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by Ordinance; and,

WHEREAS, Council now desires to set forth the terms of such employment in this Ordinance;

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

SECTION 1. RATIFICATION AND CONTINUATION OF EMPLOYMENT. The compensation and other terms for employment for City Manager Wilson Hooper are hereby amended as set forth in the Employment Agreement made and entered into by the City of Brevard, North Carolina and Wilson Hooper, which is attached hereto and incorporated herein by reference.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective as of January 1, 2025.

Adopted and approved this the 6th day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: Mack McKeller, City Attorney

K-6. Finance Report at September 30, 2024

K-7. Council Downtown Master Plan Committee Minutes – 9/19/2024

K-8. Council Finance, Human Resources & Citizen Appointment Committee Minutes – 10/28/2024

K-9. Council Public Safety Committee Minutes – 10/28/2024

K-10. Ecusta Trail Advisory Board Minutes – 10/30/2024

K-11. Council Public Works & Utilities Committee Minutes – 11/6/2024

K-12. Council Housing Committee Minutes – 11/19/2024

K-13. Council Parks, Trails & Recreation Committee Minutes – 11/20/2024

K-14. Correspondence (No Action. Offered as information only.)

K-14-a. ABC Board Minutes – 10/24/2024

L. Unfinished Business

L-1. Ordinance – Voluntary Contiguous Annexation – Mills Ave Properties, LLC/Forest Hill Drive – Aaron Bland recalled that the request is to annex four vacant parcels on Forest Hill Drive. The Planning Board discussed this request at its November 19, 2024 meeting and voted in favor of the request, and Council held a public hearing on this petition at its December 2, 2024 meeting. In response to a request from Council Member Baker for supplementary information on how this annexation might impact trail development in the vicinity, Mr. Bland distributed information regarding an existing easement the City has between Forest Hill Road and property owned by the Board of Education. He noted that this easement is three parcels south of the subject annexation area. Mr. Morrow moved, seconded by Mr. Daniel to adopt the annexation as presented. The motion carried unanimously.

**ORDINANCE NO. 2025-02
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2024-47 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on November 19, 2024 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2024-48 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 2nd day of December, 2024, after due notice by publication on the 18th day of November, 2024; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Mills Ave Properties, LLC, as shown and being that property described in the deed recorded in Document Book 1035, Pages 743-745, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 6th day of January, 2025.

Said property is more fully described as follows:

Location: Forest Hill Drive, Brevard, NC 28712. Transylvania County Tax Property Identification Numbers: 8585-36-0021; 8585-35-0899-000; 8585-35-1747-000; and 8585-35-1676-000

Property Description:

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49'51" E a distance of 1,328.41 from NCGS MONUMENT GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2' away from an existing utility pole in the right of way for Forest Hill Road; thence N 72°35'30" W a distance of 9.48' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 58.85' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 30.91' to a calculated point on the old 45' right of way; thence with a curve turning to the right with an arc length of 27.95', with a radius of 289.00', with a chord bearing of N 19°36'24" W, with a chord length of 27.93', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.85', with a radius of 289.00', with a chord bearing of N 11°00'10" W, with a chord length of 58.75', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.87', with a radius of 289.00', with a chord bearing of N 00°39'58" E, with a chord length of 58.76', to a calculated point on the old 45' right of way; thence leaving the old right of way N 42°42'28" E a distance of 18.15' to a point in the center of a ditch; thence down and with the center of a ditch N 70°17'08" E a distance of 32.99' to a point in the center of the ditch; thence N 65°22'33" E a distance of 44.58' to a point in the center of a ditch; thence N 39°05'26" E a distance of 19.33' to a point in the center of a ditch; thence N 13°02'07" W a distance of 42.04' to a point in the center of a ditch; thence N 15°38'54" E a distance of 60.58' to a point in the center of a ditch; thence N 27°30'15" E a distance of 27.48' to a point in the center of a ditch; thence N 46°24'44" E a distance of 34.48' to a point in the center of a ditch; thence N 52°18'45" E a distance of 44.06' to a point in the center of a ditch; thence N 63°35'23" E a distance of 24.90' to a point in the center of a ditch; thence N 68°35'48" E a distance of 34.51' to a point in the center of a ditch; thence N 82°42'23" E a distance of 18.77' to a point in the center of a ditch; thence N 59°06'04" E a distance of 10.91' to a point where the ditch meets the center of Brushy Creek; thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 95.95' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 76.42' to a point in the center of Brushy Creek; thence S 11°00'05" E a distance of 45.80' to a point in the center of Brushy Creek; thence S 19°22'35" E a distance of 32.79' to a point in the center of Brushy Creek; thence S 38°07'26" E a distance of 24.16' to a point in the center of Brushy Creek; thence S 58°35'26" E a distance of 37.39' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 17.91' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 15.80' to a point in the center of Brushy Creek; thence S 28°10'33" E a distance of 121.25' to a point in the center of Brushy Creek; thence S 22°12'32" E a distance of 22.95' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 3.35' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 16.33' to a point in the center of Brushy Creek; thence S 18°24'11" W a distance of 35.66' to a point in the center of Brushy Creek; thence S 33°58'27" W a distance of 65.28' to a point in the center of Brushy Creek; thence S 44°26'22" W a distance of 31.27' to a point in the center of Brushy Creek; thence S 14°19'46" W a distance of 29.38' to a point in the center of Brushy Creek; thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02' to a point in the center of a ditch; thence N 70°38'59" W a distance of 156.06' to a point in the center of a ditch; thence N 77°40'10" W a distance of 71.18' to a 5/8" rebar; thence N 72°39'09" W a distance of 29.26' to a 5/8" rebar; thence N 46°48'46" W a distance of 41.05' to a 5/8" rebar; thence S 89°46'32" W a distance of 60.26' to 5/8" rebar; thence N 72°47'04" W a distance of 28.12' to a 5/8" rebar; thence N 72°50'41" W a distance of 30.42' to a broken concrete monument; which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres.

Section 2. Upon and after the 6th day of January, 2025 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Michael A. Pfoutz, Sr., PLS for Mills Ave Properties, LLC, dated September 27, 2024, and recorded in Plat File 25, Slide 5, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved this the 6th day of January, 2025

Attest: Denise Hodsdon, CMC, City Clerk
Approved as to Form: Mack McKeller, City Attorney

s/ Maureen Copelof, Mayor

M. New Business

M-1. Age Friendly Brevard Action Plan – Mr. Hooper explained that this is a follow up to Council’s action in February 2024 to pursue the AARP “Age Friendly Community” designation and to establish a task force to review the City’s plans through an age-specific lens and make recommendations on how to enhance those plans for the benefit of the area’s aging population. Council Member Wise serves on the Age Friendly Task Force and summarized the Age Friendly Brevard Action Plan 2025. He noted that while this has an age-friendly focus, the intent of it will benefit everyone in our community. He explained that the primary goal of the Task Force was to survey residents over 50 years of age and use that information to create an action plan to give the City greater insight into the concerns and needs of this group. Additionally, the Task Force conducted four listening sessions open to all members of the community. The Age Friendly Brevard Action Plan 2025 focuses on 5 of the 8 AARP domains of livability: housing, transportation (including walking, biking and public transit), outdoor spaces, health services and community supports, and communication and information. Mr. Wise said we are asking City Council to accept this report because the value of this document, outside of being able to participate in the AARP Age Friendly Communities program, is to ensure the strategic priorities that Council has identified and enumerated in our Comprehensive Land Use Plan are aligned with the needs of our community. This plan should be viewed as a useful look into this specific community needs, but as a whole, as a support document for the entire Comprehensive Land Use Plan.

Mr. Morrow moved, seconded by Ms. Holder to adopt the resolution to accept the Age Friendly Action Plan. During discussion Mr. Baker and Mr. Daniel had a number of questions regarding where this project would interact with current city plans/priorities and whether work would be done through the committee structure. Mr. Hooper said he sees this document as a supplemental document, and that accepting the plan would not be a blanket permission to implement anything, but permission to consider it, and that the Task Force would work with the existing committees to work through the details. Vote on the motion was 4 in favor and 1 opposed (Daniel); the motion carried.

RESOLUTION NO. 2025-03
RESOLUTION ACCEPTING AGE FRIENDLY BREVARD ACTION PLAN 2025

WHEREAS, at its meeting on February 19, 2024 Brevard City Council adopted Resolution No. 2024-08 approving the City’s application for designation as an AARP Age-Friendly Community; and

WHEREAS, Resolution No. 2024-08 called for the establishment of a Community Leader and volunteer group to review the City’s plans through an age-specific lens and make recommendations on how to enhance them for the benefit of the area’s aging population; and

WHEREAS, the Age-Friendly Task Force has conducted the review of the City’s plans and completed a survey of residents over age 65; and

WHEREAS, the Age-Friendly Task Force has drafted an “Age Friendly Brevard Action Plan 2025” summarizing the results of its review and the survey results.

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

Section 1. the “Age Friendly Brevard Action Plan 2025” attached hereto and presented to City Council at its January 6, 2025 meeting is hereby accepted.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this the 6th day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

~~ At 6:55 PM Mayor Copelof called for a ten-minute break ~~

M-2. Non-Profit Funding Policy Amendments – Mr. Hooper noted that at its meeting on October 28, 2024 the Finance, Human Resources, and Citizen Appointment Committee referred the proposed policy to full Council with a recommendation to approve. Dean Luebbe explained that the proposed amendments include the following provisions:

- Recommendation for a cap on nonprofit awards of no more than 1% of the previous year's General Fund budget.
- Nonprofits receiving over \$25,000 must submit audited financial statements; those receiving less than \$25,000 must submit financial statements approved by its governing board.
- Nonprofits will be required to sign a contract with the City and to provide programmatic reports at mid-year and year-end.
- The Finance, Human Resources and Citizen Appointment Committee will review all applications and make recommendations that will be presented with the City Manager's recommended budget.

Mr. Daniel moved, seconded by Mr. Wise to adopt the Non-Profit Funding Policy as presented and recommended by the Finance, Human Resources and Citizen Appointment Committee. The motion carried unanimously.

RESOLUTION NO. 2025-04
A RESOLUTION ADOPTING THE CITY OF BREVARD
NONPROFIT FUNDING POLICY

WHEREAS, the City of Brevard recognizes that nonprofit organizations serve a vital role in improving the quality of life for our community by delivering services to our citizens in a cost-effective manner through the use of partnerships; and

WHEREAS, the City of Brevard is committed to providing financial assistance to those nonprofit agencies which assist the City in conducting its mission; and

WHEREAS, it shall be the policy of the City of Brevard to set parameters and establish guidelines for the funding of nonprofit organizations to ensure transparency, accountability, consistency and adherence to best practices; and

WHEREAS, the City Council Finance, Human Resources and Citizen Appointment Committee has reviewed the draft Nonprofit Funding Policy and recommends approval.

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

Section 1. The City of Brevard Nonprofit Funding Policy attached hereto and presented to City Council at its January 6, 2025 meeting is hereby adopted.

Section 2. The City of Brevard Nonprofit Funding Policy shall become effective on January 6, 2025 .

Adopted and approved this the 6th day of January 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

M-3. NCLM Municipal Advocacy Goals – Mr. Hooper explained that prior to the North Carolina General Assembly's biennial session the NCLM Legislative Policy Committee (LPC) creates a list of proposed legislative goals that will form the

foundation of NCLM’s lobbying strategy. This year the LPC proposed 16 goals and each member organization may select their ten highest priorities. The draft resolution includes the preferred goals as recommended by Staff in consultation with Mayor Copelof. Mr. Morrow moved, seconded by Mr. Baker to approve the resolution as presented. The motion carried unanimously.

RESOLUTION NO. 2025-05
A RESOLUTION ENUMERATING THE CITY OF BREVARD’S
PREFERRED LEGISLATIVE PRIORITIES
FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM)

WHEREAS, the biennial “long-session” of the North Carolina General Assembly is scheduled to convene in January 2025; and

WHEREAS, during the “long-session” the North Carolina General Assembly develops the state’s biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concern; and

WHEREAS, for those reasons and others it is in municipalities’ best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on January 6, 2025 the Brevard City Council discussed in open session a list of legislative priorities that they ask the North Carolina League of Municipalities to lobby for on their behalf.

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

Section 1. The City of Brevard identifies the following ten items as its chosen priorities for NCLM’s legislative advocacy during the 2025 General Assembly;

- Expand funding opportunities for disaster resiliency and recovery efforts
- Establish long-term funding streams that adequately address water, sewer, stormwater, transportation and other infrastructure needs
- Expand state transportation funding streams for construction and maintenance of municipal and state-owned secondary roads
- Expand incentives and funding for local economic development
- Create incentives to encourage development of diverse housing options
- Provide local revenue options beyond the property tax
- Address the needs of a changing municipal workforce through state assistance that supports employee retention, including training and recruitment
- Update the annexation petition thresholds to make voluntary annexation easier to initiate
- Preserve authority for extraterritorial jurisdiction to ensure growth is well-planned and investments by homeowners and businesses are protected
- Protect the ability of municipal elected officials, acting on behalf of local voters, to determine election format, districts and other election matter currently under their purview

Section 2. That Mayor Maureen Copelof is designated as Brevard’s voting delegate for the purposes of recording the city’s ten priority goals with NCLM.

Approved and adopted this 6th day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

M-4. City of Brevard Legislative Requests – Mr. Hooper presented Staff’s list of proposed legislative requests and explained that these are based on the themes of housing, local control of planning/zoning, and storm recovery/resiliency. The proposed request also includes a specific request for financial assistance in the amount of \$52M for the upcoming Wastewater Treatment Plant upgrade/replacement. Once approved, the list will be submitted to Senator Corbin and Representative Clampitt and shared with NCLM and the County.

City of Brevard 2025 Legislative Requests

Direct Allocation Requests		
Project	Amount	Description
Brevard Wastewater Treatment Plan Replacement	\$52,000,000	The upgrade/replacement of the city’s aging WWTP is Brevard’s most critical infrastructure need to ensure economic competitiveness and environmental health. The city appreciates the \$13M allocated in the last Long Session budget. Thought it was earmarked for general “water and wastewater infrastructure projects” the city intends to use it for its WWTP. So far \$352,000 has been encumbered for Preliminary Engineering, with more identified for actual engineering costs. Brevard requests additional consideration in future budgets for construction costs.

Policy Requests	
Housing	Brevard requests support for legislation that: • Permits public entities to financially support workforce housing serving beneficiaries having incomes up to 120% of AMI • Amends North Carolina’s Low Income Housing Tax Credit (LIHTC) formula to make small, rural communities more competitive. • Names housing as an eligible “tourism-related” expense so that duly-chartered Tourism Development Authorities can use occupancy tax proceeds to support housing development. The lack of housing units affordable to tourism-industry workers is inhibiting the growth of the tourism sector in the area. • Names housing as an economic development tool, making housing eligible for funding/programs that support ED.
Local control of planning/zoning	Brevard requests support for legislation that: • Preserves its Extraterritorial Jurisdiction (ETJ). Brevard’s irregular corporate boundaries mean that built-up areas exist in unincorporated areas immediately adjacent to incorporated ones. ETJ gives Brevard the ability to ensure that incompatible land uses are not placed next to each other, and that property values, health, and safety are protected. • Replaces or amends previous legislation that limits local governments’ authority to initiate, implement, and enforce zoning changes and make decision about land use within their jurisdiction as long as they do not conflict with state or federal laws. • Maintains local control over planning/zoning decisions where local conditions are better understood and local voices can be considered. Over the last two years Brevard has exercised great regulatory sensitivity when it comes to land use regulation. The city removed outdated zoning restrictions and adopted a future land use map informed by public engagement.
Storm recovery/resiliency	Brevard requests support for legislation that: • Provides grants to business and individuals to help recover from storm-related loss. • Supplements Federal programs like Hazard Mitigation Grant Program with State dollars. • Provides local governments with authority to flexibly apply their local regulations to support recover.

Mr. Morrow moved, seconded by Ms. Holder to approve the resolution identifying the City of Brevard's legislative requests. During discussion Mr. Baker suggested including an additional theme regarding transportation. He noted that under the Strategic Transportation Investment Law, NCDOT is prohibited from using state funds on standalone bicycle/pedestrian projects. Mr. Hooper recommended adding the following language:

Brevard requests support for legislation that:

- Permits state funds to be used for standalone bicycle/pedestrian projects
- Protects Powell Bill allocations

Mr. Morrow amended his motion, seconded by Ms. Holder to approve the list with the additional transportation items. The motion carried unanimously.

RESOLUTION NO. 2025-06

A RESOLUTION IDENTIFYING THE CITY OF BREVARD'S REQUESTS FOR THE 2025 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the biennial "long-session" of the North Carolina General Assembly is scheduled to convene in January 2025; and

WHEREAS, during the "long-session" the North Carolina General Assembly develops the state's biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concerns; and

WHEREAS, for those reasons and others it is in municipalities best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on January 6, 2025 the Brevard City Council discussed in open session a list of legislative requests that they feel will enable them to better serve the people of Brevard and Transylvania County

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

- 1) The "City of Brevard's 2025 Legislative Request" document, incorporated by reference, is hereby respectfully submitted to the North Carolina General Assembly for their consideration; and
- 2) The City Manager is instructed to submit, in a form acceptable to its recipients, its contents to Rep. Mike Clampitt (NC-119), Sen. Kevin Corbin (NC-50), and other appropriate parties.

Approved and adopted this 6th day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

M-5. Amendment to 2025 City Council Meeting Schedule – Reschedule Budget Workshop and April Regular Meeting – Ms. Hodsdon explained that due a potential conflict with Transylvania County Schools' Spring Break, Staff recommends rescheduling the Budget Workshop to Friday, April 11, 2025 and to add a Regular Meeting on Monday, April 21, 2025. Mr. Baker moved, seconded by Mr. Morrow to approve the amendment to the City Council Meeting Schedule. The motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Mr. Morrow noted that 72% of property taxes have been received and gave a shoutout to staff. He said it was a great decision for the City to collect our own taxes and to offer a 2% discount.

Mr. Daniel asked if we have heard from the Brevard-Davidson River Presbyterian Church regarding the lease agreement. Mr. Hooper said they are interested in keeping the conversation going and we will convene to talk about it in the weeks to come. Mr. Daniel also expressed concern regarding trail etiquette for pedestrians and cyclists on the Estatoe Trail and the potential for serious injuries. He said I would encourage us to start formulating regulations and put up signage to start getting people informed of what they need to know to use the trail.

Ms. Holder informed everyone that there will be a Martin Luther King, Jr. ceremony at Bethel "A" Baptist Church on January 20th. Participants will meet at the Courthouse at 4pm and march to the church for refreshments and a 6pm ceremony. On Saturday January 18th there will be a unity dinner at MCJCCC starting at 5pm.

Mr. Wise wished everyone a Happy New Year. He said I appreciate the open discussion we had tonight. He mentioned that someone drove a truck on the boardwalk on the bike path this weekend and said I love that people are using our walkways and bike paths, but please don't drive on them because they're not meant for that.

Mr. Baker thanked Public Works staff for quickly getting the boardwalk back up and running. He mentioned that the previously scheduled Ecusta Trail strategic planning session was canceled due to the hurricane and that it is still important for Council and the City to think strategically about the Ecusta Trail as we go forward. He hoped we could have that session soon.

Mr. Hooper thanked Public Works staff for their quick response to both the boardwalk incident and the vandalism at the Depot bathrooms, which they are still repairing, but hope to have them back in service soon.

Mayor Copelof echoed thanks to Public Works staff. She said it is disappointing that we had this vandalism at our facilities. She thanked Dr. Paula Hartman-Stein and members of the Age Friendly Task Force. She noted that we are getting national recognition thanks to the incredible team. The Task Force will be reconvening soon to begin working on some of the items in the action plan. Upcoming events include White Squirrel Day on February 2nd at MCJCCC, and the next Meet the Mayor will be this Thursday at 11:30 MCJCCC. She noted that a Code Purple has been declared through January 12th and the Cove will be open as a shelter and The Haven will be providing transportation each day for people that might need the shelter.

O. Closed Session – None.

P. Adjourn – There being no further business, at 7:54 p.m. Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: January 21, 2025



Proclamation No. 2025-01 Brevard Music Center Day

WHEREAS, Brevard Music Center has been an important part of the Brevard Community since 1944; and

WHEREAS, on September 27, 2024 Hurricane Helene tore through Western North Carolina producing historical flooding and landslides in Brevard and Transylvania County, causing devastating loss of homes and displacement of residents; and

WHEREAS, in collaboration with local authorities, Brevard Music Center immediately and unconditionally opened its doors to provide temporary housing for displaced families and visiting work crews, as well as making its food storage facilities available to support the efforts of local emergency providers ; and

WHEREAS, Brevard Music Center housed a total of 113 people in its dorms at no cost between September 30th and December 9th; and

WHEREAS, 58 tree workers were housed for a total of 30 days; and

WHEREAS, Brevard Music Center partnered with Grace Brevard and El Centro to house 8 families, a total of 22 people from the community from October 9th until December 9th; and

WHEREAS, 3 families from Brevard College were housed from October 7th to November 20th; and

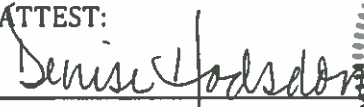
WHEREAS, Brevard Music Center provided housing for 7 families of its current and previous staff and community partners during the month of October.

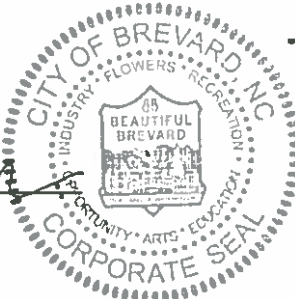
NOW, THEREFORE, in recognition of Brevard Music Center's unselfish support of our community, I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim Friday, January 24th, 2025 as **BREVARD MUSIC CENTER DAY** in the City of Brevard, North Carolina, and commend its observance to all its residents. I encourage residents to reach out and express their appreciation to Brevard Music Center for the extraordinary and critical support they provided to help the community during this time of unprecedented need.

Further, I hereby present Brevard Music Center with a Key to the City; it is not a key to any lock, but is the true key to the hearts of the citizens of Brevard.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 21st day of January, 2025.

ATTEST:


Denise Hodsdon, CMC
City Clerk




Maureen Copelof
Mayor



Proclamation No. 2025-02 White Squirrel Day

The City of Brevard hereby proudly declares and ordains February 2, 2025, as "White Squirrel Day", and further orders that "Groundhog Day" will forever and hereafter be recognized and honored in the City of Brevard as "White Squirrel Day" for the following reasons:

WHEREAS, in keeping with Brevard's great heritage of welcoming and receiving visitors from around the world, Pisgah Piper honorably serves as the City's official white squirrel ambassador for Brevard; and

WHEREAS, Pisgah Piper has established herself as a beloved and valued member of this community, and openly asserts her love for Brevard, waterfalls, mountain biking, hiking, and everything else that makes our town the coolest small town in America; and

WHEREAS, Pisgah Piper has further established herself as possessing unique and valuable skills in making useful and accurate predictions, including accurately predicting the winner of the Super Bowl each year, while Punxsutawney Phil has established himself as (let's be honest) an ill-tempered and a highly unreliable predictor of anything.

THEREFORE, we celebrate this day as Pisgah Piper assumes the duties and responsibilities asked of her, and heretofore will make all predictions asked of her on "White Squirrel Day," thereby forever relieving Punxsutawney Phil of these duties. Besides, she's way cuter than Phil.

I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim February 2, 2025, as **White Squirrel Day** in the City of Brevard.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 2nd day of February, 2025.


Maureen Copelof, Mayor

ATTEST:


Denise Hodsdon, City Clerk



STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 12 and 19 - Signs

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The chapter of the City of Brevard Unified Development Ordinance (UDO) that addresses signs, Chapter 12, was overhauled in 2020 in response to the US Supreme Court case *Reed et al. v. Town of Gilbert*. Following this rewrite, minor amendments were made to the sign chapter in 2021 and 2022 to increase clarity and continue to follow ever-changing best practice recommendations from the American Planning Association and the UNC School of Government.

Discussion

This is another Staff-initiated text amendment that is intended to reduce confusion for both applicants and administrators, eliminate conflicts, and ensure the sign ordinance meets the City's traffic safety and aesthetic goals in regulating signage, very similar to the 2021 and 2022 amendments.

Some of the highlights of this round of amendments include: shortening the amount of time political signs can be displayed to match NC General Statutes; specifying what temporary signs require a permit; material requirements for permanent ground signs; removing duplicative language; and updating mural language to better reflect the City's Public Art Policy. Staff will review all amendments at the meeting.

