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-A: 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 GR & RMX ~~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 GR & RMX ~~residential district~~	0 feet / 10 feet from GR & RMX ~~residential district~~
IC	40 feet	40 feet	40 feet
GI	15 feet	10 feet / 25 feet from GR & RMX ~~residential district~~	10 feet / 25 feet from GR & RMX ~~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; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

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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~~ GR & RMX	10 feet/25 feet from ~~residential district~~ GR & RMX	10 feet/25 feet from ~~residential district~~ GR & RMX	10 feet/25 feet from ~~residential district~~ GR & RMX
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; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

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2.8. Fences and walls.

A. All fences and walls shall be constructed so that the best face faces outward from the parcel upon which it is constructed and towards adjacent properties. The "best face" shall generally mean the side opposite to framing members.

B. Fences and walls shall not be placed within public utility easements or public right-of-way without first securing an encroachment agreement from the City of Brevard, the North Carolina Department of Transportation, or other appropriate entity.

C. Fence or wall height shall be measured from the side of the fence or wall that is exterior to the property as the vertical distance between the lowest adjacent ground level, natural or filled, and the top of the fence material. Fence heights are restricted as follows:

1. In ~~industrial districts~~ the General Industrial district, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height in the front yard(s) and no greater than eight feet in height in the side and rear yards.
2. All other districts and uses. Fences or walls shall be no greater than four feet in height in the front yard(s) and no more than eight feet in the side and rear yards.
3. No closed fence or wall shall be greater than two-and-a-half feet in height when placed within the sight triangle of any intersection as specified in Section 9.5 of this ordinance. Open fences are exempt from this provision.

D. Fence and wall materials shall conform to the following requirements:

1. ~~*Residential*~~ *GR and RMX districts:*
   a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, except that chain link or woven wire may be used in the side and rear yards.
   b. All other wire fences, including barbed wire or concertina wire, are prohibited.
   c. Nothing in this chapter shall prevent the administrator from approving architecturally variant uses of material to allow creative fence design, such as the contemporary look of heavy-gauged welded wire panels framed in timber.
   d. The use of plastic plumbing pipe is a prohibited fence material.
2. ~~*Commercial*~~ *CMX, DMX, PGX, NMX, and IC districts:*
   a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability.
   b. Chain link wire fences may be used as secure enclosures internal to the property or site subject to the following requirements:
      i. Chain link fences shall not be visible from a public right-of-way,
      ii. Chain link fences shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all sides, and then only in the side or rear yard behind the front building line.
   c. All other wire fences, including barbed wire or concertina wire, are prohibited.
   d. All walls and fences shall be materially similar to other walls and fences in the same block or general vicinity.

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3. ~~*Industrial*~~ *General Industrial districts*~~,~~ *, public safety facilities, and other critical facilities:*
    a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, and shall be materially similar to other walls and fences on the same block or general vicinity.
    b. Vinyl coated, chain link fencing may be approved by the administrator as perimeter fencing with additional filtering through openings using opaque or semi opaque slats or screening or by installing a type A landscaping buffer between incompatible uses, between different zoning districts or where visible from a public street.
4. *Barbed wire:* Barbed wire may be permitted within agricultural operations with livestock and any bona-fide agricultural operations within any zoning district.

E. Retaining walls shall also conform to the following requirements:

1. Retaining walls should minimize the impacts of cut and fill on a site.
2. The height of any retaining wall should not exceed five feet unless required to be higher for engineering reasons.
    a. An increase in retaining wall height may be allowed if the proposed design minimizes the cut and fill impacts and enhances the existing landscape.
3. In areas where cuts are steeper, a stepped or terraced wall should be used. Large, unbroken retaining walls in a uniform plane should be avoided.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-22, § 1(Exh. A), 6-4-23; Ord. No. 2023-61, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-46, § 1(Exh. A), 12-2-24)

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3.7.3. Professional services use category.

A. ***Professional services.***

1. Definition: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others. Such services include, but are not limited to, the following:
   a. accounting, tax, bookkeeping, and payroll services;
   b. adult establishments;
   c. advertising, media, and photography services;
   d. animal services;
   e. architectural, engineering, and related services;
   f. banks, credit unions, financial services, and ATMs;
   g. business support services;
   h. community and social services;
   i. consulting services;
   j. funeral homes and services;
   k. graphic, industrial, and interior design services;
   l. human crematoriums;
   m. investment banking, securities, brokerages and insurance-related services
   n. landscaping and contractor services;
   o. legal services;
   p. real estate services; and
   q. vehicle services.
2. Additional Standards:
   a. For Special Use Permit:
      i. When professional services are offered in ~~a residential~~ the GR or RMX districts, no more than one principal building shall be permitted on any lot less than one acre in size and no more than three principal buildings shall be permitted on any lot one acre or more in size. This restriction applies regardless of whether such buildings are used as residences or professional offices or both.
      ii. No building shall exceed 3,000 square feet of floor area. When more than one building is permitted on a lot under this section, the total floor area for all buildings shall not exceed 6,000 square feet exclusive of open carports or shelters.
      iii. The overall general appearance of all buildings shall be residential in character.
      iv. No more than two principal professionals shall be permitted in any building.
      v. No more than six employees shall be permitted in any building exclusive of principal professional personnel.

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vi. No more than ten spaces shall be provided for any building, with none located in the front yard area except as permitted by Section 10.7.G of this ordinance. Driveways shall be established in accordance with CHAPTER 13 of this ordinance.

vii. Normal hours of operation shall be between 8:00 a.m. and 6:00 p.m., Monday through Saturday, excluding national holidays. Professional services may be provided outside these time frames only in emergencies. Overnight care or service is not permitted.

viii. Each building in which professional services are offered under this section may have one identification sign with a maximum sign area of eight square feet. The sign may be either a wall or ground sign. No other outside sign or identifying structure is permitted. Signs shall not exceed five feet in height and shall not be illuminated.

ix. Vehicles normally kept or housed on-site must be regular passenger-carrying vehicles, including pickup trucks of not more than three-fourths ton capacity. Such vehicles may not bear any business identification signs greater than three square feet in size. Trucks over three-fourths ton rated capacity, ambulances and other vehicular equipment are not permitted.

B. ***Adult establishment.***

1. Definition: Any establishment defined in N.C.G.S. §14-202.10 (or any successor thereto), including adult bookstores, adult motion picture theatres, adult mini motion picture theatres, and adult live entertainment businesses. This does not include massage and bodywork therapy.

