



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, April 7, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Dr. Pamela Holder, Bethel "A" Baptist Church / City Council Member

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. March 17, 2025 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Oath of Office - Aaron Winans - Waste Water Treatment Plant Superintendent
2. Proclamation No. 2025-05 Sexual Assault Awareness Month, April 2025
3. Proclamation No. 2025-06 Second Chance Month, April 2025

I. Special Presentation(s)

1. Heart of Brevard Annual Update
2. Heart of Brevard Downtown Walkability Assessment

J. Public Hearing(s)

1. Amendment to City of Brevard Traffic Schedule to Establish Regulations for Victore Lane

K. Consent and Information

1. Property Tax Releases - March 2025
2. Proclamation No. 2025-07 Arbor Day, April 25, 2025

3. Proclamation No. 2025-08 Month of the Young Child & Child Abuse Prevention Month, April 2025
4. Resolution Fixing a Date of Public Hearing for Non-Contiguous Annexation - John Valenti and MTS Properties, LLC, Reservoir Rd. and Hampton Rd.
5. Designation of Mayor Copelof as Voting Delegate for 2025-2026 North Carolina League of Municipalities Board of Directors
6. Budget Amendment - Police - \$22,700, Governors Crime Commission Grant
7. Countywide Single Fire District Proposal
8. Council Downtown Master Plan Committee Minutes - February 12, 2025
9. Council Public Works & Utilities Committee Minutes - March 5, 2025
10. Correspondence (*No Action. Offered as information only.*)
 - a. ABC Board Minutes - March 6, 2025

L. Unfinished Business

1. Follow-Up to Council Priority Setting Retreat
2. Azalea Avenue Property LMI Housing Presentation and Property Acquisition Discussion
3. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 - Definitions in Response to Session Law 2024-57
4. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 - Architectural Standards

M. New Business

1. Approval of Open-Ended Designer Service Agreements

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

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

P. Adjourn

Agenda Posted, Website, Sunshine List (April 3, 2025)
D. Hodsdon, City Clerk

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

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 17, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, March 17, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Selena Coffey, Planning Director Paul Ray, Senior Planner Emily Brewer, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plan ORC Dennis Richardson, and Community Center Director Tyree Griffin

Guests/Presenters – Travis Kever, Gould Killian CPA Group; Juan Mullerat and Dylan Gehring, Plusurbia

Press – Dave Bradley, Transylvania Times.

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

B. Invocation – Rev. Veranita Alvord of Brevard First United Methodist Church offered an invocation.

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

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

E. Approval of Agenda – Attorney McKeller asked to add a closed session to discuss a potential litigation matter as Item O-2. Mr. Baker moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. February 17, 2025 Regular Meeting – Mr. Morrow moved, seconded by Ms. Holder to approve the minutes of the February 17, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Rodney Locks of 187 S. Rice St. said I attended your workshop on March 7th. My first impression was that it was well organized, you were very cordial to each other, and you agreed with each other in most cases. I like the triangle you had for priorities – recruitment, housing and tourism. You discussed essential services and core services, but when I think of tourism, I think of it as the icing on the cake. I was expecting you to prioritize the cake, and the cake are the people who live here. People who work in Brevard cannot afford to live in Brevard. We need high-paying jobs and means to get to high-paying jobs. New homes are affordable to build, but not affordable to rent or buy. This year I hope you will make the citizens of Brevard a higher priority. You have tough decisions; are you going to make the next tax rate an increase or revenue neutral? Are you going to work closer with the County Commissioners, because both of you are in the same boat. If you sink, they sink. Are you going to fill these vacant buildings around town? You have tough decisions to make, and I just hope you make the right ones.

Dr. Paula Hartman-Stein of 249 Pine Mountain Trail gave an update on Age-Friendly Brevard initiatives. She said on March 6th we sponsored, along with AARP, a summit on safely aging in place and we had a record number of 92 people attend. The feedback was excellent. On Thursday of this week, I am sitting in for our Mayor at a national forum. The topic is the domino effect, that is how age-friendly programs have connected with and impacted organizations throughout the Brevard area.

Harvey Sankey of 51 Lake House Trail said I am here concerning a statement that was made and signed by all City Council members and the Mayor concerning immigration-related law enforcement. I would like to challenge each Council Member and Mayor tonight in the remarks section to state specifically that the City of Brevard is not a sanctuary city. This statement was a little wishy-washy. I know how it was arrived at, but I will not go over it again. There was one important person on this dais who raised reservations about this, and that person also raised reservations about this statement in the end also. I think this statement was virtue signaling and it also caused anxiety and concern that some of our neighbors are feeling about this statement. They are saying “we’re a sanctuary city?” They have a lot of fear about the fact this may indicate that it is a sanctuary city. Also, this may affect federal funding if we’re considered a sanctuary city. So, I’d like each one of you to make a specific comment about whether or not we’re a sanctuary city tonight. If you don’t make that comment, I would assume you agree that we are a sanctuary city.

Doug Powell of 170 Oakdale Rd. said I am here to speak against the Azalea so-called affordable housing project that is being proposed. We can all agree that our local workforce needs lower-cost housing and better paying jobs. This is not a debatable issue. I am not here to question your motives with this project because only you know what those are. The challenge before us is will building this low-income housing project just outside of Brevard city limits help or hurt our community and its quality of life. History of these tax credit programs, and its Section 8 requirements point to a resounding no. Everyone’s idea of success for projects such as this is different to each individual. For many on the Council, it might be just getting the building built and doing something. But the nature of the funding and the federal tax credits needed to fund this project will not allow the stipulations necessary to keep this community safe. If this project is truly to bring affordable workforce housing to Brevard, then why isn’t there a requirement to be employed in order to live there. That’s simple – because it goes against fair housing laws. And if this project is being sold as a net positive to our community and our quality of life, why aren’t there any requirements for clean and sober living? Again, because this would be illegal for a government-funded concept. So, the question really is, if the project is funded and built, will it make us all feel good, or will it actually do good? Mr. Powell referenced four projects in Asheville that promise similar housing solutions and said on any given day these affordable housing solutions are notorious for draining valuable emergency resources of police, fire and EMT to respond to drug and violence issues. This in turn slows emergency response times for the rest of the citizens of Asheville. He said before voting on this plan, please take a City Council field trip to these apartment buildings and see what you’re planning to bring to Brevard. He read a Yelp review from a prior resident of one of the Asheville properties and said I hope the Council thinks twice before moving forward.

H. Certificates/Awards/Recognition

H-1. Recognition of Emory Owen – Mayor Copelof read Proclamation No. 2025-04 Honoring Emory Owen on His Retirement, Declaring March 31, 2025 through April 5, 2025 as “Emory Owen Week” and Bestowing Emory Owen a Key to the City. She presented the Proclamation and Key to the City to Mr. Owen, together with a plaque in recognition of his 45 years of service to the City of Brevard. Mr. Owen was accompanied by his wife Krista, daughter Alexandra, and grandsons Theo and Sawyer.

PROCLAMATION NO. 2025-04
A PROCLAMATION HONORING EMORY BAINE OWEN ON HIS RETIREMENT,
DECLARING MARCH 31, 2025 THROUGH APRIL 5, 2025 AS “EMORY OWEN WEEK”,
AND BESTOWING EMORY OWEN A KEY TO THE CITY

WHEREAS, Emory Baine Owen is a Transylvania County native who began working for the City of Brevard part-time in 1979 and full-time in 1980 for the Public Works Department; and

WHEREAS, in 1983 Emory transitioned to the Wastewater Treatment Plant where he has served to this day; and

WHEREAS, over the years Emory achieved higher degrees of certification in his field, reaching the highest industry grade of IV in 1999; and

WHEREAS, his unique mixture of knowledge and experience earned him a promotion to Plant Superintendent in 2016; and

WHEREAS, throughout his career Emory has brought best practices from his industry to Brevard, including the region’s first industrial pre-treatment program and notable efficiency improvements to his physical plant; and

WHEREAS, Emory’s work helps preserve Brevard values—conservation, recreation, community health; and

WHEREAS, Emory’s public service spirit is also present in his personal life where he has been heavily involved with Mud Creek Baptist Church and charitable groups such as The Carpenter’s Hand Ministry and United Way; and

WHEREAS, Emory’s long and fruitful forty-five-year career is a model of public service, and the City of Brevard owes him a debt of gratitude.

NOW, THEREFORE, BE IT PROCLAIMED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BREVARD THAT:

1. This body expresses to you, Emory Owen, on behalf of our citizens and officials, our thanks, appreciation, and deep gratitude for your forty-five years of service to the City of Brevard and its residents.
2. March 31, 2025, through April 5, 2025, shall be recognized as “Emory Owen Week” in the City of Brevard, and its observance commended to all Brevard’s residents.
3. A Key to the City is hereby bestowed to you, Emory Owen, in recognition of the character of your long service—faithful, effective, invaluable—and the contributions you have rendered to the City of Brevard and its residents.

IN WITNESS WHEREOF, we have set our hands and executed the Great Seal of the City of Brevard on this the 17th day of March 2025.

s/ Maureen Copelof, Mayor
s/ Mac Morrow, Council Member
s/ Pamela Holder, Council Member

s/ Gary Daniel, Mayor Pro Tem
s/ Aaron Baker, Council Member
s/ Lauren Wise, Council Member

Attest: s/ Denise Hodsdon, City Clerk

I. Special Presentations

I-1. City of Brevard Annual Independent Audit for Year Ending June 30, 2024 – Mr. Hooper noted a correction to the staff report that indicated we had no Financial Performance Indicators of Concern (FPIC) and said that there is one FPIC. He introduced Travis Keever of Gould Killian CPA Group to share the results of their independent audit for the year ending June 30, 2024. Mr. Keever gave a PowerPoint presentation (copy attached) and reported that they issued an unmodified (clean) opinion on the June 30, 2024 financial statements; the financial statements conform with generally accepted accounting principles; they reported no material weaknesses in internal control; and no instances of reportable noncompliance with federal or state grant awards. He explained that the Local Government Commission (LGC) has a benchmarking program that they call Financial Performance Indicators of Concern, and they ask auditors to submit financial data measured against certain benchmarks for thresholds they have put in place, and if anything related to the city’s financials trips one of those thresholds, it has to be presented at a public meeting. The City had one FPIC this year where the unrestricted cash in the Utility Fund only represented about one month of expenditures, and the LGC would like to see a minimum of two months.

He noted this seems to be a one-time occurrence due to a timing difference when some bills were paid versus when the reimbursements were allowed to be submitted. The expectation is that that will be corrected in the coming year. Mr. Keever reviewed a breakdown of General Fund revenues and expenditures. He reviewed available fund balance comparisons from 2021 to 2024 and noted that the total fund balance and available fund balance both are slightly trending upwards over time and is at 36% for FY24. Mr. Keever noted that the City has a healthy property tax collection rate above 99%. Lastly, he reviewed selected comparison financial statistics for the Utility Fund from 2021 to 2024.

I-2. Architectural Standards – Plusurbia Presentation – Emily Brewer explained that this is the culmination of about a year and a half's worth of work, including a full review of the architectural styles and vernacular within the city of Brevard and lots of research and community engagement. The Plusurbia team and staff engaged an estimated 400 individuals as part of the public input process, which consisted of design workshops, open houses, walking tours, project website, online survey and neighborhood meetings. She recalled that the first phase of Plusurbia's work was the creation of the building design guidelines, found in a standalone document referred to as the *City of Brevard Architectural Visual Guidelines*. Those guidelines were used in codifying the architectural standards, which will be presented during the public hearing portion of the meeting. She introduced Juan Mullerat and Dylan Gehring of Plusurbia to present an overview of the updated architectural standards. A copy of their presentation is attached. Mr. Gehring noted that under North Carolina state law, these architectural standards do not and cannot apply to 1-4 unit residential structures.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 – Definitions in Response to Session Law 2024-57 – Emily Brewer explained that in December 2024, the North Carolina General Assembly amended state law to greatly restrict local government discretion to amend local zoning ordinances. This Session Law 2024-57 (S.B. 382) broadly defines "down-zoning" and provides that local governments cannot adopt a down-zoning without written consent from all impacted owners. The precise interpretation and breadth of impact of this law are not perfectly clear; Staff is seeking guidance from City Council on how amendments to the UDO may be applied given the change and associated uncertainty in state law. The City Attorney has advised that a great way to do that is to codify some definitions related to state law.

Generally, "down-zoning" refers to rezoning a property to a new zoning district that is less intense or less dense than the prior district, but North Carolina law defines down-zoning more broadly, especially after this recent change, to now include an amendment that creates "any type of nonconformity on land not in a residential zoning district." This broad definition significantly alters the applicability of the down-zoning legislation, and it has even greater implications as it now applies to local government-initiated amendments and not just third-party requests. North Carolina law has limited down-zonings by third parties for some time to prevent an individual property owner from requesting a reduction of the development rights on their neighbor's property without their written consent. Prior to this state law local government authority was allowed to create down-zonings without that additional level of scrutiny and additional approval, and the local governing board could make local legislation decisions to adjust rules according to local needs and priorities. Now, that exemption for local governments no longer applies.

Given that the new architectural standards will create nonconformities without written consent of affected property owners, the implementation of the new standards has been modified from what was originally envisioned when the process started, long before SL 2024-57 was enacted. This text amendment aims to provide a context within the bounds of the new law in which the City can apply the new architectural standards and any other future text amendments. Specifically, this text amendment includes two

definitions - one for "New Construction" and another for "Residential Zoning District." Ms. Brewer said staff and the City Attorney are prepared for a conversation about the legal implications that should be considered when selecting a proposed definition for each item. Planning Board discussed the definitions at their February meeting and offered recommendations regarding these definitions. Current definitions and recommendations for proposed definitions are as follows:

New Construction:

Current Definition: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Proposed Definition: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed [50%, two-thirds, 75%, etc.] of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed [50%, two-thirds, 75%, etc.] of the value of the existing structure and require the issuance of at least [two or three] trade permits from the Transylvania County Building and Inspections Department.

Planning Board and Staff Recommendation: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed 75% of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed 75% of the value of the existing structure and require the issuance of at least two trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District:

Current Definition: None

Proposed Definition – Option # 1: A zoning district that is entirely reserved for residential land uses. [Note there are none in our jurisdiction]

Proposed Definition – Option # 2 [Staff Recommendation]: A zoning district that is primarily intended for residential land uses. This shall apply to the following zoning districts: General Residential-4 (GR4), General Residential-8 (GR8), and Residential Mixed-Use (RMX).

Proposed Definition – Option # 3 [Planning Board Recommendation]: Any zoning district that permits residential land uses. This shall apply to all zoning districts except General Industrial (GI).

At 6:31 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation: None.

At 6:32 p.m. Ms. Holder moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Questions/Comments from Council: Mr. Baker noted that this bill does not define for us what "new construction" or "residential zoning district" might mean. He asked Attorney McKeller to discuss some of the trade-offs that we are talking about here. Attorney McKeller explained that some of the definitions in SL 2024-57 leave some openings that would allow the city to continue to operate the way that we have been in certain circumstances. Specifically speaking for instance, to what is a "Residential Zoning District", this new law does not apply to residential zoning district. Therefore, if all of our districts, other than General Industrial contain residential uses, then if we define that as a Residential Zoning District, then in most every district we could still make the modifications that we have come to expect to be able to as a municipality, exercising our ability to determine what our community needs. There is a possibility that at some point a statewide definition of "Residential Zoning District" will be established, which may or may not comport with what we have. There is also the

possibility that we could be targeted for changing this definition. He noted that in meeting with a number of other municipalities from around the state, nobody really understands what is happening with this, so we're all trying to come up with our own ways to allow us to continue to do what we have always done, which is to take responsibility for making our communities the best we can. This is one way to do it. There is a little bit of a risk – I believe the proposed definition option #3 is the largest allowance for the city. Option #1 steps out there a little further than perhaps we should. But nonetheless that would allow us then to continue to make the necessary changes to most of our zoning districts, depending on how we define "Residential Zoning District". He noted that there has already been a bill submitted to the General Assembly to overturn SL 2024-57, but it hasn't been passed and there is a long way to go with those things. Part of the reason is because nobody could say what really caused this law to be passed, thereby giving us some idea what harm the General Assembly was trying to mitigate. So, we need to create our own definitions if we are not given any and that is what this proposal is, and to allow us to proceed forward with modification of our architectural standards.