Policy Analysis

Historically, the intent of the City's sign regulations has been first and foremost a safety concern. A secondary purpose is to ensure that signs are permitted in a manner that is consistent with land use and zoning objectives and regulations. Aesthetic and community character are also key considerations.

The *Building Brevard Comprehensive Land Use Plan* does not discuss signage specifically. However, there are many mentions and actions related to safe transportation and maintaining Brevard's sense of place, including Goals #2 and #4:

2. *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
4. *Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.*

Recommendation

The Planning Board discussed these amendments at their December 17, 2024 meeting. Following discussion, the board recommended in favor with one minor amendment.

Fiscal Impact

None.

Action

This staff report is being presented for public hearing purposes; no action is requested at this time.

Attachments:

1. Draft Amendments
2. Consistency Statement



CHAPTER 12. SIGNS

12.1. Purpose.

- A. The purpose of this section is to promote the effective and compatible use of signage within the City of Brevard's planning jurisdiction by ensuring that no sign will, due size, location, color, illumination, movement, construction, materials, 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. Because signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for reasonable regulation, this chapter aims to permit and regulate signs in such a way as to ensure public safety, and to support and complement land use objectives set forth in this ordinance and the Comprehensive Land Use Plan.
- B. These regulations aim to ensure the protection of property values and the character of Brevard and to create a convenient, attractive, and harmonious community.
- C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, compliment the landscaping and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- E. These regulations do not entirely eliminate all of the potential harms that may be created by the installation and display of signs. They strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

12.2. Applicability.

- A. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, enlarged, moved or hung in any district except without first obtaining a permit from the Administrator in compliance with this ordinance.
- B. All signs shall fully comply with the requirements of the State of North Carolina Building and Electrical Codes.

12.3. Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Code.

12.4. Substitution.

Signs containing noncommercial speech are permitted anywhere advertising or business signs are permitted, subject to the same regulations applicable to such signs as described herein.

12.5. General standards for all signs.



A. Maintenance of signs:

1. Repainting. 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. If, during repairing, the design of the sign or structure is altered in any way, then the entire structure shall comply with the provisions of this ordinance.
2. Vandalism and adverse weather. Signs destroyed by vandals or adverse weather events 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 and graphics of the same size as the previously destroyed sign. However, 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.
3. Any maintenance action that alters or modifies the location, area, height, or illumination of a sign, shall require a permit and full compliance with this chapter.

B. Permitting:

1. *Permits required.* A permit, issued by the administrator, shall be required for all signs unless otherwise exempted 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 chapter. The fee schedule for sign permits shall be determined by city council. When a permit is required, a permit shall be issued prior to the installation or placement of such sign.
2. *Inspections.* Preliminary and final site inspections may be required by the Administrator as necessary.
3. Only those signs which meet all of the requirements established by this chapter for the particular type of sign may be permitted.
4. Failure to obtain a permit for any sign that is required to be permitted prior to displaying it is a violation of this ordinance.
5. In accordance with NCGS §160D-912.1, a lawfully erected on-premises advertising sign visible from a public road may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected.
 - a. However, the City of Brevard may require the removal of preexisting nonconforming on-premises advertising sign that were lawfully erected, provided adequate monetary compensation, in accordance with state law, is paid to the sign owner.
 - b. These provisions shall apply to any on-premises advertising signs removed on or after October 1, 2021. For signs removed from October 1, 2021 to July 9, 2024, construction work on the relocation or reconstruction, in accordance with this section and NCGS §160D-912.1, must commence before July 9, 2026.
 - c. These provisions shall not apply to signage for establishments no longer in existence, products no longer being sold, and services no longer being rendered on the property.

C. Removal of obsolete signs:

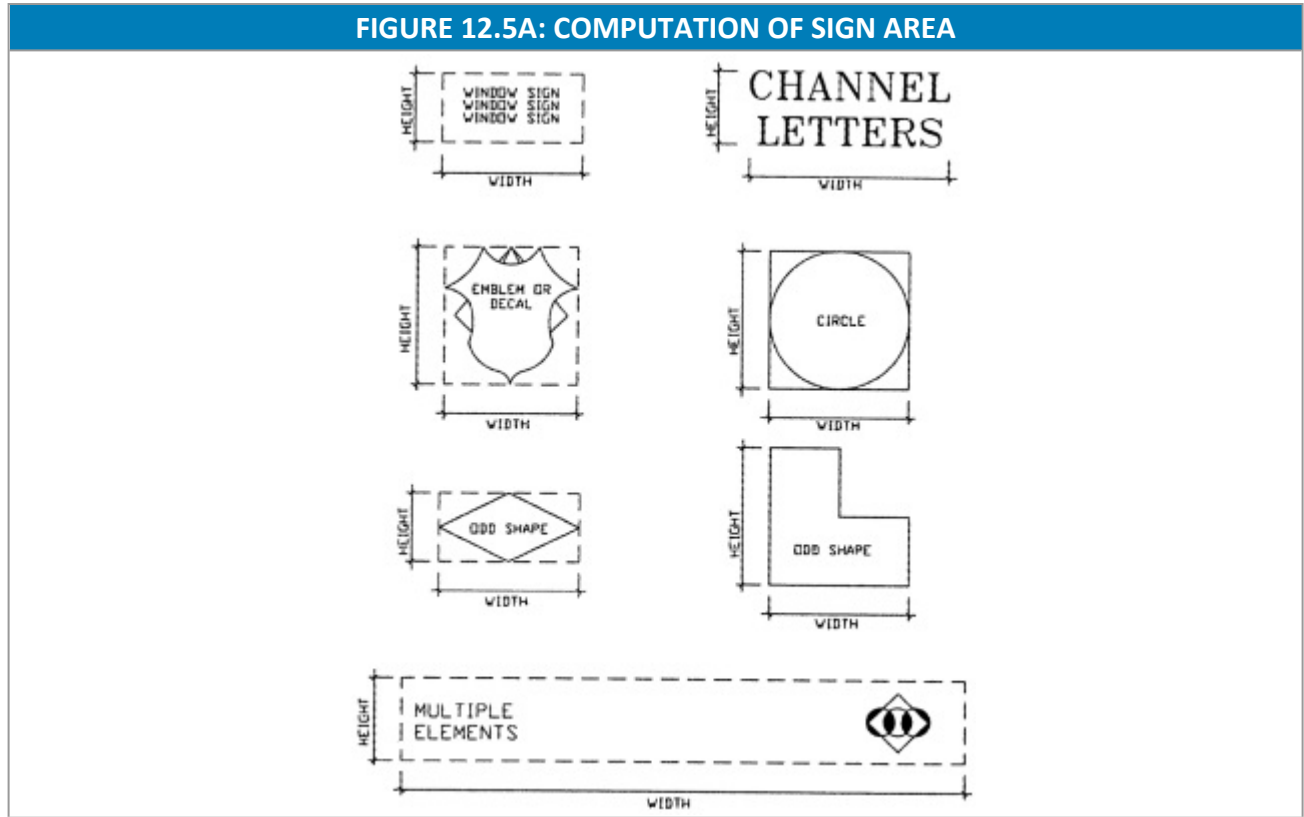
1. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities, except that ground sign supports, braces, and guys which are not easily dismantled and are to be sold as a portion of the business assets or property may remain.



2. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the administrator may order their removal, subject to the terms of this article and [CHAPTER 18](#) of this ordinance, and any expense of removal shall be billed to the owner or lessee of said sign(s).
- D. **Signs on public property forfeited:** Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this section, shall be forfeited and is subject to confiscation. In addition to other remedies in [CHAPTER 18](#), the administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- E. **Sign area computations:** The following principles shall control the computation of sign area and sign height:
1. *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 for the façade area of the space occupied by the tenant requesting the sign.
 - 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.

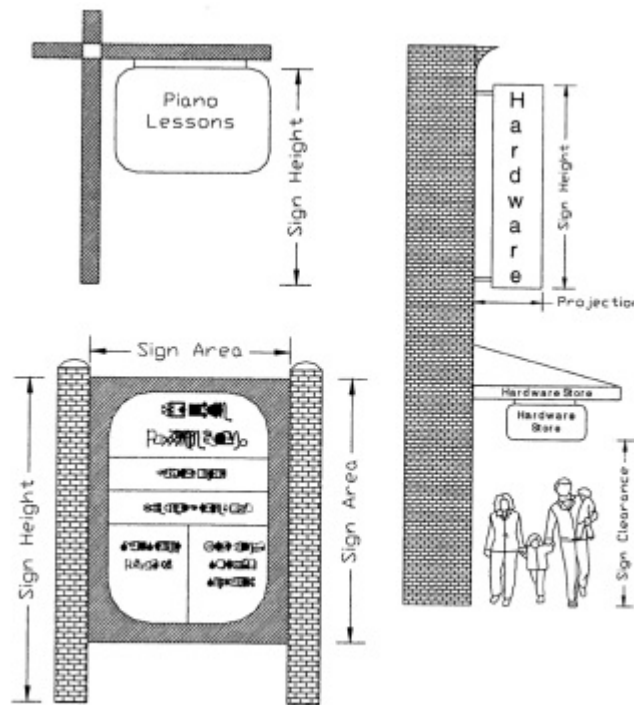


FIGURE 12.5A: COMPUTATION OF SIGN AREA



2. *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.

**FIGURE 12.5B: COMPUTATION OF SIGN HEIGHT AND AREA**

- F. ~~Clear sight distance at street intersections required:~~** Signs shall be located outside of the required sight triangle as detailed in Section 9.5.
- G. ~~Building code compliance:~~** All signs and support structures shall comply with all applicable State of North Carolina Building Code requirements.
- H. ~~Enforcement:~~** Violations of this ordinance shall be subject to the enforcement provisions of CHAPTER 18.

12.6. Prohibited signs.

The following signs are prohibited in all districts, unless otherwise permitted elsewhere in this chapter:

- 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, including signs placed within any required sight triangle.
- B. *Signs within public right-of-way or easement:*** Any freestanding sign located within or extending into a public right-of-way or easement, except as otherwise allowed by this chapter. City personnel may remove any sign located fully or partially within a public right-of-way.
- C. *Signs obstructing passages:*** Any sign that obstructs or 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. Off-premises directional signs may be permitted (Section 12.9.5).
- E. *Signs on vehicles parked off-premises and/or near the right-of-way:*** Except when in the process of loading or unloading or generally carrying out activities associated with the normal conduct of business (except



advertising), vehicles, trailers, commercial trucks displaying signage for the principal use of advertising rather than transport are prohibited. Vehicles with signs for advertising may park in any legally-established parking space on the property where the commercial activity being advertised is conducted.

- F. Any, electronic sign, sign that includes a monitor or TV screen, flashing device, or sign displaying flashing, animated, or intermittent lights or lights of changing degrees of intensity not expressly allowed by Section 12.9.3.
- G. *Moving devices*: Any moving signs or device to attract attention, all or any part of which moves by any means, including by air, electrical, human, or other means, including but not limited to pennants, flags, propellers, discs, or inflatables, whether or not any said device has a written message. Except those allowed by Section 12.9.4.
- H. Any sign posted to utility poles, bridges, overpasses, trees, fences, rocks, or other signs.
- I. *Copies of official signs*: Any sign which is a copy or an imitation of an official sign or traffic light, or which purports to have official status.
- J. Roof signs.
- K. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by City Council or in accordance with North Carolina General Statutes.
- L. Signs that promote illegal activity.
- M. Reflective signs or signs containing mirrors.
- N. Any sign not expressly permitted elsewhere in this ordinance.

12.7. Exempt signs.

The following signs are exempt from the provisions of this ordinance and do not require a permit:

- A. *Government signs*: Official signs installed by units or agencies of local government having jurisdiction within the City of Brevard, and agencies of the State of North Carolina or the federal government are exempt from the regulations established by this section. For the purposes of this section, official signs shall include any sign erected by the City of Brevard. Such signs may be illuminated, flashing, or moving as required.
- B. *Signs required by law*: Signs erected pursuant to federal, state, or local laws or ordinances.
- C. *Architectural features*: Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- D. *Public-owned ball field signs*: Signs attached to the field's fencing, provided that such signs are made of weather-durable materials and are not self-illuminated.
- E. *Window signs*: Signs placed on or behind window glass, provided that no window signs shall include electronic or flashing elements as prohibited by Section 12.6.E.
- F. *Historic properties*: Buildings or properties that are either locally or nationally listed as a historic landmark may have small identifying signs on the building or property.
- G. *Murals*:
 - 1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in nonresidential zoning districts for artistic and/or aesthetic purposes [as opposed to advertising](#). A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. [Murals may incorporate logos, symbols, and copy](#)



within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.

~~1. —~~

2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. Owners seeking to create murals shall receive City Council approval. Based on adopted policies, City Council shall issue a resolution stating its approval or denial of the mural request in all nonresidential zoning districts.

~~4. — Murals do not require a sign permit if they adhere to the following:~~

- ~~a. — If media other than, or in addition to, paint are used in a mural such media shall not extend more than twelve inches (12") above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.~~
- ~~b. — The mural may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area.~~
- ~~c. — The following shall be used for purposes of measuring surface area:~~
 - ~~i. — The area of a mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.~~
 - ~~ii. — Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.~~

~~5. — Murals shall not be placed or installed on locally designated historic buildings by the Joint Historic Preservation Commission or those listed on the National Register of Historic Places.~~

~~6. — Murals that do not adhere to the requirements of this section shall be considered wall signs and shall adhere to all provisions therein and require the issuance of a sign permit.~~

H. Vintage signs:

1. Vintage signs are defined as any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls of privately owned, nonresidential buildings, and retaining/screening walls in nonresidential zoning districts.
2. Vintage signs are allowed in all zoning districts.
3. Vintage signs shall require only a letter of compliance before placement if they adhere to the following:
 - a. If used by a property owner with no affiliation to the active, or closed business, vintage signs may be placed or incorporated:
 - i. On a building wall as long as no more than 40 percent of the wall face is covered;
 - ii. On a pitched or flat roof as long as no more than 20 percent of the area of the surface plane on which the vintage sign is placed is covered; or
 - iii. Within murals as long as all provisions for murals are met in addition to those for vintage signs provided herein.



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

12.8. Temporary signs.

12.8.1. General temporary sign standards.

- A. All temporary signs shall comply with the following common standards:
 1. Temporary signs shall not be illuminated or be displayed by any electrified device.
 2. Temporary signs shall not be placed within any public right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
 3. Temporary signs attached to buildings shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, ingress, egress, or street number sign.
 4. Temporary signs shall not be affixed to any permanent sign or its supporting structure.
 5. Temporary signs shall not be placed in a manner that obstructs clear sight distance (e.g. within the required sight triangle) for motorists, bicyclists, or pedestrians at street intersections or driveways.
 6. Temporary signs, other than Type 4 freestanding temporary signs as allowed in Section 12.8.2, shall not be placed upon any sidewalk or other pedestrian walkway.
 7. Temporary signs shall not be placed on the roof of a building, or affixed to a tree, rock, bridge, utility pole, or permanent sign.
 8. Any required period of separation between such the number or duration of temporary sign displays shall carry over the changing of calendar years, and shall be observed prior to initiating the first allowed display during the new calendar year.

12.8.2. Freestanding (ground) temporary signs.

- A. **General provisions.** The following standards apply to all freestanding temporary signs:
 1. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
 2. Signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed in the right-of-way.
 3. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.
- B. **Type 1 freestanding temporary signs.** Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.
 1. *Where permitted.* Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.
 2. *Size.* The maximum sign display area is limited to four square feet.



3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number.*
 - a. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage, without a permit. Additional Type 1 freestanding temporary signage may be allowed with the issuance of a permit.
 - b. During the period beginning 30 days before the beginning date of early voting under G.S. 163-166.40 and ending 10 days after the primary or election day~~Beginning 90 days prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending ten days following the primary or election,~~ this limit on the number of Type 1 freestanding temporary signs that may be displayed without a permit is suspended for residential parcels ~~zoned GR or RMX~~. All other regulations associated with such signage shall remain in effect during such period of suspension.
5. *Material.* Type 1 freestanding temporary sign faces shall be made of a rigid material.
6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
7. *Number of sides.* The display area may be either single or dual sided.
8. *Duration of display.* The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.
- C. ***Type 2 freestanding temporary signs.*** Signs in this category are commonly referred to as "banners" that are typically associated with, but not limited to, the announcement of new business openings, community events, and similar unique events.
 1. *Where permitted.* Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts. A permit is required for this type of temporary signage.
 2. *Size.* The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
 3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
 4. *Number:* One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 5. *Material.* Sign faces shall be made of a flexible material.
 6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
 7. *Number of sides.* The display area may be either single or dual sided.
 8. *Duration of display.* Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.
- D. ***Type 3 freestanding temporary signs.*** Signs in this category are larger temporary signs typically associated with, but not limited to, the advertisement of large tracts of land for sale, construction and development activity, or the advertisement of commercial or industrial buildings for sale or lease.
 1. *Where permitted.* Type 3 signs are permitted-allowed with a permit only on parcels or groups of adjacent parcels under common ownership that meet one of the following:



- a. A residential use on a parcel or group of adjacent parcels under common owner-ship that is a minimum of three acres in size zoned GR;
 - b. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
 - c. A non-residential use in any non-residential zoning district upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
 - d. A non-residential use in any non-residential zoning district upon a parcel that has construction or development activity per an active development permit.
2. *Simultaneous display prohibited.* A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
 3. *Size.* The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
 4. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
 5. *Setbacks.*
 - a. Front: No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
 - b. Side and Rear: No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
 6. *Number:* One Type 3 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 7. *Material.* Sign faces shall be made of a rigid material.
 8. *Mounting standard.* Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
 9. *Number of sides.* The display area may be either single or dual sided.
 10. *Duration of display.*
 - a. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
 - b. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
 - c. In all other cases, the duration of display shall be limited to two months.
 - d. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.
- E. **Type 4 freestanding temporary signs.** The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.



1. *Where permitted.* Type 4 freestanding temporary signs are allowed with a permit in the RMX, NMX, PGX, DMX, CMX, and IC zoning districts.
2. *Size.* The maximum sign display area is limited to eight square feet per side.
3. *Height.* The maximum height of the sign is limited to four feet above the grade of the surface upon which it is displayed when placed in its display position.
4. *Number.* One Type 4 freestanding temporary sign may be displayed per tenant space, provided that no more than two Type 4 signs may be displayed per parcel along the same building street frontage.
5. *Material.* Sign faces shall be composed of rigid material.
6. *Location.* Type 4 freestanding temporary signs may be placed upon a public sidewalk or other pedestrian walkway, provided that a minimum of five feet of unobstructed clearance is maintained along the directional path of the walkway. In no case shall a Type 4 sign be placed in a manner that obstructs vehicular access, movement, or visibility. Such signs shall not be locked, chained, or otherwise tethered to posts, utility poles, trees, permanent signs, or any other permanent object.
7. *Duration of display.* Type 4 signs may only be displayed during the period beginning 30 minutes prior to the daily opening and ending 30 minutes following the daily closing of the business displaying the sign.

12.8.3. Wall-mounted temporary signs.

- A. Temporary signs mounted to building walls shall include all wall-mounted temporary signs, including but not limited to, wall-mounted signs or banners for the announcement of new business openings, community events, and/or availability of vacant tenant space. ~~may be displayed~~ subject to the following provisions:
1. Where permitted. Wall mounted temporary signs are ~~permitted~~ allowed on buildings housing a commercial use in any zoning district with a permit.
 2. Size. Maximum display area for temporary wall signs:

TABLE 12.8.3A: MAXIMUM SIZE OF WALL- MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
<u>GR</u>	<u>16 ft.²</u>
<u>RMX</u>	<u>16 ft.²</u>
<u>NMX</u>	<u>24 ft.²</u>
<u>PGX</u>	<u>24 ft.²</u>
<u>DMX</u>	<u>24 ft.²</u>
<u>CMX</u>	<u>32 ft.²</u>
<u>GI</u>	<u>38 ft.²</u>
<u>IC</u>	<u>32 ft.²</u>

3. Number.

- a. One temporary wall sign may be displayed per building occupied by a single tenant.
- a.b. Buildings designed for occupancy by multiple tenants may display one temporary wall sign per tenant, but the sum of all signage displayed at one time is limited to the maximum for the building's zoning district as set forth ~~below~~ above.

4. Location.



a. Temporary wall signs shall be mounted flush against the building wall and secured at each corner.

b. Temporary wall signs shall not be permitted on awnings, canopies, or building roof.

3.5. Maximum display area for temporary wall signs:

TABLE 12.8.3A: MAXIMUM SIZE OF WALL-MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
GR	16 ft. ²
RMX	16 ft. ²
NMX	24 ft. ²
PGX	24 ft. ²
DMX	24 ft. ²
CMX	32 ft. ²
GI	38 ft. ²
IC	32 ft. ²

5. Duration of Display.

- Temporary wall signs may be displayed for a maximum of 30 consecutive calendar days.
- Temporary wall signs may be displayed a maximum of four times per calendar year. A minimum of 30 days of separation shall pass before a new temporary wall sign permit can be issued.

12.8.4. Temporary use signage.

- Upon issuance of a temporary use permit from the City of Brevard, properties being used for the permitted temporary use may display one temporary ground sign on each street frontage of the location of the temporary use for the period of operation as specified in the temporary use permit.
- The operator of the temporary use may choose any temporary ground sign type found in Section 12.8 and must adhere to all requirements set forth for the sign type, except that the duration of display which may match period of operation as specified in the approved permit.

12.8.5. Special event signage.

- Upon issuance of a special event permit from the City of Brevard, properties being used for the permitted special event may display signs, banners, balloons, decorative flags, and windsocks (hereafter, "special event signage") may be displayed subject to the following requirements:
 - Special event signage may be displayed for the duration of the event and up to one week prior to the start of the event.
 - 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 deposit must be given to the city ensuring removal of all special event signage, as specified in the City of Brevard Fee Schedule.~~ If ~~the~~ special event signage has not been removed within ten days of the event's end, as specified in the event's permit, the ~~deposit-sign(s)~~ will be forfeited to the city.
4. Special event signage may not be illuminated, moving, or otherwise cause a hazard or create a visual or physical obstruction to motorists or pedestrians.
5. Permitted Special Events may also be allowed to display dispersed Type 1 Temporary Signs (Section 12.8.2) in multiple locations throughout the City's jurisdiction. A map of such signs shall be provided to the Administrator and all signs must be removed within 10 days following the event's end.

12.8.6. Community banners.

- A. The city may hang temporary banners in the right-of-way at specific locations in order to communicate community events held or hosted by charitable, religious, civic, fraternal, governmental, or other non-profit organizations, subject to the ~~City of Brevard street-Street banner-Banner policy-Policy~~ as set by the City of Brevard Public Works Department.
- ~~B.~~ Fees for the installation of community banners shall be set in the city's fee schedule.
- ~~B-C.~~ ~~Such banners displayed over NCDOT streets shall comply with all pertinent state laws and NCDOT policies.~~

12.9. Permanent signs.

12.9.1. General permanent sign standards.

- A. *Applicability:* The following regulations govern the installation and display of permanent signage within the jurisdiction of this ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this section.

12.9.2. Signs mounted to walls.

- A. **Wall signs.**
 1. *Where permitted.* Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
 2. *Location.* Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
 3. *Number.*
 - a. In residential districts, maximum of 1 wall sign per street frontage.
 - b. In all other districts, maximum of 3 wall signs per street frontage.
 4. *Maximum area.*
 - a. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
 - i. There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
 - ii. There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.



iii. The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.

b. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.

5. *Changeable copy.* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
6. *Illumination.* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting:* Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

B. Projection signs.

1. *Where permitted.* Projection signs shall be permitted to be displayed by any non-residential use in any non-residential zoning district.
2. *Location.* Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
3. *Number.* One per business establishment.
4. *Maximum area.* The maximum permitted area for projection signs shall not exceed eight square feet per side.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.
6. *Illumination.* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting.* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
8. *Minimum clearance required.* Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
9. *Maximum projection.* Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

C. Awning signs.

1. *Where permitted.* Awning signs shall be permitted to be displayed on awnings associated with any non-residential use in any zoning district.
2. *Location.* Awning signs may only be displayed on awnings which are installed to cover an entrance that is used by customers.
3. *Number.* One per awning valance on awnings installed to cover a customer entrance.
4. *Maximum area.* The maximum permitted area for awning signs shall not exceed 80 percent of the width of the valance of the awning.
- 4.5. *Material.* Awning signs in the fire district shall not be constructed of a flammable substance.



5.6. *Illumination.* Awning signs shall not be illuminated.

12.9.3. Freestanding (ground) signs.

A. *Setbacks.*

1. *Front.* No portion of any freestanding ground sign described in this section 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.
2. *Side and rear.* No portion of any freestanding sign described in this section shall be located any closer than ten feet to any side or rear property line.