2. Additional Standards:

   a. No portion of a lot for an adult establishment may be located within a 300-foot radius (determined by a straight line and not street distance) of any place of worship, school (public or private), specialty school, day care facility, public park, hospital or the IC, GR, or RMX zoning districts~~, or any residential zoning district~~. No portion of the lot on which the adult establishment is located shall be situated within 300 feet of another adult establishment.

   b. The owner/operator of the adult establishment must have a current, valid business license. The owner/operator and employees must make disclosure of criminal record and consent to a criminal records check. Persons with a record of sex offenses will be denied a business license or employment.

   c. The owner/operator must be in full compliance with ARTICLE II, CHAPTER 42, of the Brevard City Code.

   d. No adult establishment shall adversely impact public services and facilities such as parking, traffic, police, etc., and the secondary effects of such uses shall not adversely impact adjacent properties. In this regard, secondary effects include, but are not limited to, noise, crime, transients, light, stormwater runoff, parking, pedestrian circulation and safety.

   e. There shall be no more than one adult establishment business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment business.

   f. The structure in which the adult establishment is located shall contain no sleeping quarters.

   g. The adult establishment shall not be open for business between the hours of 12:00 midnight and 12:00 noon. The establishment shall be closed on Sundays.

   h. If dancers are employed as a feature of the adult establishment, the performing areas for such dancers shall be separated from patrons by at least ten feet.

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i. If viewing booths are provided, such viewing booths shall be designed so as to allow the body of the person occupying the booth to be completely visible from a portion of the premises open and available to the public.

j. The applicant shall propose and implement a site-lighting plan that is consistent with CHAPTER 11 of this ordinance.

k. An adult establishment may be advertised by one sign on the premises that is not greater than 70 square feet in size in which may be illuminated in compliance with CHAPTER 13. No printed material, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

l. Upon making the following findings, the BOA may modify the radius requirements contained herein:

i. Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements;

ii. The proposed use will not be injurious to property or improvements in the affected area;

iii. The proposed use will not enlarge or encourage the development of a blighted condition within an area;

iv. The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement or revitalization; and

v. All of the conditions for special use permits as set forth in CHAPTER 16 have been met.

m. After notice and hearing, the BOA may revoke the special use permit, following the same procedures as the approval in accordance with G.S. 160D-403(f), upon one or more of the following grounds:

i. Failure to comply with the aforementioned standards;

ii. Employment of any person under the age of 21;

iii. Operating an establishment disruptive of peace and good order as evidenced by lack of sufficient on-premises security or by a conviction of a criminal offense, a material element of which occurred on the premises of the adult establishment.

iv. Admittance of patrons younger than 21 years of age.

v. Excessive criminal activity on or near the premises if the BOA finds that the operation of the adult establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

vi. Violation of any provision of CHAPTER 16 pertaining to special use permits.

vii. Violation of any specific condition or requirement of the board of adjustment.

C. ***Banks, credit unions, financial services institutions, and automated teller machines (ATMs).***

1. Definition: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

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D. ***Funeral homes and services.***

1. Definition: Establishments for preparing the dead for burial or interment and for conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

E. ***Human crematory or human crematorium.***

1. Definition: Establishments that house the cremation equipment, the holding and processing facilities, the business office, and other parts of the crematory business.
2. Additional Standards:
   a. A crematory must comply with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the standards set by the North Carolina Board of Funeral Service and the North Carolina Cremation Authority.
   b. Under no circumstances shall a crematory permitted as an accessory use exceed 533 cremations per year. All crematories shall adhere to the rules and regulations as prescribed in G.S. 90-210.120, "The North Carolina Crematory Act" and Title 21, Chapter 34, Subsection 34C of North Carolina Administrative Code, or any successor thereto.
   c. Crematories shall only employ equipment that is contemporary and recognized by the industry and the North Carolina Board of Funeral Service and North Carolina Cremation Authority, as "Best Available Technology."
   d. The Administrator may impose such additional, site-specific conditions specific as are necessary in order to protect the health, safety and general welfare of the public and to maintain conditions inimical to the normal activities of the district.

F. ***Indoor animal services.***

1. Definition: Establishments that include primarily indoor services for animals, including but not limited to services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals, boarding services for pets, grooming and indoor canine obedience and agility training. This term does not include outdoor facilities or "kennels".

G. ***Kennels and outdoor animal services.***

1. Definition: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale, training, or overnight boarding for persons other than the owner of the lot that includes overnight outdoor activity. This includes all private, public and commercial kennels, breeding facilities, and outdoor pet day care establishments This term does not include veterinary clinics or other "animal services" in which the overnight boarding of animals is necessary for, or accessory to, the testing and medical treatment of the physical disorders of animals.
2. Additional Standards:
   a. Outside runs, holding pens, exercise areas or other open-air type enclosures and shelters shall be located at least 200 feet from any dwelling, other than that of the owner/operator, and at least 50 feet from adjoining property lines.
   b. Kennels shall be located in the side or rear yard area of any principal structure on the same parcel of land.
   c. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.
   d. All kennels shall be surrounded by fence, wall, earthen berm, or type B buffer yard.

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i. Within NMX districts, all holding pens and runs shall be indoors, within an entirely enclosed structure. The approving authority may permit one outdoor exercise area; provided, however, that animals shall not utilize outdoor exercise areas between the hours of sunset and sunrise as set forth in the most recent Sunrise-Sunset Table as published by the North Carolina Wildlife Resources Commission.

ii. Within NMX districts, the barking of dogs and other noises associated with the care and sheltering of animals that originate from within a kennel structure shall not be audible from the exterior of such kennel structure, and solid walls and ceilings, noise-cancelling materials, noise-cancelling electronic devices and other noise-cancelling practices and technologies shall be utilized as necessary and appropriate to achieve this requirement. The approving authority may require the operator to provide documentation and certification that a proposed new or expanding kennel will comply with this requirement.

e. A waste management plan that demonstrates compliance with applicable state and local regulations and which ensures sanitary handling of animal waste and prevents contamination or pollution of adjacent lands or water bodies shall be submitted to and approved by the administrator prior to establishment of such uses.

f. Kennels shall at all times adhere to all other applicable state and local regulations.

g. Kennels shall at all times maintain a sanitary and humane environment.

h. The approving authority may impose additional conditions upon the operation of any kennel, including but not limited to hours of operation, the size and scale of a kennel, or the number of animals to be housed within a kennel.

i. The animal control officer may conduct periodic inspections of all Kennels and shall report any violation to the approving authority. After reviewing the findings of the animal control officer and upon conclusion of the kennel operator's due process procedures as set forth in Chapters 16 and 18 of this ordinance, the approving authority may revoke permits for the operation of any kennel that has been found to be in violation of this ordinance, in accordance with G.S. 160D-403(f).

H. ***Landscaping and contractor services.***

1. Definition: An operation where equipment and materials are kept, and which provides yard and garden landscaping and maintenance service, or other contractor services. This may include an office or other buildings and structures to store inventory, equipment, and vehicles, but shall not include a dump heap or landfill.

2. Additional Standards:

a. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.

b. All outdoor storage shall be located in the side and/or rear yard only.

c. Equipment storage and facilities shall be screened from off-site view from adjacent properties by a Type E buffer yard.

d. Storage of odorous materials including but not limited to manure, compost, and fertilizers shall be located at least 150 feet from property lines adjacent to GR and RMX parcels. The administrator may reduce the required setback of openly stored odorous material when measures have been taken to mitigate the effect on neighboring property as determined by the administrator.