Ms. Brewer explained that "start of construction" is very important for the architectural standards because the question of applying all of our architectural standards to new construction only, means that there is no nonconformity already there and it is starting from the ground up. But, there are times when additions or substantial improvements should be considered new construction. So, we have proposed some other ways to define something as a newly constructed building or structure for the purposes of all of our UDO, but specifically contemplated as it relates to the architectural standards. The Planning Board landed on a much higher threshold at 75%. She noted that the lower that threshold, the more likely it is to be considered a nonconformity or challenged, so these are risk tolerance decisions and understanding the impact of how we are instructed to administer the ordinance.

Mr. Daniel noted that the 75% construction threshold on existing buildings triggers all of the non-conformity regulations, not just architectural standards, and that could be a high bar to achieve. He said he would consider two-thirds. Mr. Wise agreed that two-thirds would be a balance between what we want for the city and the burden to the property owner.

~~ At 6:57 p.m. Mayor Copelof called for a ten-minute break ~~

J-2. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 – Architectural Standards – Emily Brewer explained these new architectural standards are intended to preserve and enhance the distinct character of Brevard by regulating key aspects of the built environment. By setting a high standard for quality design across the jurisdiction, every new development can become a thoughtful, lasting addition to Brevard, enhancing the community for years to come. The new Chapter 5 is structured around building types and architectural styles, each with various elements and design requirements. The new standards also place greater emphasis on the architectural legacy of specific character areas. She noted that SL 2024-57 changed the City's ability to enact amendments to development regulations. The version presented for Council's consideration only includes two character areas (Downtown and Pishgah Gateway), instead of the four that were initially envisioned. It does not include the Railroad Avenue District or the US-64 Highway Corridor and has different boundaries for the Downtown character area. Plusurbia has prepared proposed standards and boundaries for those character areas, so if there is a change to state law they can be adopted. The applicability section of the architectural standards is a little bit different in response to state law, specifically applying to new construction. There is a provision in Chapter 5.2 that talks about how the applicability of the standards can also apply to things that you are specifically doing as they relate to architectural changes.

At 7:15 p.m. Mr. Morrow moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation: None.

At 6:32 p.m. Ms. Holder moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

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

K-1. Tax Settlement Report – February, 2025

K-2. Approval of MOU with MountainTrue for Wilson Road Boat Ramp Improvements

RESOLUTION NO. 2025-15 RESOLUTION APPROVING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH MOUNTAIN TRUE AUTHORIZING RENOVATION OF WILSON ROAD BOAT RAMP

WHEREAS, the City entered a Memorandum of Understanding (MOU) with MountainTrue, a non-profit organization, in November of 2023 to develop a site plan and cost estimate to renovate the Wilson Road Boat Ramp; and

WHEREAS, MountainTrue has provided construction drawings that have been approved by the City's Planning Department; and

WHEREAS, MountainTrue has agreed to renovate the boat ramp and provide the indicated amenities without cost to the City; and

WHEREAS, MountainTrue has agreed to provide and sign a new MOU holding the City harmless as MountainTrue and its agents and contractors renovate the boat ramp.

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

Section 1. The City Manager, or his designee, is authorized to execute the Memorandum of Understanding with MountainTrue Authorizing Renovation of the Wilson Road Boat Ramp.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-3. Declaration of City-owned Property as Surplus

RESOLUTION NO. 2025-16 RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTIES AS SURPLUS AND AUTHORIZING THEIR SALE

WHEREAS, on February 17, 2025 the Brevard City Council agreed to loan Fairhaven Meadows low-to-moderate income (LMI) housing project \$1.169 million to finance construction of 42 units of LMI housing in Brevard; and

WHEREAS, loan funding would be drawn from several sources including the Housing Trust Fund, the Capital Reserve Fund, and the General Fund; and

WHEREAS, Council also agreed to sell certain city-owned properties and apply a portion of the expected sale proceeds to the loan amount; and

WHEREAS, a series of ministerial actions, the first being to officially declare the properties as surplus, is required to execute this strategy.

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

Section 1. The following properties are declared surplus and approved for sale on the open market via the upset bid method of public property disposal:

1. James St. near W. Main (PIN 8586-32-3150-000)
2. 99 Cashiers Valley Rd near Tannery (PIN 8586-20-6574-000)
3. Cashiers Valley Rd. east of Public Works building (8585-19-5389-000)

Section 2. The City Manager (or his designee) is hereby authorized to prepare the properties for sale, advertise them on the open market, and administer the upset bid procedure for each property.

Section 3. This Resolution shall become effective upon its adoption and approval.

Approved and adopted this 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-4. Sewer Pump Stations Rehabilitation Project Easements

**RESOLUTION NO. 2025-17
RESOLUTION APPROVING SEWER PUMP STATION REHABILITATION PROJECT EASEMENTS CITY
ORDINANCE NUMBER 2022-64**

WHEREAS, the City's Sewer Pump Station Rehabilitation Project requires the construction of a new sewer pump station to replace the existing Gallimore Road Sewer Pump Station; and

WHEREAS, the City has a need for several easements related to the construction of the New Gallimore Road Pump Station from both Transylvania County and Torres Properties; and

WHEREAS, Transylvania County has agreed to provide the needed permanent easement through the county property in exchange for a sewer tap on an adjacent county property; and

WHEREAS, Tores Properties has agreed to provide the needed permanent and temporary easements in exchange for a approximately 45' wide driveway curb cut and reconstruction of a small portion of Picklesimer Park including at least one bench; and

WHEREAS, the cost to the City for these exchanges is estimated to be approximately \$1,000.00 in materials and approximately \$5,000.00 in labor hours from the City's work force.

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

Section 1. The City Manager, or his delegee, may proceed with finalizing the easements and associated exchanges between Transylvania County for a Permanent Easement and Tores Properties for both a Temporary Construction Easement and a Permanent Easement.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-5. Resolution Directing Clerk to Investigate Sufficiency of Petition Requesting a Non-contiguous Annexation – John Valenti and MTS Properties, LLC, Reservoir Rd. and Hampton Rd.

**RESOLUTION NO. 2025-18
A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE
SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on February 24, 2025, requesting the annexation of a contiguous area described in said Petition as the John Valenti property and the MTS Properties, LLC property located on Reservoir Road and Hampton Road, Brevard, NC 28712, consisting of 1.091 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-

Metes and Bounds Property Description:

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a ½" rebar;

thence N 28°27'17" W a distance of 49.43' to a ¾" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to an axle;

thence N 67°29'48" E a distance of 157.61' to a 1½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap; which is the place of beginning.

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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

Section 2. This Resolution shall become effective upon its adoption and approval.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-6. Police Purchase from ABC Funds

ORDINANCE NO. 2025-11
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-05

AGENDA INFORMATION

Agenda Location: New Business
Department: Finance
Contact: Dean Luebbe, Assistant City Manager and Finance Director

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Department initiated two purchases from these funds in FY25. The first was to add modules to the preexisting PowerDMS in August of 2024 in the amount of \$15,213.28 for first year service and setup of PowerIA and PowerAction. PowerIA tracks all internal and external complaints and assists the department with early intervention in compliance with Senate Bill 300. PowerAction creates online forms for both the public and internally to better track and route external and internal requests for service. The second purchase was to NITV Federal Services in January of 2025 in the amount of \$8,796.00, for the purchase of a Computer Voice Stress Analyzer (CVSA) to assist with investigations and to be used for pre-employment screening. The CVSA is similar to a polygraph, but with a 95% degree of accuracy in detecting deceptive statements to assist in pre-employment decisions and with other investigations. Most agencies use some form of pre-employment statement verification either with a polygraph or CVSA to detect deceptive statements on employment applications. The BPD had not been using any method and seeks to “raise the bar” with hiring standards and to increase the integrity of hiring for sensitive law enforcement related positions.

After these purchases, the balance in the ABC funds for the Police Department is \$31,488.46, and the City expects to receive approximately \$10,000 additionally by June 30, 2025.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-05, as submitted, increasing the budget in expenditure account:

10-5100-4100 (Police ABC Expenditures)	\$24,100
TOTAL	\$24,100

And increasing the budget in revenue account:

10-3990-0000 (Fund Balance)	\$24,100
TOTAL	\$24,100

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of March, 2025.

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

s/ Maureen Copelof, Mayor

K.7. Resolution in Support of House Bill 24 An Act to Restore the Authority for Local Governments to Initiate Down-zoning

**RESOLUTION NO. 2025-19
A RESOLUTION IN SUPPORT OF HOUSE BILL 24
AN ACT TO RESTORE THE AUTHORITY FOR LOCAL GOVERNMENTS
TO INITIATE DOWNZONING**

WHEREAS, the North Carolina General Assembly will be considering House Bill 24, which provides for Subpart III-K LOCAL GOVERNMENT of North Carolina Session Law 2024-57 (Senate Bill 382) to be repealed in its entirety; and

WHEREAS, provisions within this legislation support local municipal governing bodies in making their own zoning decisions based on the will of the voters that elected them; and

WHEREAS, North Carolina Session Law 2024-57 entitled “AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW”, became law on the 11th of December 2024; and

WHEREAS, Subpart III-K of Session Law 2024-57 amends North Carolina General Statutes 160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations or zoning map amendments that would constitute “downzoning” without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

WHEREAS, the passage of North Carolina Session Law 2024-57 severely erodes municipal authority to adopt zoning text amendments applicable to entire zoning districts given the time, effort, and cost of identifying all of the owners of the parcels within such zoning districts. Moreover, the new law as

adopted would empower a single property owner to override the will of a unanimous governing body, a developer, and perhaps all or a vast majority of the property owners affected by the amendment; and

WHEREAS, in land use law “downzoning” is commonly referred to as rezoning a property to a new zoning district that is less intense or less dense than the prior district. North Carolina Session Law 2024-57 broadened the definition of downzoning and created significant limits to local authority by including any development regulations as prompting a “nonconformity”, effectively banning the creation of any non-trivial development ordinances from occurring. This legislation greatly impacts local governments from establishing development standards like parking, setbacks, landscaping, signage, and more, that are in the best interest of their communities; and

WHEREAS, all North Carolina local governments continue to face challenges presented by growth and development. Each local government’s zoning authority has historically provided a means to balance those challenges with the needs of the community based on the will of the residents as determined through the municipal elections; and

WHEREAS, the downzoning provision of North Carolina Session Law 2024-57 effectively freezes local government zoning and greatly diminishes the role of local governments granted by the Constitution of the State of North Carolina to manage growth and change consistent with the needs of its jurisdiction.

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

Section 01. The City Council of the City of Brevard is unanimously in support of the passage of the proposed House Bill 24 to Restore the Authority of Local Governments to Initiate Downzoning; and

Section 02. The City Council of the City of Brevard are requesting that the elected representatives for the City of Brevard in Transylvania County who serve in the North Carolina General Assembly secure the passage of the proposed bill; and

Section 03. The City Clerk is hereby directed to provide a certified copy of this resolution to all elected representatives representing the City of Brevard in the North Carolina General Assembly as well as the entire Transylvania County Delegation.

Adopted and approved this the 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk s/ Maureen Copelof, Mayor

K-8. Authorize City Manager to Approve Contract with Berry Dunn for Police Department Workplace Study

**RESOLUTION NO. 2025-20
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BERRY DUNN FOR BREVARD POLICE DEPARTMENT ORGANIZATIONAL HEALTH STUDY**

WHEREAS, on March 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a proposed agreement between City of Brevard and BerryDunn for the professional services related to Brevard Police Department organizational health study.

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

Section 1. The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with BerryDunn for the purposes described in the above referenced staff report.

Section 2. This Resolution shall become effective upon its adoption and approval.

Approved and adopted this 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk s/ Maureen Copelof, Mayor

K-9. Rosenwald Community Advisory Board Minutes – October 17, 2024

K-10. Rosenwald Community Advisory Board Meeting Notes – November 21, 2024

K-11. Council Downtown Master Plan Committee Minutes – January 8, 2025

K-12. Council Parks, Trails and Recreation Committee Minutes – January 15, 2025

K-13. Council Finance, Human Resources and Citizen Appointment Committee Minutes – January 27, 2025

K-14. Council Public Safety Committee Minutes – January 27, 2025

K-15. Council Public Works & Utilities Committee Minutes – February 5, 2025

K-16. Correspondence *(No Action. Offered as information only.)*

K-16.a. ABC Board Minutes – January 23, 2025

K-16.b. ABC Board Minutes – February 27, 2025

L. Unfinished Business – None.

M. New Business

M-1. Approval of Two Regular Part-time Housekeeping Positions – Selena Coffey explained that historically housekeeping services for city facilities have been accomplished through a combination of outsourced housekeeping services and the City's own force labor. Presently, only the MCJCCC is maintained by an outsourced vendor, with all other housekeeping services being performed by a combination of Buildings and Grounds Staff, supplemented by Streets and Sanitation personnel. This additional workload has resulted in overtime and has taken staff from other projects. Based on the loss of service, an RFQ was issued for housekeeping services for city facilities, not including the water and sewer plants. The bids were analyzed against several options including the current use of Public Works personnel, a single new full-time housekeeping position, and two part-time housekeeping positions. Staff has concluded that hiring two in-house part-time positions would lend greater flexibility to service levels and needs, allowing for more thorough cleaning and the ability to clean spaces needing the most attention as seasons dictate. The fiscal impact of adding two part-time positions would be approximately \$32,000 per year. Mr. Morrow moved, seconded by Mr. Baker to approve the resolution creating two part-time housekeeping positions. The motion carried unanimously.

**RESOLUTION NO. 2025-21
RESOLUTION APPROVING THE CREATION OF TWO
PART-TIME HOUSEKEEPING POSITIONS**

WHEREAS, the City's most recent housekeeping contractor abandoned their post and stopped providing housekeeping services to City Hall; and

WHEREAS, the City's Building and Grounds skilled staff along with supplemental labor from the Streets and Sanitation crews have been providing housekeeping services in the absence of a provider; and

WHEREAS, a thorough analysis of different housekeeping strategies and associated cost was completed by City staff; and

WHEREAS, housekeeping service levels to City facilities has been declining largely in part due to work loads of staff members providing the current housekeeping services.

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

Section 1. Two new part-time housekeeping positions will be created for the housekeeping needs of the City owned facilities.