B. *Non-residential uses in General Residential and residential-Residential Mixed Use districts.*

1. Nonresidential uses permitted in residential districts shall be allowed one ground or wall sign, subject to the following:
 - a. *Number.* One ground or wall sign may be displayed per business.
 - b. *Maximum area.* Shall be no larger than twenty-four square feet.
 - c. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted.
 - d. *Height.* Such ground signs shall not exceed five feet in height.
 - e. *Illumination.* Neither such wall or ground signs shall not be illuminated.
 - e.f. *Material.* Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.
2. *Nameplate signs.* Home occupations shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated.

C. *Non-residential uses in non-residential all other zoning districts.* The following standards shall apply to individual businesses on individual parcels. Non-residential group developments, non-residential conditional zoning 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 12.9.6.

1. *Where permitted.* Any zoning district provided the business lies outside the Downtown Development Overlay District. Businesses located in this overlay district may display A-frame signs as described herein.
2. *Number.* One ground sign may be displayed per establishment.
3. *Maximum area.* Shall be no larger than the maximum size as defined in the table below, unless specifically defined elsewhere in this ordinance.



TABLE 12.9.3A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS

District	Max Size in Square Feet (ft. ²)
RMX	32 ft. ²
NMX	32 ft. ²
PGX	32 ft. ²
DMX	32 ft. ²
CMX	85 ft. ²
IC	24 ft. ²
GI	50 ft. ²
Highway 64 Corridor Sign Overlay District	85 ft. ² in surface area

4. *Changeable copy.* Changeable copy features are allowed.
5. *Height.* No portion of any ground sign shall exceed 20 feet in height.
6. *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
- ~~6-7.~~ *Material.* Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.

D. Canopy signs.

1. *Where permitted.* Canopy signs shall be permitted to be displayed in association with any non-residential use in any non-residential zoning district.
2. *Location.* Canopy signs may be displayed on any freestanding or attached canopy covering a vehicular use area, such as an automobile fueling area or passenger drop-off area.
3. *Number.* One sign may be displayed per side of the canopy.
4. *Maximum area.* Signs may occupy up to 20 percent of the area of the valance of the canopy, up to a maximum of 24 square feet in non-residential zoning districts.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a canopy sign.
6. *Illumination.* Canopy signs may be illuminated internally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.

E. A-frame/sandwich board signs. A sandwich board sign is an A-frame or inverted V-shape sign which is portable and usually double-sided.

1. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
2. *Location.* Such a-frame signs shall 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, maintains five feet of unobstructed paved space, does not obstruct any building entrances or exits, or impede any public infrastructure, utilities, and amenities. ~~Such signs must comply with Section 46-1 of the City Code.~~ Such A-frame signs must be removed each day at the end of business hours.
3. *Number.* One ground or wall sign may be displayed per business.
4. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.



5. *Height.* Such A-frame signs shall not exceed four feet in height.
 6. *Changeable copy.* Manual changeable copy features are allowed.
 7. *Illumination.* Such A-frame signs shall not be illuminated.
 8. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.
- F. *Electronic display signs.*** Electronic display signs may be permitted as ground signs, subject to the following additional requirements:
1. Where permitted. Only the following uses shall be permitted to install electronic display signs:
 - a. Colleges/universities;
 - b. Schools—Elementary and Secondary;
 - c. Schools—Vocational/Technical; and
 - d. Government services.
 2. 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.
 3. Only one electronic display sign shall be permitted per parcel.
 4. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
 5. 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.
 6. 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.
 - ~~7. Only the following uses shall be permitted to install electronic display signs:~~
 - ~~a. Colleges/universities;~~
 - ~~b. Schools—Elementary and Secondary;~~
 - ~~c. Schools—Vocational/Technical; and~~
 - ~~d. Government services.~~
 - ~~8. 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.~~

12.9.4. Incidental signs.

- A.** The following incidental signs may be displayed in accordance with the specific standards listed below, without a permit or fee.
- ~~B. Pedestrian-oriented signs.~~**
- ~~1. Suspended. One sign no larger than six square feet in area may be suspended from an awning, canopy, or other pedestrian cover directly in front of a customer entrance for a non-residential use. Such signs shall be mounted perpendicularly to the customer entrance and maintain a minimum of eight feet of clearance above the pedestrian walkway. Such signs may not be illuminated.~~



- ~~2. *Wall.* Non-residential uses may display one sign, not to exceed four square feet in area, on a building wall immediately adjacent to each customer entrance. No more than one sign per entrance is permitted. Signs shall be mounted within four feet of the customer entrance with which they are associated.~~

C.B. *Private directional signs.*

1. Private, unofficial traffic signs not exceeding three feet in height nor two square feet in area, which indicate directions, entrances, and exits, may be displayed on each side of street entrances to a parking area or internal driveway network and within the parking lot of a non-residential use. Such signs associated with industrial uses may be up to six feet (6') in height and eight square feet (8 ft²).
2. Such signs must be located entirely on the property to which they pertain, unless approved by NCDOT and/or the City of Brevard to be located in a public right-of-way. In such cases an encroachment agreement may be necessary.
3. Such signs shall not contain any advertising message beyond a business name or logo.

D.C. *Miscellaneous signs.*

1. Signs in conjunction with the operation of equipment or other functional elements of non-residential uses such as a drive-thru, ATM, gas pumps/tanks, or similar uses.
2. Memorial signs, monuments, or plaques which are non-commercial in nature may be displayed so long as they do not pose a safety or traffic hazard.

E.D. *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.
2. Said devices shall not exceed two per vehicle; devices shall be less than three square feet in size; and devices must be 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.

F.E. *Neighborhood signs.*

1. *Where permitted.* Distinct neighborhoods, residential subdivisions, residential group developments, residential conditional zoning districts, older existing communities that may not have been permitted as unified projects, and manufactured home parks in any zoning district.
2. *Number.* One ground sign at each entrance.
3. *Maximum area.* Such signs shall be no larger than 32 square feet.
4. *Design.* Such signs shall be of a uniform design to be approved by the city. Designs and locations shall be approved by the administrator.
5. *Height.* Such signs shall not exceed five feet in height.
6. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on any neighborhood sign.
7. *Illumination.* Such signs may be illuminated externally in accordance with [CHAPTER 11](#) of this ordinance.

G.F. *Regulatory signs.* Signs required to be installed by any local, state, or federal rule, regulation, or ordinance. Examples of such signs include required building address signs, fire safety signage, and public notices required by law.

12.9.5. Off-premise directional signs.



- A. **Permit required.** A sign permit must be obtained for all off-premises directional signs indicating compliance with relevant sign setback requirements applicable to the district in which the sign is to be located.
- B. **Businesses in Downtown Mixed-Use (DMX) districts.**
1. *Where permitted.* Both the business establishment and the off-premises directional sign must be located in the DMX district. Such signs are only allowed as wall signs and may be placed on the building the establishment is located in, or another nearby building with written permission from the property owner(s).
 2. *Number.* One sign per establishment.
 3. *Maximum area.* Such signs shall be no larger than eight square feet.
 4. *Design.* Such signs shall be of a uniform design to be approved by the city.
 5. *Changeable copy.* Only manual changeable copy shall be allowed.
 6. *Illumination.* Such signs shall not be illuminated.
- C. Operators of off-premise parking lots may have one additional ground sign located on the parking lot property provided the following conditions are met.
1. *Number.* One per parking lot.
 2. *Maximum area.* No larger than 12 square feet.
 3. *Height.* Shall not exceed six feet in height.
 4. *Changeable copy.* Manual or electronic changeable copy shall be allowed.
 5. *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
- D. No other new off-premises directional signs shall be allowed after the effective date of this ordinance. Existing off-premises directional signs shall be allowed to remain and be maintained. Such pre-existing signs destroyed by vandalism or an adverse weather event (not be interpreted to as normal weathering) shall be allowed to be replaced in the exact same location, in the exact same manner, and with the exact same design, text, and graphics of the same size as the previously destroyed sign.

12.9.6. Additional standards for ~~conditional zoning districts, group developments, institutional campuses, and similar developments~~group developments.

- A. **Ground signs visible from a public street.** One ground sign may be permitted at each building provided that:
1. 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 this ordinance.
 2. Developments that are divided by a public street shall be considered as separate developments for the purposes of this subsection.
 3. These requirements shall apply regardless of whether such developments are subdivided into individual parcels.
 4. 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.



5. Out-parcels shall be allowed one ground sign in accordance with Section 12.9.3.

B. *Wall signs visible from a public street.* Individual businesses and buildings located within ~~conditional zoning districts, group developments, institutional campuses, and other similar projects may~~ developments may have the following:

1. One wall sign which shall not exceed 64 square feet or 25 percent of the surface area of the wall upon which the sign is located, whichever is the lesser, or as stated in an adopted Conditional Zoning District ordinance.
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 restaurant drive-through lane. 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. 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 25 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, conditional zoning 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 this ordinance.
3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area and shall not exceed five feet in height.

D. *Compliance.* Otherwise, signs permitted within 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.

19.3. Definitions.

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

Awning: A roof-like shelter of canvas or other material extending over a doorway from the top of the window, over a deck, etc., in order to provide protection from the weather.

Illumination of signs: The lighting of a sign or exposing of a sign to artificial light either from within or without. In no instance shall the illumination of a sign interfere with adjacent traffic or disturb residential neighborhoods.



Mural: ~~Any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in nonresidential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. Any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in nonresidential zoning districts for artistic and/or aesthetic purposes as opposed to advertising. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. Murals may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.~~

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, graphic depiction of a product and/or process, trade names or trademarks by which anything is known, including any surface fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Sign, advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered. Such signs are further classified according to location, as follows:

1. On the same premises as the business, commodity, service, or entertainment advertised by the sign;
2. Remote from the business, commodity, service, or entertainment advertised by the sign (see Off-Premises Sign).

Sign, awning: A sign constructed of a fabric-like nonrigid material which is part of a fabric or plastic awning. ~~Awning signs constructed of a flammable substance are prohibited in the fire district.~~

Sign, directional: A sign which carries no advertising message or information, but simply the name or the logo of an establishment and information directing persons to the location of said establishment or for traffic control within a parking lot.

Sign, electronic display: 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 five second intervals.

Sign, freestanding: A sign that is not attached to any building structure. Such signs shall include, but not be limited to, signs mounted on poles and A-frame signs.

Sign, identification: A sign which carries no advertising message and is used to identify only the following:

- A. The name of an institutional use or organization occupying the premises on which the sign is located;
- B. The name, title and/or occupation or profession of the occupant of the premises on which the sign is located;
- C. The name and the type of nonretail business occupying the premises on which the sign is located; or



- D. The name of the building on which the sign is located, including names and types of firms occupying the building.

Sign, illuminated: A sign that is illuminated by electric or other devices mainly for clear visibility at night.

Sign, incidental: A sign which carries no advertising message, and is clearly incidental to other major advertising signs on-site, and which is used to do one or more of the following:

- B. Direct traffic flow, either vehicular or pedestrian;
- C. Indicates clearly the location of ingress or egress points;
- D. Direct certain activities to certain areas (i.e., parking, waiting, etc.);
- E. Provide other incidental information.

Sign, marquee: A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Sign, menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on site that may include an audible speaker and microphone integral to the sign.

Sign, nameplate: A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. When nameplates are used to identify more than one occupant, each nameplate shall be attached to one freestanding master identification sign.

Sign, off-premises: A sign that directs attention to a business, commodity, service, or facility that is not located on the premises upon which the sign is located. This includes billboards and other outdoor displays for the purpose of directing attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Sign, political: A sign attracting attention to political candidates or issues.

Sign, portable: A sign which rests on the ground or other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

Sign, product information: An on-premises, advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

Sign, projection: A sign projecting out from and attached to the exterior wall of any building, and forming an angle of 30 degrees or more to said wall, or suspended from the underside of an awning, canopy, or marquee.

Sign, reader board: A permanent sign, affixed either to the wall of a structure or to an existing freestanding identification sign, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

Sign, real estate: Any sign pertaining to the sale, lease, or rental of land or buildings.

Sign, roof: A sign erected, constructed, or maintained upon the roof of the building.

Sign, suspended: A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

Sign, temporary: A banner or A-frame sign used for advertising purposes as set forth in this ordinance.



Sign, traffic: A sign indicating federal, state, or city regulations for automobile, truck, bicycle, and pedestrian traffic.

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

Sign, wall: A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall and does not project out from the wall more than 24 inches from said wall. No wall sign shall extend above the roofline of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be considered as wall space for the placement of signs.

Sign, window: Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.

Surface area: The entire area of a sign as measured by the square, rectangle, semicircle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves including any trim or border and excluding the background that supports the three-dimensional letters.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-007**

NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard: 2030 Comprehensive Land Use Plan

Goal 2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.

Goal 4: Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.

STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 4, 5, 8, 10, 12 and 13 - Pisgah Gateway District

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

With the veto override of SB 382 in December, the North Carolina General Assembly amended state law to greatly restrict local government discretion to amend local zoning ordinances. The statutory provision, included as a part of the Disaster Recovery Act of 2024 (Session Law 2024-57, see Attachment 1 for the pertinent section), alters the definition of “down-zoning” to include creating any sort of nonconformity, and provides that local governments cannot adopt a down-zoning without written consent from all impacted owners.

The precise interpretation, breath, and impact of this change are not perfectly clear and zoning officials across the state, including at the UNC School of Government, have lots of unanswered questions, many of which will only be clarified through future amendments to the law or litigation.

Discussion

North Carolina law has limited down-zonings by third parties for some time to prevent an individual from requesting to reduce the development rights on their neighbor’s property without their consent. However, a local government’s authority to make decisions about rezoning property and adjusting zoning standards was maintained and the local governing board could make local legislation decisions to adjust rules according to local needs and priorities. This new session law changes that and prohibits local government-initiated down-zoning, as well as broadening the definition of down-zoning.

Generally, “down-zoning” refers to rezoning a property to a new zoning district that is less intense or less dense than the prior district, for example rezoning a property from a commercial district to a residential district. North Carolina law, however, defines down-zoning more broadly, especially after this recent change, and this broad definition is even more impactful now that it applies to local government-initiated amendments and not just third-party requests.

The three ways in which the state law now considers a zoning amendment to be a down-zoning are:

- **Density:** *“By decreasing the development density of the land to be less dense than was allowed under its previous usage.”*

An amendment to the zoning text or map may not reduce the density of development unless the owner consents to it. Beyond that, other regulatory provisions could be implicated. Zoning requirements like setbacks, buffers, and open space provisions limit the amount of a lot that can be developed. Does increasing such requirements decrease the development density of the land in violation of this law? Potentially. If so, then changes to such development standards may be limited.

- **Uses:** *“By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.”*

An amendment to the zoning text or zoning map may not reduce the permitted uses of the land unless the owner consents to it. There are two different aspects of a zoning amendment that might trigger the limit on down-zoning: substantively prohibiting a use that was previously allowed (“reducing the permitted uses”) and/or numerically reducing the number of uses allowed (“to fewer uses”). It is important to remember that this new law applies to text amendments AND map amendments, so the two different aspects could be triggered through either a text change to a use table or through a rezoning to a district with different allowed uses.

A common understanding of down-zoning would suggest that this provision should be interpreted to focus on the substantive uses allowed, but the language is not clear. Under the new law, is a zoning amendment a down-zoning when it prohibits a use that was previously allowed? Or is it a downzoning when the number of permitted uses is reduced (regardless of the substantive uses allowed)? The answers to these questions, and others, are not clear.

- **Nonconformities:** *“By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.”*

An amendment to the zoning text or map may not create nonconforming situations in non-residential zoning districts unless the owner consents to it. Brevard's UDO, like most zoning ordinances, allows for nonconformities to continue; aka they are “grandfathered.” So, when an ordinance is revised in a way that creates a nonconformity, be it a use or dimensional standard like a setback, the property owner is allowed to continue that situation as a lawful nonconformity. In other words, the ordinance would not allow that building, activity, or lot if the property owner proposed it new, but since the situation was already there before the ordinance changed, it is allowed to continue.

This new down-zoning legislation makes the rules for nonconformities less clear.

Outside of residential zoning districts (the definition of which is also an important open question), a zoning amendment cannot create ANY type of nonconformity (without the written consent of ALL effected property owners). The UDO contains a wide range of development standards such as parking requirements, buffers, setbacks, sign size and height limits, etc. The new limits on down-zoning complicates the City's ability to amend these development standards. Such amendments may now amount to a "down-zoning" under the new law if the new development standard limits development density on any property or creates a nonconformity on property in non-residential zoning districts.

Policy Analysis

Section 3K.1.(c) of the law states that the limits on down-zoning are effective upon adoption and apply retroactively to any "down-zoning" adopted after June 14, 2024. Because of this retroactive clause, and because the development standards of the new district did create site nonconformities, the City's recent creation of the Pisgah Gateway Mixed Use (PGX) zoning district is unenforceable and invalidated. The only way to continue with PGX as currently adopted would be with written consent from all affected property owners, which is impractical. Thus, Ordinances 2024-43 and 2024-44 (both attached) which amended the UDO and official zoning map to create and apply the PGX district are invalidated and rendered unenforceable by SL 2024-57.

In order to move forward in compliance with the new definition of down-zoning, Staff is proposing that Council readopt the UDO amendments creating the standards for the PGX district, but *not* the zoning map amendment that actually applies it to properties. This way, it is not creating nonconformities since it is not being applied to any parcel of land. With the PGX text back in place, property owners can "opt in" to the new district by requesting a rezoning to the new district, with the explicit written consent needed by the new law. Staff believes there are several property owners who would benefit from the PGX district who will be willing to request to be rezoned. Planning Staff will begin outreach efforts to contact these property owners and hopefully bring several to be rezoned all at once at a future council meeting.

In order to show the area where it is appropriate to apply the PGX district, Staff is also proposing an amendment to the Future Land Use Map of the *Building Brevard 2030 Comprehensive Land Use Plan* (see Attachment 4). This will help protect against spot zoning concerns and also give a rational reason for denial of any rezoning applications that request PGX outside the intended area.

Recommendation

Planning Staff has reviewed this approach with the City Attorney and believe this is an appropriate path forward within the confines of SL 2024-57. The amendments to the UDO have not changed since they were recommended for approval by the Planning Board and therefore do not require a second review by the Board. Planning Staff and the City Attorney have been following closely the advice and recommendations of the School of Government's coverage of this law change and believe this plan of action falls within their

guidance.

Action

Staff is not requesting action at this time, however an enacting ordinance is included in this packet, should Council wish to act without waiting until the February 3rd meeting.

Attachments:

1. Relevant Page of SL 2024-57
2. Ord 2024-43 Amending UDO to Create Pisgah Gateway Mixed Use Zoning District
3. Ord 2024-44 Amending Official Zoning Map to Create Pisgah Gateway Mixed Use Zoning District
4. Proposed New Future Land Use Map Character Area
5. Ord 2025-XX PGX Text Amendment Readoption

- d. Yield data that can be used with the Education Value-Added Assessment System (EVAAS).
- e. Comply with federal law.

SECTION 3J.23.(c) The State Education Assistance Authority shall designate as the nationally standardized assessments to be administered by nonpublic schools, in accordance with G.S. 115C-562.5(a)(4), the tests recommended by the Office of Learning Research at The University of North Carolina for use in third grade and eighth grade in accordance with subsection (b) of this section.

SECTION 3J.23.(d) Notwithstanding G.S. 115C-562.7(c), the State Education Assistance Authority shall submit the report required by G.S. 115C-562.7(c) by December 1, 2027, and annually thereafter, based on the data submitted by nonpublic schools in accordance with G.S. 115C-562.5(c)(1) beginning with the 2026-2027 school year.

SUBPART III-K. LOCAL GOVERNMENT

NO LOCAL GOVERNMENT INITIATED DOWN-ZONING WITHOUT CONSENT OF AFFECTED PROPERTY OWNER

SECTION 3K.1.(a) G.S. 160D-601(d) reads as rewritten:

"(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be ~~initiated nor is it enforceable initiated, enacted, or enforced~~ without the written consent of all property owners whose property is the subject of the down-zoning amendment, ~~unless the down-zoning amendment is initiated by the local government.~~ amendment. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element."

SECTION 3K.1.(b) If any provision of this section is declared unconstitutional or invalid by the courts, it does not affect the validity of this section as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 3K.1.(c) This section is effective when it becomes law and applies to local government ordinances adopted on or after that date and any local government ordinance enacting down-zoning of property during the 180 days prior to the date this section becomes effective. Ordinances adopted in violation of this section shall be void and unenforceable.

PART IV. MISCELLANEOUS PROVISIONS

SECTION 4.1. Severability. – If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

ORDINANCE NO. 2024-43

**AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF
BREVARD UNIFIED DEVELOPMENT ORDINANCE TO CREATE THE PISGAH
GATEWAY MIXED USE ZONING DISTRICT AND ASSOCIATED REGULATIONS**

WHEREAS, the area in the vicinity of the US 64 / US 276 / NC 280 intersection and the entrance to Pisgah National Forest is a unique urban location within the City of Brevard, providing an entrance into the Pisgah National Forest as well as the City of Brevard itself; and,

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended to create the Pisgah Gateway Mixed Use (PGX) zoning district in order to codify context-sensitive regulations for this important area; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*:

Recommendation Land Use & Housing – 10: Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.

WHEREAS, a public hearing was conducted on Monday, November 4, 2024, by the 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 the 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 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 3. 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 4. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 18th day of November 2024.

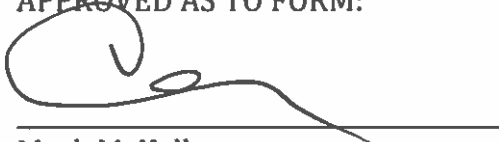



Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Mack McKeller', is written over a horizontal line.

Mack McKeller
City Attorney

EXHIBIT A

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.1. General intent and establishment of districts.

2.1.1. Base districts.

- A. In accordance with G.S. 160D-703 that sets forth the establishment of zoning regulation by district, the City of Brevard and its extraterritorial 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.
- B. 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.

(Ord. No. 15-08, §§ 1, 2, 12-5-08; Ord. No. 20-09, § 4(Exh. B(2)), 9-21-09; Ord. No. 2015-32, § 01, 11-16-15; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21)

2.1.2. Establishment of base districts and purpose statements.

- A. This ordinance establishes the following base districts for use as zoning categories
 - 1. **General Residential (GR4 and GR8).** 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 Comprehensive 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 ½—¾ 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. **Pisgah Gateway Mixed-Use (PGX).** The Pisgah Gateway Mixed-Use District is intended to provide pedestrian-scaled development supporting a mix of land uses that are compatible with the district's location at the main entrance of Pisgah National Forest. Land uses should be primarily non-residential, though some higher-density residential uses may be appropriate. Development in this district should harmonize the urban form with the surrounding natural environment through construction of mixed-use buildings, multi-modal connectivity, context-sensitive architectural design, and natural materials and colors.
 - 5. **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.
 - 6. **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.
 - 7. **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.

EXHIBIT A

8. **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.