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e. Site grading shall be completed to ensure that surface run-off is directed away from any, and all material storage areas.

f. Excessive noise, dust, odor, vibration or light shall not be generated to disturb the surrounding neighborhood.

g. The hours of operation for material pick-ups, delivery, and outdoor processing operations shall be limited to 7:00 a.m. to 6:00 p.m.

h. In GR districts, parcels shall be at least two acres in size.

i. When a special use permit is required, the board of adjustment may impose additional conditions that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site.

I. ***Vehicle services—Major repair/body work.***

1. Definition: The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Major repair and body work encompasses towing, collision repair, other body work vehicle painting services, and tire recapping.

2. Additional Standards:

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

b. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of CHAPTER 10. All such vehicle storage areas shall be located at the rear or side of the building.

c. No outdoor automobile work areas shall be located in front of the building.

d. All auto work areas shall be screened from adjacent properties.

e. Storage of vehicles for 15 days or more or junking of vehicles is prohibited.

f. Vehicles in storage shall be covered or fenced off and not visible from the public right-of-way.

g. Tires, equipment, replacement parts and/or accessories shall be stored inside. Discarded parts shall not be stored outside.

h. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public rights-of-way, including streets and sidewalks.

i. The sale of vehicles is prohibited except as part of an approved vehicle sales establishment in appropriate districts as set forth in CHAPTER 2 of this ordinance.

j. Any fuel island shall conform to the requirements of a gas station, described herein.

k. Service areas shall be screened from visibility from adjacent residential properties or GR or RMX districts by a type A buffer yard.

J. ***Vehicle services—Minor maintenance and repair.***

1. Definition: The repair, servicing, alteration, restoration, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor maintenance and repair facilities provide limited repair and maintenance services. Examples include, but are not limited to:

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a. car washes (attended and self-service),
b. car stereo and alarm system installers,
c. detailing services,
d. muffler and radiator shops,
e. quick-lube services, and
f. tire and battery sales and installation (not including recapping).

2. Additional Standards:
   a. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of CHAPTER 10. All such vehicle storage areas shall be located at the rear or side of the building.
   b. No outdoor automobile work areas shall be located in front of the building.
   c. All auto work areas shall be screened from adjacent properties.
   d. Storage of vehicles for 15 days or more or junking of vehicles is prohibited.
   e. Vehicles in storage shall be covered or fenced off and not visible from the public right-of-way.
   f. Tires, equipment, replacement parts and/or accessories shall be stored inside. Discarded parts shall not be stored outside.
   g. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public rights-of-way, including streets and sidewalks.
   h. The sale of vehicles is prohibited except as part of an approved vehicle sales establishment in appropriate districts as set forth in CHAPTER 2 of this ordinance.
   i. Any fuel island shall conform to the requirements of a gas station, described herein.
   j. Service areas shall be screened from visibility from adjacent residential properties or districts by a type A buffer yard.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22)

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3.7.4. Retail use category.

A. ***Retail.***

1. Definition: Facilities involved in the sale, lease, or rental of new or used products, merchandise and prepared foods to the general public. Retail uses are conducted primarily indoors within an enclosed building. Retail sales include, but are not limited to, the following: .
    a. alcoholic beverages for off-premises consumption;
    b. auto/mechanical parts;
    c. art supplies, crafts and fabric;
    d. bicycles and recreational goods;
    e. clothing and secondhand goods;
    f. computers, electronic equipment;
    g. convenience and pharmaceuticals;
    h. flowers, plants, and garden supplies;
    i. gifts and novelties;
    j. groceries, produce, dry goods; and baked goods;
    k. home improvement items, hardware, and appliances;
    l. household products;
    m. medical supplies;
    n. music and musical instruments; and
    o. office supplies and package shipping.

B. ***Alcoholic beverage sales store.***

1. Definition: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption.

C. ***Auto/mechanical parts sales.***

1. Definition: Establishments selling new, used, or rebuilt automotive or mechanical parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, tires and tube shops, and similar shops for other types of motorized or mechanical equipment.

D. ***Gas station.***

1. Definition: An establishment that primarily retails automotive fuels. These establishments may also provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included.
2. Additional Standards:
    a. Location of pumps, canopies, and associated service areas.
        i. Automobile pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street. Rather, they shall be located in the side or rear yard of the principal structure.
        ii. Automobile pumps, canopies, and associated service areas for gas stations on double-fronted lots and corner lots shall be situated in accordance with the adjacent schematic. On double-

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fronted lots, the canopy must be located in the front yard of the street of lesser classification and the principal building shall be built to the street of higher classification. On corner lots, the principal building shall be built to the corner.

iii. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of CHAPTER 10 of this ordinance. All such vehicle storage areas shall be located to the rear of the building.

b. Car wash facilities, if applicable, must be located in the rear yard of the principal structure and screened from view.

c. Lighting provided by canopies shall comply with the specifications contained in CHAPTER 11 of this ordinance.

d. No outdoor public address system which is audible beyond the boundaries of the property shall be permitted.

e. Any gas station that is also a vehicle service station shall conform with the requirements established herein.

f. Canopies shall be screened from visibility from adjacent residential uses or GR or RMX districts by a Type A buffer yard.

E. ***Gunsmiths and weapon sales.***

1. Definition: Establishments engaged in the business of keeping in stock, selling, offering for sale, or repairing any guns, weapons, firearms, and/or ammunition.
2. Additional Standards:
   a. The establishment shall at all times be a properly licensed dealer pursuant to 18 U.S.C. § 921, et seq., or G.S. 105-80.
   b. No firing or testing of weapons on site, unless as part of a permitted indoor or outdoor firing range.

F. ***Flea market.***

1. Definition: A periodic sales activity held in an open area, semi-open facility, or temporary structure, where individual merchants offer goods, new and used, for sale to the general public. This definition shall not include private yard sales or garage sales that are conducted on a residentially developed lot by members of the household.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22) Ord. No. 2025-19, § 1(Exh. A & B), 5-5-25)

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3.12.2. Telecommunications use category.

A. ***Wireless telecommunication facility.***

1. Definition: Equipment constructed in accordance with Section 332(c)(7) of the Telecommunications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes one or more of the following, with all associated cabling, wiring equipment enclosures, etc.:
   a. antennas or antenna arrays,
   b. stealth wireless telecommunication towers,
   c. non-stealth wireless telecommunication towers,
   d. support structures,
   e. transmitters,
   f. receivers,
   g. base stations,
   h. combiners,
   i. amplifiers,
   j. repeaters,
   k. filters, or
   l. other electronic equipment.
2. Additional Standards:
   a. Telecommunications facilities in all districts shall be designed and installed in a manner to make them unobtrusive.
   b. All facilities shall be mounted so that the personal wireless service facilities do not extend beyond the top of the building or structure on which they are mounted.
   c. Facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.
   d. All wireless telecommunication facilities shall be set back from any ~~residential~~ GR or RMX district using a distance equivalent to the fall radius of the structure or 200 feet, whichever is greater.
   e. Antenna standards.
      i. Antennas shall not interfere with the usual and customary radio and television reception accepting broadcast facilities as provided for in the regulations of the Federal Communications Commission.
      ii. Antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide the city each year with a copy of any FCC and FAA license issued.
      iii. Antennas shall be restricted to the minimum standards of lighting required by the FAA. Antennas required by the FAA to have flashing lights shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.
      iv. Antennas and related mechanical equipment placed on structures other than towers shall be concealed antennas. Antennas located on top of buildings or other structures shall not

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exceed 30 percent of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet.

