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:

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—¼ 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.

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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,

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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.

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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.

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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

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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

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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

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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

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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

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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:***

1. 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:***

1. Unless otherwise provided by this section for a specific type, group developments must comply with the use matrix. No other uses may be permitted.
2. The following uses are not permitted in group developments, unless explicitly allowed by this section:
   a. Dwelling - Single-family
   b. Dwelling - Duplex
   c. Manufactured Home

E. ***Connectivity and circulation:***

1. The group development shall accommodate safe, efficient, and convenient vehicular, pedestrian, and bicycle circulation throughout the development, as outlined in CHAPTER 9.
2. All principal structures within a group development shall be connected by a sidewalk.

F. ***Street access:***

1. 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.
   a. 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.
2. 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:***

1. All buildings established as part of a group development project shall be separated in accordance with North Carolina Building Code separation requirements.

H. ***Parking:***

1. 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.

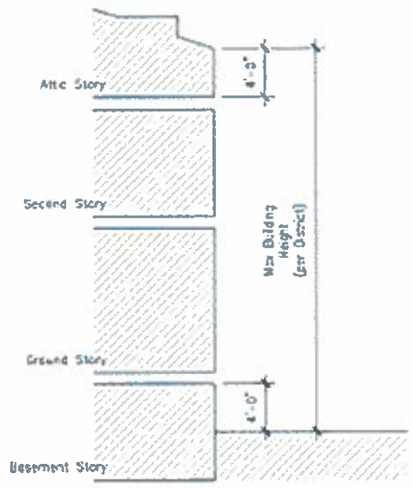
1. See the requirements for tall structures as set forth in Section 5.15.

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.

FIGURE 2.6.2-A: BUILDING HEIGHT MEASUREMENT



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.

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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.