(Ord. No. 15-08, §§ 1, 2, 12-5-08; Ord. No. 20-09, § 4(Exh. B(2)), 9-21-09; Ord. No. 2015-32, § 01, 11-16-15; Ord. No. 2020-23, § 1(Exh. A), 10-19-20; Ord. No. 2021-16, § 1(Exh. A), 4-19-21)

2.1.3. Establishment of conditional zoning districts.

- A. In addition to the base districts established above, and as authorized under G.S. 160D-703 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.
1. Institutional Campus Conditional Zoning District (IC CD).
 2. General Industrial Conditional Zoning District (GI CD).
 3. Downtown Mixed-Use Conditional Zoning District (DMX CD).
 4. Corridor Mixed-Use Conditional Zoning District (CMX CD).
 5. Pisgah Gateway Mixed-Use Conditional Zoning District (PGX CD).
 6. Neighborhood Mixed-Use Conditional Zoning District (NMX CD).
 7. Residential Mixed-Use Conditional Zoning District (RMX CD).
 8. General Residential Conditional Zoning District (GR CD).
- B. These districts are intended to provide an effective means for the city to manage the impacts of large-scale developments; to manage developments in sensitive contexts; to provide developers with the flexibility for creative design approaches; to allow for the establishment of specific land uses not otherwise permitted in the underlying base district; to allow for changes in the density, dimensional, and setback requirements of **CHAPTER 2**. The districts are subject to applicable conditions of the approving authority. If the ordinance creating a conditional zoning district fails to provide specific standards, any development in the district shall comply with the applicable standards for the corresponding base district contained in this Ordinance and the Brevard City Code. These districts are not intended to relieve hardships that should be resolved by means of a variance. The procedure for the establishment of these districts is found in Section **16.7** of this Ordinance.
- C. The conditional 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. Conditional zoning encourages innovative land planning and design concepts by:
1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
 2. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
 3. 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 conditional zoning district;
 4. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
 5. 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.
- D. In return for greater flexibility in site design requirements, conditional zoning districts 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.
- E. General use and development standards for Conditional Zoning Districts.
1. Uses allowed. A development may contain only those uses specified in the ordinance creating the conditional zoning district. Such uses may include any of the uses indicated in the use matrix contained in Section **2.2.C**, provided such uses are consistent with the Comprehensive Land Use Plan.
 2. Mixed-uses encouraged.
 - a. Mixed-use developments are strongly encouraged in conditional 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,

EXHIBIT A

- 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).
- b. 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.
3. Unless the ordinance creating a conditional zoning district specifies otherwise, conditional zoning districts which contain residential uses shall incorporate the following 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 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. The entire land area of the development shall be divided into blocks, streets, lots and open space areas.
 - g. 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.
 - h. Open space shall be centrally located so that it is within walking distance (¼—½ mile) from all locations within the conditional zoning district. All required open space shall be in accordance with the provisions of [CHAPTER 7](#).
 - i. 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.
- F. The ordinance creating the conditional zoning 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 the final master plan in this section or [Section 16.7.E](#) may apply to the entire planned development or an individual phase of such development.
- (Ord. No. 15-08, §§ 1, 2, 12-5-08; Ord. No. 20-09, § 4(Exh. B(2)), 9-21-09; Ord. No. 2015-32, § 01, 11-16-15; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. [2024-23](#), § 1(Exh. A), 6-3-24)

2.2. Use categories and tables of permitted uses.

- A. All uses permitted in this Code have been divided into 10 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 for a fee, including daily and weekly rental.
 - 3. *Commercial*: Premises available for the transaction of general business, the provision of services, the commercial sale of merchandise, and/or food and drink consumption, but excluding manufacturing.
 - 4. *Civic/institutional*: Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
 - 5. *Entertainment/recreation*: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
 - 6. *Agriculture*: Premises primarily used to grow crops, produce, flowers, etc., raise animals, harvest timber, or other similar functions.
 - 7. *Manufacturing/wholesale/storage*: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
 - 8. *Infrastructure*: Uses and structures dedicated to transportation, communication, information, and utilities.

EXHIBIT A

- 9. *Accessory*: Uses of land or of a building or structure or portion thereof, which is incidental and subordinate to a principal use on the same lot.
- 10. *Temporary*: Uses of land which, having met certain requirements and conditions, that may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

B. Interpretation of use matrices.

- 1. The use matrix is not intended to be a comprehensive list of all possible uses, but rather a list of more common uses likely to be proposed within the city.
- 2. 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.
 - a. 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 pursuant to G.S. 160D-403.
 - b. 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](#).
- 3. When determining whether a proposed use is materially similar to a listed use, the administrator may consider the following criteria:
 - a. The actual or projected characteristics of the proposed use;
 - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
 - c. Relative amounts of sales;
 - d. The customer type;
 - e. The relative number of employees;
 - f. Hours of operation;
 - g. Amount and frequency of deliveries;
 - h. Building and site arrangement;
 - i. Types of vehicles used and their parking demands;
 - j. The number of vehicle trips generated;
 - k. Signs;
 - l. How the proposed use is advertised;
 - m. The likely impact on surrounding properties; and
 - n. Whether the activity is likely to be found independent of the other activities on the site.
- 4. Prohibited uses within the applicable zoning district or uses for which the administrator determines there is not a materially similar use in the matrix may be permitted through the application of a conditional zoning district in accordance with the provisions set forth in [CHAPTER 16](#).

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 [CHAPTER 3](#) and [CHAPTER 5](#) of this ordinance.
- 4. "PS" denotes those uses that are permitted with additional standards, which are set forth in [CHAPTER 3](#).
- 5. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.

EXHIBIT A

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Residential										
Household Living	3.5.1	Dwelling—Single-Family	P	P	—	—	—	—	P	—
		Dwelling—Duplex	P	P	P	P	—	—	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	3.5.2	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	3.5.3	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	P	P	—	P	P	P	—
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS

EXHIBIT A

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P
		Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Gas Station	—	—	SUP	PS	SUP	PS	—	PS
		Gunsmiths and Weapon Sales	—	—	SUP	SUP	PS	PS	—	PS
Civic/Institutional										
Educational	3.8.1	All educational uses except as listed below	SUP	P	P	P	P	P	P	—
		Colleges/Universities	—	—	SUP	SUP	P	P	P	—
		Schools—Vocational/Technical	—	SUP	P	P	P	P	P	P
Government	3.8.2	All government uses, except as listed below	—	P	P	P	P	P	P	P
		Correctional Facilities	—	—	SUP	—	SUP	P	P	P
		Public Safety Station	SUP	SUP	P	P	P	P	P	P

EXHIBIT A

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Medical	3.8.3	All medical offices and facilities except as listed below	—	P	P	P	P	P	P	—
		Hospital	—	—	—	—	—	P	P	—
Places of Worship	3.8.4	All religious institutions or places of worship	SUP	P	P	—	P	P	P	—
		Cemeteries	PS	PS	PS	—	PS	PS	PS	—
Entertainment/Recreation										
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Cultural or Community Facility	SUP	P	P	P	P	P	P	—
		Indoor Amusements	—	—	SUP	P	P	P	SUP	P
		Indoor Firing Range	—	—	—	SUP	—	SUP	SUP	SUP
		Live Performance Theater	—	SUP	SUP	P	P	P	P	—
		Movie Theater	—	—	—	P	P	P	—	—
		Special Event Venue	SUP	SUP	PS	PS	PS	PS	PS	—
		Studios, Galleries and Workshops - High Impact	—	—	SUP	SUP	SUP	P	P	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP
		Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P
Agriculture										
Agriculture	3.10.1	All agricultural uses	PS	—	—	—	—	PS	PS	PS
Manufacturing/Wholesale/Storage										
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	—	—	P	—	SUP	—	P

EXHIBIT A

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P

EXHIBIT A

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Utilities—Class 3	—	—	—	—	—	—	—	P
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	3.12.3	Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	P	P	P	P	P	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
Non-Residential Accessory	3.13.2	All non-residential accessory uses, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
		Accessory Retail	—	—	PS	PS	PS	PS	PS	PS
		Drive-Thrus	—	—	SUP	SUP	—	PS	—	—
		Mobile Food Vendor Site	—	SUP	PS	PS	PS	PS	PS	PS
		Recycling - Small Collection	—	—	—	—	—	SUP	SUP	P
		Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS
		Taproom / Tasting Room	—	—	SUP	P	P	P	—	P
Temporary										
Events and Structures	3.14.1	All temporary events and structures, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Carnivals or Circus	—	—	—	—	—	PS	PS	PS

EXHIBIT A

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Farmers Market	—	—	PS	PS	PS	PS	PS	—
Vendors	3.14.2	All temporary vendors, except as listed below	—	—	PS	PS	PS	PS	—	—
		Vending Pushcarts	—	—	—	—	PS	—	—	—
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.										

6. (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), 4-5-10; Ord. No. 03-2011, § 1, 3-21-11; Ord. No. 19-2011, § 1(Exh. A), 8-1-11; Ord. No. 24-11, § 3(Exh. A), 9-19-11; Ord. No. 2012-25, § 1(Exh. A), 11-5-12; Ord. No. 2013-13, § 01.b)(Exh. A), 10-21-13; Ord. No. 2014-24, § 01(Exh. A), 11-17-14; Ord. No. 2017-08, § 1(Exh. A), 3-20-17; Ord. No. 2018-17, § 1(Att. B), 8-20-18; Ord. No. 2019-01, § 1(Exh. A), 2-18-19; Ord. No. 2020-17, § 1(Exh. A), 9-21-20; Ord. No. 2020-23, § 1(Exh. A), 10-19-20; Ord. No. 2020-24, § 1(Exh. A), 10-19-20; Ord. No. 2020-32, § 1(Exh. A), 12-7-20; Ord. No. 2021-16, § 1(Exh. A), 4-19-21; Ord. No. 2021-28, § 1(Exh. A), 6-21-21; Ord. No. 2022-40, § 1(Exh. A), 6-20-22; Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-17, § 1(Exh. A), 5-1-23; Ord. No. 2023-37, § 1(Exh. A), 8-21-23; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2023-60, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

EXHIBIT A

2.3. Principal structures.

- A. No development shall contain more than one principal building per lot, unless:
 - 1. As part of an approved group development;
 - 2. As part of a conditional zoning district;
 - 3. As part of an approved special use permit; or
 - 4. As part of a pre-existing nonconforming use.
- B. A multi-unit structure, such as duplexes, townhomes, and mixed-use buildings, within a single lot will be treated as a single primary structure for the purposes of compliance with the dimensional standards of this ordinance.
- C. For separate lots within a zero-lot line development, such as those for some types of townhomes and mixed-use buildings, the individual units will be considered a primary structure for each lot.
- D. The maximum ground floor area for principal structures varies by zoning district and shall be measured in accordance with the following table.

TABLE 2.3-A: GROUND FLOOR AREA	
District	Maximum Ground Floor Area of Each Principal Structure
GR4	10,000 sq. ft.
GR8	8,000 sq. ft.
RMX - Single-family home and duplex	8,000 sq. ft.
RMX - Multi-family and nonresidential	25,000 sq. ft.
NMX	30,000 sq. ft.
PGX	40,000 sq. ft.
DMX	25,000 sq. ft.
CMX	75,000 sq. ft.
IC	100,000 sq. ft.
GI	100,000 sq. ft.
Note: Projects of developments that do not meet the above standards apply for conditional zoning in accordance with Section 2.1.C.	

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

2.4. Group development.

2.4.1. General group development requirements.

- A. **Applicability:**
 - 1. Group development review is applicable to any land development subject to a site plan that includes 2 or more principal buildings on a single parcel (or grouping thereof) for the purpose of development (whether immediate or in the future).
 - 2. Other individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.
- B. **Group development matrix:** The following matrix sets forth the manner by which certain types of group developments may be permitted within the various districts.
 - 1. "P" denotes those group development types that are permitted "by right."
 - 2. "—" denotes those group development types that are not permitted within the given district.
 - 3. "PS" denotes those group development types that are permitted with additional standards, which are set forth herein.
 - 4. "MHD" denotes those group development types that are permitted within a Manufactured Housing Overlay District.

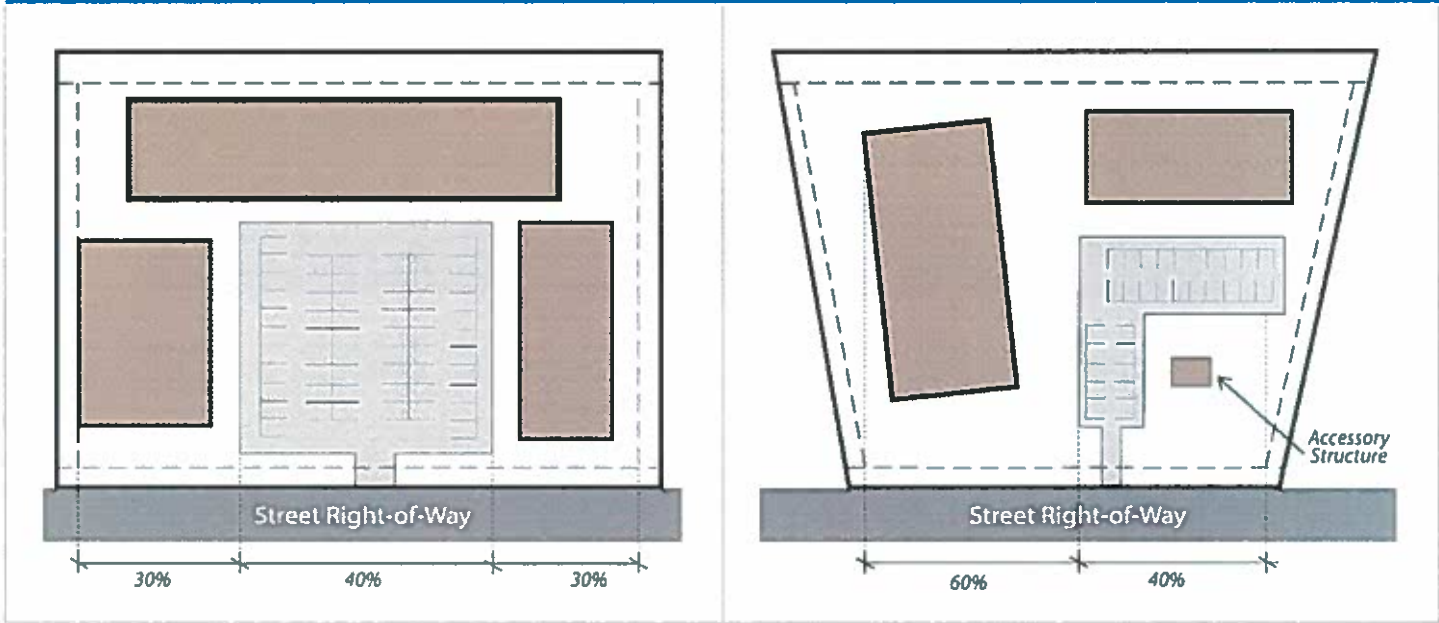
EXHIBIT A

TABLE 2.4.1-A: GROUP DEVELOPMENT TYPOLOGY MATRIX									
CATEGORY	GROUP DEVELOPMENT	ZONING DISTRICTS							
		GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Residential	All residential group developments, except as listed below	PS	PS	PS	PS	PS	PS	PS	—
	Cluster Home Development	PS	PS	PS	PS	—	—		—
	Neighborhood Development	PS	PS	—	—	—	—	—	—
	Manufactured Home Park	MHD	MHD	MHD	MHD	MHD	MHD	MHD	MHD
Non-Residential	All non-residential or mixed-use group developments, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
	Shopping Centers	—	—	PS	PS	PS	PS	—	—

- C. **Submittal requirements:**
- Each application for a group development shall be accompanied by development plans as required by [CHAPTER 17](#) that show compliance with all applicable regulations, including but not limited to landscaping, parking, stormwater management, and infrastructure improvements
- D. **Use limitations:**
- Unless otherwise provided by this section for a specific type, group developments must comply with the use matrix. No other uses may be permitted.
 - The following uses are not permitted in group developments, unless explicitly allowed by this section:
 - Dwelling - Single-family
 - Dwelling - Duplex
 - Manufactured Home
- E. **Connectivity and circulation:**
- The group development shall accommodate safe, efficient, and convenient vehicular, pedestrian, and bicycle circulation throughout the development, as outlined in [CHAPTER 9](#).
 - All principal structures within a group development shall be connected by a sidewalk.
- F. **Street access:**
- Any building established as a part of a group development project, which cannot properly be served by emergency or service vehicles from an existing abutting street, shall be made accessible to such vehicles by a publicly-accessible road.
 - Typically, a building cannot be properly served if it is not within 500 feet of a fire hydrant, 150 feet from a publicly accessible road, or otherwise deemed unacceptable by the Technical Review Committee. Exceptions and/or alternatives to these minimum requirements may be considered by the Technical Review Committee.
 - All interior roads shall be paved to City standards with a minimum width of 20 feet and adequately maintained for emergency or service vehicle access.
- G. **Building separation:**
- All buildings established as part of a group development project shall be separated in accordance with North Carolina Building Code separation requirements.
- H. **Parking:**
- The location of off-street parking may be permitted between a principal structure and the street within a group development. In such instances, no more than 40% of the street frontage, minus any required setback distances, shall be occupied by parking areas. Additional buffers and landscaping may be required to obscure parking adjacent to the street.

EXHIBIT A

FIGURE 2.4.1-A: ILLUSTRATIVE DIAGRAMS OF PARKING LOCATIONS IN A GROUP DEVELOPMENT



- I. **Setbacks:**
1. Unless otherwise provided by this section, each group development project shall comply with the setback requirements established for the zoning districts in Section 2.7.
- J. **Ownership:**
1. When a group development is designed with individual lots with shared stewardship of the common areas, the following additional standards shall be met:
- a. Covenants of shared stewardship shall be recorded in the Transylvania County Register of Deeds and such contractual rights and obligations shall be established prior to final zoning inspection approval.
2. When a group development is designed as a multi-dwelling, multi-tenant or mixed-use development under single ownership, subject to the use limitations herein, the following additional standards shall be met:
- a. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of this ordinance shall be submitted to Planning staff for review and approval. Covenants of shared stewardship shall be recorded in the Transylvania County Register of Deeds and such contractual rights and obligations shall be established prior to final plat approval.

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

2.6. Density and dimensional requirements.

2.6.1. Density.

- A. **Maximum density of dwelling units.** The maximum allowable dwelling unit density varies based on the zoning district.

TABLE 2.6.1-A: MAXIMUM DWELLING UNIT (DU) DENSITY	
District	Maximum Density
GR4	4 du/acre
GR8	8 du/acre
RMX	15 du/acre
NMX	25 du/acre
PGX	30 du/acre
DMX	None
CMX	40 du/acre
IC	15 du/acre
GI	DU not permitted
Note: Projects or developments that do not meet the above standards may apply for conditional zoning in accordance with Section 2.1.C.	

EXHIBIT A

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

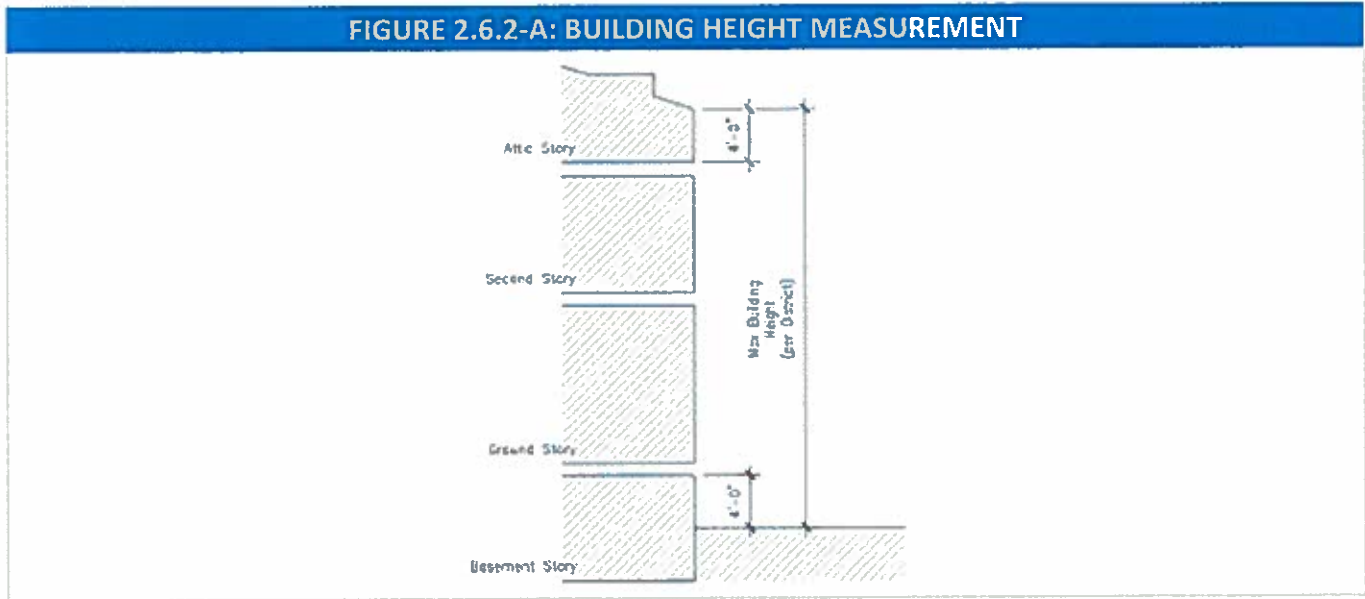
2.6.2. Building height.

- A. **Maximum building height.** The maximum building height for a structure varies based on zoning district.
1. See the requirements for tall structures as set forth in Section 5.15.

TABLE 2.6.2-A: MAXIMUM BUILDING HEIGHT BY RIGHT	
District	Maximum Height by Right
GR4	35 feet
GR8	35 feet
RMX	35 feet
NMX	35 feet
PGX	35 feet
DMX	50 feet
CMX	50 feet
IC	50 feet
GI	50 feet

Note: Projects or development that do not meet the above standards may apply for conditional zoning in accordance with Section 2.1.C.

- B. **Computation of building height.**
1. "Building height" is measured as the vertical distance above a reference elevation measured to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. The height of a terraced or stepped building is the maximum height of any segment of the building.
2. The reference elevation shall be selected using the greater of either of the following:
- a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade; or,
 - b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection B.1, above is more than 10 feet above the lowest grade.



3. **Items not included in calculation:** The height limitations of this section shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns.
- C. **Maximum story height.**
1. A building story shall not exceed 14 feet in height from finished floor to finished floor.

EXHIBIT A

2. Basements that emerge less than 4 feet from grade or attics not exceeding 4 feet at the knee-wall shall not constitute a story.

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

2.6.3. Project area by right.

- A. *Minimum project area.* There is no minimum project size required, regardless of zoning district.
- B. *Maximum project area.* The maximum project size by right varies based on the zoning district.

TABLE 2.6.3-A: MAXIMUM PROJECT AREA BY RIGHT	
District	Maximum Project Area by Right
GR4	20 acres
GR8	10 acres
RMX	10 acres
NMX	10 acres
PGX	10 acres
DMX	10 acres
CMX	10 acres
IC	None
GI	None
Note: Projects or development that do not meet the above standards may apply for conditional zoning in accordance with Section 2.1.C.	

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

Editor's Note

Ordinance 2024-23, adopted June 3, 2024, effectively repealed the previous Section 2.3 - *Density and dimensional requirements* - and replaced it with Section 2.6 - *Density and dimensional requirements* - and Section 2.7 - *Yards and setbacks*.

The ordinances that amended the previous Section 2.3 are: 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; Ord. No. 2014-25, § 01(Exh. A), 12-15-14; Ord. No. 2015-23, § 01, 9-21-15; Ord. No. 2017-19, § 1, 9-18-17; Ord. No. 2018-04, § 1(Att. A), 2-19-18; Ord. No. 2018-22, § 1(Att. B), 9-17-18; Ord. No. 2020-04, § 1(Exh. A), 2-17-20; Ord. No. 2020-24, § 1(Exh. A), 10-19-20; Ord. No. 2020-25, § 1(Exh. A), 10-19-20; Ord. No. 2021-16, § 1(Exh. A), 4-19-21; Ord. No. 2021-28, § 1(Exh. A), 6-21-21; Ord. No. 2022-40, § 1(Exh. A), 6-20-22; Ord. No. 2022-69, § 1(Exh. A), 11-7-22; Ord. No. 2023-07, § 1(Exh. A), 2-6-23; Ord. No. 2023-61, § 1(Exh. A), 12-18-23.

2.7. Yards and setbacks.

2.7.2. Setbacks for principal structures.

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

TABLE 2.7.2-B: SETBACKS FOR PRINCIPAL STRUCTURES			
District	Front Yard Setback	Rear Yard Setback	Side Yard Setback
GR (4, 8)	15 feet	25 feet	6 feet
RMX	10 feet	25 feet	6 feet
NMX	Edge of right-of-way	10 feet	0 feet / 10 feet from residential district
PGX	15 feet	10 feet	6 feet
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from residential district	0 feet / 10 feet from residential district
IC	40 feet	40 feet	40 feet

EXHIBIT A

TABLE 2.7.2-B: SETBACKS FOR PRINCIPAL STRUCTURES			
District	Front Yard Setback	Rear Yard Setback	Side Yard Setback
GI	15 feet	10 feet / 25 feet from residential district	10 feet / 25 feet from residential district
CZD	To be determined by approving authority		

(Ord. No. 2023-61, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

2.7.3. Setbacks for accessory structures.

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

TABLE 2.7.3-A: SETBACKS FOR ACCESSORY STRUCTURES				
District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
PGX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet
IC	40 feet along all external boundaries			
GI	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district	10 feet/25 feet from residential district
CZD	To be determined by approving authority			

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

(Ord. No. 2023-61, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

EXHIBIT A

CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.13. Accessory uses.