(A) The setback requirement above, may be exempted provided certified drawings from an engineer are given attesting that the proposed replacement tower and debris would fall within the boundary lines on which the tower is located.

v. Antennas and supporting electrical and mechanical equipment shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

vi. Antennas erected solely for a residential, noncommercial individual use, such as residential television antennas, satellite dishes, or ham radio antennas, are exempt from these requirements.

B. ***Wireless telecommunication facility - tower.***

1. Definition: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. This does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

2. Additional Standards:

a. Towers shall be positioned to contain on-site any ice-fall or debris from tower failure. The distance from the tower's base to any property line shall equal or exceed the tower's fall radius.

b. Towers shall be restricted to the minimum standards of lighting required by the FAA. Strobe lights shall be red at night and may be either red or white during daylight unless otherwise required by federal or state regulation.

c. A single sign, two square feet in size, shall be displayed in a visible location near the tower. The sign shall contain a number to be assigned to the company and a telephone number for 24-hour emergency contact. No other signs shall be permitted on the facility.

d. Towers shall be set back from any ~~residential~~ GR or RMX district using a distance equivalent to the fall radius of the tower or 200 feet, whichever is greater.

e. The base of the tower, along with any individual guy wires, shall be enclosed by a commercial grade fence a minimum of eight feet in height.

f. If the tower is between 120 feet and 200 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication antenna.

g. At the time a tower is approved, the owner shall provide written authorization that the tower and its accessories may be shared by other telecommunication antenna(s). The owner shall record in the register of deeds' office a letter of intent prior to the issuance of the building permit. This letter shall bind all subsequent owners of the approved tower.

h. If the city or county determines that the proposed tower will be situated in a location that will enhance the city and/or county's telecommunication system, the applicant shall, prior to the issuance of a building permit, agree to allow the city and/or county to co-locate its telecommunication equipment at fair market value.

i. No telecommunication tower shall exceed 200 feet in height.

j. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The design of the tower and

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related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

k. A vegetation screen consisting of two staggered rows of evergreen trees shall surround the perimeter of the property containing the base of the tower and related equipment. Evergreen vegetation shall be of sufficient density to serve the purpose of a solid screen to keep the tower area itself from being visible from any public right-of-way or adjacent property.

l. The applicant shall provide written proof that the proposal complies with all applicable FAA and FCC regulations.

m. Replacement of existing towers. Towers existing at the time of this ordinance may be replaced one time only with a taller tower, and reviewed for approval by the administrator in lieu of the BOA, provided the replacement tower conforms to the standards detailed above, as well as the following standards:

   i. The height of the replacement tower may not exceed the height of the original tower by more than 50 feet.

   ii. The replacement tower shall be located in as close proximity to the base of the original tower as reasonably possible, and in any event, no more than 50 feet from the base of the original tower.

   iii. The replacement tower shall utilize monopole construction and shall be designed and equipped with the technological and structural capability to accommodate at least one other wireless communication carrier or provider.

   iv. The owner of the replacement tower shall provide the planning director with an affidavit stating that at least one other wireless communications carrier needs a wireless communications facility within 1,250 feet of the subject site and that such carrier has agreed to co-locate on the replacement tower.

   v. The base of the replacement tower shall be screened to the extent practical on a case-by-case basis. Solid screen (fencing) or vegetative screens, or both, shall be utilized based upon CHAPTER 8 of this ordinance.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22)

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3.13.1. Residential accessory use category.

A. ***Residential accessory use.***

1. Definition: A use of land or of a building or structure or portion thereof, which is incidental and subordinate to a residential or lodging principal use on the same lot.
2. Additional Standards:
   a. Accessory uses shall be clearly incidental to the residential or lodging principal use and shall not change the essential character of the dwelling or the neighborhood.
   b. Accessory uses shall adhere to the standards outlined in Section 2.5 and all other applicable sections.

B. ***Day care home.***

1. Definition: Supervision or care provided on a regular basis, as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
2. Additional Standards:
   a. Child day care homes shall comply with the definitions and standards for family child care homes set forth in N.C.G.S. §110 (or any successors thereto).
   b. Adult day care homes shall comply with the definitions and standards for adult day care programs as set forth in N.C.G.S. §131-D (or any successors thereto).
   c. Child day care homes shall provide ample open area in the form of a rear yard with a minimum of 2,500 square feet suitable for children's play. Child day care homes located adjacent to parks are exempt from this provision.
   d. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
   e. All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
   f. All equipment shall be stored in the side or rear yard.
   g. No structural or decorative alteration which would alter the single-family character of an existing or proposed residential structure or which would be incompatible with surrounding residences shall be permitted.

C. ***Dwelling— accessory unit (ADU).***

1. Definition: A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single-family or duplex residential.
2. Additional Standards:
   a. Accessory dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged and designed to meet housing needs. ADUs shall be secondary and subordinate in size to the primary living quarters.
   b. ADUs may be created as an independent structure (detached), as an addition to an existing primary structure (attached), conversion of existing space, such as a basement with an exterior entrance, or as a second story within detached garages.

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i. When built as a second story of a detached garage, the ground floor area of the garage shall not be considered part of the total square footage of the ADU.

c. Structures for ADUs shall comply with the provisions of Section 2.5, except as provided below.

i. Not more than one ADU is permitted on any lot.

ii. An ADU shall be located in the side or rear yard unless an existing structure is being converted to an ADU.

iii. The total area of an ADU shall not exceed 1,200 square feet or two-thirds of the primary structure, whichever is the lesser. The ground floor area of a detached garage shall not be considered as part of the total square footage of any ADU that is built as the second story of a detached garage; provided, however, such ground floor garage area shall not be subsequently converted to dwelling space.

d. ADUs shall not be considered additional dwelling units for the purpose of determining maximum density or other dimensional requirements as set forth in CHAPTER 2 of this ordinance.

e. ADUs shall be constructed according to North Carolina Building Code.

f. The administrator may impose reasonable conditions regarding the height, bulk, orientation, or location of the structure in order to protect the privacy of existing dwelling units on adjacent parcels in accordance with G.S. 160D-702(b).

D. *Home occupation.*

1. Definition: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home occupations are small and quiet non-retail businesses which generally cannot be discerned from the frontage, are seldom visited by clients, require little parking, little or no signage, have only one or two employees and provide services such as professional services, music instruction, and hair styling.