Section 2. This Resolution shall become effective upon its adoption and approval.
Adopted and approved this 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

M-2. Betsy Smith MOU / Easement – 46 Grove Street – Mr. Hooper explained that in 2023 Betsy Smith appeared at a Council meeting to bring attention to a large sink hole that appeared within a few feet of the foundation of her house at 46 Grove Street, possibly compromising its structural integrity. As a courtesy, city staff stabilized the sink hole. However, they have not made permanent repairs to the sinkhole and surrounding infrastructure because ownership of the infrastructure is in dispute. In the intervening months staff have continued to negotiate with Ms. Smith and her attorney to find a compromise that could avoid litigation. Council is asked to consider approving the negotiated terms of a compromise agreement that Ms. Smith has tentatively agreed to, and that would result in a fixed sinkhole, saving the house, and clear ownership of the infrastructure. The proposed resolution would give the City Manager and City Attorney the authority to negotiate the agreement with Ms. Smith as outlined in the draft MOU. In exchange for the city repairing the sinkhole and replacing the failing infrastructure, Ms. Smith agrees to:

- Grant the city a full and permanent utility easement for the upgraded stormwater infrastructure on her property
- Release the city from any legal and financial liability regarding the sinkhole, stormwater infrastructure, or repair activities on her property
- Release the city from any financial responsibility regarding the replacement of fencing on the property
- Split the cost of the required property survey with the City
- Assume ownership of the upgraded catch basin that will be installed on the property

Mr. Hooper explained that even though this is on private property, if we don't fix the infrastructure, we could have flooding in other areas of that neighborhood. This is an unbudgeted expense that would be paid for out of pre-budgeted operating dollars designated for infrastructure repairs. Ms. Holder moved, seconded by Mr. Wise to approve the resolution endorsing the terms of the MOU and authorizing the City Manager to execute the agreement. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2025-22
RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ELIZABETH SMITH AND THE CITY OF BREVARD FOR STORMWATER INFRASTRUCTURE TRAVERSING PRIVATELY-OWNED PROPERTY AT 46 GROVE STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on March 17, 2025 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the proposed terms of a Memorandum of Understanding between Elizabeth S. Smith and the City of Brevard for stormwater infrastructure traversing privately-owned property located at 46 Grove Street in Brevard.

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

Section 1. The Memorandum of Understanding and Grant of Site Access between Elizabeth S. Smith and the City of Brevard is hereby approved.

Section 2. The City Manager or his designee is hereby authorized to execute the Memorandum of Understanding with Elizabeth S. Smith.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

M-3. City Council Approval of Electronic Only Advertising for Construction Contracts – Mr. Hooper explained that North Carolina state law allows municipalities the option to use electronic, rather than print, advertising for statewide solicitations on large projects. The ability to advertise electronically only, whether or not through newspapers, will greatly reduce the City’s required advertising costs. Mr. Morrow moved, seconded by Mr. Daniel to approve the resolution. The motion carried unanimously.

**RESOLUTION NO. 2025-23
RESOLUTION APPROVING ELECTRONIC ONLY ADVERTISING OF GOODS AND SERVICES
COVERED BY G.S. 143-129**

WHEREAS, G.S. 143-129 requires construction or repair work in an amount estimated to be equal to or more than \$500,000, or the purchase of apparatus, supplies, materials or equipment requiring an estimated expenditure equal to or more than \$90,000 to comply with the provisions of G.S. 143-129; and

WHEREAS, Section (b) Advertising and Letting of Contracts of G.S. 143-129 requires that where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both; and

WHEREAS, G.S.143-129.b goes on to say, “A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board”; and

WHEREAS, Electronic advertising in many cases is free and where not free, such as with a newspaper, is greatly reduced in cost; and

WHEREAS, the City believes electronic only advertising is sufficient given the current widespread use of electronic technology; and

WHEREAS, Electronic only advertising will result in significant cost savings to the City in all future advertising for goods and services covered by G.S 143-129.

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

Section 1. The use of electronic only advertising for goods and services covered by G.S. 143-129 is approved.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 17th day of March, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Daniel remarked that this was an exciting meeting with the recognition of Emory Owen and the presentation by Plusurbia.

Mr. Baker thanked staff for the recently held priority setting workshop and said I was struck by the fact that this board and city leadership has a very clear and consistent long-term vision for how we see Brevard in ten years. He called out that the MOU with MountainTrue to upgrade the Wilson Road boat ramp, which was included on the consent agenda, was the culmination of about 8 years of work by the TDA focusing on the river, leading to the production of a Blueway plan for the French Broad River, all funded by occupancy tax dollars paid by visitors. He pointed out that our occupancy tax rate is currently set at 5% and we have the ability to raise that to 6% if the County Commissioners so choose, which would be paid 100% by visitors and we could put it to

good use. He thanked all city staff who worked throughout this weekend's storm. He said it was mentioned by the Reverend earlier how awful of a weekend this community endured. My son was in homeroom with one of the kids that was unfortunately killed in that accident. One of my very good friends was the father of the other family that was impacted. So, it is very close to me, and I wanted to mention that TC Strong, which is an amazing organization here locally, has a drop-in for kids impacted by these events. Youth mental health is obviously in a crisis state. The Mayor is fond of mentioning the partnerships that we have, and this is one of those things that is not solvable by the City of Brevard, but we need to be involved, and I think it is important that we form those partnerships. Regarding housing, he said I am glad that we are making progress on Azalea Avenue and the Fairhaven Meadows, but I also feel like we have a lot more incremental development that could help. I have talked with the City Manager about what we could do with encouraging backyard cottages and ADU's and making it easier for folks to find the financing possible to unlock the potential of their backyard and at the same time house people that need it so desperately. On the Azalea Avenue project mentioned during public comment, it never ceases to amaze me how early the fearmongering and hyperbole can start, and I want to say that I don't have to go to Asheville to see what kind of project that might turn into. I can literally throw a rock up the hill from there to Broad River Terrace, which I think is one of the shining beacons in our city for housing, and it was a LIHTC federally funded project. I've asked the Police Chief whether we have issues there and he responded with a resounding not really. It is a well-maintained housing development and is exactly the type of housing we foresee on the Azalea Avenue site. Recently some of the County Commissioners were responding to our request for them to help with the Fairhaven Meadows project, and some of them seemed to suggest that we were not forthright, or were somehow tricking them by requesting that money, or it was sort of a setup for them. I want to say that is completely false and I think it is kind of embarrassing that they would suggest that. It is just the type of mistrust that we need to get beyond, and I want to make a commitment to do better and hope we can partner on housing in the future.

Mr. Morrow said with all the unfortunate wind events this week, I would like to ask staff to initiate an inspection of city property where there are trees that potentially could be diseased.

Ms. Holder mentioned that as part of the celebration of Women's Month, there will be an event celebrating the memories of Moms Mabley on Saturday at the MCJCCC. She said I too am troubled by the loss of life due to the winds on Saturday and today to find out a student died by suicide. I hope we begin to say as a community "died by suicide". People commit crimes, but people who die of suicide die by disease of mental health; they have not committed any crimes.

Mr. Wise said we did suffer tragic loss in our community this weekend and this winter has felt to me like a long season of loss. I have been encouraged because spring is coming and rebirth is coming, and I hope that both locally and regionally and nationally we can start to kind of rethink some of what the toll of that loss has been. He also thanked city staff for their work during the storm this weekend and wished everyone a Happy St. Patrick's Day.

Attorney McKeller said I will respond to a citizen comment from this evening that the statement sent out by the City on February 4th never mentions the word "sanctuary". We live in this weird time where words take on bizarre meanings. All of a sudden the federal government is not funding anything with the word "diversity" in it, or "inclusion", both of which are perfectly acceptable normal proper words that are in the constitution. To demand that you as Council make a statement about are you a sanctuary city or not, that word has never been defined and it's meaningless. I am pleased that you forwent the opportunity to do that tonight. It is a silly request to ask for you to call yourself something when it's an undefined word and we live in a time when words have apparently lost their meaning. Thank you for not responding to that.

Mr. Hooper sent his condolences to the families of the children we lost this weekend. He said I also want to lift up the first responders that responded to those

tragedies, some of which are affiliated with our organization, and I'd like to request that everyone keep those folks in your thoughts as well. It is also traumatic for them. I want to send my thanks to all my teammates from Police, Fire, Public Works and Communications who participated in our storm response this weekend.

Mayor Copelof said once again tonight we have seen the incredible amount of work that our staff does and the wide variety of issues that our staff and elected body take on in order to keep our city functioning. Tonight, we heard about the architectural standards and how they will be folded in our ordinance. We looked at the finance report and the wonderful job done by our Finance staff. We saw that this weekend our staff had to go out unexpectedly and deal with storm related issues to continue services throughout the city. And we recognized Emory who has been with us for 45 years. This is Women's History Month, and it shows the diversity when we think about what women of all colors have given. The entire reason that we recognize a month for a group is because historically that group has been underrecognized and its accomplishments are not promoted. Take time to learn about some of the incredible accomplishments of women in our history, such as Loretta Aiken "Moms Mabley". This was a heartbreaking weekend with the devastating loss of three young people, and we are all hurting. I can't imagine what the families are going through, but I know our community will rally and surround them with love, caring and kindness, and we will try to provide whatever they need. This is a time when we need to come together and take care of one another.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 8:30 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss pending litigation matter City of Brevard et al. vs. HCA et al. and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 8:41 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-2. Potential Litigation: NCGS §143-318.11.(a)(3) – At 8:41 p.m. Mr. Wise moved, seconded by Ms. Holder to go into closed session to discuss a potential litigation matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

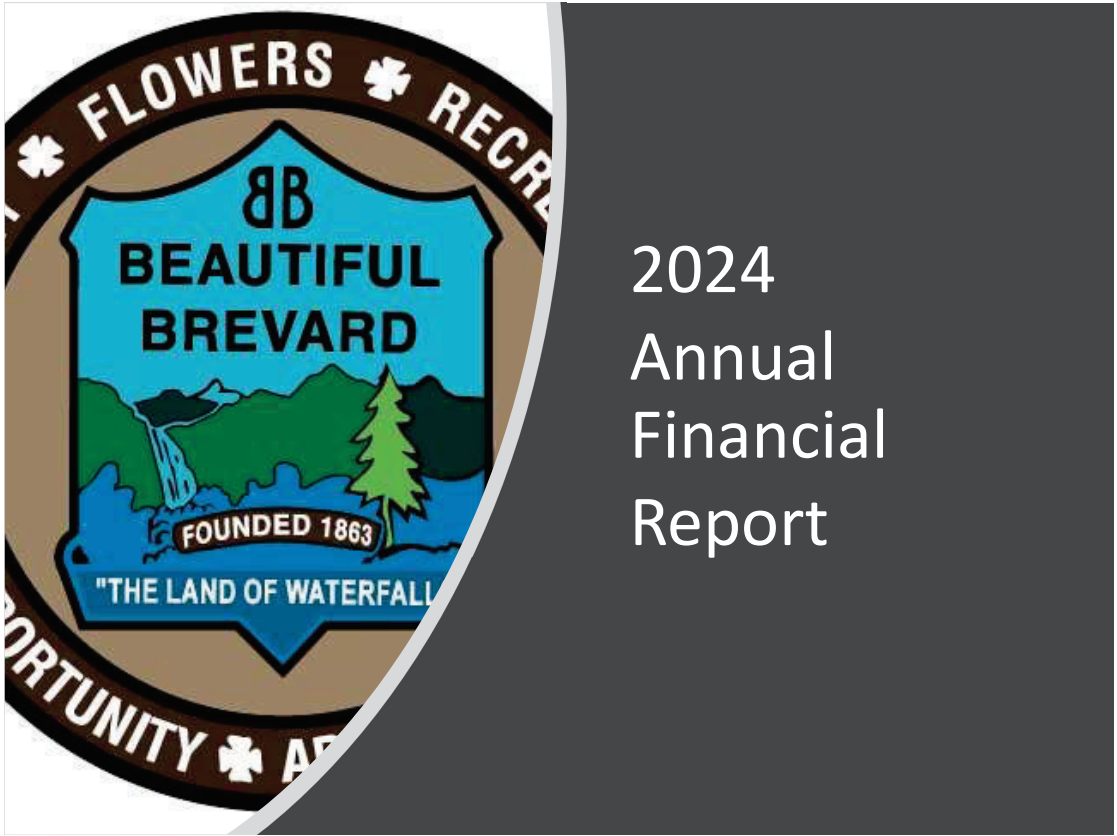
Council Returned to Regular Session – At 8:58 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 8:58 p.m. Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: April 7, 2025



Audit Summary

STATUS OF OUR AUDIT

- The *objective* of an audit is to provide *reasonable* – not absolute - assurance that financial statements are fairly stated, and the City is in compliance with major federal and state grant program requirements. An audit includes examining evidence on a test basis to support the amounts and disclosures in the financial statements, using professional judgment, and evaluating management’s accounting policies and estimates.
- The financial statements are the responsibility of management. We issued unmodified opinions on the financial statements.
- Compliance is the responsibility of management. We issued an unmodified opinion on compliance.



Audit Summary

SUMMARY of Financial Statement Data for FY2024

- 11 governmental funds including the general fund
 - Total assets of \$11.7 million
 - Total revenues of \$12.7 million
 - Total expenditures of \$12.3 million
- 2 Enterprise Funds (Utility Fund and Sanitation Fund)
 - Total assets of \$43.9 million
 - Total revenues of \$11.7 million
 - Total expenses of \$7.6 million

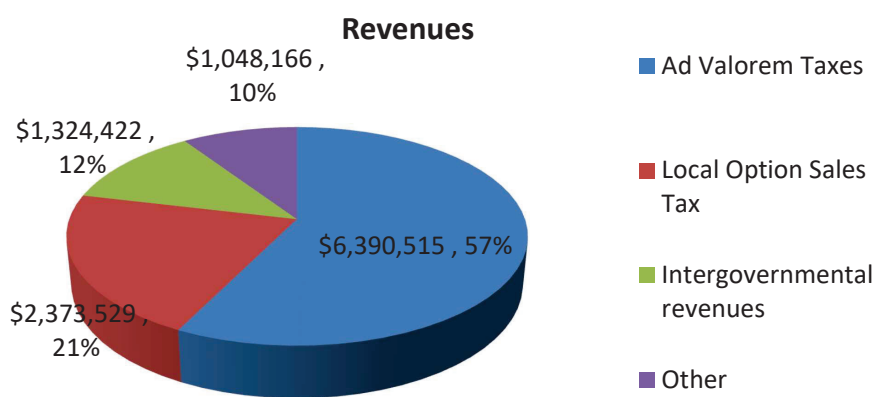


Financial Performance Indicators of Concern

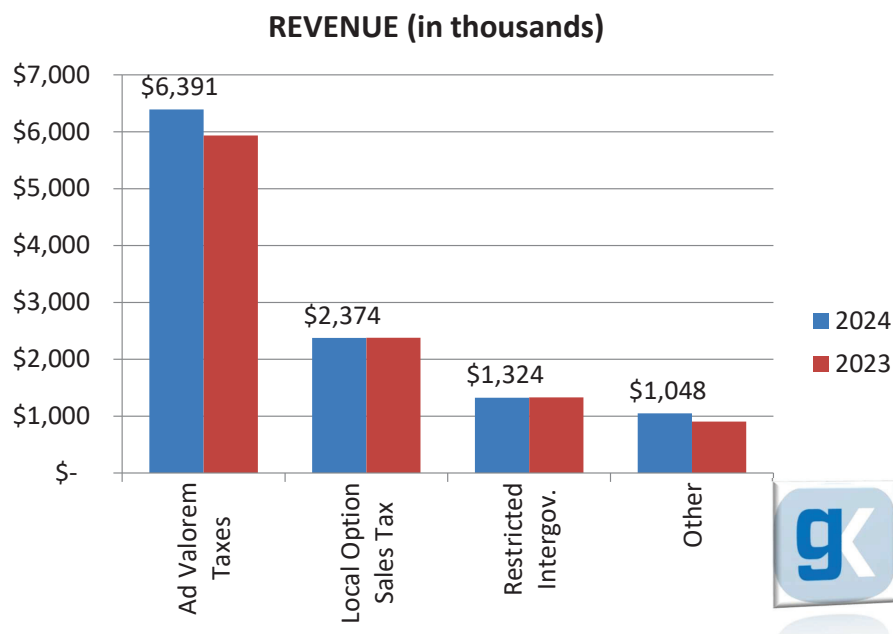
- Unrestricted cash in Utility Fund
 - Only 1 month of expenditures – LGC would like to see a minimum of 2 months