3.13.2. Non-residential accessory use category.

- D. *Mobile food vendor site.*
- 1. Definition: A permanent location for licensed mobile food vendors or food trucks to offer food and beverages for sale consumption.
 - 2. Additional Standards:
 - a. Mobile food vendors shall only vend at permanent locations permitted under this section.
 - b. The owner, or authorized agent thereof, of any property upon which a mobile food vendor(s) proposes to operate, shall secure a permit for the establishment of a mobile food vendor site.
 - c. Mobile food vendors using the designated site shall secure all necessary permits required by the Transylvania County Health Department.
 - i. Mobile food vendors must follow all applicable rules and requirements of the Transylvania County Health Department and any other relevant agencies of Transylvania County or the State of North Carolina.
 - ii. In the issuance of permits for mobile food vendor sites and mobile food vendors, the administrator shall have broad discretion to assign such conditions as may be necessary to protect the health, safety, and welfare of the public
 - d. Number of mobile food vendor sites:
 - i. In NMX and DMX zoning districts, only 1 mobile food vendor site shall be permitted per parcel.
 - ii. In PGX, CMX, IC, and GI zoning districts, each parcel is permitted up to 3 mobile food vendor sites, so long as all other separation and site requirements as set forth in this section are met.
 - iii. Additional mobile food vendor sites may be permitted with the issuance of a special use permit in accordance with [CHAPTER 16](#).
 - e. Separation requirements:
 - i. Mobile food vendors shall be situated at least 10 feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space.
 - (A) This requirement shall not apply to special events approved by the city for placement upon public streets.
 - ii. Mobile food vendors shall be situated at least 20 feet from one another.
 - iii. Mobile food vendors shall be situated at least 25 feet from any permanent structures.
 - (A) The administrator may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information. Such reductions shall be reviewed on a case-by-case basis, at the discretion of the administrator.
 - (B) There shall be no reduction in separation between mobile food vendors and permanent structures within the downtown fire district.
 - iv. Mobile food vendors shall be situated at least 200 feet from any residential structure that is located within GR zoning district.
 - v. Mobile food vendors must be set back a minimum of ten feet in all directions from fire hydrants.
 - f. Power:
 - i. Outside of the Heart of Brevard district, generators may be used to power the vending unit. Within the Heart of Brevard only dedicated power supplies shall be used.
 - ii. For dedicated power supplies the applicant must present documentation that power load supplied to the vehicle is sufficient to meet the vehicles needs while in operation.
 - g. Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m., except during an approved special event, when other operating hours may be established as part of the event.

EXHIBIT A

- h. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.
- i. Each food truck shall supply at least one waste receptacle which must be removed at the end of each day. All waste receptacles must be emptied at the end of each day and as necessary during the day. City trash receptacles shall not be used for the food truck operator's waste.
- j. Mobile food vendor signage shall be limited to the following:
 - i. Mobile food vendors shall be allowed signage only as described in Chapter 12 of this Ordinance.
 - ii. Nothing in this Ordinance shall be construed to mean that mobile food vendor vehicles cannot be painted or decorated, or display menus affixed to the side(s) of the vendor vehicle.

EXHIBIT A

CHAPTER 4. LOT AND SUBDIVISION
REQUIREMENTS

4.2.3. Street frontage required.

- A. All newly created parcels, lots, tracts, or other subdivisions of land, shall directly abut and have direct frontage upon a public street, except:
- 1. Interior lots within a group development where the overall site abuts a public street and is designed in such a manner that access is furnished to all interior lots or building sites (see Section 4.2.5).
 - 2. Air lots (see Section 4.2.6).
 - 3. Environmental containment and conservation lots (see Section 4.2.7).
- B. Street frontage for conventional lots shall meet the minimum requirements set forth below at the right-of-way line:

TABLE 4.2.3-A: STREET FRONTAGE REQUIREMENTS FOR CONVENTIONAL LOTS	
District	Minimum Street Frontage
GR (4, 8)	30 feet
RMX	30 feet
NMX	20 feet
PGX	20 feet
DMX	0 feet
CMX	0 feet
IC	60 feet
GI	60 feet
Note: The dimensional requirements for irregular lots, including minimum street frontage, can be found in Section 4.2.4.	

- C. The following shall not be considered a public street for the purposes of satisfying street frontage requirements:
- 1. Access, utility, service, or other easements under the ownership, control, or maintenance of the City of Brevard, the State of North Carolina, or the United States of America;
 - 2. Public rights-of-way under the ownership and control of the City of Brevard, the State of North Carolina, or the United States of America, which are not open and operable as a travel lane for motorized vehicles
- D. Private streets, in lieu of public streets, may satisfy street frontage requirements if the following provisions are met:
- 1. The lots are not located within the corporate limits of the City of Brevard;
 - 2. The private street is either:
 - a. 150 linear feet or less in length may satisfy frontage requirements for up to three single-family lots;
 - b. Maintained in perpetuity by a property owner’s association or development agreement.
 - 3. The private street consists of a drivable surface of at least 20 feet in width and remains adequately maintained to afford a reasonable means of ingress and egress of emergency vehicles.
- E. The private street is designed and built in accordance with public street standards set forth in CHAPTER 13 of this ordinance.
- F. Reserve strips: There shall be no reserve strips or any other means of limiting the accessibility of parcels platted in any subdivision.

(Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

EXHIBIT A

CHAPTER 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.6. Permitted building type by district.

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

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

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

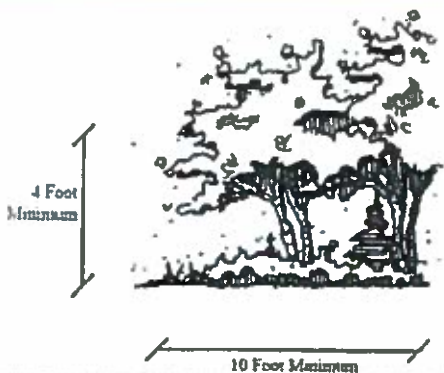
EXHIBIT A

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.4. Buffers and screening.

- A. **Applicability:**
- 1. These regulations shall apply to the following:
 - i. All newly developed properties
 - ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined in CHAPTER 19 of this ordinance, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
 - iii. When the zoning district classification changes for an existing use or parcel at the request of the property owner or representative thereof, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
 - 2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections ii and iii above.
 - 3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in CHAPTER 6 of this ordinance.
- B. **Buffer yard types:**
- 1. **Type A buffer yard:**
 - a. Minimum width: 10 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.
 - c. Maximum horizontal openings: 20 feet.
 - d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity.

FIGURE 8.4-A: TYPE A BUFFER YARD

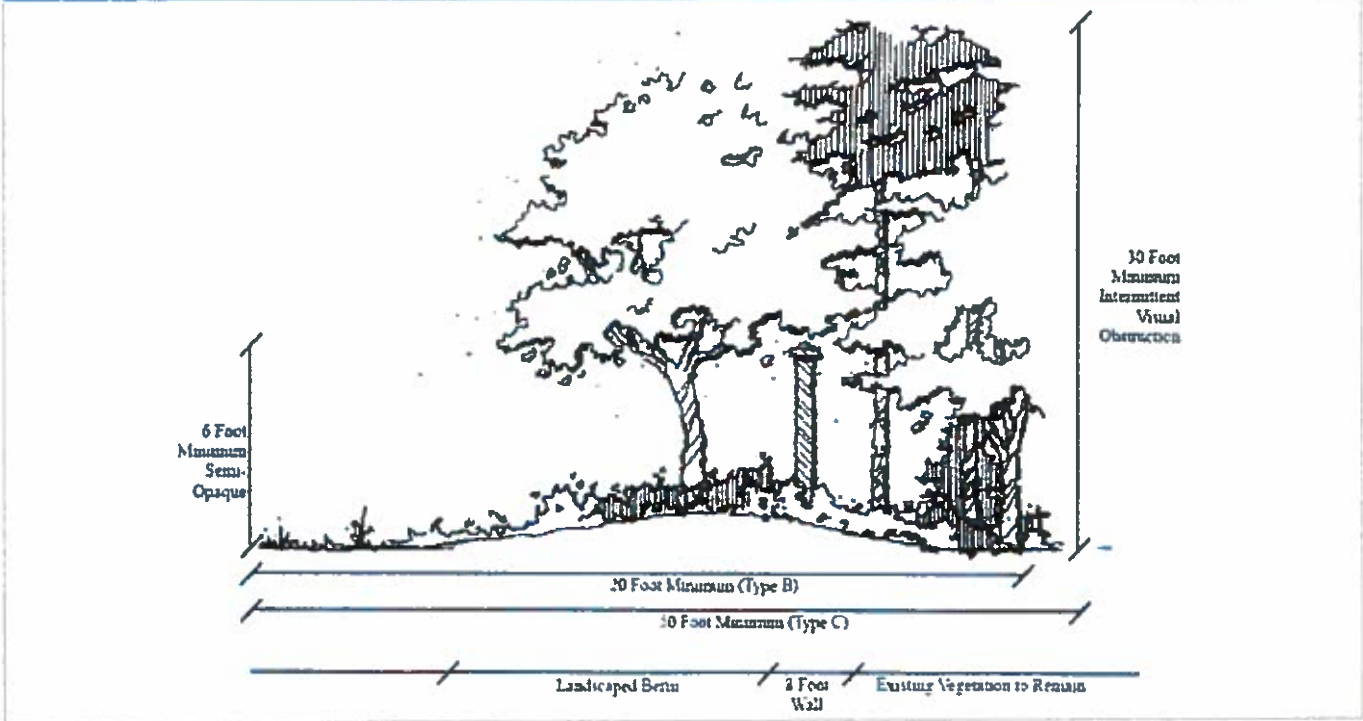


- 2. **Type B buffer yard:**
 - a. Minimum width: 20 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
 - c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
 - d. Performance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

EXHIBIT A

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

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



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

EXHIBIT A

FIGURE 8.4-C: TYPE D BUFFER YARD



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

C. *Fences, walls, and berms:*

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

D. *Required buffer yards:*

1. A buffer yard is intended to give spatial separation and to decrease visual contact between incompatible uses. Buffer yards shall be required in accordance with the tables below when any use is being established on a property that abuts an existing developed lot or less intense zoning district. More stringent buffer yard requirements may apply to certain specified uses as set forth in [CHAPTER 3](#) of this ordinance.
2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

TABLE 8.4-A: REQUIRED BUFFER YARDS BY ZONING DISTRICT

		Adjacent District							
		GR	RMX	NMX	PGX	DMX	IC	CMX	GI
District in Which Development is Located	GR	None	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	None	D
	PGX	B	A	A	None	None	None	None	D
	DMX	B	A	A	A	None	None	None	D

EXHIBIT A

TABLE 8.4-A: REQUIRED BUFFER YARDS BY ZONING DISTRICT									
		Adjacent District							
		GR	RMX	NMX	PGX	DMX	IC	CMX	GI
	IC	C	C	C	C	C	None	None	None
	CMX	D	D	D	D	D	None	None	None
	GI	E	E	E	E	E	None	None	None

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

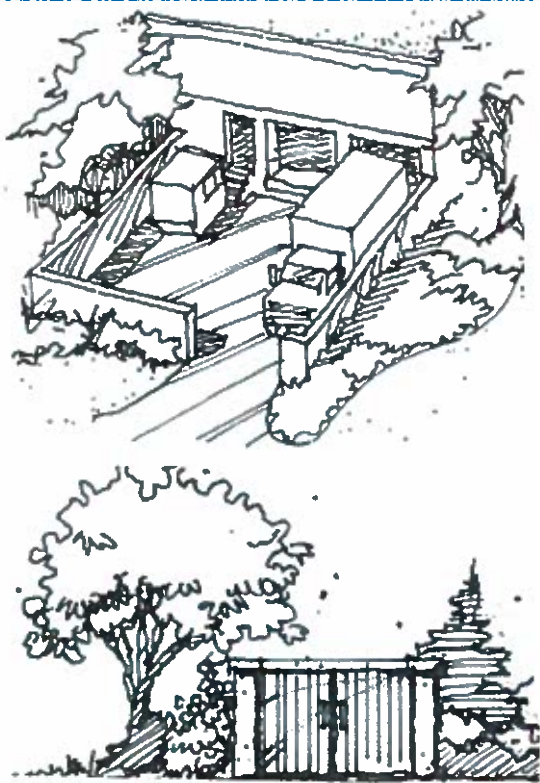
TABLE 8.4-B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT			
		New Multifamily (more than 4 units/bldg.)	Non-Residential Group Development
District in Which Development is Located	GR	B	B
	RMX	B	B
	NMX	B	B
	PGX	B	B
	DMX	B	B
	CMX	B	D
	IC	B	C
	GI	NA	E

4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed along the perimeter of the property or project; however, when there are irregular topographic conditions (such as the perimeter of the property is at a lower grade than the use being screened) the approving authority may require the relocation of the required buffer yard in order to better serve its purpose.
6. Natural vegetation, vegetation required for tree protection, riparian buffer areas, and other forms of existing vegetation may be utilized to satisfy these requirements when such natural and existing vegetation clearly satisfies the purpose of this section.
7. Off-site vegetation:
- a. Existing plant material on adjacent property may be credited toward buffer requirements, provided that such material is in a permanently protected area such as a conservation easement or similarly preserved area.
 - b. Plant material, existing or proposed, on an adjacent property may be credited toward buffer requirements through use of a landscape easement.
8. Buffer requirements may be reduced or waived by the approving authority in the following circumstances:
- a. Such requirements would pose a safety hazard.
 - b. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon city trees, as recommended by the city horticulturalist.
 - c. Special use permits based solely upon building height or building ground floor square footage size, where such requirement would serve no useful purpose.
 - d. When projects to which these requirements apply exhibit unifying architectural and landscape design characteristics that integrate the project into surrounding development, and when the landscape design of such a project clearly meets and exceeds the goal of these requirements such that these requirements become unnecessary.
9. Fences, walls and berms in buffers

EXHIBIT A

- a. Where walls and berms are built within any required project boundary buffer, they shall meet the following requirements.
 - i. Walls and berms within a buffer may be used to permit a reduction in the buffer up to 25 percent of the required width.
 - ii. Walls and berms shall not be permitted within surface water protection areas, floodplains, and floodways.
 - iii. Walls and berms shall conform to other applicable requirements of this ordinance.
 - iv. All walls, when located within a buffer, shall be planted on the face towards the adjacent property with at least one upright shrub for every six feet of wall length.
 - v. Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
 - vi. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
 - vii. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall, berm, or fence structure at the time of landscape plan approval.
 - viii. Chain link and concertina wire fences shall be buffered by a Type A buffer yard on all sides.

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



(Ord. No. 15-08, §§ 22, 23, 25, 12-5-08; Ord. No. 2018-22, § 1(Att. B), 9-17-18; Ord. No. 2020-24 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2021-31 , § 1(Exh. A), 6-21-21; Ord. No. 2024-23, § 1(Exh. A), 6-3-24)

EXHIBIT A

CHAPTER 10. PARKING STANDARDS

10.3. Off-street vehicle parking requirements.

- A. General off-street parking requirements:
- 1. Off-street parking requirements are structured in a three-tier system as follows:
 - a. Tier 1: A minimum number of off-street parking spaces are required. There are no off-street parking maximums. Generally, zoning districts in this tier are less walkable and do not have available public parking or space for on-street parking.
 - b. Tier 2: A minimum number of off-street parking spaces are required. There are also off-street parking space maximums. Generally, zoning districts in this tier contain a mix of lower-density residential and commercial uses. Some off-street parking is necessary to preserve public rights-of-way, but many of these areas are more amenable to alternative modes of transportation.
 - c. Tier 3: There is no required number of spaces for off-street parking, but there are off-street parking space maximums. Generally, zoning districts in this tier consist of dense, heavily commercial development.
 - 2. The tiered parking requirements applies based on the zoning district. In the case of Planned Development Districts or Conditional Zoning Districts, the tier applicable to the base zoning district shall apply, unless otherwise specified in the adopting ordinance.

TABLE 10.3-A: TIERED PARKING REQUIREMENTS	
Parking Requirement Tier	Zoning Districts
Tier 1	General Residential (GR) and General Industrial (GI)
Tier 2	Residential Mixed-Use (RMX), Neighborhood Mixed-Use (NMX), Pisgah Gateway Mixed-Use (PGX) and Institutional Campus (IC)
Tier 3	Downtown Mixed-Use (DMX) and Corridor Mixed-Use (CMX)

- B. Off-street parking minimum and maximum vehicle parking ratios:

TABLE 10.3-B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Residential							
Household Living	All household living uses, except as listed below	1.5 / d.u.		1 / d.u.	2 / d.u.		2 / d.u.
	Dwelling - Single-family	2 / d.u.		1 / d.u.	2 / d.u.		2 / d.u.
	Manufactured Home	2 / d.u.		1 / d.u.	2 / d.u.		2 / d.u.
Group Living	All group living uses, except as listed below	1 / d.u. or rooming unit		1 / d.u. or rooming unit	3 / d.u. or rooming unit		3 / d.u. or rooming unit
	Rooming or Boarding House	0.5 / rooming unit		0.5 / rooming unit	1.5 / rooming unit + 1 additional space		1.5 / rooming unit + 1 additional space
Social Services	Group Care Facility	1 / d.u., rooming unit, or bed		1 / d.u., rooming unit, or bed	3 / d.u., rooming unit, or bed		3 / d.u., rooming unit, or bed
	Shelter	2 spaces		2 spaces	6 spaces		6 spaces
Lodging							

EXHIBIT A

TABLE 10.3-B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Overnight Accommodations	All overnight accommodations, except as listed below	1 / room or suite		0.5 / room or suite	1.5 / room or suite		1.5 / room or suite
	Short-term Rental	2 / rental unit		1 / rental unit	2 / rental unit		2 / rental unit
Camping	Campground / Recreational Vehicle Park	0.25 / campsite or RV parking site		0.2 / campsite or RV parking site	1 / campsite or RV parking site		1 / campsite or RV parking site
	Rental Cottage / Cabins	1 / room or suite		0.5 / room or suite	1.5 / room or suite		1.5 / room or suite
	Seasonal Camp	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Commercial							
Eating and Drinking Establishments	All restaurants and other eating and drinking establishments	1 / 750 SF		1 / 750 SF	1 / 200 SF		1 / 200 SF
Personal Services	All personal services	1 / 500 SF		1 / 600 SF	1 / 300 SF		1 / 300 SF
Professional Services	All professional services, except as listed below	1 / 500 SF		1 / 600 SF	1 / 300 SF		1 / 300 SF
	Funeral Homes and Services	1 / 4 seats in main assembly area + 1 / 500 SF of office space		1 / 4 seats in main assembly area + 1 / 600 SF of office space	1 / 2 seats in main assembly area + 1 / 300 SF of office space		1 / 2 seats in main assembly area + 1 / 300 SF of office space
Retail	All retail and sales establishments, except as listed below	1 / 500 SF		1 / 600 SF	1 / 300 SF		1 / 300 SF
	Gas Station	1 / 500 SF of retail		1 / 500 SF of retail	1 / 400 SF of retail		1 / 400 SF of retail
Civic / Institutional							
Educational	All educational uses, except as listed below	2 / classroom		2 / classroom	None		None
	Colleges / Universities	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
	Schools - Vocational / Technical	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Governmental	All government uses	1 / 750 SF		1 / 1,000 SF	1 / 200 SF		1 / 200 SF
Medical	All medical offices and facilities, except as listed below	1 / 500 SF		1 / 600 SF	1 / 300 SF		1 / 300 SF
	Hospital	2.5 / patient room		2 / patient room	5 / patient room		5 / patient room
Places of Worship	All religious institutions or places of worship	1 / 6 seats in main assembly area + 1 / 500 SF of office space		1 / 6 seats in main assembly area + 1 / 600 SF of office space	1 / 2 seats in main assembly area + 1 / 300 SF of office space		1 / 2 seats in main assembly area + 1 / 300 SF of office space
Entertainment / Recreation							

EXHIBIT A

TABLE 10.3-B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Indoor Recreation	All indoor recreation facilities, except as listed below	1 / 500 SF		1 / 750 SF	1 / 250 SF		1 / 250 SF
	Cultural or Community Facility	1 / 6 seats in main assembly area + 1 / 500 SF of office space		1 / 6 seats in main assembly area + 1 / 600 SF of office space	1 / 2 seats in main assembly area + 1 / 300 SF of office space		1 / 2 seats in main assembly area + 1 / 300 SF of office space
	Live Performance Theater	1 / 8 seats		1 / 10 seats	1 / 2 seats		1 / 2 seats
	Movie Theater	1 / 8 seats		1 / 10 seats	1 / 2 seats		1 / 2 seats
	Special Event Venue	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Outdoor Recreation	All outdoor recreation facilities	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Agriculture							
Agriculture	All agricultural uses	1 / 500 SF of retail or administrative space		1 / 750 SF or retail or administrative space	1 / 300 SF of retail or administrative space		1 / 300 SF of retail or administrative space
Manufacturing / Wholesale / Storage							
Light Industrial and Manufacturing	All light industrial and manufacturing activities	1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space		1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Heavy Manufacturing	All heavy manufacturing activities	1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space		1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Storage and Disposal	All storage and disposal activities	1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space		1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Wholesaling and Distribution	All wholesaling and distribution activities	1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space		1 / 750 SF of office, retail or administrative space + 1 / 4,000 SF of industrial space	1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space		1 / 300 SF of office, retail or administrative space + 1 / 2,000 SF of industrial space
Extractive Industries	All extractive industries	Varies, See Section 10.3.D		Varies, See Section 10.3.D	Varies, See Section 10.3.D		Varies, See Section 10.3.D
Infrastructure							

EXHIBIT A

TABLE 10.3-B: OFF-STREET MINIMUM AND MAXIMUM VEHICLE PARKING RATIOS							
Category	Land Use	Tier 1		Tier 2		Tier 3	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Utilities	All utilities	N/A		N/A	N/A		N/A
Telecommuni- cations	All wireless telecommunication facilities	N/A		N/A	N/A		N/A
Transportation	All transportation uses	N/A		N/A	N/A		N/A
Note: All square footage in gross square feet. d.u. = dwelling unit.							

EXHIBIT A

CHAPTER 12. SIGNS

12.8. Temporary signs.

- A. *Common standards:* All temporary signs shall comply with the following common standards:.
- 1. Temporary signs shall not be illuminated or be displayed by any electrified device.
 - 2. Temporary signs shall not be placed within any public right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
 - 3. Temporary signs attached to buildings shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, ingress, egress, or street number sign.
 - 4. Temporary signs shall not be affixed to any permanent sign or its supporting structure.
 - 5. Temporary signs shall not be placed in a manner that obstructs clear sight distance (e.g. within the required sight triangle) for motorists, bicyclists, or pedestrians at street intersections or driveways.
 - 6. Temporary signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed upon any sidewalk or other pedestrian walkway.
 - 7. Temporary signs shall not be placed on the roof of a building, or affixed to a tree, rock, bridge, utility pole, or permanent sign.
 - 8. Any required period of separation between such the number or duration of temporary sign displays shall carry over the changing of calendar years, and shall be observed prior to initiating the first allowed display during the new calendar year.
- B. *Freestanding (ground) temporary signs.*
- 1. *General provisions.* The following standards apply to all freestanding temporary signs:
 - a. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
 - b. Signs, other than Type 4 freestanding temporary signs as allowed in Section 12.8.B.5, shall not be placed in the right-of-way.
 - c. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.
 - 2. *Type 1 freestanding temporary signs.* Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.
 - a. *Where permitted.* Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.
 - b. *Size.* The maximum sign display area is limited to four square feet.
 - c. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
 - d. *Number:*
 - i. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage.
 - ii. Beginning 90 days prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending ten days following the primary or election, this limit on the number of Type 1 freestanding temporary signs that may be displayed is suspended for parcels zoned GR or RMX. All other regulations associated with such signage shall remain in effect during such period of suspension.
 - e. *Material.* Type 1 freestanding temporary sign faces shall be made of a rigid material.
 - f. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
 - g. *Number of sides.* The display area may be either single or dual sided.
 - h. *Duration of display.* The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.
 - 3. *Type 2 freestanding temporary signs.* Signs in this category are commonly referred to as "banners" that are typically associated with, but not limited to, the announcement of new business openings, community events, and similar unique events.
 - a. *Where permitted.* Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts.

EXHIBIT A

- b. *Size.* The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
 - c. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
 - d. *Number:* One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 - e. *Material.* Sign faces shall be made of a flexible material.
 - f. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
 - g. *Number of sides.* The display area may be either single or dual sided.
 - h. *Duration of display.* Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.
4. *Type 3 freestanding temporary signs.* Signs in this category are larger temporary signs typically associated with, but not limited to, the advertisement of large tracts of land for sale, construction and development activity, or the advertisement of commercial or industrial buildings for sale or lease.
- a. *Where permitted.* Type 3 signs are permitted only on parcels or groups of adjacent parcels under common ownership that meet one of the following:
 - i. A residential use on a parcel or group of adjacent parcels under common ownership that is a minimum of three acres in size zoned GR;
 - ii. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
 - iii. A non-residential use in any non-residential zoning district upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
 - iv. A non-residential use in any non-residential zoning district upon a parcel that has construction or development activity per an active development permit.
 - b. *Simultaneous display prohibited.* A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
 - c. *Size.* The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
 - d. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
 - e. *Setbacks.*
 - i. *Front:* No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
 - ii. *Side and Rear:* No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
 - f. *Number:* One Type 3 freestanding temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 - g. *Material.* Sign faces shall be made of a rigid material.
 - h. *Mounting standard.* Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
 - i. *Number of sides.* The display area may be either single or dual sided.
 - j. *Duration of display.*
 - i. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
 - ii. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
 - iii. In all other cases, the duration of display shall be limited to two months.
 - iv. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases

EXHIBIT A

where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.