2. Additional Standards:

a. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or the neighborhood.

b. Home occupation activities shall be confined to the interior of an approved structure. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.

c. The use shall employ no more than two persons who are not residents of the dwelling.

d. There shall be no business signage or visible display of stock in trade which is sold on the premises.

e. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.

f. The existence and operation of the home occupation shall not be visible and/or audible to neighboring residents from a street.

g. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.

h. Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be subject to all applicable water and sewer system development fees as per Brevard City Code, CHAPTER 70 Utilities.

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i. Home occupations shall comply with all applicable requirements of any federal, state, or local agency with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of approval by any relevant agency.

j. Responsibilities of the administrator and applicant(s):

i. The administrator may impose any necessary condition upon the operation of a home occupation, shall monitor home occupations and conduct site inspections to ensure compliance with this ordinance and any condition of approval, and shall revoke any permit for the operation of a home occupation and cause the use to be terminated in accordance with the procedures set forth in CHAPTER 18 of this ordinance upon a determination that such use is in violation of this ordinance or any condition of approval.

ii. The administrator shall have broad authority to deny any application for home occupation if in the opinion of the administrator, the proposed use would not be in keeping with the spirit and intent of this section. The burden of proving that a proposed home occupation would be in keeping with the spirit and intent of, and satisfy all requirements of this section as well as any condition of the administrator, shall lie with the applicant.

iii. In reviewing any application for home occupation and in the monitoring and enforcement of any approved permit for home occupation the administrator shall strongly consider the expectation that the residential use and character of each residentially zoned neighborhood be preserved and shall take into consideration these unique characteristics of any proposed use and its relationship to the site and surrounding properties in considering whether such use would be suitable as a home occupation.

k. Uses permitted as home occupations:

i. Examples of uses that may be permitted as home occupations include but are not limited to professional services such as those provided by an architect, engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle cleaning; and may include other uses defined herein or listed upon the use matrix in Section 2.2 of this ordinance when such uses can be performed in a manner that is strictly in keeping with the spirit and intent of, and satisfy all requirements of, this section.

ii. Uses involving the fabrication of products may be permitted provided, however, the home occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or create any by-product or effect, which produces noise, electrical or magnetic interference, vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory structure housing the home occupation. Examples of such uses include but are not limited to baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other similar small scale craft production or fabrication. This provision shall not be construed to authorize industrial uses within ~~residential~~ the GR or RMX zoning districts.

iii. Home occupation shall not include any use that is primarily retail in nature. It is the intention of his section that goods and merchandise produced as part of any home occupation be sold off-site; any on-site retail activity must be incidental to the purpose of this home occupation.

l. Duration of permit:

i. Home occupation permits are temporary, and shall not establish a vested right to renewal. Home occupation permits shall be valid for a period of one year from the date upon which approval is granted.

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ii. Applicants may apply for renewal of home occupation permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.

iii. In approving renewal applications, the administrator may modify prior conditions of approval and may impose any necessary, additional conditions. The administrator may deny a request for permit renewal and require the applicant to terminate the home occupation or relocate the home occupation to an appropriate commercial or mixed-use zoning district upon determination that the home occupation operated in violation of a requirement of this section or other applicable condition or requirement; or, that the home occupation has generated unanticipated effects that are detrimental to the residential character of the neighborhood in which the home occupation is located.

E. ***Keeping bees.***

1. Definition: The keeping of bees as an accessory use. This definition shall include any permanent or temporary structures related to beekeeping.
2. Additional Standards:
   a. Keeping bees within the City of Brevard's corporate limits shall be permitted following the standards set forth in the Brevard City Code, Section 14-9, Keeping bees.
   b. In accordance with NCGS §106-645, the keeping of bees within the City's extra-territorial jurisdiction is not subject to the regulations of this ordinance.
   c. Movable frame hives may be permitted upon parcels of land where no principal structure is present.

F. ***Keeping domestic fowl (chickens).***

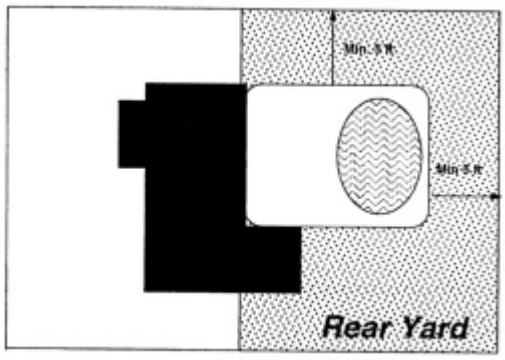
1. Definition: The keeping of geese, ducks, chickens or other domestic fowl as an accessory use. This definition shall include any permanent or temporary structures related to domestic fowl.
2. Additional Standards:
   a. Keeping domestic fowl shall be permitted following the standards set forth in the Brevard City Code, Section 14-6, Keeping fowl.
   b. Chicken coops and chicken runs, as defined in Section 14-1 of Brevard City Code, may be permitted upon parcels of land where no principal structure is present, subject to the requirements set forth in Brevard City Code, CHAPTER 14, Animals and Fowl; Article I, Generally; Sections 14-1, Definitions, and 14-6, Keeping fowl.

G. ***Swimming Pool or Pond.***

1. Definition: A structure, in-ground or above ground, that contains water over 18 inches deep and is typically intended for swimming or recreational bathing. The definition of a pool includes all structures, walks or patio areas of cement, stone, or wood, at or above grade, built for, and used in conjunction with the pool.
2. Additional Standards:
   a. All pools permitted as residential accessory uses and structures, whether above-ground or in-ground, shall be built only in side or rear yards.

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FIGURE 3.13A: SWIMMING POOL OR POND PLACEMENT



b. Pools and related structures, walks and patio areas shall be set back a minimum of five feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.

c. All pools shall be designed to prevent unsupervised access by children. Pools shall be enclosed within a secured structure or by an unclimbable privacy fence (with lockable self-latching gate) with a minimum height of four feet and a maximum of eight.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2024-46, § 1(Exh. A), 12-2-24)

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3.13.2. Non-residential accessory use category.

A. ***Non-residential accessory use.***

1. Definition: A use of land or of a building or structure or portion thereof, which is incidental and subordinate to a non-residential principal use on the same lot.
2. Additional Standards:
   a. Accessory uses shall adhere to the standards outlined in Section 2.5 and all other applicable sections.