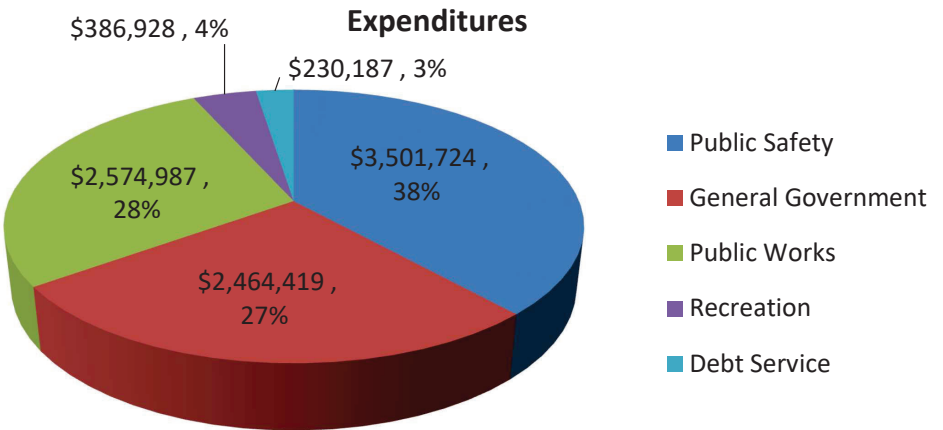
General Fund Summary



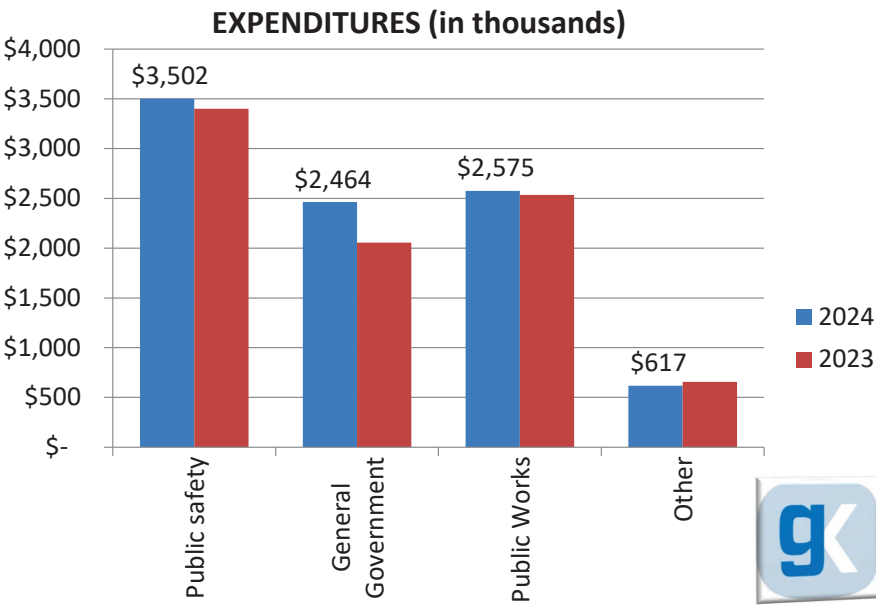
General Fund Summary



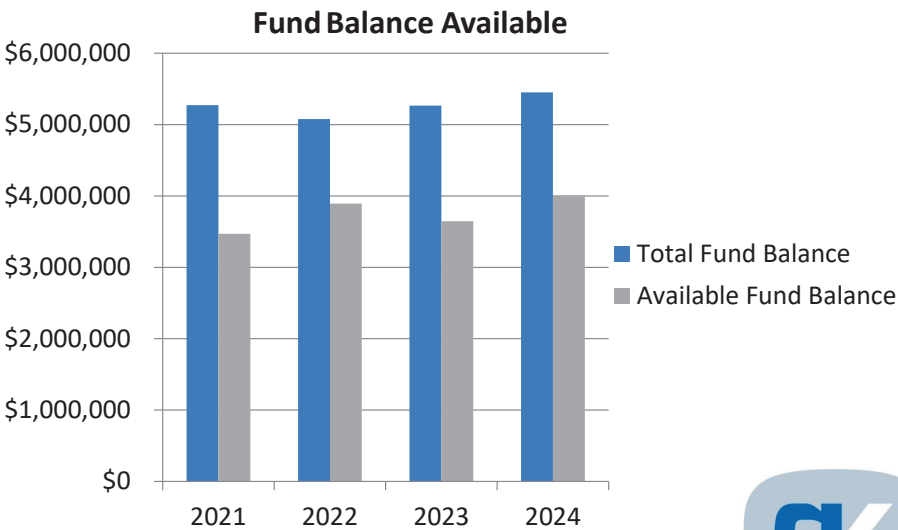
General Fund Summary



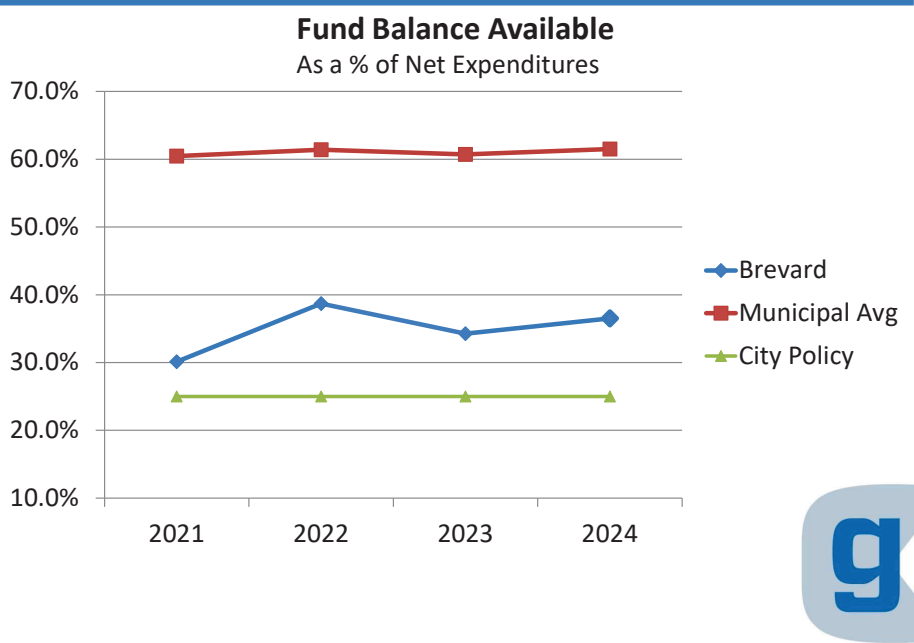
General Fund Summary



General Fund Summary



General Fund Summary



Property Tax Collection

	2022	2023	2024
Property Tax Rate	0.45	0.45	0.48
Prop Valuation	\$1.298 B	\$1.311 B	\$1.330 B
Current year \$ collected (incl. MV)	\$ 5.7 M	\$ 5.8 M	\$ 6.3 M
Current year % collected (incl. MV)	99.53%	99.03%	99.00%

Utility Fund

As of June 30, 2024

Utility Fund	2021	2022	2023	2024
Unrestricted net position	\$878,000	\$856,000	\$1,587,000	\$1,577,000
Change in net position	993,000	439,000	1,910,000	4,243,640
Cash flows from operating activities	1.5 M	1.7 M	2.3 M	1.6 M
Construction - Cash Out	(\$535K)	(\$1.8 M)	(\$3.7 M)	(\$3.0 M)
Debt Issuance - Cash In	\$0	\$947,000	\$2.6 M	\$1.8 M
Debt Service – Cash Out	(\$1.6 M)	(\$1.6 M)	(\$1.5 M)	(\$1.7 M)

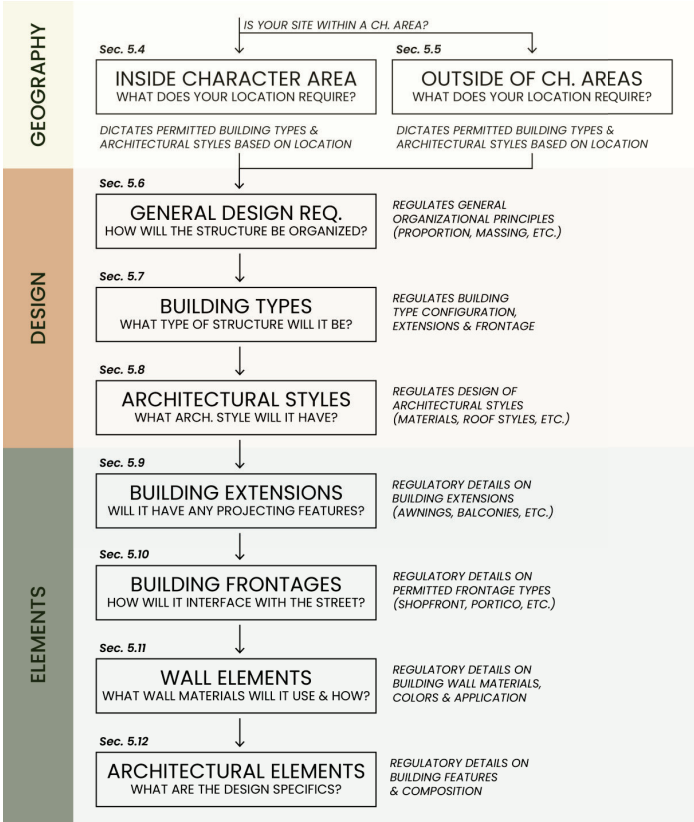


CITY OF BREVARD

2024 Annual Financial Report

ARCHITECTURAL STANDARDS UPDATE

BREVARD, NC



CHAPTER 5

UPDATED STRUCTURE + FLOW

5.1–5.3. Intent/Applicability/Process

5.4–5.5. Geography

5.6–5.8. Design

5.9–5.12. Elements

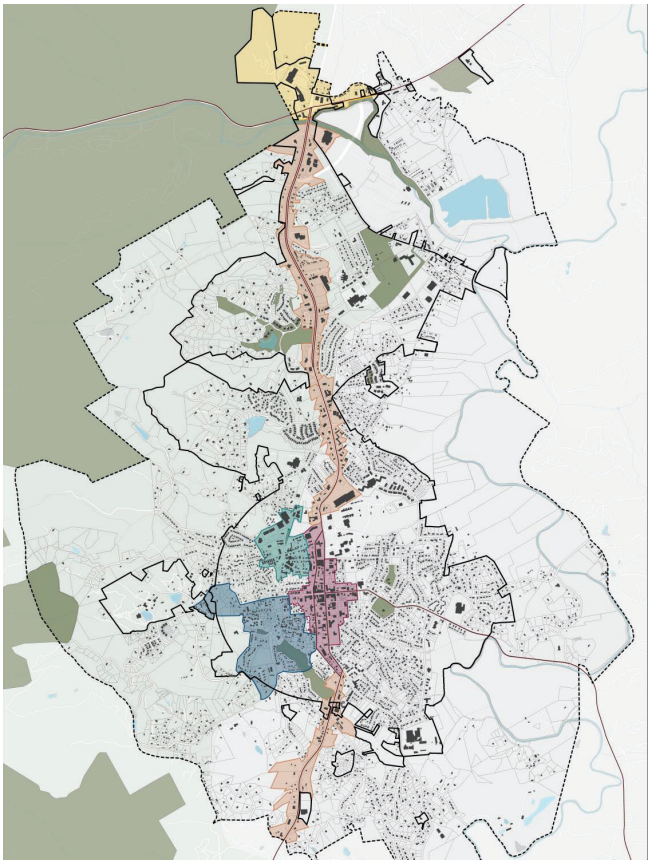


5.1-5.3.

INTENT/APPLICABILITY/PROCESS

- “To preserve and enhance Brevard’s unique architectural character”
- Apply during new construction, ability to set threshold for renovations/upfit
 - Only updated features must comply
- 1-4 unit residential structures

plusurbia.



5.4-5.5.

CHARACTER AREAS

- Downtown & Pisgah Gateway
 - These properties linked to Building Type (5.7) and Architectural Style (5.8) options
- Properties outside Character Areas only linked to Building Type (5.7) options
 - May use any Architectural Style (5.8)

plusurbia.

Vertical Organization / Hierarchy



5.6.

GENERAL DESIGN REQUIREMENTS

- Overarching regulations for all buildings citywide, including:
 - Proportion, Massing, Organization
 - Transparency
 - Equipment Screening
 - Material Mixing
 - Extra Standards for Buildings ≥100,000 SF

plusurbia.

5.7.

BUILDING TYPES

- Developers select from 14 potential Building Types, depending on location
- Building Type regulates:
 - Building Extensions (5.9)
 - Building Frontages (5.10)
 - Some Dimensions

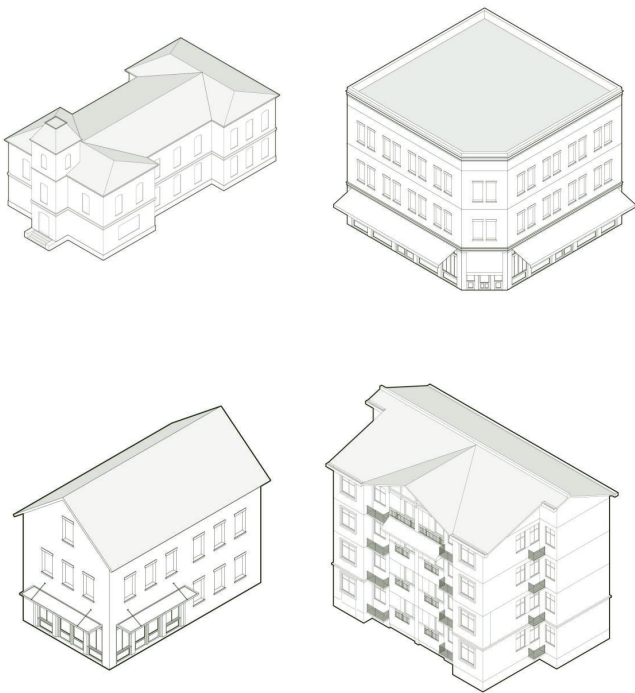
plusurbia.

5.8.

ARCHITECTURAL STYLES

- Each style regulates materials, application, roof shape, primary windows, etc.
- Brick Masonry Vernacular
- Stone Masonry Vernacular
- Rustic Frame Vernacular
- Industrial Vernacular
- Colonial Revival
- Brevard Contemporary

plusurbia.



Brevard Contemporary



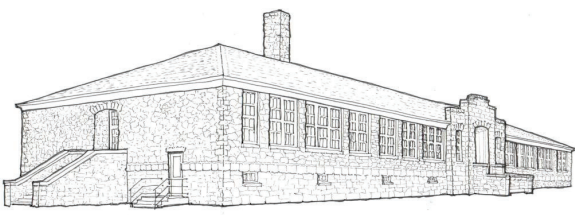
Brick Vernacular



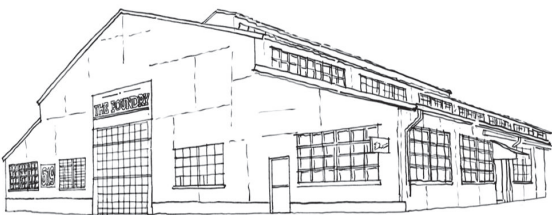
Colonial Revival



Rustic Frame Vernacular



Stone Masonry Vernacular



Industrial Vernacular

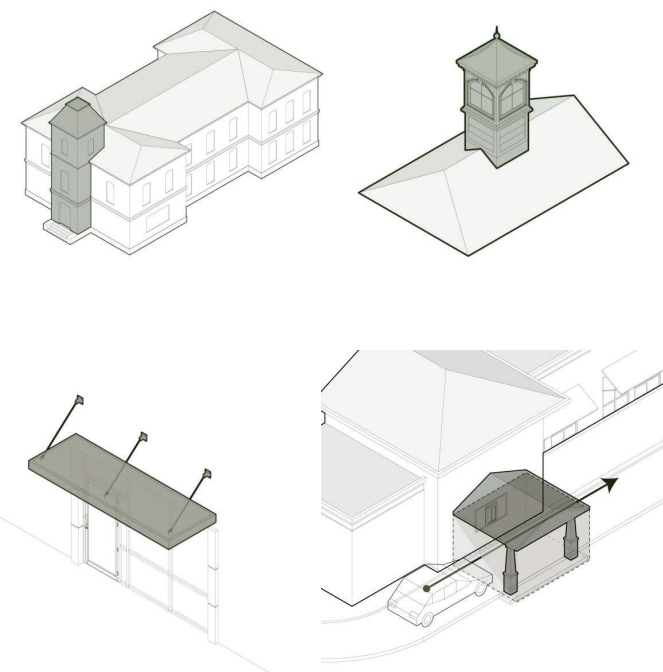


Brevard Contemporary

plusurbia.