5. *Type 4 freestanding temporary signs.* The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.
- a. *Where permitted.* Type 4 freestanding temporary signs are allowed in the RMX, NMX, PGX, DMX, CMX, and IC zoning districts.
 - b. *Size.* The maximum sign display area is limited to eight square feet per side.
 - c. *Height.* The maximum height of the sign is limited to four feet above the grade of the surface upon which it is displayed when placed in its display position.
 - d. *Number:* One Type 4 freestanding temporary sign may be displayed per tenant space, provided that no more than two Type 4 signs may be displayed per parcel along the same building street frontage.
 - e. *Material.* Sign faces shall be composed of rigid material.
 - f. *Location.* Type 4 freestanding temporary signs may be placed upon a public sidewalk or other pedestrian walkway, provided that a minimum of five feet of unobstructed clearance is maintained along the directional path of the walkway. In no case shall a Type 4 sign be placed in a manner that obstructs vehicular access, movement, or visibility. Such signs shall not be locked, chained, or otherwise tethered to posts, utility poles, trees, permanent signs, or any other permanent object.
 - g. *Duration of display.* Type 4 signs may only be displayed during the period beginning 30 minutes prior to the daily opening and ending 30 minutes following the daily closing of the business displaying the sign.
- C. *Wall mounted temporary signs:* Temporary signs mounted to building walls may be displayed subject to the following provisions:
- 1. Wall mounted temporary signs are permitted on buildings housing a commercial use in any zoning district.
 - 2. One temporary wall sign may be displayed per building occupied by a single tenant. Buildings designed for occupancy by multiple tenants may display one temporary wall sign per tenant, but the sum of all signage displayed at one time is limited to the maximum for the building's zoning district as set forth below.
 - 3. Temporary wall signs shall be mounted flush against the building wall and secured at each corner.
 - 4. Maximum display area for temporary wall signs:

TABLE 12.8A: MAXIMUM SIZE OF WALL MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT	
Zoning District	Maximum Size (ft. ²)
GR	16 ft. ²
RMX	16 ft. ²
NMX	24 ft. ²
PGX	24 ft. ²
DMX	24 ft. ²
CMX	32 ft. ²
GI	38 ft. ²
IC	32 ft. ²

- 5. Temporary wall signs may be displayed for a maximum of 30 consecutive calendar days.
 - 6. Temporary wall signs may be displayed a maximum of four times per calendar year. A minimum of 30 days of separation shall pass before a new temporary wall sign permit can be issued.
- D. *Temporary use signage:*
- 1. Upon issuance of a temporary use permit from the City of Brevard, properties being used for the permitted temporary use may display one temporary ground sign on each street frontage of the location of the temporary use for the period of operation as specified in the temporary use permit.
 - 2. The operator of the temporary use may choose any temporary ground sign type found in Section 12.8 and must adhere to all requirements set forth for the sign type, except that the duration of display which may match period of operation as specified in the approved permit.

EXHIBIT A

- E. *Special event signage:* Upon issuance of a special event permit from the City of Brevard, properties being used for the permitted special event may display signs, banners, balloons, decorative flags, and windsocks (hereafter, "special event signage") may be displayed subject to the following requirements:
1. Special event signage may be displayed for the duration of the event and up to one week prior to the start of the event.
 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 deposit must be given to the city ensuring removal of all special event signage, as specified in the City of Brevard Fee Schedule. If the special event signage has not been removed within ten days of the event's end, as specified in the event's permit, the deposit will be forfeited to the city.
 4. Special event signage may not be illuminated, moving, or otherwise cause a hazard or create a visual or physical obstruction to motorists or pedestrians.
 5. Permitted Special Events may also be allowed to display dispersed Type 1 Temporary Signs in multiple locations throughout the City's jurisdiction. A map of such signs shall be provided to the Administrator and all signs must be removed within 10 days following the event's end.
- F. *Community banners:*
1. The city may hang temporary banners in the right-of-way at specific locations in order to communicate community events held or hosted by charitable, religious, civic, fraternal, governmental, or other non-profit organizations, subject to the street banner policy as set by the City of Brevard Public Works Department.
 2. Fees for the installation of community banners shall be set in the city's fee schedule.

(Ord. No. 2015-32, §§ 02, 03, 11-16-15; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2022-09, § 1(Exh. A), 3-21-22)

12.9. Permanent signs.

- A. *Applicability:* The following regulations govern the installation and display of permanent signage within the jurisdiction of this ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this section.
- B. *Signs mounted to walls:*
1. *Wall signs.*
 - a. *Where permitted.* Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
 - b. *Location.* Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
 - c. *Number.*
 - i. In residential districts, maximum of 1 wall sign per street frontage.
 - ii. In all other districts, maximum of 3 wall signs per street frontage.
 - d. *Maximum area:*
 - i. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
 - (A) There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
 - (B) There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.
 - (C) The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.
 - ii. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.
 - e. *Changeable copy:* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
 - f. *Illumination:* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.

EXHIBIT A

- g. *Mounting:* Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

2. *Projection signs.*

- a. *Where permitted.* Projection signs shall be permitted to be displayed by any non-residential use in any non-residential zoning district.
- b. *Location.* Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
- c. *Number.* One per business establishment.
- d. *Maximum area.* The maximum permitted area for projection signs shall not exceed eight square feet per side.
- e. *Changeable copy:* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.
- f. *Illumination:* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
- g. *Mounting:* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
- h. *Minimum clearance required:* Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
- i. *Maximum projection:* Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

3. *Awning signs.*

- a. *Where permitted.* Awning signs shall be permitted to be displayed on awnings associated with any non-residential use in any zoning district.
- b. *Location.* Awning signs may only be displayed on awnings which are installed to cover an entrance that is used by customers.
- c. *Number.* One per awning valance on awnings installed to cover a customer entrance.
- d. *Maximum area.* The maximum permitted area for awning signs shall not exceed 80 percent of the width of the valance of the awning.
- e. *Illumination:* Awning signs shall not be illuminated.

C. *Freestanding ground signs:*

1. *Setbacks.*

- a. *Front.* No portion of any freestanding ground sign described in this section 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.
- b. *Side and rear.* No portion of any freestanding sign described in this section shall be located any closer than ten feet to any side or rear property line.

2. *Non-residential uses in residential districts.*

- a. Nonresidential uses permitted in residential districts shall be allowed one ground or wall sign, subject to the following:
 - i. *Number.* One ground or wall sign may be displayed per business.
 - ii. *Maximum area.* Shall be no larger than twenty-four square feet.
 - iii. *Changeable copy:* No changeable copy feature, either manual or electronic, is permitted.
 - iv. *Height:* Such ground signs shall not exceed five feet in height.
 - v. *Illumination.* Neither such wall or ground signs shall not be illuminated.
- b. *Nameplate signs.* Home occupations shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated.

3. *Non-residential uses in non-residential districts.*

- a. The following standards shall apply to individual businesses on individual parcels. Non-residential group developments, non-residential conditional zoning 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 12.9.G.

EXHIBIT A

- i. *Where permitted.* Any zoning district provided the business lies outside the Downtown Development Overlay District. Businesses located in this overlay district may display A-frame signs as described in Section 12.9.C.5.
- ii. *Number.* One ground sign may be displayed per establishment.
- iii. *Maximum area.* Shall be no larger than the maximum size as defined in the table below, unless specifically defined elsewhere in this ordinance.

TABLE 12.9A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS	
District	Max Size in Square Feet (ft. ²)
RMX	32 ft. ²
NMX	32 ft. ²
PGX	32 ft. ²
DMX	32 ft. ²
CMX	85 ft. ²
IC	24 ft. ²
GI	50 ft. ²
Highway 64 Corridor Sign Overlay District	85 ft. ² in surface area

- iv. *Changeable copy.* Changeable copy features are allowed.
 - v. *Height.* No portion of any ground sign shall exceed 20 feet in height.
 - vi. *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
4. *Canopy signs.*
- a. *Where permitted.* Canopy signs shall be permitted to be displayed in association with any non-residential use in any non-residential zoning district.
 - b. *Location.* Canopy signs may be displayed on any freestanding or attached canopy covering a vehicular use area, such as an automobile fueling area or passenger drop-off area.
 - c. *Number.* One sign may be displayed per side of the canopy.
 - d. *Maximum area.* Signs may occupy up to 20 percent of the area of the valance of the canopy, up to a maximum of 24 square feet in non-residential zoning districts.
 - e. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a canopy sign.
 - f. *Illumination.* Canopy signs may be illuminated internally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
5. *A-frame/sandwich board signs.* A sandwich board sign is an A-frame or inverted V-shape sign which is portable and usually double-sided.
- a. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
 - b. *Location.* Such a-frame signs shall 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. Such signs must comply with Section 46-1 of the City Code. Such A-frame signs must be removed each day at the end of business hours.
 - c. *Number.* One ground or wall sign may be displayed per business.
 - d. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.
 - e. *Height.* Such A-frame signs shall not exceed four feet in height.
 - f. *Changeable copy.* Manual changeable copy features are allowed.
 - g. *Illumination.* Such A-frame signs shall not be illuminated.
 - h. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.
6. *Electronic display signs.* Electronic display signs may be permitted as ground signs, subject to the following additional requirements:

EXHIBIT A

- a. Only one electronic display sign shall be permitted per parcel.
- b. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
- c. 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.
- d. 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. Only the following uses shall be permitted to install electronic display signs:
 - i. Colleges/universities;
 - ii. Schools—Elementary and Secondary;
 - iii. Schools—Vocational/Technical;
 - iv. Government services.
- f. 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.

EXHIBIT A

CHAPTER 13. INFRASTRUCTURE IMPROVEMENT
REQUIREMENTS

13.5. Street design.

- N. *Pedestrian and bicycle infrastructure:* Sidewalks, multi-use paths, or other pedestrian/bicycle infrastructure shall be constructed in accordance with the following requirements:
1. In determining the type of pedestrian/bicycle infrastructure that shall be required the Administrator shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
 2. Sidewalks, multi-use paths, and other pedestrian and bicycle improvements shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat, or issuance of final zoning approval or certificate of occupancy for any development plan. Pedestrian and/or bicycle infrastructure shall be constructed within the street right-of-way. The approving authority shall require the dedication of additional street right-of-way or a pedestrian easement when sufficient right-of-way does not exist to comply with this requirement. The approving authority may accept the dedication of additional right-of-way or a pedestrian easement in order to accommodate alternative routes and designs that do not follow streets.
 3. Streets shall be bordered by pedestrian/bicycle infrastructure on both sides. Exceptions to this requirement and modifications to the design of pedestrian/bicycle infrastructure may be granted by the TRC for developments in steep slope areas and where warranted by environmental or topographic conditions, or where this requirement would serve no useful purpose.
 4. Without exception, pedestrian/bicycle infrastructure shall be required along all new public and private streets within new subdivisions or developments, and within new phases of existing subdivisions and any other form of development.
 5. Without exception, pedestrian/bicycle infrastructure shall be required along existing streets within or abutting new subdivisions and any other form of development (except subdivisions in GR districts establishing less than eight dwelling units); or along existing streets within or abutting any form of existing development undergoing substantial improvement (except single-family and duplex residential structures in GR districts).
 6. Pedestrian/bicycle infrastructure shall be required along the same side of the street upon which the development fronts, except that when a development project is located on both sides of the same street the approving authority may require that infrastructure be installed on both sides of the street.
 7. When site characteristics and/or traffic patterns are such that the construction of pedestrian/bicycle infrastructure in accordance with this section would be a hardship and would not result in useful pedestrian walkways, the administrator, upon recommendation from the TRC may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of infrastructure, the administrator shall refer to any adopted plan or policy of the City for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
 8. The administrator may accept a performance guarantee for the construction of sidewalks on behalf of the city in situations where no other public infrastructure is proposed in accordance with [CHAPTER 16](#) of this ordinance.
 9. Multi-use paths and other infrastructure:
 - a. Multi-use paths, and other pedestrian and bicycle infrastructure shall be provided instead of or in addition to sidewalks wherever called for on an adopted plan or policy of the city. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.

EXHIBIT A

- b. When a multi-use path is required in an area not adjacent to a public or private street, then such facility shall be credited towards the satisfaction of the open space requirements as set forth in **CHAPTER 7** of this ordinance.
 - c. All required multi-use paths shall be dedicated to the City of Brevard by means of right-of-way or pedestrian easement.
 - d. On-street bicycle lanes shall be required when called for upon an adopted plan or policy of the city.
10. Pedestrian and bicycle improvements shall be as follows:

TABLE 13.5A: PEDESTRIAN AND BICYCLE IMPROVEMENT WIDTHS		
Zoning District	Facility Width	
	City Streets	NCDOT Streets*
GR	5 feet	5 feet
RMX, NMX, PGX, CMX, DMX, GI, IC	5 feet	8 feet
Public Streets	City Streets Required; Dedication to City Required	NCDOT Streets Required
Street Rights-of-Way	Required; Dedication to City Required	Required; Dedication to NCDOT Required
Multi-Use Path (where required)	10 feet	10 feet
On-Street Bike Lane (where required)	5 feet	5 feet
*Sidewalks are not required along alleys and commercial service streets except when required as a condition of a Conditional Zoning District, Group Development, or special use permit.		

11. All pedestrian/bicycle infrastructure shall comply with the minimum requirements for handicapped accessibility in compliance with the North Carolina Accessibility Code or other federal, state, or local regulations. During the construction of pedestrian/bicycle infrastructure, whether new or replacement, handicapped ramps shall be placed in the sidewalk where it intersects with streets and other pedestrian and vehicular travel ways.
12. All sidewalks shall be made of 4,000 PSI concrete with a minimum depth of four inches, except that street and driveway crossings shall be a minimum of six inches in depth. Bike lanes and multi-use paths shall be made of asphalt, designed according to the North Carolina Bicycle Planning and Design Guidelines published by the NCDOT and shall include all appropriate signage and pavement markings. Alternative materials and designs may be approved by the TRC in consultation with the public works director.

ORDINANCE NO. 2024-44

**AN ORDINANCE AMENDING THE CITY OF BREVARD
OFFICIAL ZONING MAP TO CREATE THE PISGAH
GATEWAY MIXED USE ZONING DISTRICT**

WHEREAS, the area in the vicinity of the US 64 / US 276 / NC 280 intersection and the entrance to Pisgah National Forest is a unique urban location within the City of Brevard, providing an entrance into the Pisgah National Forest as well as the City of Brevard itself; and,

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended to create the Pisgah Gateway Mixed Use (PGX) zoning district in order to codify context-sensitive regulations for this important area; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*:

Recommendation Land Use & Housing – 10: Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.

Future Land Use Map identifies parcels in this area as a mix of Major Activity Center, Urban Corridor, and Conservation Design.

WHEREAS, in accordance with North Carolina General Statute 160D-605, the Brevard City Council finds that this proposed zoning map amendment is reasonable due to the following factors:

- The location of the proposed zoning district is centered around the entrance to the Pisgah National Forest.
- The size of the proposed rezoning diminishes any spot zoning concerns.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing an inappropriate downtown-focused district with a more context-sensitive district.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCDOT R-5799 intersection improvement project.
- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- The Plan is consistent with the above elements of the Comprehensive Land Use Plan and the Future Land Use Map.

WHEREAS, a public hearing was conducted on Monday, November 4, 2024, by the 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 the Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Numbers (PINs) below is hereby rezoned to Pisgah Gateway Mixed Use (PGX) as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference:

8597-45-0298-000, 8597-45-1544-001, 8597-45-2252-000,
8597-45-2811-000, 8597-45-3585-000, 8597-45-4145-000,
8597-45-6400-000, 8597-45-7490-000, 8597-45-7785-000,
8597-45-8002-000, 8597-45-9061-000, 8597-46-3093-000,
8597-46-7468-000, 8597-47-3949-000, 8597-47-7210-000,

8597-54-1925-000, 8597-54-2869-000, 8597-54-3864-000,
8597-54-4908-000, 8597-54-5783-000, 8597-54-5936-000,
8597-54-6984-000, 8597-54-8650-000, 8597-54-8898-000,
8597-54-8900-000, 8597-54-9896-000, 8597-55-1410-000,
8597-55-1810-000, 8597-55-2546-000, 8597-55-2991-000,
8597-55-3136-000, 8597-55-3428-000, 8597-55-3549-000,
8597-55-4424-000, 8597-55-5313-000, 8597-55-5503-000,
8597-55-5681-000, 8597-55-6667-000, 8597-56-1525-000,
8597-56-4170-000, 8597-56-4615-000, 8597-57-0292-000,
8597-57-7985-000, 8597-64-1942-000, 8597-64-2864-000,
8597-64-3698-000, 8597-64-4657-000, 8597-64-4992-000,
8597-64-5558-000, 8597-64-5877-000, 8597-64-5877-000,
8597-64-6683-000, 8597-64-6737-000, 8597-64-7555-000,
8597-64-7714-000, and 8597-64-8466-000.

SECTION 2. The Planning Director is hereby authorized and directed to modify the City’s Official Zoning Map, Comprehensive Land Use Plan, and Future Land Use Map consistent with this Ordinance.

SECTION 3. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 4. 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.

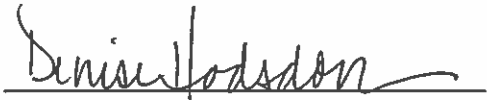
SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 18th day of November 2024.




Maureen Copelof
Mayor

ATTEST:

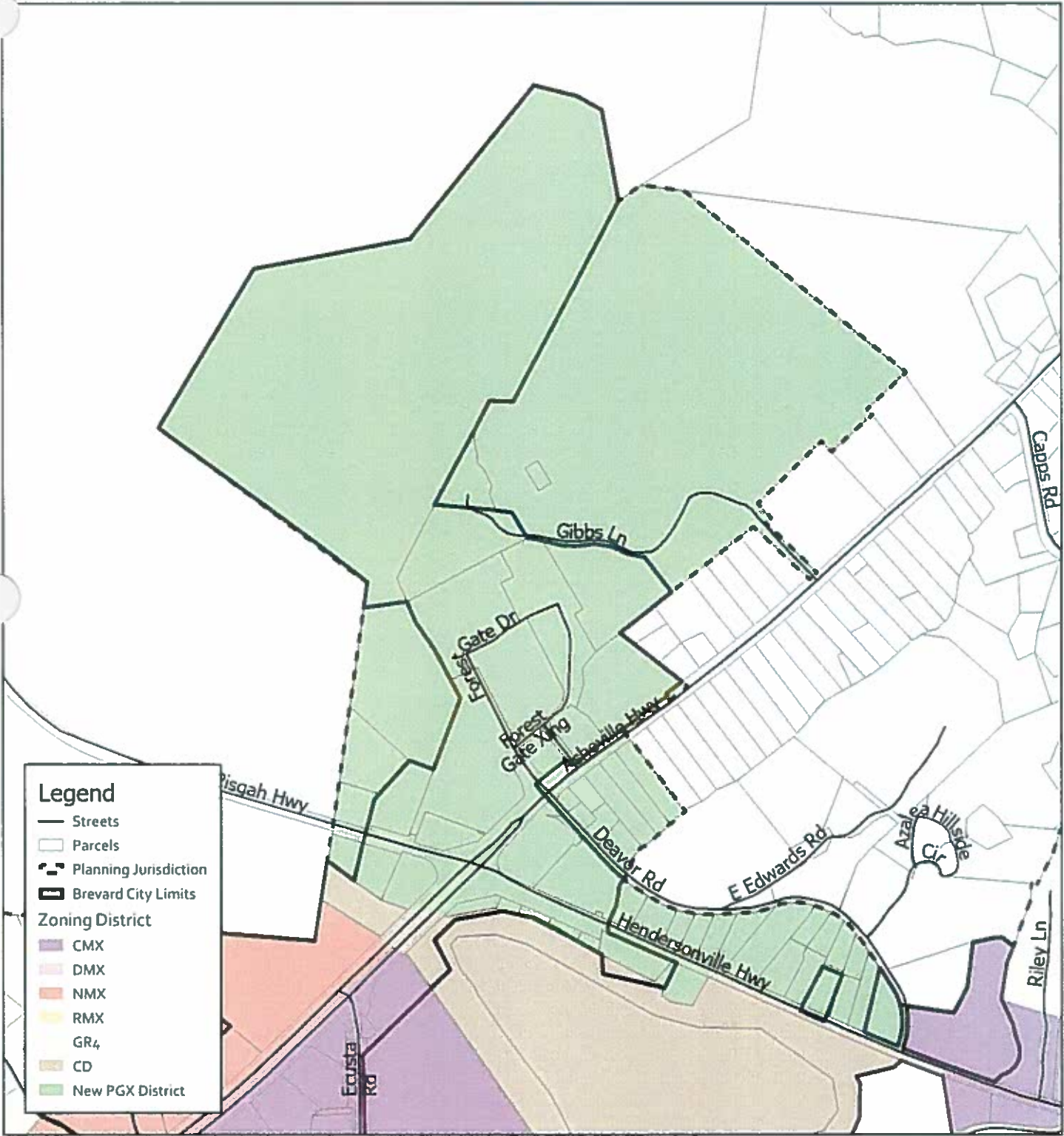

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:


Mack McKeller
City Attorney

EXHIBIT A

REZ-24-001 - Establishment of the Pisgah Gateway Mixed Use District (PGX)

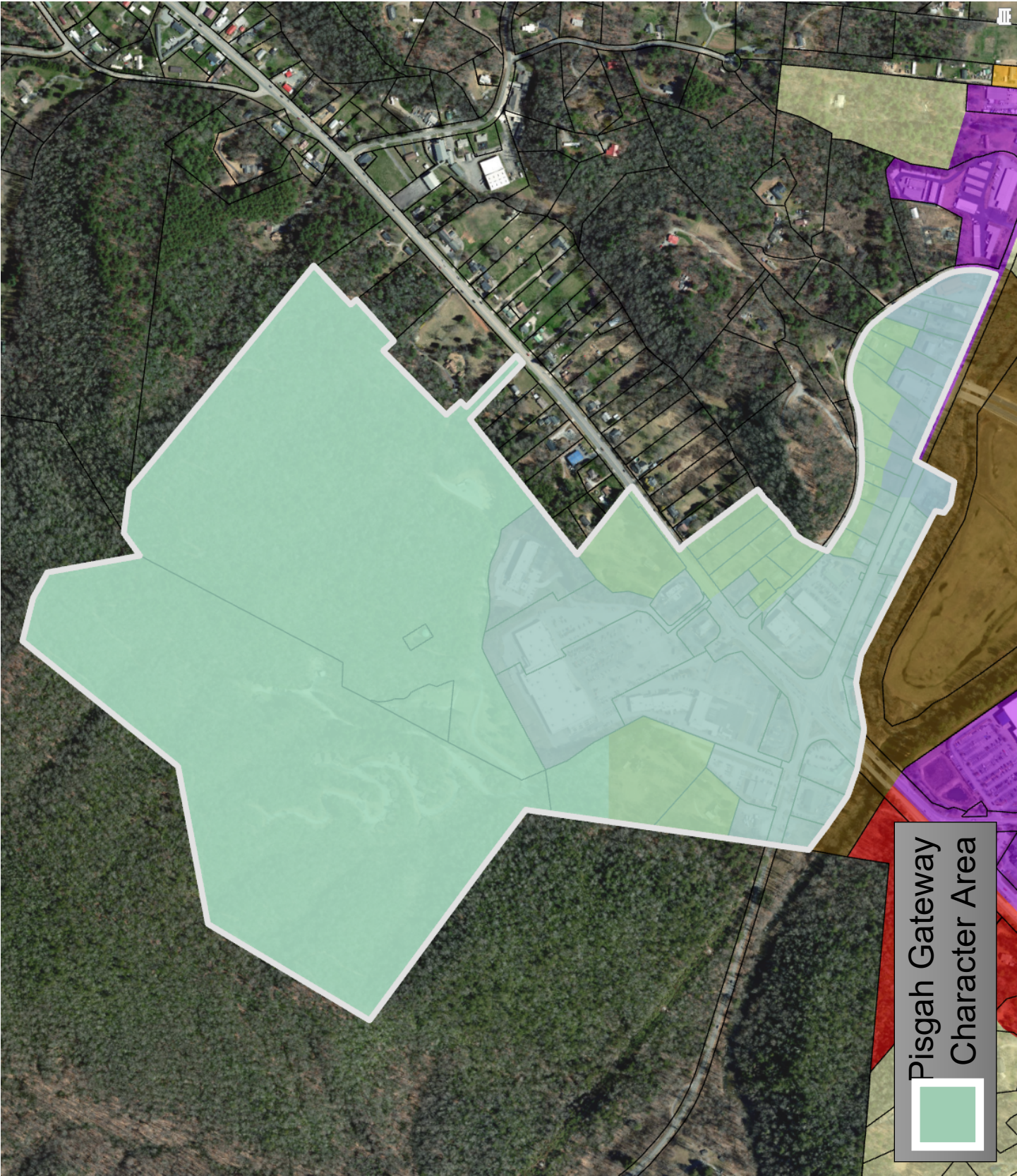


0 350 700 Feet
1 inch = 700 feet

This map was prepared by the City of Brevard Planning Department.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

EXHIBIT B



ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP AND
MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED
DEVELOPMENT ORDINANCE TO CREATE THE PISGAH GATEWAY
MIXED USE ZONING DISTRICT AND ASSOCIATED REGULATIONS**

WHEREAS, the area in the vicinity of the US 64 / US 276 / NC 280 intersection and the entrance to Pisgah National Forest is a unique urban location within the City of Brevard, providing an entrance into the Pisgah National Forest as well as the City of Brevard itself; and,

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended to create the Pisgah Gateway Mixed Use (PGX) zoning district in order to codify context-sensitive regulations for this important area; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*:

***Recommendation Land Use & Housing – 10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.*

WHEREAS, a public hearing was conducted on Monday, November 4, 2024, by the Brevard City Council; and,

WHEREAS, the City Council of the City of Brevard previously created the Pisgah Gateway Mixed-Use zoning district by adopting Ordinances 2024-43 and 2024-44 on November 18, 2024; and,

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of “down-zoning” in a manner that dramatically alters the authority for local governments to amend local zoning ordinances, thereby invalidating the previous creation of the Pisgah Gateway Mixed-Use zoning district; and,

WHEREAS, following the adoption of SL 2024-57, a second public hearing was conducted on Tuesday, January 21, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is still the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below in order to enact a new context-specific zoning district in the Pisgah Forest gateway area.