B. ***Accessory retail.***

1. Definition: The on-premises, retail sale of products directly to customers, where the retail use is incidental to a primary use conducted upon the same premises. Examples include but are not limited to the following: a furniture manufacturer who operates a show floor for the display and sales of furniture produced by the manufacturer or a bicycle manufacturer who operates a floor for the display and sales of bicycles produced by the manufacturer.
2. Additional Standards:
   a. Accessory retail uses shall be directly related to and accessory to a conforming, principal use.
   b. Products offered for sale within accessory retail uses shall be products which are produced or processed by the associated principal use, or which are directly related to, and offered in support of, products which are produced or processed by the associated principal use. For example, a manufacturer of bicycles may operate an accessory retail use wherein bicycles, which were manufactured within the principal use, are offered for direct, on-premises retail sale. Bicycle accessories (such as tires, helmets), which were not produced by the manufacturer but which clearly relate to and support products which are produced or processed by the principal use, may also be offered for sale. However, products that do not clearly relate to and support products which are produced or processed by the principal use (such as backpacking or rock-climbing gear in the case of the bicycle manufacturer) cannot be offered for retail sale.
   c. Accessory retail uses shall comply with all applicable standards of federal, state or local law that would otherwise apply to retail oriented principal uses. For example, parking areas serving accessory retail uses within a General Industrial zoning district shall comply with the surfacing requirements of Section 10.7.
   d. Accessory retail uses are limited to an area that is equivalent to 20 percent of the gross floor area of the structure(s) containing the principal use.
   e. Accessory retail uses shall be indoors, and shall not include the outdoor display of products or merchandise.

C. ***Drive-thru.***

1. Definition: A facility where food and other products or services may be purchased or obtained by motorists without leaving their vehicles. Examples include drive-through fast-food restaurants, coffee, photo stores, pharmacies, bank teller windows, convenience stores, and dry-cleaning pick-up stores without dry cleaning equipment. This term does not include gas stations or other vehicle services, which are separately defined.
2. Additional Standards:

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a. Drive-through stacking lanes, windows, and associated equipment shall not be permitted within 50 feet of a ~~residential~~ GR or RMX district or residential use.

b. Drive-through windows and services shall be located and accessed only at the rear or side of the building and shall not be located between the principal structure and a public street. Service lanes shall not be located between the building and the street.

c. When situated at the side of the building, windows and services shall be located at least 20 feet back from the front façade of the building.

d. Vehicle storage for drive-through uses shall be located outside of, and physically separated from, the right-of-way of any street. This area shall not interfere with the efficient internal circulation of the site, adjacent property, or adjacent street right-of-way.

e. Service lanes shall be a minimum of 80 feet long for a single stacking lane or 80 feet per lane when there is more than one service lane. A service lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Service lanes do not have to be linear. Stand-alone automatic teller machines shall provide stacking distance for four vehicles outside of any right-of-way, parking area, or travel lane.

f. Drive-through service lanes shall provide a minimum of ten stacking spaces on site for restaurant and food sale uses with drive-through facilities and a minimum of six stacking spaces on site for banking, pharmacies and similar non-food-related uses with drive-through facilities. Each stacking space shall be a minimum of nine feet by 18 feet.

g. A service lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations. A service lane is required for full-service drive-through automobile cleaning establishments.

h. Service lanes shall be designed so that they do not interfere with parking, parking access and vehicle circulation. Crossings shall be situated so as to minimize conflicts between pedestrians and vehicles. Where service lanes are traversed by pedestrian crossing areas, such crossings shall be clearly marked. Warning signage may be required at the discretion of the administrator in the interest of pedestrian safety.

i. All service lanes shall be clearly identified by means of striping, landscaping, curbing, and the like.

j. Site access and egress shall be shared by the drive-through and inside customer service functions.

k. The drive-through service lane shall first exit into other circulation lanes within the same project, and then onto a public street via the same exit curb cut as the other circulation lanes within the same project.

l. Service lanes shall be designed for a one-way traffic pattern only.

m. The drive-through shall be limited to a maximum of two service lanes and one additional lane for an automated teller machine (ATM).

n. Drive-through facilities shall be screened from off-site view from adjacent properties by a Type A buffer with a minimum width of ten feet.

o. Speaker box sounds from the drive-through lane shall not unreasonably disturb the peace and quiet of abutting residential property.

p. A traffic impact study may be required by the approving authority.

D. ***Mobile food vendor site.***

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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, PGX and DMX zoning districts, only 1 mobile food vendor site shall be permitted per parcel.
      ii. In 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.

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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.

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.

E. ***Recycling—small collection.***

1. Definition: A location where the public may donate, redeem or sell recyclable materials, which occupies an area of 350 square feet or less. Such facility may include the following: a mobile unit; bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and kiosk-type units that may include permanent structures.

F. ***Rooftop amenity space.***

1. Definition: A covered or uncovered space on a building rooftop that is intended to be an accessory use for residents of a building or mixed-use building type or for the patrons of a commercial building.

2. Additional Standards:

a. Any structure on a rooftop amenity space shall not exceed 12 feet in height.

b. The rooftop amenity space shall not be enclosed.

c. No sign affixed to any structure in a rooftop amenity space shall be visible from the street.

G. ***Taproom or tasting room.***

1. Definition: An area that is ancillary to the production of beer or other types of alcohol at a brewery, distillery, winery, cidery, etc. where the public can purchase and/or consume the alcoholic beverage produced on site.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-17, § 1(Exh. A), 5-1-23; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

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12.7. Exempt signs.

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

A. *Government signs:* Official signs installed by units or agencies of local government having jurisdiction within the City of Brevard, and agencies of the State of North Carolina or the federal government are exempt from the regulations established by this section. For the purposes of this section, official signs shall include any sign erected by the City of Brevard. Such signs may be illuminated, flashing, or moving as required.

B. *Signs required by law:* Signs erected pursuant to federal, state, or local laws or ordinances.

C. *Architectural features:* Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

D. *Public-owned ball field signs:* Signs attached to the field's fencing, provided that such signs are made of weather-durable materials and are not self-illuminated.

E. *Window signs:* Signs placed on or behind window glass, provided that no window signs shall include electronic or flashing elements as prohibited by Section 12.6.F.

F. *Historic properties:* Buildings or properties that are either locally or nationally listed as a historic landmark may have small identifying signs on the building or property.

G. *Murals:*

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in ~~nonresidential~~ any zoning districts except GR or RMX for artistic and/or aesthetic purposes as opposed to advertising. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. Murals may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.
2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. Owners seeking to create murals shall receive City Council approval~~. Based~~ based on adopted City policies~~, City Council shall issue a resolution stating its approval or denial of the mural request in all nonresidential zoning districts~~.

H. *Vintage signs:*

1. Vintage signs are defined as any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls of privately owned, nonresidential buildings, and retaining/screening walls in ~~nonresidential~~ any zoning districts~~ except~~ GR or RMX.
2. Vintage signs are allowed in all zoning districts.
3. Vintage signs shall require only a letter of compliance before placement if they adhere to the following:
    a. If used by a property owner with no affiliation to the active, or closed business, vintage signs may be placed or incorporated:
        i. On a building wall as long as no more than 40 percent of the wall face is covered;

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ii. On a pitched or flat roof as long as no more than 20 percent of the area of the surface plane on which the vintage sign is placed is covered; or

iii. Within murals as long as all provisions for murals are met in addition to those for vintage signs provided herein.

