

**ORDINANCE NO. 2022-39**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT  
ORDINANCE CHAPTER 12 – SIGNS, SPECIFICALLY AMENDING PROHIBITED SIGNS,  
AND CHAPTER 19 - DEFINITIONS**

**WHEREAS**, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 12 – Signs and Chapter 19 – Definitions be amended; 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 Plan:

1. 2002 Land Use Plan
  - a. GOAL 3.1: Preserve traditional, rural character along corridor.
    - i. Remove unnecessary public signs and reduce sign clutter
  - b. GOAL 3.3: Maintain existing and future thoroughfares that are efficient, attractive and safe.
  - c. GOAL 3.9: A physically appealing location with a distinctive community character and a respect for its heritage.
2. 2015 Comprehensive Plan Update
  - a. POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.

and,

**WHEREAS**, a public hearing was conducted on Monday, June 20, 2022, 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 Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

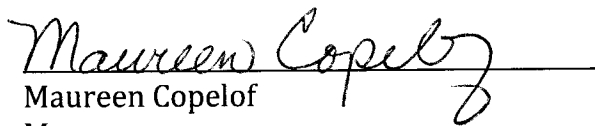
**SECTION 01.** Brevard City Code, Unified Development Ordinance Chapter 12 and Chapter 19 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

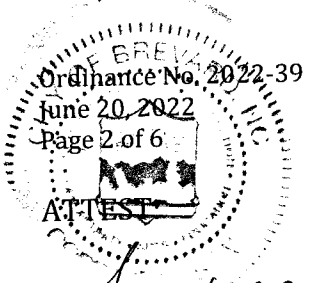
**SECTION 02.** As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

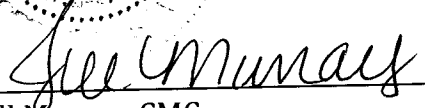
**SECTION 03.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining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

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

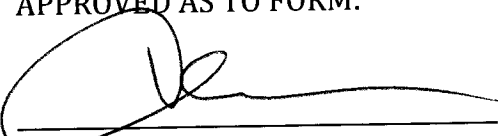
Adopted and approved upon first reading this the 20<sup>th</sup> day of June 2022.

  
Maureen Copelof  
Mayor



  
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Jill Murray, CMC  
City Clerk

APPROVED AS TO FORM:

  
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Mack McKeller  
City Attorney

**EXHIBIT A**

1 **12.6. Prohibited signs.**

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

- 3 A. *Signs constituting traffic hazards:* Any sign located in a manner or place so as to constitute a hazard  
4 to traffic as demonstrated by the administrator, including signs placed within any required sight  
5 triangle.
- 6 B. *Signs within public right-of-way or easement:* Any freestanding sign located within or extending  
7 into a public right-of-way or easement, except as otherwise allowed by this chapter. City personnel  
8 may remove any sign located fully or partially within a public right-of-way.
- 9 C. *Signs obstructing passages:* Any sign that obstructs or interferes with any window, door, fire  
10 escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any  
11 building.
- 12 D. *Off-premises advertising signs:* Billboards and other types of off-premises advertising signs. Off-  
13 premises directional signs may be permitted (Section 12.9.E).
- 14 E. *Signs on vehicles parked off-premises and/or near the right-of-way:* Except when in the process of  
15 loading or unloading or generally carrying out activities associated with the normal conduct of  
16 business (except advertising), vehicles, trailers, commercial trucks displaying signage for the  
17 principal use of advertising rather than transport are prohibited. Vehicles with signs for  
18 advertising may park in any legally-established parking space on the property where the  
19 commercial activity being advertised is conducted.
- 20 F. Any, electronic sign, sign that includes a monitor or TV screen, flashing device, or sign displaying  
21 flashing, animated, or intermittent lights or lights of changing degrees of intensity not expressly  
22 allowed by Section 12.9.C.6.
- 23 G. *Moving devices:* Any moving signs or device to attract attention, all or any part of which moves by  
24 any means, including by air, electrical, human, or other means, including but not limited to  
25 pennants, flags, propellers, discs, or inflatables, whether or not any said device has a written  
26 message. Except those allowed by Section 12.9.D.4.
- 27 H. Any sign posted to utility poles, bridges, overpasses, trees, fences, rocks, or other signs.
- 28 I. *Copies of official signs:* Any sign which is a copy or an imitation of an official sign or traffic light, or  
29 which purports to have official status.
- 30 J. Roof signs.
- 31 K. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as  
32 determined by City Council or in accordance with North Carolina General Statutes.
- 33 L. Signs that promote illegal activity.
- 34 M. Reflective signs or signs containing mirrors.
- 35 N. Any sign not expressly permitted elsewhere in this ordinance.