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

SECTION 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. The Future Land Use Map and Character Areas of the Building Brevard Comprehensive Land Use Plan is hereby amended as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 3. The Planning Director is directed to reach out to property owners in the desired Pisgah Gateway Mixed Use district area and inform them of this change in state law and that they must now voluntarily opt into the PGX district with written consent.

SECTION 4. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 5. 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 6. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 3rd day of February 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney



CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture

TAX SETTLEMENT REPORT FOR MONTH ENDED DECEMBER 31, 2024

Tina Tanner

Certified Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING DECEMBER 31, 2024

UPDATED: 01.09.25

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
2024		\$ 4,145,519.25	\$ 355,192.81	\$ 150,837.61	\$ 169,949.16	\$ 660,227.95	
2023-2011	\$ 3,514.80	\$ 4,462.58	\$ 2,327.19	\$ 4,626.24	\$ 2,855.63	\$ 1,778.13	
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL:	\$ 3,514.80	\$ 4,149,981.83	\$ 357,520.00	\$ 155,463.85	\$ 172,804.79	\$ 662,006.08	

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024							\$ 5,481,726.78
2023-2011							\$ 19,564.57
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,501,291.35

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2024		\$ 64,583.54	\$ 12,538.17	\$ 45.99	\$ 8,318.48	\$ 28,612.21
2023-2011	\$ 28.47	\$ 137.22			\$ 625.39	
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 28.47	\$ 64,720.76	\$ 12,538.17	\$ 45.99	\$ 8,943.87	\$ 28,612.21

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024							\$ 114,098.39
2023-2011							\$ 791.08
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 114,889.47

STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Resolution re Jimmy Carter Memorial Wall Installation in Clemson Plaza

Speaker: Maureen Copelof, Mayor

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

Habitat for Humanity organizations around the world are participating in a memorial event "Honoring a Life of Service" honoring the legacy of President Jimmy Carter, who has helped Habitat focus worldwide attention on the issue of adequate housing and helped Habitat homeowners build strength, stability and self-reliance through shelter. Transylvania Habitat for Humanity has asked to erect a framed memorial wall with a door in Clemson Plaza, symbolizing the many doors that President Carter helped to open. Members of the public will be invited to pay their respects and sign the memorial wall, leaving their reflections and memories.

Discussion

The First Amendment compels public agencies to remain content neutral on speech conducted in spaces considered to be "public forums". This is why local governments cannot censor or remove comments posted on their social media sites, for example, or deny an otherwise lawful parade permit to a group with an offensive message. Without the action described below, the installation of the Jimmy Carter Memorial Wall in Clemson Plaza

would have the effect of making the plaza a public forum and limiting the city's ability to control the messages that are posted there.

A legal doctrine known as the "Government Speech Doctrine" posits that when a government speaks for itself, content neutrality does not apply and the government is allowed to communicate one message and not another. The Supreme Court has upheld this doctrine, though in a 2022 case they established a number of legal tests that must be met to ensure speech is truly government speech.

The Court's most notable test is whether the government exercises actual control over the message. In Brevard's case, it is staff's belief that a formal act by the organization's governing body -as opposed to a symbolic proclamation by the Mayor alone- is needed to clearly designate the speech as government speech.

Action

Staff request approval of the attached Resolution adopting the "Jimmy Carter Memorial Wall" installation in Clemson Plaza and "Honoring a Life of Service" as official government speech.

Attachments:

1. Resolution

RESOLUTION NO. 2025-XX

**RESOLUTION ADOPTING HABITAT FOR HUMANITY’S
“JIMMY CARTER MEMORIAL WALL” INSTALLATION IN CLEMSON PLAZA AND
“HONORING A LIFE OF SERVICE” AS OFFICIAL GOVERNMENT SPEECH**

WHEREAS, President Jimmy Carter and Mrs. Carter led the Jimmy and Rosalynn Carter Work Project for Habitat for Humanity International for more than 35 years; and

WHEREAS, the Carter Work Project has rallied 108,100 volunteers to build, renovate and repair 4,447 Habitat for Humanity homes in 14 countries, raising awareness of the critical need for affordable housing; and

WHEREAS, Transylvania Habitat for Humanity is committed to continuing the work inspired by President and Mrs. Carter; and

WHEREAS, Transylvania Habitat for Humanity wishes to honor the legacy of President Carter who has helped Habitat focus worldwide attention on the issue of adequate housing and helped Habitat homeowners build strength, stability and self-reliance through shelter; and

WHEREAS, Transylvania Habitat for Humanity, in “Honoring a Life of Service”, plans to erect a framed memorial wall with a door in Clemson Plaza, symbolizing the many doors that President Carter helped to open; and

WHEREAS, members of the public will be invited to pay their respects and sign the memorial wall, leaving their reflections and memories.

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

Section 1. The Brevard City Council adopts the “Jimmy Carter Memorial Wall” installation in Clemson Plaza and “Honoring a Life of Service” as official government speech.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this the 21st day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Estatoe Trail Boardwalk Assessment and "Mini-Brooks" Act Exemption

Speaker: David Todd

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

The raised Boardwalk portion of the Estatoe Trail is approximately 20 years old. The lumber used to construct this Boardwalk is nearing and in a few places beyond end of useful life. Damage and failure of the boards is easy to recognize visually and probing of the materials quickly indicates hidden damage as well. Public Works has routinely replaced damaged and failed boards but this same process has revealed the need for a whole scale major repair or replacement of the boardwalk. Recently a stolen vehicle was driven across a portion of the boardwalk resulting in minor visible damage and possible further yet to be discovered damage may be found on the structural components supporting the Boardwalk. Visual inspections indicate the Boardwalk is safe for immediate use, but a more detailed thorough inspection is needed.

Discussion

Given the age and visible poor condition of the Boardwalk, in addition to the recent incident involving a stolen vehicle being driven part way across the Boardwalk resulting in damage to a small portion, it is essential that the Boardwalk be inspected and repaired or replaced as determined necessary to ensure the future safe use of this City facility. Based on their experience and knowledge of both multi-use paths and in particular raised Boardwalks, WSP was selected to provide a proposal for this inspection.

Fiscal Impact

The Multi-Use Path Fund will be used to pay for these services. The total cost of the inspection will be \$16,030.00, this assumes no unanticipated conditions are discovered during the inspection.

Action

Staff request Council approve the attached resolution exempting the Estatoe Trail Boardwalk Assessment from the "Mini Brooks" Act as per N.C. General Statute G.S. 143-64.32, due to the special nature of this project and given that the proposal from WSP is \$16,030.00, and the statute allows municipalities to exempt selection of design services from the "Mini Brooks" Act for projects costing less than \$50,000.

Attachments:

1. Resolution Approving Mini Brooks Act Exemption

RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING A “MINI BROOKS ACT” EXEMPTION FOR
THE ESTATOE TRAIL BOARDWALK ASSESSMENT AS PER G.S. 143-64.32**

WHEREAS, G.S. 143-64.31 (often referred to as the “Mini Brooks Act”) requires the initial solicitation and evaluation of firms to perform architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, the City at times has a need for services estimated to cost below the \$50,000 exemption threshold per G.S. 143-64-32 that authorizes local-government exemption from the qualifications-based selection requirements of G.S. 143-64.31; and

WHEREAS, the proposed cost for the Estatoe Trail Boardwalk Assessment is less than \$50,000 (\$16,030); and

WHEREAS, the design firm, WSP, is well qualified and experienced in both the design and inspection of multi-use trails including boardwalks and raised boardwalks; and

WHEREAS, the City wishes to use WSP for these design services.

**NOW, THERFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BREVARD,
NORTH CAROLINA THAT:**

Section 1. The selection of the designer WPS for the Estatoe Trail Boardwalk Assessment be exempt from the ‘Mini Brooks” Act as per G.S. 143-64-32.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this 21st day of January, 2025

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Proposed Amendment to City of Brevard Fee Schedule - Utility Tap Fees

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

At the December 2, 2024 City Council meeting, Council agreed to entertain a proposal to waive utility tap fees for temporary, recovery-related uses. This agreement came after the Council approved changes to other areas of the UDO designed to support recovery. In this case, however, the Council asked the manager to bring back a carefully structured proposal, knowing that any fee waiver of this sort would be legally untested. The City Manager reviewed his proposal at the January 6, 2025 meeting, and a public hearing was also held.

Discussion

While most of the provisions in the City's regulations are important for maintaining safe and orderly development, and for ensuring the city remains financially capable of providing services in the long term, some can be tweaked or temporarily waived to promote recovery. In this case, the waiver of tap fees for temporary recovery uses (such as temporary trailer parks for storm victims or temporary recovery operations like those sponsored by some local churches)

The North Carolina General Assembly has already passed legislation waiving permitting fees until December 31, 2024. The City itself has made changes to its Unified Development Ordinance to reduce its own regulations during emergency periods.

There are two steps that Council's feedback is needed for this concept to move forwards: 1.) an update to the City's Schedule of Fees and 2.) an approval of the terms and conditions under which the waiver would be granted by the authorized staff person.

On the update to the Schedule of Fees, staff recommend adding the following text as a footnote to the "Water Tap Fees", "Sewer Tap Fees", and "System Development Fees" section of the schedule (See Attachment 1):

"During a "State of Emergency" as defined in Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3 of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated."

Staff recommend that applicants sign a document (Attachment 2) that lists the terms and conditions and records their intent to comply with them.

Action

The Council is asked to take one of the following actions:

- 1.) Approve the proposal and Schedule of Fees amendment as submitted.
- 2.) Amend the proposal and Schedule of Fees amendment and approve the amended proposal/Schedule of Fees.
- 3.) Reject the proposal and Schedule of Fees amendment.
- 4.) Return the proposal/Schedule of Fees amendment to staff for further work and refinement.

Attachments:

1. Proposed Fee Schedule Amendments
2. DRAFT State of Emergency Utility Fee Waiver Form
3. Ordinance Amending Fee Schedule

Adopted Fee Schedule – General Fund

FY2025 Budget

Water Tap Fees

Tap Size (inches)	Tap and Meter Setting Fee ^{12 13}
3/4	\$1,375
1	\$1,600
2	\$4,500
Charges for taps greater than 2", 6' in depth, or require disturbance to NCDOT infrastructure or right-of-way will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, meters, materials and equipment (including asphalt repair), plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$2,440.	

Sewer Tap Fees

Tap Size (inches)	Tap Fee ¹³
Up to 6" Tap	\$1,375
Charges for taps greater than 6", 6' in depth, or require disturbance to NCDOT infrastructure or right-of-way will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment (including asphalt repair), plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$955.	

System Development Fees¹³

Connection Size (in)	Max Flow (gpm)	Water	Sewer
3/4	30	\$500	\$1,000
1	50	\$830	\$1,670
1.5	100	\$1,660	\$3,340
2	160	\$2,660	\$5,340
3	320	\$5,320	\$10,680
4	500	\$8,310	\$16,690
6	1,000	\$16,620	\$33,380
8	1,600	\$25,590	\$53,410
10	2,300	\$38,220	\$76,780
12	3,100	\$51,510	\$103,490

Sewer Tap Relocation Fee	Fee ¹³
Flat Fee	\$1,375
Charges for sewer tap relocations will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials, and equipment, plus 35 percent of the direct labor charge. The minimum and maximum sewer tap relocation fees are set forth above.	

¹² The Public Works Director may impose additional fees to recover the true cost of water and/or sewer tap installation when such is warranted by site conditions. In such cases, fees shall be computed at the sum total of the cost of labor, materials, and equipment necessary for completion of the work plus 35 percent of the direct labor charge.

¹³ During a "State of Emergency" as defined by Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3 of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated.

“State of Emergency” Water/Sewer/System Development Fee Waiver Application

Eligibility

Only temporary uses intended to support the response and recovery of the event that precipitated the “State of Emergency”, as determined by the Zoning Administrator, are eligible for this waiver. By signing this document, applicant attests under the penalty of law, that the temporary use for which this waiver is granted shall remain in support of response and recovery for the duration of this waiver/State of Emergency.

Applicant also acknowledges that, shall the temporary use become permanent, or cease to support response and recovery, this waiver is no longer valid and the applicant shall be subject to the expiration provisions below.

Duration

The length of this waiver corresponds with the length of the local State of Emergency declared _____ and scheduled to end _____. Though City Council may extend the State of Emergency, waiver recipients must apply for an extension without 30 days or be subject to the expiration provisions below.

Upon Expiration

Applicant acknowledges that upon expiration of the State of Emergency, or upon expiration of the waiver due to eligibility

- All tap fees must be paid in full within 30 days at the rates listed in the Schedule of Fees at the time of application.*
- If fees are not paid within 30 days, meters are subject to immediate recovery by the City of Brevard and utility access shall be terminated*
- The city waives all liability for any damages to life and property that occur as a result of terminating access to utilities*
- The applicants waives all claims of liability against the city occurring as a result of removal of utility access*

Subject to State

Municipalities are governed by the North Carolina General Assembly via the North Carolina General Statutes and the interpretation of those statutes set forth by the Courts. Shall either of those bodies deem this waiver inadmissible, the City of Brevard will comply and terminate the program. Should this occur, the City will notify recipients of waivers and offer a 30 day period to pay the fees in full or voluntarily cut off their access to utilities. At the end of the 30 day period the City will exercise the provisions in the expiration section.

ORDINANCE NO. 2025-XX

**AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2025 budget on June 3, 2024, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-48 amending the Unified Development Ordinance to include Chapter 21 – Emergency Response and Recovery, in accordance with North Carolina General Statutes; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2025 budget fee schedule be amended as outlined below.

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

SECTION 01. The City of Brevard FY 2025 fee schedule is hereby amended as described below:

SECTION 02. Adding a footnote to the “Water Tap Fees”, “Sewer Tap Fees”, and “System Development Fees” section of the schedule as follows:

During a "State of Emergency" as defined in Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3 of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated.

SECTION 03. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2025 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 21st day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Guiding Public Interests and Engagement Summary for Azalea Avenue Property

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager, Paul Ray, Planning Director

Background

The City of Brevard engaged the Development Finance Initiative (DFI) in March 2023 to assess affordable housing development opportunities. DFI's scope of work included conducting a housing needs assessment and analyzing multiple sites that could support the City's affordable housing priorities. Based on DFI's preliminary analyses, the City elected to pursue site control of three parcels on Azalea Avenue and Old Hendersonville Highway ("Azalea Avenue" site) for affordable housing development for low-to-moderate income (LMI) household.

In October 2024, the City executed an option to purchase agreement to facilitate the development of affordable housing. Prior to closing on the property, DFI will conduct a pre-development process that includes several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm. The process will result in multiple options for affordable housing development on the Azalea Avenue site that are both feasible for the private sector to execute and meet the City's goals for the site. Ultimately, the City will select a qualified development partner through a competitive solicitation process to finance, construct, and manage the development as envisioned through this process.

The pre-development process described above incorporates two phases of community engagement. The first phase is focused on soliciting community input on the public interests for development of this site. The second phase, following the feasibility study, will ask the public to provide feedback on multiple options for development and inform the City's selection of a preferred development program. The attached memo outlines the results of the first phase of DFI's community engagement efforts to gather feedback on the public interests for the Azalea Avenue site.

The public interest statements were reviewed by the Housing Committee at their January 14, 2025 meeting and referred to full Council.

Discussion

Guiding public interests are site-specific goal statements that are directly shaped by community input. Within DFI's pre-development process, public interests accomplish the following:

1. Define project values
2. Set site-specific parameters
3. Represent a range of public opinion
4. Inform actionable development trade-offs

Based on the community input received, the following are refined guiding public interests for the Azalea Avenue site.

Affordable housing development on the Azalea Avenue site should:

- 1. optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and the local workforce.*
- 2. include access to green space and community amenities for residents.*
- 3. attract as much private investment as possible to maximize the impact of public investment in affordable housing.*
- 4. accommodate the City's sewer infrastructure extension into in the Azalea/Rhododendron neighborhood.*

For greater detail on the process undertaken and the feedback received, please refer to the attached memorandum from DFI.

Action

At their regular meeting on January 14, 2025, the Housing Committee discussed the community feedback and refined public interests and unanimously forwards its favorable recommendation to Council. Staff is requesting that City Council adopt the attached resolution in support of the guiding public interests. With that endorsement, the public interests will become the foundation of the proposed development scenarios.

Attachments:

1. 01-10-25 _ DFI Memo re Comm Engagement on Public Interests_final
2. Azalea Ave Public Interests Resolution



SCHOOL OF GOVERNMENT

Development Finance Initiative

To: Brevard City Council

From: Sara VanLear, Project Manager, Development Finance Initiative

Date: January 10, 2025

Re: Overview of community engagement feedback regarding the guiding public interests for affordable housing on the Azalea Avenue site

The City of Brevard engaged the Development Finance Initiative (DFI) in March 2023 to assess affordable housing development opportunities. Our scope of work included conducting a housing needs assessment and analyzing multiple sites that could support the City's affordable housing priorities. Based on DFI's preliminary analyses, the City elected to pursue site control of three parcels on Azalea Avenue and Old Hendersonville Highway ("Azalea Avenue" site) for affordable housing development for low-to-moderate income (LMI) households. See Appendix 1 for a visual outline of the site.

In October 2024, the City executed an option to purchase agreement to facilitate the development of affordable housing. Prior to closing on the property, DFI will conduct a pre-development process that includes several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm. The process will result in multiple options for affordable housing development on the Azalea Avenue site that are both feasible for the private sector to execute and meet the City's goals for the site. Ultimately, the City will select a qualified development partner through a competitive solicitation process to finance, construct, and manage the development as envisioned through this process.

The pre-development process described above incorporates two phases of community engagement. The first phase is focused on soliciting community input on the public interests for development of this site. The second phase, following the feasibility study, will ask the public to provide feedback on multiple options for development and inform the City's selection of a preferred development program. This memo outlines the results of the first phase of DFI's community engagement efforts to gather feedback on the public interests for the Azalea Avenue site.

What are Public Interests?

Guiding public interests site-specific goal statements that are directly shaped by community input. Within DFI's pre-development process, public interests accomplish the following:

1. **Define project values:** public interests create a clear set of project values that inform development programs that will best meet residents' and the City's affordable housing goals.
2. **Set site-specific parameters:** public interests are rooted in the City's overall affordable housing goals but focus on what can be achieved through the development of this specific site.
3. **Represent a range of public opinion:** public interests capture the range of opinions and ideas expressed by the public regarding development on the site.
4. **Inform actionable development trade-offs:** public interests are criteria on which development options are created and assessed. The conceptual plans developed through the DFI-led site analysis are directly informed by the public interests. During the second phase of community engagement, the public will be asked to weigh which conceptual plans best meet the public interests. Finally, as noted above, the City will conduct a competitive solicitation process to find a qualified partner for the development of the Azalea Avenue site. All solicitation responses will be reviewed based on the degree to which the public interests are met. Note, not all interests may be met to the same degree.

The proposed public interests for the Azalea Avenue site are detailed in the next section. These current interests were informed and refined through conversations with Council members, City staff, and residents via community engagement sessions and an online survey. Engagement sessions and the online survey were open to the public. Phase one of DFI's community engagement effort included:

Engagement Opportunity	Date/Time/Location	# of Attendees or Respondents
Online survey	Open to the public December 2-20, 2024	18 responses recorded
In-person engagement session	December 3, 2024 at 2:00pm Calvary Baptist Church (133 Osborne Road, Brevard)	9 attendees
In-person engagement session	December 3, 2024 at 5:30pm Calvary Baptist Church (133 Osborne Road, Brevard)	10 attendees
Virtual Session	December 9, 2024 at 5:30pm Via Zoom	3 attendees

The engagement sessions included a total of 22 attendees and the City received 18 survey responses.

Proposed Guiding Public Interests

Based on the community input received, the following are refined guiding public interests for the Azalea Avenue site.

Affordable housing development on the Azalea Avenue site should:

1. optimize the number of new, quality rental units affordable to Brevard’s low-to-moderate income households and the local workforce.
2. include access to green space and community amenities for residents.
3. attract as much private investment as possible to maximize the impact of public investment in affordable housing.
4. accommodate the City’s sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

Summary of Community Input

Feedback was gathered by asking for input on draft public interest statements, as well as for comments on any missing elements. Below are summary takeaways for each draft public interest statement based on engagement session input and survey responses. The summaries are not exhaustive but are representative of the most frequent input heard. See Appendix 2 for complete online survey responses. See Appendix 3 for photos of the engagement session notes captured during the in-person facilitated discussions on December 3, 2024.

Public Interest #1:

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>Refined public interest statement based on engagement session and survey feedback.</i>
Affordable housing development on the Azalea Avenue site should maximize the number of new affordable rental units for Brevard’s low-to-moderate income households and support the local workforce.	Affordable housing on the Azalea Avenue site should optimize the number of new, quality rental units affordable to Brevard’s low-to-moderate income households and the local workforce.

Feedback:

The majority of participants agreed regarding the need for additional affordable housing and were in favor of new affordable housing units on the Azalea Avenue site. Many participants noted increases in housing cost and housing shortages, and shared a

desire for the local workforce and LMI households to access quality, affordable places to live in Brevard.

Most participants, however, did not agree with the word “maximize” in the public interest statement. Many participants worried that “maximizing” the site could detract from building quality homes for low-to-moderate income households. A few participants asked questions about the density of the future development, and one participant summarized this discussion point by saying that the site should prioritize “quality built homes with elbow room.” Another participant added that the site should be used to “increase the number of units, but increase with a goal.”

As a result, strong participant support existed for replacing “maximize” with a word that better communicates the need for quality units and a site plan that avoids overcrowding. As noted above, public interest #1 was refined by replacing the word “maximize” with “optimize,” and adding the word “quality” to describe the new rental units.

Lastly, a few participants also noted a desire for the future development to serve a mix of residents including the local workforce, and people who are not in the workforce such as disabled individuals and senior residents. There were several questions about who would be eligible to live in the future development, and how tenants would be chosen.

Public Interest #2

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>New public interest statement based on engagement session and survey feedback.</i>
No public interest related to green space or amenities was presented to participants.	Affordable housing on the Azalea Avenue site should include access to green space and community amenities for residents.