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

(Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-06 , § 1(Exh. A), 2-22-21; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.8.2. Freestanding (ground) temporary signs.

A. ***General provisions***. The following standards apply to all freestanding temporary signs:

1. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
2. Signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed in the right-of-way.
3. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.

B. ***Type 1 freestanding temporary signs***. Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.

1. *Where permitted*. Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.
2. *Size*. The maximum sign display area is limited to four square feet.
3. *Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number.*
    a. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage, without a permit. Additional Type 1 freestanding temporary signage may be allowed with the issuance of a permit.
    b. During the period beginning 30 days before the beginning date of early voting, under N.C.G.S. 163-166.40, and ending 10 days after the primary or election day, this limit on the number of Type 1 freestanding temporary signs that may be displayed without a permit is suspended for residential parcels. All other regulations associated with such signage shall remain in effect during such period of suspension.
5. *Material*. Type 1 freestanding temporary sign faces shall be made of a rigid material.
6. *Mounting standard*. Signs may only be mounted and supported by posts or stakes.
7. *Number of sides*. The display area may be either single or dual sided.
8. *Duration of display*. The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.

C. ***Type 2 freestanding temporary signs***. Signs in this category are commonly referred to as "banners" that are typically associated with, but not limited to, the announcement of new business openings, community events, and similar unique events.

1. *Where permitted*. Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts. A permit is required for this type of temporary signage.
2. *Size*. The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
3. *Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.

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4. *Number*: One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
5. *Material*. Sign faces shall be made of a flexible material.
6. *Mounting standard*. Signs may only be mounted and supported by posts or stakes.
7. *Number of sides*. The display area may be either single or dual sided.
8. *Duration of display*. Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.

D. ***Type 3 freestanding temporary signs***. Signs in this category are larger temporary signs typically associated with, but not limited to, the advertisement of large tracts of land for sale, construction and development activity, or the advertisement of commercial or industrial buildings for sale or lease.

1. *Where permitted*. Type 3 signs are allowed with a permit only on parcels or groups of adjacent parcels under common ownership that meet one of the following:
   a. A residential use on a parcel or group of adjacent parcels under common owner-ship that is a minimum of three acres in size zoned GR;
   b. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
   c. A non-residential use in any ~~non-residential~~ zoning district except GR or RMX upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
   d. A non-residential use in any ~~non-residential~~ zoning district except GR or RMX upon a parcel that has construction or development activity per an active development permit.
2. *Simultaneous display prohibited*. A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
3. *Size*. The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
4. *Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
5. *Setbacks*.
   a. Front: No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
   b. Side and Rear: No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
6. *Number*: One Type 3 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
7. *Material*. Sign faces shall be made of a rigid material.
8. *Mounting standard*. Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
9. *Number of sides*. The display area may be either single or dual sided.

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10. *Duration of display*.
    a. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
    b. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
    c. In all other cases, the duration of display shall be limited to two months.
    d. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.

E. ***Type 4 freestanding temporary signs***. The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.

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

(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; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.9.2. Signs mounted to walls.

A. ***Wall signs***.

1. *Where permitted*. Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
2. *Location*. Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
3. *Number*.
   a. In ~~residential~~ GR and RMX districts, maximum of 1 wall sign per street frontage.
   b. In all other districts, maximum of 3 wall signs per street frontage.
4. *Maximum area*.
   a. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
      i. There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
      ii. There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.
      iii. The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.
   b. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.
5. *Changeable copy.* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
6. *Illumination.* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting*: Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

B. ***Projection signs***.

1. *Where permitted*. Projection signs shall be permitted to be displayed by any non-residential use in any ~~non-residential~~ zoning district except GR and RMX.
2. *Location*. Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
3. *Number*. One per business establishment.
4. *Maximum area*. The maximum permitted area for projection signs shall not exceed eight square feet per side.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.

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6. *Illumination.* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting.* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
8. *Minimum clearance required*. Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
9. *Maximum projection*. Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

C. ***Awning signs***.

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

(Ord. No. 15-08, § 32, 12-5-08; Ord. No. 2015-12, §§ 1, 2, 6-15-15; Ord. No. 2017-09, § 1(Exh. A), 4-24-17; Ord. No. 2020-11 , § 1(Exh. A), 6-29-20; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2022-39, § 1(Exh. A), 6-20-22; Ord. No. 2022-72, § 1(Exh. A), 11-21-22; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.9.3. Freestanding (ground) signs.

A. ***Setbacks***.

1. *Front.* No portion of any freestanding ground sign described in this section may be located closer than ten feet to any street right-of-way, except in the DMX district where signs shall be no closer than five feet to any street right-of-way.
2. *Side and rear.* No portion of any freestanding sign described in this section shall be located any closer than ten feet to any side or rear property line.

B. ***Non-residential uses in General Residential (GR) and Residential Mixed-Use (RMX) districts.***

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

C. ***Non-residential uses all other zoning districts***. The following standards shall apply to individual businesses on individual parcels. Non-residential group developments, non-residential conditional zoning districts, and institutional campuses shall be subject to the same dimensional requirements, but the number of allowable ground signs in such developments is set forth in Section 12.9.6.

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

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TABLE 12.9.3A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES ~~IN NON-RESIDENTIAL DISTRICTS~~	
District	**Max Size in Square Feet (ft.^{2})**
~~RMX~~	~~32 ft.^{2}~~
NMX	32 ft.^{2}
PGX	32 ft.^{2}
DMX	32 ft.^{2}
CMX	85 ft.^{2}
IC	24 ft.^{2}
GI	50 ft.^{2}
Highway 64 Corridor Sign Overlay District	85 ft.^{2} in surface area

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

D. ***Canopy signs***.

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

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

1. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
2. *Location.* Such a-frame signs shall be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard, maintains five feet of unobstructed paved space, does not obstruct any building entrances or exist, or impede any public infrastructure, utilities, and amenities. Such A-frame signs must be removed each day at the end of business hours.
3. *Number.* One ground or wall sign may be displayed per business.
4. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.

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5. *Height.* Such A-frame signs shall not exceed four feet in height.
6. *Changeable copy.* Manual changeable copy features are allowed.
7. *Illumination.* Such A-frame signs shall not be illuminated.
8. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.

F. ***Electronic display signs.*** Electronic display signs may be permitted as ground signs, subject to the following additional requirements:

1. *Where permitted*. Only the following uses shall be permitted to install electronic display signs:
   a. Colleges/universities;
   b. Schools—Elementary and Secondary;
   c. Schools—Vocational/Technical; and
   d. Government services.
2. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.
3. Only one electronic display sign shall be permitted per parcel.
4. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
5. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
6. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of CHAPTER 11 of this ordinance.

(Ord. No. 15-08, § 32, 12-5-08; Ord. No. 2015-12, §§ 1, 2, 6-15-15; Ord. No. 2017-09, § 1(Exh. A), 4-24-17; Ord. No. 2020-11 , § 1(Exh. A), 6-29-20; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2022-39, § 1(Exh. A), 6-20-22; Ord. No. 2022-72, § 1(Exh. A), 11-21-22; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.9.4. Incidental signs.