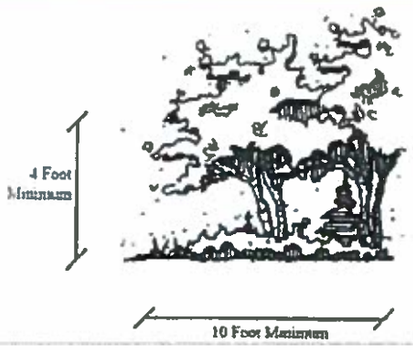
A. ***Applicability:***

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

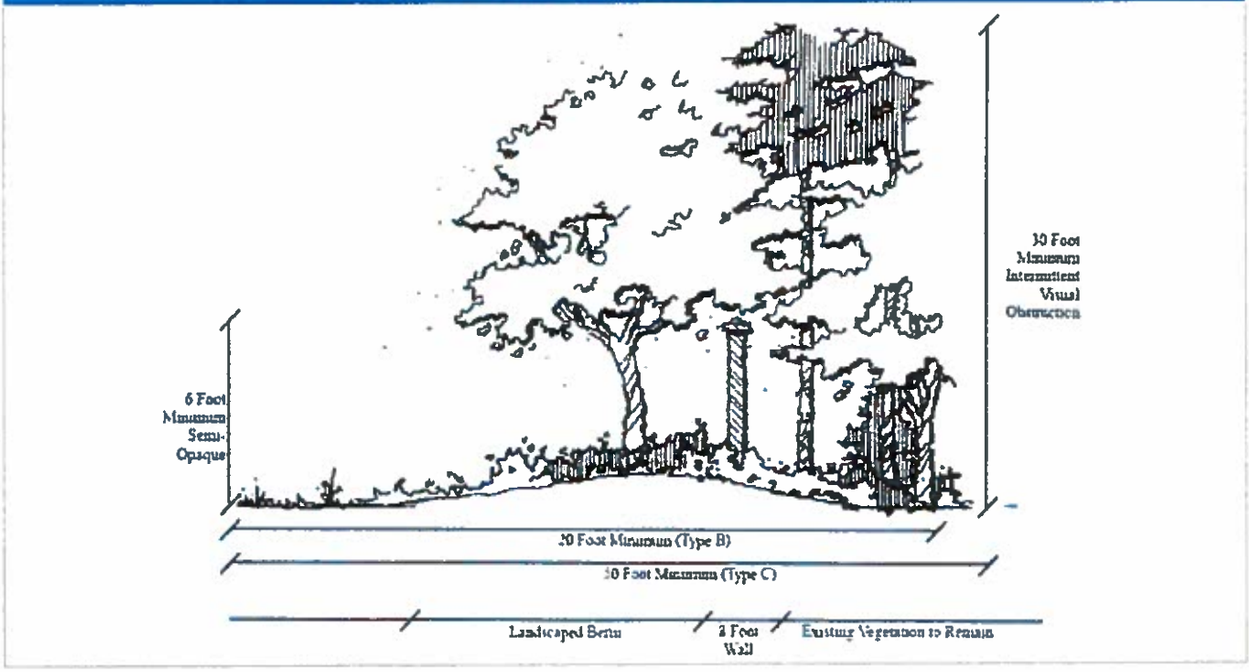


2. *Type B buffer yard:*
   a. Minimum width: 20 feet.
   b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
   c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
   d. Performance 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 height 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.

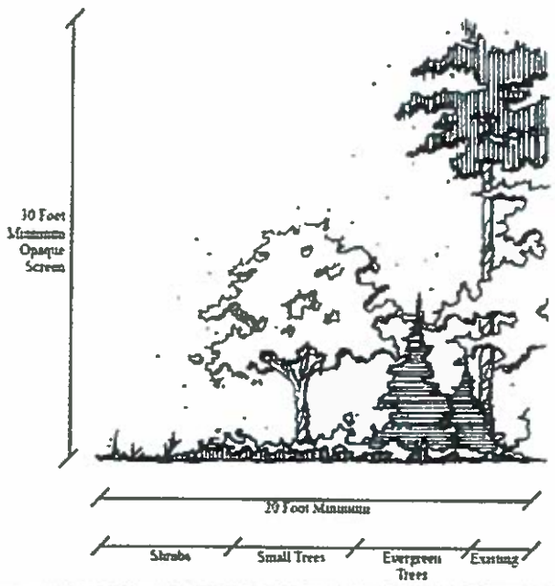
FIGURE 8.4-B: TYPE B AND TYPE C BUFFER YARDS



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.

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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

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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

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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.

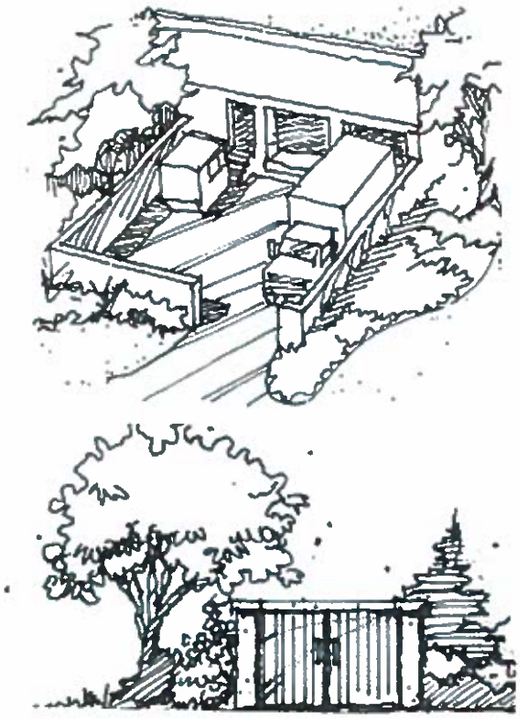
v. Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.

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)

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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							

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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 Accommo-dations	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 or 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							

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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							

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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.

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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

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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.

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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.

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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.

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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:

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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.

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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.

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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.