Feedback:

Many participants and survey respondents highlighted the desire for site design elements that would support future residents’ quality of life such as green space and shared community amenities. Several questions were asked about a gathering space for residents and outdoor recreation areas, including a playground for families to use. One participant noted that the site should “include quality green space and preserve as many trees on the property as possible.” As a result of this input, a public interest was added to ensure that green space and community amenities are an explicit goal for a future development on this site.

Public Interest #3:

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>Refined public interest statement based on engagement session and survey feedback.</i>
Affordable housing development on the Azalea Avenue site should attract as much private investment as possible to effectively leverage the City's support of affordable housing development.	Affordable housing on the Azalea Avenue site should attract as much private investment as possible to maximize the impact of public investment in affordable housing.

Feedback:

Most participants agreed that private investment should align with the City's affordable housing goals. Additionally, several participants noted the appropriateness of the City leveraging private investment to reach those goals.

Several participants also expressed distrust in private developers' commitment to quality affordable housing and stated a desire to ensure that private investment would not compromise the development of quality places to live and the long-term affordability for Brevard residents. Many participants questioned how a private investor would be held accountable and expressed concern about both the construction and the property management and ongoing operations: "too many private companies cut corners." A few participants also discussed their confusion about the type of private investment and noted that public and charitable resources may be better suited to pursue affordable housing goals. Another participant reiterated an overall agreement with utilizing private investment "as long as it doesn't compromise the ultimate goal of quality new homes" for low-to-moderate income households.

As a result of this input, the DFI team clarified the definition of "private investment" as all funds not provided by a public entity such as a local or state government. The next phase of this process will detail tools to hold private development partner(s) accountable.

Public Interest #4:

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>Refined public interest statement based on engagement session and survey feedback.</i>
Affordable housing development on the Azalea Avenue site should catalyze additional infrastructure investment to support housing quality and affordability in the Azalea/Rhododendron neighborhood.	Affordable housing on the Azalea Avenue site should accommodate the City's sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

Feedback:

The majority of participants agreed with this public interest, however requested clarification regarding the type of infrastructure. The drafted public interest was too broad and most participants asked if the word infrastructure referred to water, sewer, sidewalks, road improvement, stormwater drainage, or other utilities. Upon clarification about the intended sewer infrastructure, many participants agreed with the need for sewer infrastructure. One participant noted that “until there is sewer on Azalea Avenue, none of this building is feasible or sensible.” Because most participants shared overall agreement with the public interest, but requested clarification, the public interest was refined to specify the sewer infrastructure extension that the City is currently pursuing.

What’s missing and/or additional comments:

Several participants had questions or concerns about potential traffic associated with this future development and the limited transportation options in this neighborhood. Several participants expressed concern about the current capacity of Azalea Avenue. In addition, many participants noted the need for sidewalks, bike lanes, and improved public transportation options in the neighborhood. This input was noted; however these questions and concerns relate to North Carolina Department of Transportation as well as the City’s comprehensive transportation and land use planning efforts, and therefore cannot be addressed through this site-specific effort. The Azalea Avenue site would be unable to directly impact these broader neighborhood-wide considerations. The questions and concerns are outlined here, though, to record and communicate this input for the City’s consideration in their future planning efforts.

Appendix 1: Outline of the Azalea Avenue Site



Appendix 2: Online Survey Responses

The following survey responses were received via the Qualtrics input form released to the public on December 2, 2024 and closed on December 20, 2024. The survey included five questions. Each question and anonymized survey responses are included below (verbatim, with no spelling or grammar edits). The order of survey responses is based on the order in which the response was received (first to last).

Survey Question #1:

Public Interest Statement #1:

Affordable housing development on the Azalea Avenue site should maximize the number of new affordable rental units for Brevard's low-to-moderate income households and support the local workforce.

Do you agree with this statement? Why or why not?

Survey Responses to Question #1:

1	Yes, we need all the dense affordable housing we can get.
2	Agree! We should be maximizing any infill development within the city to increase both housing density and quantity.
3	Yes. We must capitalize on any available land so housing in town will attract teachers, police, and other critical HR needs.
4	Yes. Affordable housing is hard to find in Transylvania Co., especially in Brevard
5	Yes. We have a huge need for affordable housing in this county.
6	Yes, due to general shortage of affordable housing.
7	Yes - we need as much affordable housing as possible for low income households!
8	No. Maximizing number of units will bring too many people to an area that cannot manage the 1. Infrastructure and 2. Traffic. Hendersonville Hwy is too busy and Osborne road does not need to become a main thoroughfare.
9	Yes, we have none now.
10	Yes, transylvania county is one of the most expensive counties in the state to live in. Growing and supporting the local workforce is so important, but we need more affordable housing options for those workers.
11	Agree
12	Agree, affordable housing has declined in the last 20 years to a point where businesses can't find workers
13	No. It should seek to maximize the number of units while also providing adequate parking and outdoor areas.
14	No. Stop taking away trees. When will people learn you cannot breath money?
15	Yes - there is a strong need for workforce housing, and pay has not kept up with the rising cost of housing in the area.

16	No, we need to stop attracting out of town people
17	Agree. Housing prices are too high
18	Yes. There is a critical lack of units available to those at/below median income.

Survey Question #2:

Public Interest Statement #2:

Affordable housing development on the Azalea Avenue site should attract as much private investment as possible to effectively leverage the City's support of affordable housing development.

Do you agree with this statement? Why or why not?

Survey Responses to Question #2:

1	Yes and no. Where private investment is accepting of affordable housing returns, it can work. Where they demand higher returns, it can risk becoming unaffordable. Plus private investors may demand private management which can become exploitative.
2	Agree.
3	Maybe. If it can be done with city funds, so be it.
4	Yes. Private investment needs to have a reason to choose this project over their other choices. How will DFI & City of Brevard make this project more attractive to private investment????
5	Not entirely. Attracting private investment is good, but if the housing really is going to be affordable, it is not a great investment. Instead it is better to attract as many private and public donations of funds (grants, gifts) to leverage the City's support.
6	I'm not sure what private investment means in this case.
7	Not entirely - private investors are usually motivated by growing their own wealth, and the burden of that has a tendency to "trickle down" to low income households themselves.
8	Any build needs to be high quality to provide sustainable housing for many years. Too many private companies cut corners.
9	You can try but we seem to have problems getting private to put money into anything but high end properties. Don't wait for it. Move fast and let them participate.
10	Yes, attracting private investment for this project would help ensure that the city can complete this project as well as retain funds for other community endeavors.
11	Agree
12	As long as the private investment has the same goals.
13	Yes, as long as there are strict limits on rent increases.

14	No. We don't need anything else. Why don't you fix what's already in the county and make those into affordable housing?
15	Relying on private investment makes me nervous, because it opens the door for potential financial abuse in the future - raising rents, focusing more on profits than the experience of the people living in the housing, etc. I want as much housing to be built as possible, but not at the expense of the people who will live there.
16	No, this project doesn't need to happen
17	Not agree. Private investors will not keep the prices of the housing affordable.
18	generally agree in order to limit use of public funds, but the terms of private investment are critical consideration--must support the intent of the development and benefit the community in general.

Survey Question #3:

Public Interest Statement #3:

Affordable housing development on the Azalea Avenue site should catalyze additional infrastructure investment to support housing quality and affordability in the Azalea/Rhododendron neighborhood.

Do you agree with this statement? Why or Why not?

Survey Responses to Question #3:

1	Yes. In addition to water/sewer hookups to form a node for expansion into the neighborhood, the city should examine zoning changes that permit local neighborhood retail accessible on foot to local residents, including Broad River Terrace residents, to increase local convenience and reduce vehicle traffic created for shopping trips further into town.
2	agree.
3	Definitely
4	Possibly. There is existing housing surrounding the site. Not sure that this project would make the surrounding area any more likely to receive additional infrastructure investment unless the infrastructure supporting this project is designed to allow infrastructure expansion tying into this project's infrastructure (sewer, water, power, roads?)
5	Yes. Until there is city sewer on Azalea Avenue none of this building is feasible or sensible.
6	Yes, because bike and bus routes that reach this neighborhood would be valuable improvements in Brevard.
7	Sure... we want the public to continue to support future affordable housing initiatives.

8	Infrastructure must be addressed first. The area around Wilson road and up to azalea ave smell of sewer too often. We cannot as a city add more housing unless this is addressed.
9	The other facility nearby didn't catalyze additional investments. An additional project that should be done are individual units affordable south towards Rosman. Prove that a house can actually be built with quality but not premium level additions.
10	(no response)
11	Agree
12	Hopefully it will open up other areas for development
13	Yes
14	No. If questions 1 - 2 did not get my point across, maybe this will...NO ONE WANTS GARBAGE HOUSING DEVELOPMENTS!!! It destroys our beautiful town.
15	Yes - stronger housing infrastructure will be a benefit to the entire Brevard economy.
16	No, this project doesn't need to happen
17	Agree.
18	Agree. Well built and maintained units will serve as a catalyst IF viable property is available.

Survey Question #4:

What is missing from the public interest statements? If a public interest (goal) is missing, please complete the following statement.

Affordable housing development on Azalea Avenue should...

Survey Responses to Question #4:

1	be at parity in quality and amenities with market-rate residences; include utilities in fees/rents; have a transit stop attached to it; have sidewalks throughout and to it from town; include some rent-to-own programs for low-income residents; include a playground; include a community vegetable garden space; privilege beds over parking spaces (offset by transit connection and sidewalks); include a bike repair station; feature rent control. Include resources to help people apply for and access SNAP benefits, Medicare/Medicaid, and other public welfare resources to simplify the process to improve their lives and get by more easily.
2	Create additional footpaths, sidewalks and safe road crossings.
3	Be in keeping with the scale and style of the neighborhood while enabling affordable housing opportunities for the local workforce

4	Be a catalyst for more of the same in the vicinity. Property has several adjacent lots of 1-2 acres that may be suitable for expansion w/adjacent infrastructure improvements in place for this project
5	-Happen as quickly and efficiently as possible, so that it can also help with the post-Helene displacement problem. -Include units of different sizes and price points. -have a mix of purchase and rental units
6	Be accessible by bike and bus
7	(no response)
8	Blend in esthetically with the single homes in the surrounding neighborhoods. An affordable housing unit cannot diminish the values of area privately owned properties.
9	provide a home for an individual or family that works in any job that assists or supports this community on a single salary.
10	(no response)
11	(no response)
12	It needs to be walkable. While it's close to stores and businesses there are no sidewalks in that area
13	Previously stated.
14	Not exist.
15	provide stable, clean, and safe housing for low income individuals and families in Transylvania County, and should account for long-term maintenance and affordability/inflation mitigation.
16	Not happen
17	(no response)
18	(no response)

Survey Question #5:

Is there anything else you would like to share related to the Azalea Avenue site?

Survey Responses to Question #5:

1	House the poor and working class as a function of human rights to shelter. Convene public funds to do this, private funds where they will tolerate below-market returns, and prioritize this project for public sector workers like teachers, nurses, firemen; college students and recent graduates; Section 8 residents; and service industry workers.
2	(no response)
3	(no response)
4	No
5	Extending sewer lines in that whole area will open up other possible building sites for affordable housing. Working in cooperation with Habitat for Humanity will expand options for everyone.

6	It sounds like a great opportunity to create much needed housing that is affordable in Brevard. Thanks!
7	(no response)
8	(no response)
9	We can't wait another year. If you want to be a catalyst, now is the time to grab attention.
10	(no response)
11	Is there consideration/plans to alleviate/offset the significant traffic increase this would bring to that section of Old Hendersonville Highway?
12	Good location, hopefully we can get something similar closer to the, center of town
13	Great idea, just don't create so much density that it adds to the already problematic traffic situation with how far the road at Neely gets backed up.
14	Keep it full of trees and make it more beautiful with flowers or other greenery.
15	(no response)
16	This project shouldn't happen. We have enough housing already
17	(no response)
18	(no response)

Appendix 3: Photos of Engagement Session Notes

The following photos are of the notes taken by DFI staff to document the input gathered during the two in-person engagement sessions on December 3, 2024.

1.) MAXIMIZE # OF ^{NEW} RENTAL UNITS
FOR LMI HH'S

• LMI ^{HH'S} IS VERY IMPORTANT
★ ★ EMPHASIS ON LOCAL WORKFORCE

[LATER IN INFRA.]
• INCREASED TRAFFIC FROM MAX. UNIT
SCENARIO. WALKABILITY?!

• COULD PRESERVATION OF NATURAL SPACE
ON SITE HAPPEN?

• PUBLIC INVESTMENT COMING INTO THIS
AREA SO SITE SHOULD DEVELOP TO
MAX. POTENTIAL

★ ★ OPTIMIZE RATHER THAN MAXIMIZE
/ INCREASE w/ ★
A GOAL

1) MAXIMIZE AFFORD. HOUSING UNITS FOR LMI HH'S

CONCERNS: COSTS ~~OF~~ OF DEVELOP. +
EFFICIENT USE OF FUNDS BY PUBLIC

~~CHALLENGES TO DEVELOP~~
SUBSIDIZED HOUSING + RESIDENTS
SAFETY + THEFT + SECURITY +
CHALLENGES TO DEVELOP
SITE

• DOES THIS SUPPORT THE
WORKFORCE

• EXPANSION OF INFRASTRUCTURE
COULD SUPPORT BETTER
SITES

1
? - How will the volume of units impact the neighborhood?

- Homes on this site should have stable/long-term residents

- Concerns about traffic

- No thru traffic to adjacent neighborhoods

- Homes should be safe & attractive

- Concern about "maximize"

- include green space

↑
quality.

preserving trees that are there

1

- appropriate turn lanes and maybe a stop light is needed
- density of neighboring apartment complex is good
- don't like the word "maximize". Use "provide". Quality is very important.
- Needs to serve a mix of household types.
- Quality built homes with elbow room
- define "maximize". Could apply to accessibility
- Sidewalks to be able to walk to job opportunities

2) ATTRACT AS MUCH PRIVATE INVESTMENT TO LEVERAGE PUBLIC INVESTMENT

★ • NOT CLEAR ★

• PRIVATE DEV. MORE EFFICIENT

➤ CONCERNS OVER REG. + CONTROL OF PUBLIC
ON THIS PROJECT

• CITY INVESTING UP FRONT ALLOWS LARGER
POOL OF DEV. PARTNERS

• LEVERAGE CITY RESOURCES TO ATTRACT
PRIVATE INVESTMENT

• CONCERN OF MANAGE. + ACCOUNTABILITY

➤ NOT JUST SECURE ~~INVEST~~ ^{INVEST} BUT
ALSO LONG TERM OPERATIONS.

2) LEVERAGE PUBLIC INVESTMENT ON SITE

- CONCERNS ON PUBLIC OWNED + MANAGED +
⇒ COST OVERRUNS w/ PUBLIC INVOLVEMENT

- CONCERNS OVER ADJ. PROPERTY
VALUES LOWERING

- HOW TO HOLD PRIVATE DEV.
ACCOUNTABLE TO AGREEMENT?

2

- good to attract private investment, but we don't want the project to fail

- pursue unlocking private investment to support high quality green space

? - Will this project use local construction workers?

2

- appropriate for city to leverage private \$ for affordable housing ✓✓

- In public interests, use "homes" more often

3) CATALYZE ADD. INFRASTRUCTURE IN NEIGHBORHOOD.

- ENOUGH IS ENOUGH IN THIS NEIGHBORHOOD.
- OK W/ LOWER DENSITY ON SITE
- INFRASTRUCTURE WOULD PROMOTE DEV. ACTIVITY IN THE NEIGHBORHOOD

3) CATALYZE ADD. INFRASTRUCTURE INVESTMENTS IN NEIGHBORHOOD

- WHO PAYS FOR THE ADD. INFRASTRUCTURE?
CITY? DEVELOPER?

- SIDEWALKS / SEWERS

→ COMBINED TO SAVE MONEY?

★ ★ CONNECTION TO ESTATE TRAIL

- WHAT DOES QUALITY MEAN?

→ PROMOTE INVESTORS LONG TERM INTERESTS IN NEIGH.

★ NEIGHBORHOOD GETS LOST IN THE STATEMENT

→ FOCUS ON 'RESIDENTS OF NEIGH.'
THE BENEFITS TO THE

2

- Sidewalks on Old Hendersonville Highway
- ? - Could a private investor accomplish these infrastructure improvements?
- Stormwater management is important / should be factored into development
- Existing erosion issue with adjacent site impacting ~~past~~ development site
- Specify how ~~infra~~ infrastructure investment will happen

3

- ? - What will be the impact on schools?
- agree with interest ✓✓

4) WHAT'S MISSING

- CONNECT THIS PROJECT TO CITY PLANS
 - BIKE/PEDESTALIAN & OPEN SPACE
- EMPHASIZE ~~CONNECTION~~ CONNECTION TO NATURE / KEEP TREES
- NOT TOWERING, NOT CONCRETE CITY

4

- important to provide more housing options ~~out~~ within the city, rather than out in the county / region
- not going to get cheaper labor
- define workforce. Are you excluding ~~seniors~~ seniors, disabled individuals, or other people not in the workforce?
- ~~Inter~~ Interests should reflect a mix
- Add public transit stop
- Private outdoor space is very important (porch, yard, balcony, etc)
↳ covered

4) WHATS MISSING?

- ~~ARE~~ DO ALTERNATIVES EXIST
IN NEIGHBORHOOD?

- MAKE SITE LOWER DENSITY (CONSISTENT W/
6-8 UNITS NEIGHBORHOODS)
or 4 UNITS

→ HOMEOWNERSHIP PREFERRED TO
RENTAL.

- CONCERNS OVER AZALEA AVE
TRAFFIC CAPACITY.

- INTERESTED IN ENSURING HOUSING
LOCAL SUPPORTS[^] WORKFORCE.
FAMILY + NOT DEEP AFFORDABILITY

4

- ? - How are residents chosen?
What is the application process?
- Consideration for units for people who are maintaining the ~~units~~ property
- on site manager?
- Traffic study
- One way in / one way out property?
- "general" support for development on the ^{site}
- "Let's do it right"

RESOLUTION NO. 2024-XX

RESOLUTION ENDORSING THE GUIDING PUBLIC INTERESTS FOR DEVELOPMENT OF AFFORDABLE HOUSING ON THE AZALEA AVENUE AND OLD HENDERSONVILLE HIGHWAY PROPERTY

WHEREAS, the City of Brevard is committed to the expanding housing opportunities for all residents and is pursuing affordable housing initiatives in response; and

WHEREAS, the City contracted the Development Finance Initiative (DFI) to assess affordable housing development opportunities; and

WHEREAS, the City executed an option to purchase agreement for three parcels on Azalea Avenue and Old Hendersonville Highway for affordable housing development for low-to-moderate income households; and

WHEREAS, the City and DFI conducted community engagement to form the guiding public interest for the project; and

WHEREAS, the guiding public interests are site-specific goal statements that define project values, set site-specific parameters, and inform actionable trade-offs for the site's development as affordable housing; and

WHEREAS, based on the community input received, the following are refined guiding public interests:

Affordable housing development on the Azalea Avenue site should:

- 1. optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and the local workforce.*
- 2. include access to green space and community amenities for residents.*
- 3. attract as much private investment as possible to maximize the impact of public investment in affordable housing.*
- 4. accommodate the City's sewer infrastructure extension in the Azalea/Rhododendron neighborhood.*

WHEREAS, the Housing Committee unanimously recommended in favor of the guiding public interests for the project on January 14, 2025; and

WHEREAS, City Council heard a presentation on the guiding public interests for this project and a summary of community feedback at its January 21, 2025, meeting.

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

Section 01. The guiding public interests for affordable housing development on the Azalea Avenue site listed above and presented to the City Council at its meeting on January 21, 2025, are hereby endorsed.

Adopted and approved this the 21st day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Tuesday, January 21, 2025

Title: Transition of Planner Position from Part-time to Full-time

Speaker: Paul Ray, Planning Director
Wilson Hooper, City Manager

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

The Planning Department is budgeted 5.5 full-time equivalent positions, or FTEs. The half position was added in FY25, partially funded by an increase in certain fees charged by the department for their services. The position was intended to increase the department's capacity to perform special projects assigned to it by Council, and help it meet new state requirements imposed on things like plan review. Demands on the department have continued to grow so staff are submitted an off-cycle request to convert the part-time planner position into a full-time position.

Discussion

This request seeks to transition the current part-time planner position to full-time status in order to enhance the Planning Department's capacity to efficiently serve the public, particularly in the areas of plan review turnaround and development oversight. A full-time position will allow the department to keep pace with the increasing number of permits even during staffing fluctuations due to vacations, training, conferences, medical leave, and employee turnover. It will also improve employee retention by offering greater work flexibility, ultimately strengthening the department's overall operations and efficiency.

In the 2024/25 fiscal year, a new part-time planner position was created to support the Planning Department's expanding responsibilities, including the management of significant initiatives such as the Ecusta Trail and affordable housing projects. These long-range projects, along with an ongoing commitment to improving the city's zoning and development standards, have placed increased demands on the department. The addition of this position was a strategic move to address these demands and maintain operational efficiency.

Reviewing large-scale commercial projects requires multiple rounds of review and constant communication with developers over the course of multiple months to ensure the development complies with all aspects of the development code, including compliance with land use and dimensional standards, parking lot design and construction standards, circulation and connectivity requirements, landscaping and vegetation requirements, and the creation and dedication of necessary public infrastructure. With the imminent implementation of new architectural standards, the plan review process will become even more rigorous and time-consuming with the review of detailed architectural plans, building elevations, material compositions, and other form-based details and

enhancements that Council desires, contributing to Brevard's sense of place. This will add significant value to the city's built environment over time, but also necessitates a larger more capable staff well versed in architecture. To address this need, the part-time planner position was filled by a highly qualified individual with formal education and professional experience in architecture. Since their hire in May 2024, this employee has reviewed eight major development plans in Brevard, valued at nearly \$10 million in private investments, significantly contributing to the growth of the city's property values. The part-time planner, supported by the Planning Director, manages all major developments from initial consultation through to final permitting. Without transitioning the part-time planner to full-time, the plan review process will take longer and the Department will struggle to maintain the same level of responsiveness that developers have come to expect, an important element of maintaining the high quality service the City of Brevard provides to its constituents.

There was a 16% increase in permit applications from 2023 to 2024. Given the increasing demands on the Planning Department, we are requesting that this part-time position be transitioned to full-time. Ideally, this request would be considered during the upcoming budget discussions; however, there are pressing staffing needs that require immediate attention. The retirement of Janice Pinson, a long-standing and highly valued employee with extensive institutional knowledge, leaves a gap in the department's ability to review and issue permits for smaller-scale developments, such as single-family homes, decks, and signage. Additionally, the Senior Planner, Emily Brewer, is scheduled to take extended leave in the spring and summer and, upon her return, will likely transition to a remote work schedule two days per week and in-office 3-days per week. These changes make it critical to address staffing needs sooner rather than later, outside the normal budget cycle.

In conclusion, transitioning the part-time planner position to full-time status is essential to maintaining the Planning Department's efficiency, meeting the demands of ongoing and future projects in support of Council's strategic priorities, and ensuring continued timely high-quality service to the community. We respectfully request City Council's consideration of this staffing adjustment as a matter of priority.

Fiscal Impact

The Finance Director has determined that this proposed change will increase the Personnel budget of the Planning Department by approximately \$28,000 in the current budget year. At this point, it is not clear whether a budget amendment will be necessary in the current fiscal year. The difference may be covered by operational savings in the department. The change in the Planner position is expected to increase the FY26 budget by approximately \$31,648. See attached spreadsheet for FY26 information.

Attachments:

1. PT vs FT Planner Personnel Budget

POSITION	NAME	GRADE	CUR REN T PAY RATE	COLA	PRO POS ED PAY RATE	HOURLY/ SALARY	# Hrs/ # Pay Periods	PROPOS ED ANNUAL SALARY	MER IT	POTENTIAL RETIREMENT	OTHER	HOLIDAY	LGV TY	TOTAL PROPOS ED ANNUAL SALARY	FICA 7.65%	STATE RET	401K RET	INS	TOTAL
Planner - PT	Hollar	18.00	30.36	0.00	30.36	H	1248.00	37883.66						37883.66	2898.10	5174.91	1515.35	15000.00	62472.02
Planner - FT	Hollar	18.00	30.36	0.00	30.36	H	2080.00	63139.44						63139.44	4830.17	8624.85	2525.58	15000.00	94120.03
Planning Total w/ 5.5 FTEs								410293	0	0	0		1250	411543	31483	56217	16462	90000	605705
Planning Total w/ 6.0 FTEs								435549	0	0	0		1250	436799	33415	59667	17472	90000	637353
Difference								25256	0	0	0	0	0	25256	1932	3450	1010	0	31648