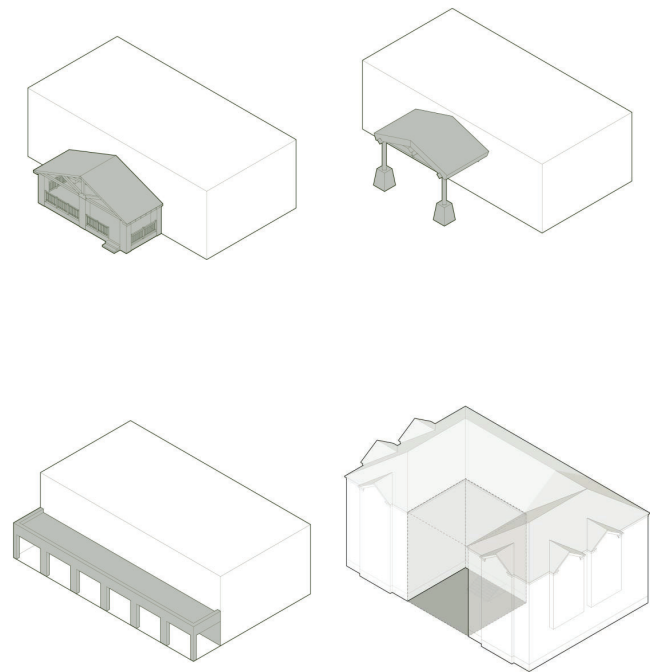
5.9.

BUILDING EXTENSIONS



- Regulates projecting building elements
 - Towers
 - Cupolas
 - Porte Cocheres
 - Awnings
 - Canopies
 - Balconies
 - External Staircases

plusurbia.



5.10.

BUILDING FRONTAGES

- Regulates building frontage characteristics
 - Shopfront
 - Gallery
 - Porch
 - Portico
 - Stoop
 - Courtyard

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Unpainted Wood Examples



Unpainted wood shingles



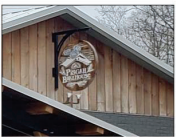
Unpainted wood shingles



Unpainted wood plank siding with half-timbering



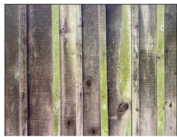
Unpainted board and batten siding



Unpainted vertical plank siding



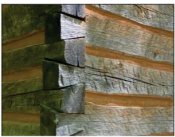
Unpainted wood logs as an exterior material



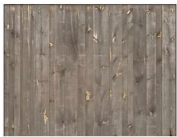
Unpainted board and batten siding



Unpainted wood shingles



Unpainted wood logs with visible clay chinking



Unpainted board and batten siding



Unpainted wood shingles



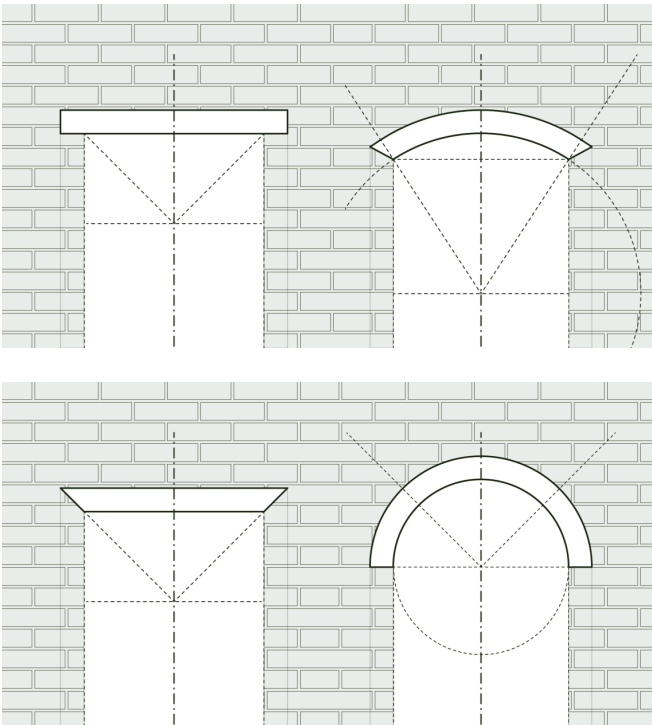
Unpainted rustic wood siding

5.11.

WALL MATERIALS

- Regulates wall material application for durability and authenticity
 - Brick
 - Stone
 - Wood
 - Metal Siding
 - Stucco
 - Color Application
 - Substitute Materials

plusurbia.



5.12.

ARCHITECTURAL ELEMENTS

- Provides additional specifications for the following elements:
 - Doors
 - Masonry Arches
 - Columns
 - Pilasters/Engaged Columns
 - Exposed Wood Structures

plusurbia.

DEFINITIONS

- Architectural Standards linked to new definitions
 - Accompanying graphics provided to illustrate terms



plusurbia.



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Aaron Winans, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Wastewater Treatment Plant Supervisor / Operator in Responsible Charge, so help me God.

Aaron Winans

Oath Administered by:

Denise Hodsdon, CMC
City Clerk

March 7, 2025
Date



**Proclamation No. 2025-05
Sexual Assault Awareness Month
April 2025**

Whereas, nationally one in three women and one in four men will experience some form of sexual assault in their lifetime; and

Whereas, Sexual Assault Awareness Month draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, there is compelling evidence that we can be successful in reducing sexual violence through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

Whereas, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

Whereas, anyone can be a leader in preventing and ending sexual violence. As employers, educators, parents, and friends, we all have an obligation to uphold the basic principle that every individual should be free from violence and fear; and

Whereas, sexual harassment, assault, and abuse can happen anywhere, including in online spaces. For too long harassment, cyberbullying, and sexual abuse and exploitation have come to be expected as typical and unavoidable behaviors online and

Whereas, the theme for Sexual Assault Awareness Month this year **"Together We Act, United We Change,"** highlights the importance of working together to address and prevent sexual abuse, assault, and harassment.

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, the month of April as **Sexual Assault Awareness Month** and urge the citizens of Brevard to work together to eliminate sexual assault from our community, to keep our community members safe from this crime and to stand with survivors and victims of sexual assault.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 7th day of April, 2025.


Maureen Copelof

Mayor

ATTEST:



Denise Hodsdon/CMC
City Clerk





Proclamation No. 2025-06
Designation of April as Second Chance Month

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 70 million American citizens have a criminal record; and

WHEREAS, those individuals who have paid their debt after committing a crime face significant barriers, also known as collateral consequences, to reintegrating into society; and

WHEREAS, gaining meaningful employment is one of the most significant predictors of successful reentry, and ninety percent of those who have been incarcerated struggle to find employment because of societal and legal barriers; and

WHEREAS, while education is also a significant predictor of successful reentry, those with a criminal record have significant difficulty acquiring admission to and funding for educational programs; and

WHEREAS, people with a criminal history also face significant barriers in securing a place to live, and this inability to access housing has been found to increase the number of individuals returning to prison; and

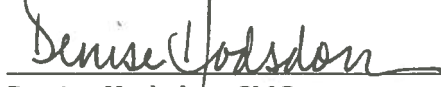
WHEREAS, these and other barriers prevent the 70 million Americans with criminal records from contributing fully to their families and communities, which negatively impacts the well-being of their children and families for generations; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased awareness about the challenges faced by those who have paid their debt and generate opportunities for individuals, employers, congregations, and communities to extend second chances.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim April 2025 as "Second Chance Month." During this month I call on residents to honor the work of those who strive to remove barriers that prevent individuals with a criminal record from becoming productive members of society and to observe Second Chance Month through actions and programs that promote opportunities to unlock second chances.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 7th day of April, 2024.

ATTEST:


Denise Hodsdon, CMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Heart of Brevard Annual Update

Speaker: Nicole Bentley, Heart of Brevard Executive Director

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The City contracts with Heart of Brevard, an independently governed 501(c)(3) organization, to conduct downtown promotion, outreach, and economic development work within the Brevard municipal service district (MSD). The contract is funded with revenue from Brevard's additional \$.213 per \$100 of valuation millage tax on properties within the district (\$143,000). In FY25 the city contributed an additional \$39,000 to Heart of Brevard via its non-profit contribution program, and a \$19,000 contribution from the General Fund.

Discussion

This evening, Heart of Brevard will present a report on their achievements in 2025, and their goals for the year to come. The presentation will also address top challenges faced by businesses in the HoB district and suggestions for enhancements made by downtown stakeholders.

Action

No action requested. For information and discussion only.

Attachments:

1. HOB 2024 Annual Report

HEART OF

BREVARD

BREVARDNC.ORG



2024

ANNUAL REPORT

CELEBRATING PROGRESS AND PARTNERSHIP

FROM THE HEART

EXECUTIVE DIRECTOR
Nicole Bentley

EVENTS & VOLUNTEER MANAGER
Michele Izzarone

EXECUTIVE COMMITTEE
Billy Parrish, President
Resident

Adam Perkins, Vice President
DD Bullwinkel's Outdoors

Shelia Carland, Vice President
Comporium

Taylor Singer, Secretary
Heart of Brevard Resident

Anna Davis, Treasurer
PLATT

OTHER ELECTED MEMBERS
Victor Gomez-Flores, *Quixote Fine Cuisine*
Emrie Carlton Jackson, *Territory Brevard*
Doug Miller, *Newfound Artisan*
Paul Wilander, *Looking Glass Realty*

APPOINTED DIRECTORS
Maureen Copelof, Mayor
City of Brevard
Nory LeBrun,
Transylvania County Representative, TwoBlueRhino
Tamika Hunter,
Transylvania Chamber of Commerce Representative



OUR MISSION + VISION

Heart of Brevard is creating a gathering space for the community, strengthening the economic vitality of the downtown Brevard district and preserving and sustaining our rich heritage.

Historic Downtown Brevard, cradled by the Pisgah National Forest, is the safe, walkable center of our community. Lined with diverse independent businesses, downtown serves as the cross-roads to exceptional outdoor recreation and is a thriving hub for the arts.

WELCOME TO DOWNTOWN

This year, Heart of Brevard has been all about progress, growth, and the power of partnership. Our 2024 Annual Report is a celebration of the strides we've made together—a testament to what's possible when a community comes together with shared purpose and determination.

Downtown Brevard is so much more than a collection of buildings or a destination on a map—it's the heart of our community. It's where stories are told, dreams are realized, and neighbors gather. It's where history and innovation intertwine, creating a place that's as unique as it is welcoming. We believe that a thriving downtown is essential to the well-being of our entire community, and every step we take is in service of that belief. This spirit of inclusion and connection makes downtown Brevard not just a place to visit, but a place to belong.

We moved into a new office suited to our expanding work and deepened partnerships with the City of Brevard, officials, and downtown stakeholders to enhance public spaces, support local businesses, and keep downtown thriving. This year, we've grown stronger and more connected as an organization.

We made meaningful progress on several long-term projects, including the Loretta Mary Aiken Mural, a part of the NC Music Mural Project, which beautifully blends history and art. The Public Art Process is setting the stage for future creative projects. During the Times Arcade Alley Stormwater Project, we worked closely with businesses and city planners, ensuring these crucial infrastructure improvements kept downtown accessible and welcoming.

In 2024, our community demonstrated incredible resilience. After Hurricane Helene, we served on the Transylvania Tomorrow Task Force, raising over \$420,000 to support small businesses. Halloweenfest took on a new dimension with a community concert, which raised critical funds and reinforced the connections that drive us forward.

Our efforts to support businesses have never been stronger. We updated our Shopping and Dining Guide, improved signage, and developed vendor maps for events. The launch of the Social District in February added vibrancy to downtown, creating more opportunities for connection.

Our events, including the 20th Anniversary White Squirrel Weekend and Halloweenfest, drew record crowds, energized the local economy, and brought joy to thousands. These events define our downtown and strengthen community bonds.

We are grateful for the partnerships that made 2024 possible. Sponsors, volunteers, local leaders, and supporters helped us achieve so much. Together, we've shown that downtown Brevard isn't just the heart of our community—it's the soul of what makes Brevard extraordinary.

Here's to more growth, more connection, and more reasons to celebrate in the year ahead.

Sincerely,


J. NICOLE BENTLEY, Executive Director

PILLARS OF EXCELLENCE

Brevard's downtown is our community's main economic, cultural, political, and social center. Sustaining a safe and attractive downtown allows hundreds of small, independent businesses to flourish, important government transactions to take place, art and music events to thrive, and a healthy lifestyle to be encouraged. At Heart of Brevard, we center our work around 4 core pillars:

- 1 DOWNTOWN IS A PLACE FOR COMMUNITY
- 2 DOWNTOWN IS AN OUTDOOR HUB
- 3 DOWNTOWN IS A HUB FOR THE ARTS
- 4 DOWNTOWN IS ANCHORED BY INDEPENDENT BUSINESSES



1



2



3



4



2024

ECONOMIC IMPACT

\$6,047,190

TOTAL PUBLIC & PRIVATE INVESTMENT



NOTABLE

PROJECTS

OPERATIONAL IMPROVEMENTS

- ♥ Celebrated our **30th Anniversary Year** as a Designated North Carolina Main Street Organization.
- ♥ Secured a **New Office Space** to support the organization's growth and operational needs.
- ♥ Strengthened **collaboration with City of Brevard staff, elected officials, utility partners, and downtown stakeholders** to advance our shared mission and support downtown.



DESIGN + INFRASTRUCTURE

- ♥ Facilitated the completion of the **Loretta Mary Aiken Mural**, highlighting local history as part of the NC Music Mural Project.
- ♥ Completed our **3rd Annual Walkable Center Assessment** and presented to council resulting in \$30,000 in funds for addressing the safety and infrastructure improvements in the HOB district.
- ♥ Collaborated with the City of Brevard and other stakeholders to establish a **Public Art Process** to guide future projects on public property.
- ♥ Served as liaison to downtown business owners during the **Times Arcade Alley Stormwater Project** enhancing downtown accessibility and aesthetics.



BUSINESS SUPPORT + VISITOR ENGAGEMENT

- ♥ Since its launch in April 2024, the **Social District**, with 27 participating businesses, has generated an estimated economic impact of \$127,500 from approximately 19,500 stickered beverages sold (\$97,500) and 6,000 beverages sold during White Squirrel Weekend (\$30,000).
- ♥ Published an updated **Shopping and Dining Guide** to showcase downtown businesses and improve the visitor experience.
- ♥ Created **downtown signage** to aid navigation and promote key destinations.



HURRICANE HELENE RESPONSE + RECOVERY

- ♥ In response to the catastrophic impacts of Hurricane Helene, Transylvania Business Support Task Force has relaunched the **Transylvania Tomorrow Small Business Emergency Relief Fund** (Transylvania Tomorrow) to support the small business community in Transylvania County, NC.
- ♥ Partnered with the Transylvania Tomorrow Task Force to **raise over \$400k, supporting 58 businesses** through grants in Transylvania County.
- ♥ Organized a **Community Benefit Concert** in conjunction with Halloweenfest to raise funds and unite the community.