A. The following incidental signs may be displayed in accordance with the specific standards listed below, without a permit or fee.

B. ***Private directional signs.***

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

C. ***Miscellaneous signs.***

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

D. ***Automobile and motorized vehicle dealer signs.***

1. Automobile dealers and motorized vehicle dealers ~~within commercial districts~~ are allowed to attach to vehicles for sale small pennants, flags, or balloons.
2. Said devices shall not exceed two per vehicle; devices shall be less than three square feet in size; and devices must be maintained and secured in a proper manner.
3. If a device is not secured or maintained to the satisfaction of the administrator such device shall be deemed a prohibited moving device and be immediately removed.

E. ***Neighborhood signs.***

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

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

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(Ord. No. 15-08, § 32, 12-5-08; Ord. No. 2015-12, §§ 1, 2, 6-15-15; Ord. No. 2017-09, § 1(Exh. A), 4-24-17; Ord. No. 2020-11 , § 1(Exh. A), 6-29-20; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2022-39, § 1(Exh. A), 6-20-22; Ord. No. 2022-72, § 1(Exh. A), 11-21-22; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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17.9. Landscape plan requirements.

A. A landscaping plan and/or vegetation preservation plan shall be required prior to any site disturbance for:

1. All non-residential uses;
2. All multi-family uses in a ~~residential~~ GR and RMX districts;
3. Any development in steep slope areas, in accordance with Section 6.4; and
4. Any other development where a landscaping plan and/or vegetation preservation plan is deemed necessary by the administrator due to the particulars of the project.

B. The plan shall contain the following information:

1. An accurate drawing of property boundaries.
2. A development summary including the total development acreage, proposed use(s), required parking and provided parking spaces, and total building square footage.
3. The location of proposed buildings, driveways, parking areas, required parking spaces, and traffic patterns.
4. The location of all overhead and underground utilities.
5. Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow.
6. General location, type and quantity of existing plant materials.
7. Existing plant materials and areas to be left in natural state.
8. Methods and details for protecting the critical root zone (CRZ) of existing plant materials during construction.
9. Locations, size and labels for all proposed plants.
10. Plant lists with common name, botanical name, quantity, and spacing and size of all proposed landscape material at the time of planting.
11. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, lights, courtyards, walks or paved areas. Berms shall have topo.
12. Planting and installation details as necessary to ensure conformance with all required standards as referenced in CHAPTER 9.

(Ord. No. 2023-22, § 1(Exh. A), 6-5-23)

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

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21.3.1. Temporary residential uses.

A. The administrator may approve temporary housing accommodations for displaced persons or recovery personnel following a declared emergency, subject to the following conditions.

1. *Type*:
   a. The temporary dwelling shall be one of the following types:
      i. Recreational vehicle,
      ii. Temporary and transportable manufactured home,
      iii. Travel trailer, or
      iv. Other temporary structures in consultation with the building inspector.
   b. Any type of temporary dwelling may be permitted, regardless of underlying use permissions and density requirements.
2. *Placement*:
   a. Temporary housing units may be permitted in the following circumstances:
      i. On a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district;
      ii. On a lot within a ~~residential~~ GR or RMX zoning district as a type of temporary accessory dwelling unit (ADU); or
      iii. On a lot within a ~~residential~~ GR or RMX zoning district as a type of group development that is set up for multiple temporary dwellings.
   b. Setback requirements may be waived during the duration that the temporary housing unit is permitted, such that:
      i. The placement of the temporary housing will allow for unobstructed repair and reconstruction on the site, if applicable;
      ii. The temporary housing unit does not extend into any public or private right-of-way, easement, or adjacent property; and
      iii. The placement of the temporary housing unit does not violate any applicable provisions of NC Building Code or Fire Code.
   c. Temporary dwellings shall not be placed in flood hazard area, unless active repair or reconstruction of the primary structure is occurring on site and there is no feasible location outside of the flood hazard area for the temporary dwelling to be placed.
      i. If placed in the special flood hazard area the temporary dwelling shall be fully movable, properly licensed and ready for highway use. A recreational vehicle or other type of temporary dwelling is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.
3. *Duration*:
   a. The temporary housing permit shall be issued for a period of time not exceeding 12 months. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating:

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i. When placed on a lot where active repair and reconstruction of the primary structure is occurring, progress has been made to repair and/or reconstruct the primary structure on the lot;

ii. When placed on a lot as a type of temporary accessory dwelling unit, progress has been made to repair and/reconstruct the occupant's primary residence;

iii. When placed on a lot as a type of group development, progress has been made to repair and/or reconstruct the primary residence of each occupant and/or additional displaced persons or recovery personnel are in need of temporary housing accommodations as a result of the emergency event.

b. The temporary housing unit(s) must be removed from the lot within thirty days following the completion of the repair and reconstruction of the displaced person's primary residence or within thirty days following the expiration of the zoning permit.

B. Preexisting nonconforming short-term rentals (STRs) or other lodging uses may be used as temporary housing accommodations in response to the local, state, or federal emergency for a period without being considered abandoned as set forth in Section 14.2 – *Nonconforming uses*.

(Ord. No. 2024-47, § 1(Exh. A), 12-2-24)

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21.3.2. Temporary non-residential uses.

A. The administrator may approve temporary non-residential uses providing emergency response and recovery services, subject to the following conditions.

1. *Type*:
   a. The temporary structure shall be one of the following types:
      i. Recreational vehicle,
      ii. Travel trailer,
      iii. Disaster relief tents or emergency response tents, or
      iv. Other temporary structures in consultation with the building inspector.
2. *Placement*:
   a. Temporary non-residential uses may be permitted in the following circumstances:
      i. As a temporary installation in a publicly-accessible parking area;
      ii. Vacant property in a ~~non-residential~~ CMX, DMX, PGX, NMX, IC, or GI zoning district; or
      iii. Within a vacant area of a property occupied by other non-residential uses in a ~~non-residential~~ CMX, DMX, PGX, NMX, IC, or GI zoning district.
   b. Setback requirements may be waived during the duration that the temporary non-residential use is permitted, such that:
      i. The placement of the temporary non-residential use will not impede any repairs or reconstruction of any damaged permanent structures on the site, if applicable;
      ii. The temporary non-residential use does not extend into any public or private right-of-way, easement, or adjacent property; and
      iii. The placement of the temporary non-residential use does not violate any applicable provisions of NC Building Code or Fire Code.
   c. Temporary non-residential uses shall not be placed in the special flood hazard area.
3. *Duration*:
   a. The temporary non-residential use shall be issued for a period of time not exceeding six months. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating the non-residential services are still required.
   b. The temporary non-residential use must be removed from the lot within thirty days following the closure of the use or within thirty days following the expiration of the zoning permit.

(Ord. No. 2024-47, § 1(Exh. A), 12-2-24)

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