36 **12.9. Permanent signs.**

37 E. *Off-premise directional signs:*

- 38 1. *Permit required.* A sign permit must be obtained for all off-premises directional signs indicating  
39 compliance with relevant sign setback requirements applicable to the district in which the sign is  
40 to be located.
- 41 2. *Businesses in Downtown Mixed-Use (DMX) districts.*
- 42 (a) *Where permitted.* Both the business establishment and the off-premises directional sign must  
43 be located in the DMX district. Such signs are only allowed as wall signs and may be placed  
44 on the building the establishment is located in, or another nearby building with written  
45 permission from the property owner(s).
- 46 (b) *Number.* One sign per establishment.
- 47 (c) *Maximum area.* Such signs shall be no larger than eight square feet.
- 48 (d) *Design.* Such signs shall be of a uniform design to be approved by the city.
- 49 (e) *Changeable copy.* Only manual changeable copy shall be allowed.
- 50 (f) *Illumination.* Such signs shall not be illuminated.
- 51 3. Operators of off-premise parking lots may have one additional ground sign located on the parking  
52 lot property provided the following conditions are met.
- 53 (a) *Number.* One per parking lot.
- 54 (b) *Maximum area.* No larger than 12 square feet.
- 55 (d) *Height.* Shall not exceed six feet in height.
- 56 (e) *Changeable copy.* Manual or electronic changeable copy shall be allowed.
- 57 (f) *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as  
58 established in Chapter 11 Section 2, Outdoor Lighting Standards.
- 59 4. No other new off-premises directional signs shall be allowed after the effective date of this  
60 ordinance. Existing off-premises directional signs shall be allowed to remain and be maintained.  
61 Such pre-existing signs destroyed by vandalism or an adverse weather event (not be interpreted  
62 to as normal weathering) shall be allowed to be replaced in the exact same location, in the exact  
63 same manner, and with the exact same design, text, and graphics of the same size as the previously  
64 destroyed sign.

65 F. *Additional standards for conditional zoning districts, group developments, institutional campuses, and*  
66 *similar developments:*

- 67 1. *Ground signs visible from a public street.* One ground sign may be permitted at each building provided  
68 that:
- 69 a. A ground sign may be situated at the convergence of two public streets upon which the  
70 development fronts but where no entrance is located. However, signs permitted under this  
71 provision shall be considered as situated upon both converging streets and shall be  
72 separated from all other ground signs within the same development in accordance with this  
73 ordinance.
- 74 b. Developments that are divided by a public street shall be considered as separate  
75 developments for the purposes of this subsection.
- 76 c. These requirements shall apply regardless of whether such developments are subdivided  
77 into individual parcels.
- 78 d. All other requirements of this chapter shall apply to such ground signs. Ground sign size and  
79 height requirements shall be the same as the base district within which the development is  
80 located.
- 81 e. Out-parcels as defined in Chapter 19 of this ordinance shall be allowed one ground sign in  
82 accordance with Section 12.9.C.
- 83 2. *Wall signs visible from a public street.* Individual businesses and buildings located within conditional  
84 zoning districts, group developments, institutional campuses, and other similar projects may have  
85 the following:
- 86 a. One (1) wall sign which shall not exceed 64 square feet or 25 percent of the surface area of  
87 the wall upon which the sign is located, whichever is the lesser, or as stated in an adopted  
88 Conditional Zoning District ordinance.
- 89 b. For buildings having frontage on more than one public right-of-way, signs may be placed on  
90 both walls fronting the public right-of-way.
- 91 c. One identification sign not to exceed 16 square feet. That sign may be located on the rear or  
92 side of the business.
- 93 d. One menu reader board for each restaurant drive-through lane. Menu reader boards shall  
94 not be greater than 32 square feet in area or seven feet in height.
- 95 e. One suspended or projection identification sign per business establishment, not to exceed  
96 eight square feet per side. Suspended or projected identification signs shall be located at the  
97 main entrance of the business.

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- f. 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).
3. *Internal development signage.*
- a. 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.
  - b. Ground signs permitted under this provision shall comply with this ordinance.
  - c. 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.
4. *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.

114 **19.3. Definitions.**

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

117 (a) On the same premises as the business, commodity, service, or entertainment advertised by the  
118 sign;

119 (b) Remote from the business, commodity, service, or entertainment advertised by the sign (see Off-  
120 Premises Advertising Signs).

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