MAIN STREET IMPACT

NC Main Street is part of the Main Street America™ network, which helps communities strengthen their downtowns. It works with over 40 Coordinating Programs and 1,200 communities across the country to boost local economies and preserve historic areas through preservation-based economic development.

THE RESULTS ARE IN...
Each year in July, North Carolina Main Street communities report the impact of their work to the North Carolina Department of Commerce. Main Street is the most impactful downtown economic development program in the state of North Carolina.



THE IMPACT OF MAIN ST. 2024





DOWNTOWN

MARKETING

Heart of Brevard helps make downtown Brevard a vibrant and welcoming place. We support local businesses through marketing and promotions, host events that bring people together, and showcase what makes our community special. Our goal is to create a downtown where everyone—residents, visitors, and business owners—feel connected and inspired.

OUR REACH


6K
NEWSLETTER
SUBSCRIBERS

45%
NEWSLETTER
OPEN RATE


231.5K
INSTAGRAM
REACH IN 2024

3.9K
INSTAGRAM
FOLLOWERS

16K
SHOPPING & DINING
GUIDES
DISTRIBUTED

10.6K
FACEBOOK
FOLLOWERS


723.4K
FACEBOOK
REACH IN 2024

DOWNTOWN

EVENTS

Heart of Brevard drives the vitality of our downtown community through innovative marketing and dynamic events. By celebrating the unique character of the district, we create opportunities that engage residents, visitors, and local businesses. Our signature events attract thousands each year, boosting foot traffic and revenue for downtown merchants, restaurants, and service providers. These gatherings foster connections and position downtown Brevard as a vibrant destination for shopping, dining, and cultural experiences.



WHITE SQUIRREL
WEEKEND
20TH
ANNIVERSARY



75K
EVENT ATTENDEES



25
PLEIN AIR
ARTISTS

2024
FEATURED ARTIST:
KYLE BUCKLAND



6K
HOLIDAY
WINDOWS
VISITORS

410
PEOPLE'S CHOICE
HOLIDAY WINDOW
AWARD VOTERS

VOLUNTEERS AT WORK

Our volunteers are at the HEART of our organization! We rely on them to help us produce fun and meaningful events for our community. It provides a great way for our supporters to get involved. They help us make friends and meet new people and it helps us accomplish the myriad of tasks needed to create and execute community events and various other initiatives by Heart of Brevard.

18

VOLUNTEER EVENTS

306

TOTAL VOLUNTEERS

2,269

TOTAL NUMBER
OF VOLUNTEER HOURS

INTERESTED IN
VOLUNTEERING?



SCAN ME



\$71,791.16

TOTAL FINANCIAL
VOLUNTEER VALUE



COMMUNITY SUPPORT

Transylvania Tomorrow was founded in response to the COVID-19 pandemic as a disaster relief initiative aimed at supporting small businesses in Transylvania County during times of crisis. Led by the Transylvania Business Support Task Force, which includes the Brevard/Transylvania Chamber of Commerce, Heart of Brevard, Transylvania Economic Alliance, Transylvania County Tourism Development Authority, and Blue Ridge Community College Small Business Center, this fund focuses on collaborating to aid local businesses. Coordinated through the Community Focus Foundation, a 501(c)(3) nonprofit, this collective partnership amplifies our collective impact, combining resources and expertise to address challenges more effectively. By working together, we create stronger, more resilient communities where shared goals drive meaningful change.

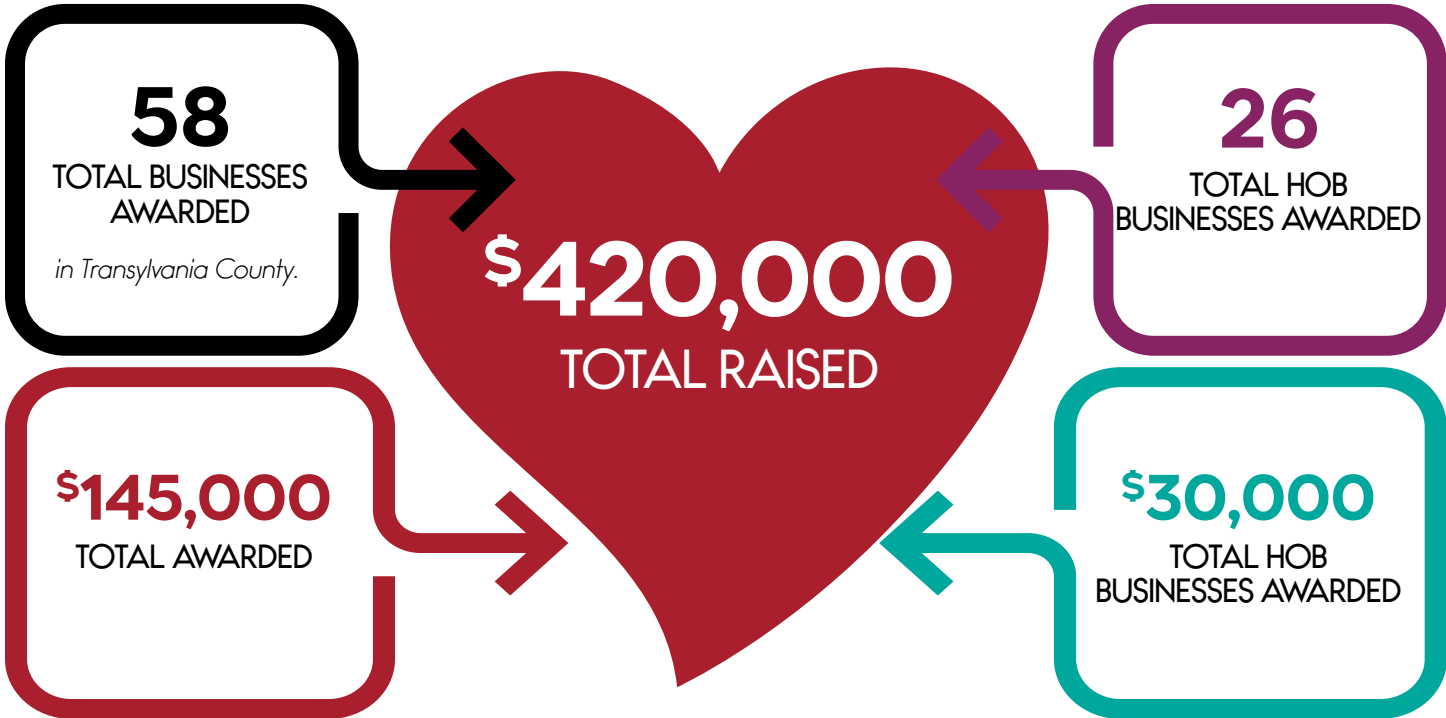
“We, at Pitch Pine Farm are honored and thrilled to be selected for the grant. This funding brings us relief knowing that we can purchase supplies needed to get back to what we love doing – growing food for our community.”

PAIGE WITHERINGTON &
JUSTIN DANSBY
Owners of Pitch Pine Farm



TRANSYLVANIA TOMORROW

IMPACT



BENEFIT

CONCERT

To support this effort, Heart of Brevard produced a free Community Benefit Concert featuring The Steep Canyon Rangers and The Travis Book Band, with the goal of raising \$500K for the Transylvania Tomorrow Hurricane Relief Fund. The concert united our community and provided crucial support to those affected by the crisis.



PARTNERS & SPONSORS

Our sponsors and community partners are crucial to the future of a vibrant and thriving downtown Brevard. Financial support from our sponsors helps fund our signature events and annual initiatives to engage the community and support local businesses. Being a downtown sponsor is a great way to promote your business at fun, family-friendly community events while helping draw attention to our downtown revitalization efforts.



THANK YOU

TO ALL OUR SPONSORS & PARTNERS

185 KING STREET/ NOBLEBRAU	COMPORIUM	MAY COLLABORATIVE	SOUTHERN QUALITY COMPANY
ADVANCED BUSINESS EQUIPMENT	CONNESTTEE FALLS REALTY	MERCY URGENT CARE	TERRITORY
BATH FITTER	DD BULLWINKEL'S	NATIVE SPIRITS	THEOPHILUS
BILTMORE CHURCH	FIRST CITIZENS BANK	NEWFOUND ARTISAN	THE UPS STORE
BLUE RIDGE ORTHODONTIC	FISHER REALTY	OSKAR BLUES BREWING	TRANSYLVANIA COMMUNITY ARTS COUNCIL
BREVARD BREWING COMPANY	GAIA HERBS	PLATT	TRANSYLVANIA COUNTY
BREVARD CLAY	HARPER CONSTRUCTION	PLATT HOME	TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY
BREVARD INSURANCE	JOE CHAPMAN ROOFING	RAE + IVY	TY HENDRIX FINANCIAL INVESTMENTS
BREVARD PIZZA WORKS	KUDZU BRANDS	RENEWAL BY ANDERSON	UNITED COMMUNITY BANK
BROAD STREET WINES	LAND OF WATERFALLS CAMERA CLUB	ROCKY'S CORNER MARKET	WSQL
CITY OF BREVARD	LEAF GUARD	SHUTTERBUNNY ART	
CANTEY FOUNDATION	LOCAL COLOR	SMALL AXE CANNABIS COMPANY	
	LOOKING GLASS REALTY		

OUR 2025 CALENDAR

Heart of Brevard sponsors special events, street festivals and promotional programs to encourage locals and visitors to the district and create a strong, positive image with the public. Our programs may range from large scale events, to self guided tours, to modest shop local promotional events and public relations efforts. We welcome you to head to the heart!



MAY 23-25

WHITE SQUIRREL WEEKEND, Brevard's multi-day signature downtown event combines a stellar live music line-up with a wide variety of craft vendors and fun activities for the whole family.



JULY 4

Celebrate Independence Day downtown at **SHINDIG ON MAIN**! Enjoy patriotic ceremonies, live music, and food. After sunset, watch Brevard's spectacular fireworks display right from Main Street.



SEPT 8-13

Join dozens of artists at **BREVARD PLEIN AIR FESTIVAL**, a 5-day celebration of outdoor painting. Watch artists at work at this street festival and take home a painting that evokes the beauty of Brevard.



OCT 25

There's no better place to enjoy Halloween than Transylvania County. Our **HALLOWEENFEST** features a Spooky Stroll, costume competition, parade, and downtown trick-or-treating.



NOV 28 - DEC 31

As the holidays approach, downtown businesses in the Heart of Brevard decorate their windows with spectacular, eye-popping, and festive displays for all to enjoy in the **HOLIDAY WINDOWS COMPETITION**.



DEC 6

LIGHT UP THE NIGHT is an event that immerses guests in an evening of wonder. The night is filled with live music, hayrides, food trucks, holiday downtown shopping, and the lighting of Brevard's Christmas Tree.

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INFO@BREVARDNC.ORG • 828-884-3278



GET INVOLVED!



/HEARTOFBREVARD



/HEARTOFBREVARD



STAFF REPORT

City Council, Monday, April 7, 2025

Title: Heart of Brevard Downtown Walkability Assessment

Speaker: Anna Davis, Heart of Brevard Built Environment Committee chairperson.
Maggie DeLap, Heart of Brevard Built Environment Committee member.

Prepared by: Nicole Bentley, Heart of Brevard Executive Director
Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

Heart of Brevard (HoB) maintains a "Built Environment Committee" that assesses the physical conditions of downtown and makes recommendations to HoB and the City of Brevard. As in 2024, for 2025 the committee performed a "walkability study" of downtown. The study included HoB members, but also the City's elected officials: Maureen Copelof, Mac Morrow, Pamela Holder, Aaron Baker, Lauren Wise, Gary Daniel, Maggie DeLap, Kevin McDonald, Anna Davis, Leroy Walters, Nicole Bentley, Paul Wilander

Discussion

Participants noted conditions that impacted walkability. They took pictures and plotted the coordinates of each issue they discovered. The participants recorded 236 findings, categorizing them into five categories: safety issues, maintenance issues, enhancement recommendations, aesthetic recommendations, other observations.

The group also noted whether the issue was of public or private concern.

At this evening's meeting, HoB representatives will give a summary of their findings and present the full findings to Council for review. They request that the report be used as a tool for prioritizing resources during the upcoming budget discussion.

Hard copies were made available to staff and elected officials in early March. An overview/executive summary is attached.

Action

No action requested. For information and discussion only.

Attachments:

1. 2025 Summary-Walkability Study_



2025 Walkability Study and Findings

Overview:

The Heart of Brevard (HOB) Walkable Center Assessment, led by HOB's Built Environment Committee, evaluates the full Heart of Brevard district, including key gateways and entry points. This process identifies priorities to improve accessibility, safety, walkability, and vibrancy across the area. Using a customized smartsheet™ mobile app, participants—including HOB board members, committee members, and city council representatives—document real-time observations, findings, and photos of critical issues. The most recent assessment, conducted in December 2024, builds on previous evaluations, with findings summarized in this document.



On-the-Ground Evaluation:

Four HOB Built Environment assessment teams evaluated specific portions of downtown Brevard, defined by the current Municipal Service District (MSD) boundaries and its gateways. Each team assessed their assigned area using the following framework:

- **Safety Issues**
- **Maintenance Issues**
- **Enhancement Recommendations** (e.g., adding trash bins, bike racks)
- **Aesthetic Recommendations**
- **Other Observations** (for issues that don't fall into the above categories)

Participants and Teams:

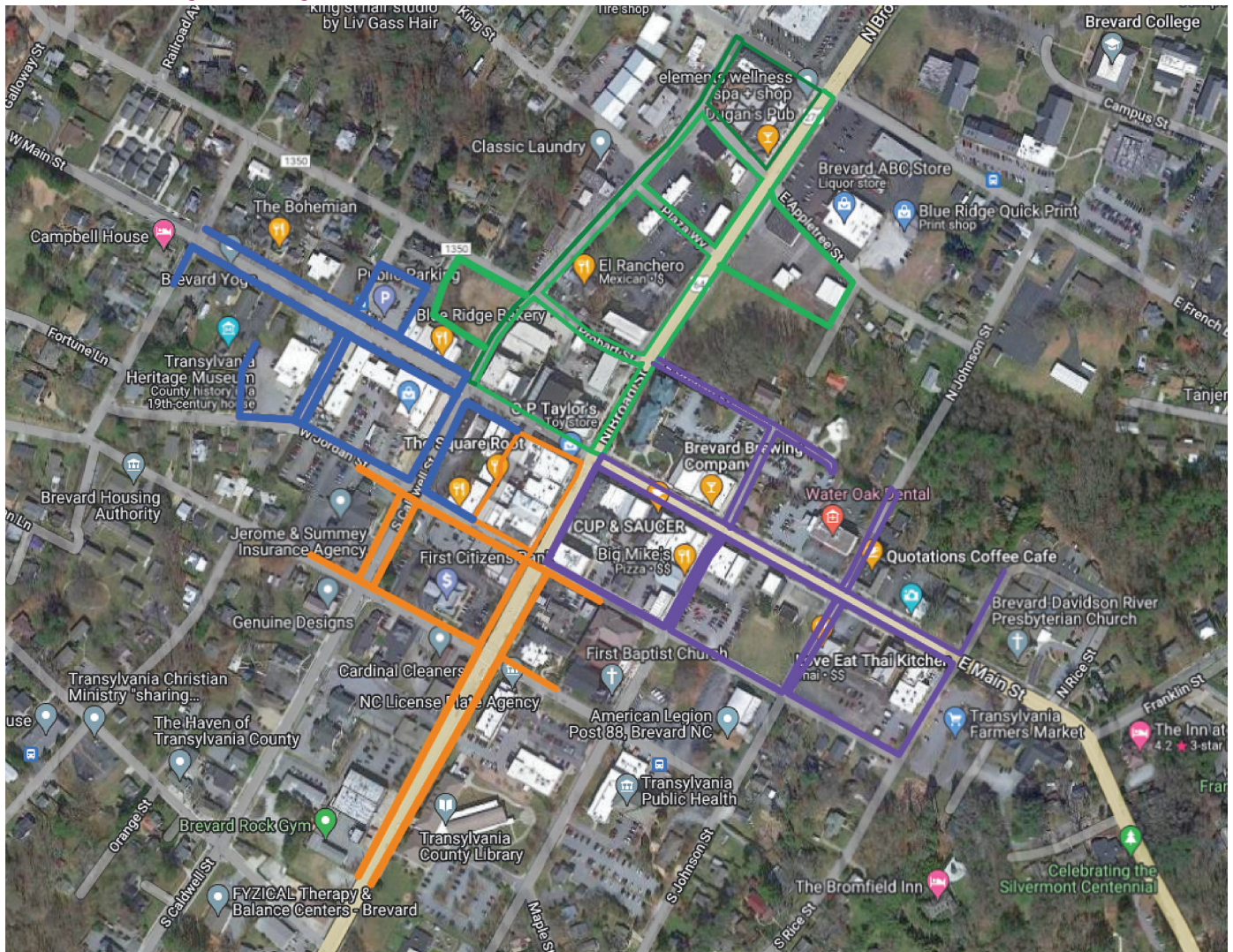
For this year's assessment, the HOB Built Environment Committee recommended including members from city committees directly impacting downtown, specifically:

- **Downtown Master Plan Committee:** Gary Daniel and Pamela Holder
- **Public Safety Committee:** Aaron Baker and Mac Morrow
- **Public Works Committee:** Mac Morrow and Lauren Wise

Each assessment team included Built Environment Committee members, HOB staff, and city representatives as needed. Teams were assigned specific downtown sections and entryways, marked by color-coded areas on the attached map:

- **Purple Team:** Maggie DeLap (Leader), Mac Morrow, and Kevin McDonald
- **Blue Team:** Maureen Copelof (Leader), Anna Davis, and Pamela Holder
- **Green Team:** Leroy Walters (Leader), Lauren Wise, and Aaron Baker
- **Orange Team:** Nicole Bentley (Leader), Paul Wilander, and Gary Daniel

Walkability Study Area:



Findings:

The teams identified 236 findings, with approximately 60 marked as critical or “Red” priorities related to safety and accessibility. Some critical issues—such as missing or uneven brick pavers, damaged sidewalk expansion joints, deteriorating light poles, and displaced mulch—were so widespread that only a few instances were recorded to represent recurring problems.

These findings were reviewed by City of Brevard Public Works leadership, including Wesley Shook and T.J. Aldridge, along with HOB representatives Nicole Bentley and Billy Parrish. The most urgent issues were categorized using the following priority matrix:

Red – Level 1: Immediate safety, liability, or accessibility issues requiring urgent action

Red – Level 2: High-priority issues in high-traffic areas needing expedited attention

Red – Level 3: Significant concerns in medium- to low-traffic areas with moderate urgency

Red – Level 4: Lower-priority issues in less-trafficked areas

Yellow: (Moderate Priority): Includes some less urgent safety issues, focusing on areas with lower traffic and non-critical needs.

Green: (Lowest Priority/Enhancements): Improvements that enhance aesthetics or efficiency, when future resources allow.



Top Priority Categories for City Funding and Resources:

The HOB Built Environment Committee identified seven critical areas requiring public infrastructure investment:

1. **Brick Paved Areas:** Widespread deterioration causing trip hazards and diminishing the area's appearance
2. **Concrete Sidewalks:** Numerous damaged sidewalks posing safety hazards
3. **Street Trees:** Many older trees require pruning or replacement due to poor condition
4. **Tree Wells:** Poor maintenance leading to safety issues and unsightly conditions
5. **Mulched Areas:** Erosion and poor upkeep leading to aesthetic and drainage concerns
6. **Light Poles & Street Standards:** General deterioration from long-deferred maintenance

Top Priority Categories for Private Sector Reinvestment and Maintenance:

HOB will connect with eligible property owners to encourage them to apply for our annual grant opportunities. These grants are specifically available to businesses and property owners within the HOB district, with a focus on projects that enhance the appearance of both individual properties and the downtown district.

Two areas were identified for private sector focus:

1. **Landscaping & Outdoor Areas:** Overgrown landscaping, deteriorating retaining walls, and poor trash management
2. **General Cleanliness & Building Maintenance:** Attention needed for cleanliness, building condition, and poorly maintained downspouts

Conclusion:

The Heart of Brevard continues to benefit from a strong partnership with the City of Brevard's Public Works Department. The department consistently addresses critical issues, even with limited resources. Notably, of the **184 issues identified in the February 2024** assessment related to city-owned assets, **46 have already been resolved** by Public Works.

Heart of Brevard looks forward to working closely with the City of Brevard in ensuring that our unique and historic city center remains the successful economic engine and iconic heart of the city.

Example Data Entry:

The Built Environment Committee members categorized the 236 findings into 4 categories: Enhancement Recommendations, Maintenance, Aesthetic Recommendations and Safety.

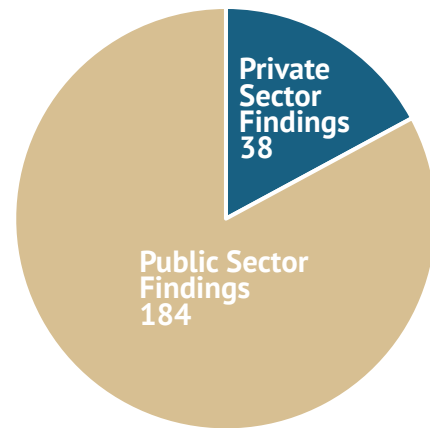
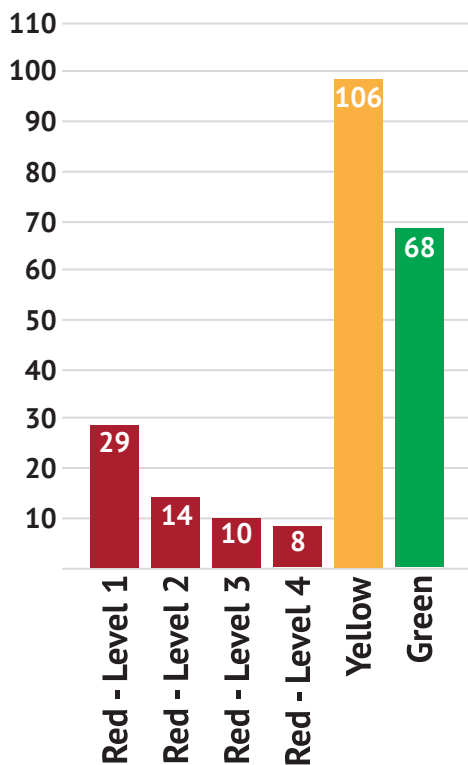
Below is an example of a documented Safety issue:

ID	Photo	Description	Location	Location Description	Public	Is This a Safety Issue?	Classification	Trip Hazard	Priority	Priority Numbering
10		Tree well is uneven and loose. Bricks and cinderblocks are creating a trip hazard.	35.233255 -82.734537	Directly in front of Bracken Mountain Bakery	Public	Yes	Safety	☒	●	1

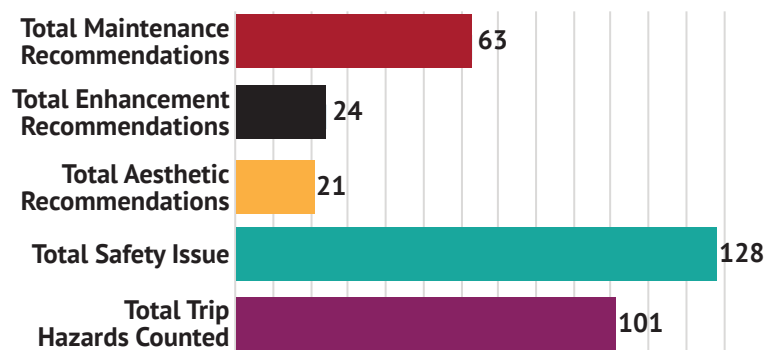
Understanding the Numbers:

We also examined additional classifications, including whether the issue posed a trip hazard, and we logged the data accordingly to differentiate between public and private concerns. We will present the complete report and provide a copy of our collected data.

2025 Priority Categories



2025 Recommendations by Category



STAFF REPORT

City Council, Monday, April 7, 2025

Title: Amendment to City of Brevard Traffic Schedule to Establish Regulations for Victore Lane

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The City recently accepted the dedication of a new road off Osborne Road serving a new subdivision called Victore Lane (pronounced "victory"). Now that this is a city-owned and maintained street, it must have appropriate traffic regulations codified.

Discussion

The attached amendments to the Traffic Schedule will establish 1) a speed limit of 15 MPH, 2) that there is no on-street parking allowed on either side of the street, and 3) the requirement to stop before entering Osborne Road.

Policy Analysis

Ensuring motorist safety on all streets is harmonious with the goals of the Active Transportation & Community Health topic area, specifically to "enhance transportation network for all modes of travel."

Fiscal Impact

Minor costs of purchasing and installing new signage.

Action

This staff report is being presented for public hearing purposes only and no action is requested. However, should Council wish to take action at this time an enacting ordinance is included.

Attachments:

1. Enacting Ordinance

ORDINANCE NO. 2025-XX

**AN ORDINANCE AMENDING THE BREVARD TRAFFIC
SCHEDULE AND BREVARD CITY CODE CHAPTER 66**

WHEREAS, a newly constructed street off of Osborne Road named Victore Lane was dedicated to the City on December 7, 2023 (Plat File 23, Slide 342); and

WHEREAS, following a public hearing held on April 7, 2025, the City of Brevard wishes to add this street and its pertinent regulations to the City of Brevard Traffic Schedule.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

Section 1. Chapter 66, Schedule I, Section 66-122 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Add both sides of Victore Lane in its entirety.

Section 2. Chapter 66, Article IV, Schedule XI, Section 66-72 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Add Osborne Road from Victore Lane.

Section 3. Chapter 66, Schedule XVIII A, Section 66-87(6) of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Add Victore Lane.

Section 4. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth herein.

Section 5. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 7th day of April 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Property Tax Releases - March 2025

Speaker:

Prepared by: Tina Tanner, Tax Collector/Water/Finance

Approved by: Dean Luebbe, Assistant City Manager/Finance Director

Background

The City of Brevard has been notified by the Transylvania County Tax Administration of the following releases from the tax scroll of the City of Brevard.

The governing body of the City of Brevard is required by General Statute to approve these releases and instruct the Tax Collector to remove these property values from the city tax records.

General Statute 105-381

(b) Action of Governing Body.--Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made.

A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

Release Amount for March 2025: \$1,795.52

Recommendation:

Approve resolution to release values from the tax scroll.

Attachments:

Resolution Approving Property Tax Releases- March 2025

Attachments:

1. 04 Resolution Tax Release March 2025

RESOLUTION 2025-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

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

The Tax Collector is hereby authorized to remove March 2025 property values from the tax scroll in the amount of:

2025: \$ 1,795.52

Adopted and approved this the 7th day of April, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk



Proclamation No. 2025-07
ARBOR DAY
Brevard, North Carolina

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, this is the 46th year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, do hereby proclaim **April 25, 2025**, as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the well-being of our present and future.

Adopted and approved this the 7th day of April, 2025.

Attest:


Denise Hodsdon, CMC
City Clerk


Maureen Copelof
Mayor





**Proclamation No. 2025-08
Month of the Young Child &
Child Abuse Prevention Month**

Whereas, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2025 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

Whereas, children's cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children's positive, safe, and nurturing interactions with adults, peers, and their environment; and

Whereas, youth-serving agencies of Transylvania County are collaborating to raise awareness and prevent child abuse in our community; and

Whereas, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

Whereas, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

Therefore, I, Mayor Maureen Copelof do hereby proclaim April as The Month of the Young Child and Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 7th day of April, 2025.

ATTEST:


Denise Hodsdon, CMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Resolution Fixing a Date of Public Hearing for Non-Contiguous Annexation - John Valenti and MTS Properties, LLC, Reservoir Rd. and Hampton Rd.

Speaker: Denise Hodsdon, City Clerk

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

A Petition Requesting Voluntary Non-contiguous Annexation was submitted on February 24, 2025 by John Valenti, individually and as managing partner of MTS Properties, LLC. The petition requests that four parcels located on Reservoir Road and Hampton Road be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984).

Discussion

On March 17, 2025 City Council approved a Resolution Directing the Clerk to Investigate the Sufficiency of the Petition. The Clerk, Staff and Attorney have investigated and feel this annexation can move forward with setting a date for public hearing.

Recommendation

Staff recommends Council adopt the drafted Resolution Setting a Date for Public Hearing on Monday, May 5, 2025.

Attachments:

1. Certificate of Sufficiency-Valenti & MTS Properties LLC
2. Petition for Non-contiguous Annexation_John Valenti & MTS Properties
3. Valenti & MTS Properties Preliminary Annexation Plat
4. Resolution Fixing Date for Public Hearing - Valenti and MTS Properties LLC



CITY of BREVARD

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

Office of City Clerk
(828) 885-5614

Certificate of Sufficiency

I, Denise Hodsdon, City Clerk, do hereby certify that I have investigated the attached Petition Requesting a Non-contiguous Annexation, submitted by **John Valenti, individually and as managing partner of MTS Properties, LLC**, for four parcels located on Reservoir Road and Hampton Road, Brevard, (**Property Identification Numbers 8586-24-2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984**), consisting of 1.091 acres, more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160-A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 3rd day of April, 2025.



Denise Hodsdon, CMC
City Clerk

RECEIVED
2/24/2025
dh

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



**PETITION REQUESTING A NON-CONTIGUOUS
ANNEXATION**

G.S. 160A-58.1 (As Amended)

Date: _____

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is non-contiguous to the City of Brevard and the boundaries of such territory are as follows:

Transylvania County Property Identification Number(s): 8586-24-2193;
8586-24-3036; 8586-24-3041; 8586-23-3984

Street Address: 1054 117 Reservoir Rd; 82 & 84 Hampton Road

**(ATTACH A METES AND BOUNDS PROPERTY
DESCRIPTION AS "ATTACHMENT A")**

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s) Do you declare **vested rights**? Yes ___ No ✓
(Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

- a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 342 0204 Email jademvalenti@gmail.com
Signature [Signature]
- b. Name _____
Address _____
Telephone _____ Email _____
Signature _____
- c. Name _____
Address _____
Telephone _____ Email _____
Signature _____

Property Ownership by Corporation or LLC: (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

- a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 342 0204 Email jademvalenti@gmail.com
By: [Signature] Managing Member
Type or Print Name and Title (President / Managing Member)
Signature [Signature]

MTS Properties, LLC

b. Name John Valenti
Address 84 Hampton Rd
Brevard NC 28712
Telephone 828 342 0204 Email jadamvalenti@gmail.com
By: John A. Valenti Managing Member
Type or Print Name and Title (President / Managing Member)
Signature [Signature]

c. Name _____
Address _____
Telephone _____ Email _____
By: _____
Type or Print Name and Title (President / Managing Member)
Signature _____

AGENT:

Name: _____
Address: _____
Telephone: _____ Email: _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of \$500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712

CITY ANNEXATION LEGAL DESCRIPTION
FOR PIN#'S 8586-24-2193; 8586-24-3036; 8586-24-3061 AND 8586-23-3984

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a 1/2" rebar;

thence N 28°27'17" W a distance of 49.43' to a 3/4" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1 ½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to a axle;

thence N 67°29'48" E a distance of 157.61' to a 1 ½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap;

which is the place and point of beginning.



2024001279
TRANSYLVANIA COUNTY NC FEE \$26.00
STATE OF NC REAL ESTATE EXT
\$20.00
PRESENTED & RECORDED
03/22/2024 01:16:34 PM
BETH C LANDRETH
REGISTER OF DEEDS
BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS
BK: DOC 1109
PG: 111 - 113

Please do not place anything in the 3" margin above – (for recording information only)
NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 20.00
Parcel Identifier No.: 8586-24-2193-000
Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792
This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)
Brief description for the Index:
THIS DEED made this 22 day of March 2024, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single	MTS Properties, LLC, A North Carolina limited liability company 84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry.

All or a portion of the property herein conveyed _____ includes or _____ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Kyle Young (Seal)
 Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

Teresa Young (Seal)
 Teresa Young

Marilyn Elaine Cook (Seal)
 Marilyn Elaine Cook nka Marilyn Young Cook

Wanda Faye Ackroyd (Seal)
 Wanda Faye Ackroyd nka Wanda Young Robinson

STATE OF NORTH CAROLINA
 COUNTY OF HENDERSON

I, MORGAN E. GORDON, a Notary Public of the County and State aforesaid, certify that Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 22 day of March 2024.

SEAL / STAMP

Morgan E. Gordon
 Notary Public
 My Commission Expires: 10-19-2024

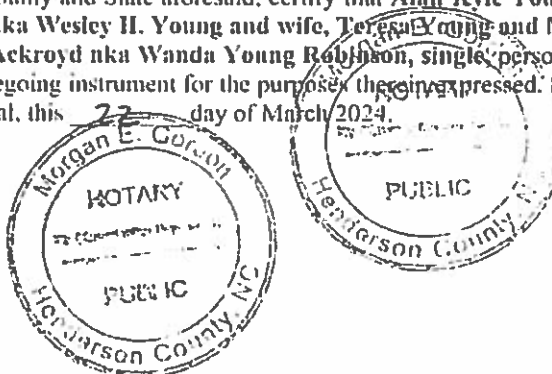


EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley Hughes Young and wife, Mary Joyce Young by deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron stake standing on the east side of Hampton Road, the same being Clarence Holden's corner, and runs with Clarence Holden's line, North 66 deg. 30 min. East 176 feet to an iron stake at the Reservoir Road; thence with said Reservoir Road, South 30 deg. 30 min. East 42½ feet to an iron stake; thence South 63 deg. 30 min. West 182 feet to a stake at the Hampton Road; thence with the Hampton Road, North 23 deg. West 50 feet to the BEGINNING.

As surveyed and platted by T. N. Davis, RLS, on May 24, 1947.

BEING all of that same real property as deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

2024001294
TRANSYLVANIA COUNTY NC FEE \$26.00
STATE OF NC REAL ESTATE EXTX
\$300.00
PRESENTED & RECORDED
03/25/2024 10:49:06 AM
BETH C LANDRETH
REGISTER OF DEEDS
BY: KARIN SMITH
ASSISTANT
BK: DOC 1109
PG: 160 - 162

Please do not place anything in the 3" margin above – for recording information only
NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 300.00
Parcel Identifier No.: 8586-24-2193-000
Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792
This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)
Brief description for the Index:
THIS DEED made this 22 day of March 2024, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single	MTS Properties, LLC, a North Carolina limited liability company 84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.
This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 185 Page 505, Transylvania County Registry.

All or a portion of the property herein conveyed ____ includes or ____ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Kyle Young {Seal}
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

Teresa Young {Seal}
Teresa Young

Marilyn Elaine Cook {Seal}
Marilyn Elaine Cook aka Marilyn Young Cook

Wanda Faye Ackroyd {Seal}
Wanda Faye Ackroyd aka Wanda Young Robinson

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, MORGAN E. GORDON, a Notary Public of the County and State aforesaid, certify that Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook aka Marilyn Young Cook, single and Wanda Faye Ackroyd aka Wanda Young Robinson, single, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 15 day of March 2024.

SEAL / STAMP

Morgan E. Gordon
Notary Public
My Commission Expires: 10-19-2024

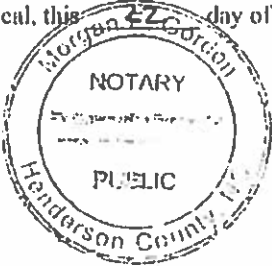


EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley H. Young and wife, Mary Joyce Young by deed recorded July 17, 1970 in Deed Book 185 Page 505, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron pin in the Eastern margin of Hampton Road, formerly known as Subdivision Drive and runs thence with the Eastern margin of said road North 25 degrees 40 minutes West 98.30 feet to an iron pin; thence North 64 degrees East (passing an iron pin at 151.74 feet) 158.63 feet to a stake in the Western margin of Reservoir Road; thence with the Western margin of said road South 35 degrees 29 minutes East 100 feet to a stake; thence leaving said road South 64 degrees West 176 feet to the point of **BEGINNING** as surveyed and platted by P.R. Paxter, R.L.S., July 8, 1970.

It is intended to convey by this Deed all of the property included in the conveyance from Hilliard Pressley and wife, Mariska Pressley to Clarence Holden and wife, Marv Holden dated November 13th, 1940 and recorded in Deed Book 90, Page 284 of the Deed records of Transylvania County.

BEING all of that same real property as recorded in Book 185 Page 505, Transylvania County Registry.

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

**2013005335**

TRANSYLVANIA CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED

09-25-2013 02:56:52 PM

CINDY M OWNBEY

REGISTER OF DEEDS

BY: KARIN SMITH
DEPUTY REGISTER OF DEEDS**BK: DOC 671****PG: 244-246****NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$0.00

Parcel Identifier No. 8586-23-3984-000 & 8586-24-3061-000 Verified by _____ County on the 25 day of Sept, 2013
By: [Signature]Mail/Box to: H. Paul Averette, Attorney, P.C., P. O. Box 348, Brevard, NC 28712This instrument was prepared by: H. Paul Averette, Attorney at Law (NO TITLE SEARCH PERFORMED)Brief description for the Index: 2 Tracts – Brevard TownshipTHIS DEED made this 24th day of September, 2013, by and between

GRANTOR

GRANTEE

**ALAN VALENTI and wife,
MARY VALENTI****JOHN VALENTI****37 Huntcliff Drive
Taylors, SC 29687****84 Hampton Road
Brevard, NC 28712**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, _____ Brevard _____ Township, _____ Transylvania _____ County, North Carolina and more particularly described as follows:

Being all of that property as described in Exhibit "A" attached hereto and incorporated herein by reference.**All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of the Grantor.**

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association – 1981 - Chicago Title Insurance Company

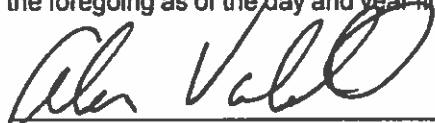
The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, page _____.

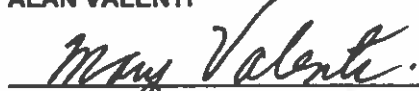
A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

 (SEAL)
ALAN VALENTI

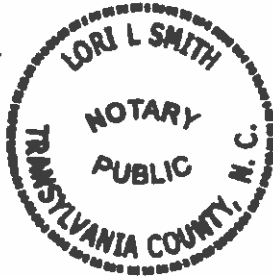
 (SEAL)
MARY VALENTI

State of North Carolina - County of Transylvania

I certify the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: ALAN VALENTI and MARY VALENTI.

Date: September 24, 2013

My Commission Expires:
09/10/2016




Lori L. Smith, Notary Public

EXHIBIT "A"

All of our undivided one-half (1/2) interest in and to the following described parcels:

TRACT I:

Being all of that property as described in a deed from Carolyn J. Gillespie and husband, Alvin B. Gillespie to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 547 of the Transylvania County Registry.

TRACT II:

Being all of that property as described in a deed from Carolyn J. Gillespie, acting Individually and as Administrator of the Estates of Vessie Stamey and Clara Louise Stamey and husband, Alvin B. Gillespie; Dawn D. Sentelle and husband, Kerry Sentelle; and Forrest Duane Stamey, (a divorced and unremarried man) to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 550 of the Transylvania County Registry.

TOGETHER WITH and subject to all rights of way, easements and restrictions appurtenant to the Grantors.

CITY OF BREVARD
CASH RECEIPT
DUPLICATE

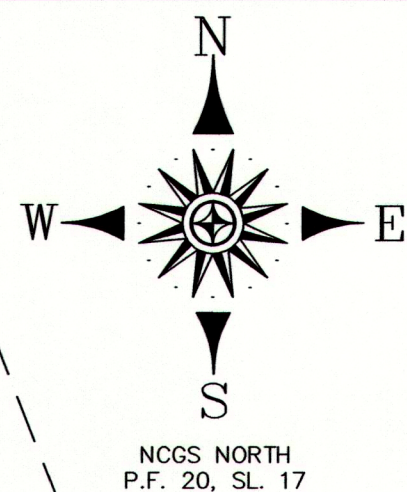
Receipt No: 700074
Date: 2/24/2025
Time: 1:58:12PM

Received From:
JOHN VALENTI

Received: 500.00

For
ZONING ADMIN 500.00
105 RESERVOIR RD-S

Credit 500.00
V 0517
RECEIVED BY WINDOW



OWNER CERTIFICATION-ANNEXATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

DATE

OWNER(S)

STATE OF NORTH CAROLINA COUNTY OF TRANSYLVANIA

I, _____, REVIEW OFFICER
OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT
THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

CITY OF BREVARD-ANNEXATION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL
REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD
BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED.
THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER _____ TO ANNEX
THE PROPERTY DESCRIBED HEREIN ON _____ WITH THE EFFECTIVE
DATE OF ANNEXATION ON _____

CITY CLERK

STATE OF NORTH CAROLINA COUNTY OF TRANSYLVANIA

I, _____, A NOTARY PUBLIC
OF SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT

PERSONALLY APPEARED
BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE
EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE _____ DAY
OF _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

LEGEND

PIN	TAX PARCEL IDENTIFICATION NUMBER
NTS	NOT TO SCALE
SR	5/8" SET REBAR WITH IDENTIFICATION CAP
FIP	FOUND IRON PIPE
FR	FOUND REBAR
FIR	FOUND IRON ROD
CP	CALCULATED POINT
C.F.	COMBINED SCALE FACTOR
P.F. SL.	PLAT FILE, SLIDE
DOC. BK., PG.	DOCUMENT BOOK, PAGE
D.B., PG.	DEED BOOK, PAGE
O/A	OVERALL
LEAN	LEANING OVER, LOCATED AT BASE
ABG	ABOVE GRADE
@G	AT GRADE
BG	BELOW GRADE

P	UTILITY POLE
S	SANITARY SEWER MANHOLE
C	SEWER CLEAN OUT
G	GAS METER
H	HVAC PUMP
M	H2O METER

CONCRETE

ASPHALT

GRAVEL

ANNEX AREA

BUILDING WALL
OVER HEAD WIRE

PRIVACY FENCE

WIRE FENCE

ADJOINING LINE NOT SURVEYED

TIE LINE

INTERNAL LINES

G.S. 47-30 f(11) d.

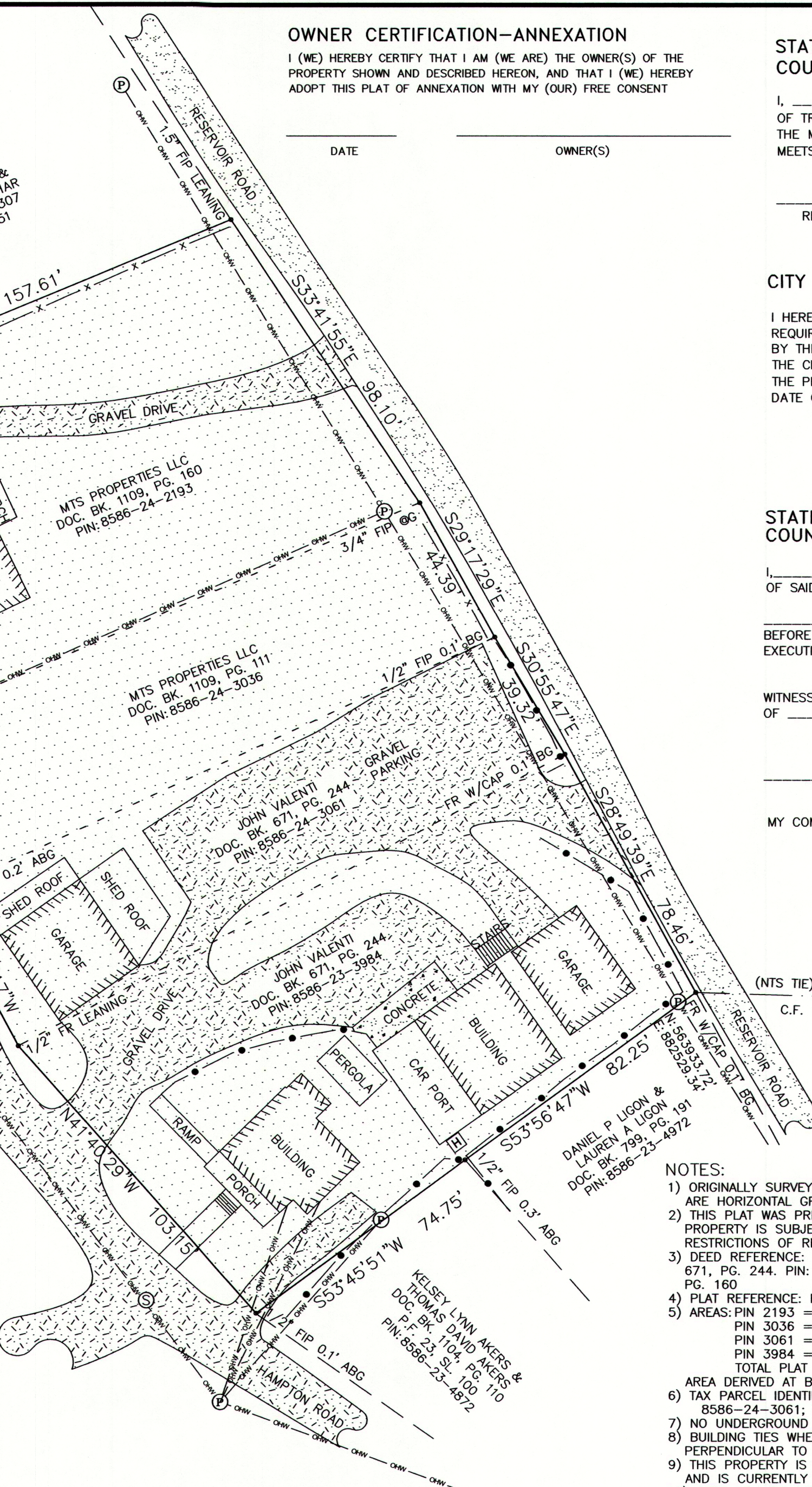
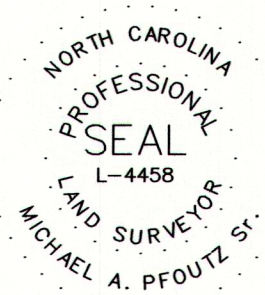
I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR,
CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY,
SUCH AS THE RECOMBINATION OF EXISTING PARCELS,
A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO
THE DEFINITION OF SUBDIVISION
I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR,
CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED
UNDER MY DIRECTION FROM INFORMATION REFERENCED
HEREON; AND THAT THE BOUNDARIES NOT SURVEYED ARE
CLEARLY INDICATED AS DRAWN FROM INFORMATION
REFERENCED HEREON; THAT THE RATIO OF PRECISION AS
CALCULATED BY LATITUDES AND DEPARTURES BEFORE
ADJUSTMENT IS NOT LESS THAN 1:10,000; AND THAT THIS
PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS
AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE
NUMBER, AND SEAL THIS THE 12th DAY OF

NOVEMBER, 2024, A.D.

Michael A. Pfoutz Sr.

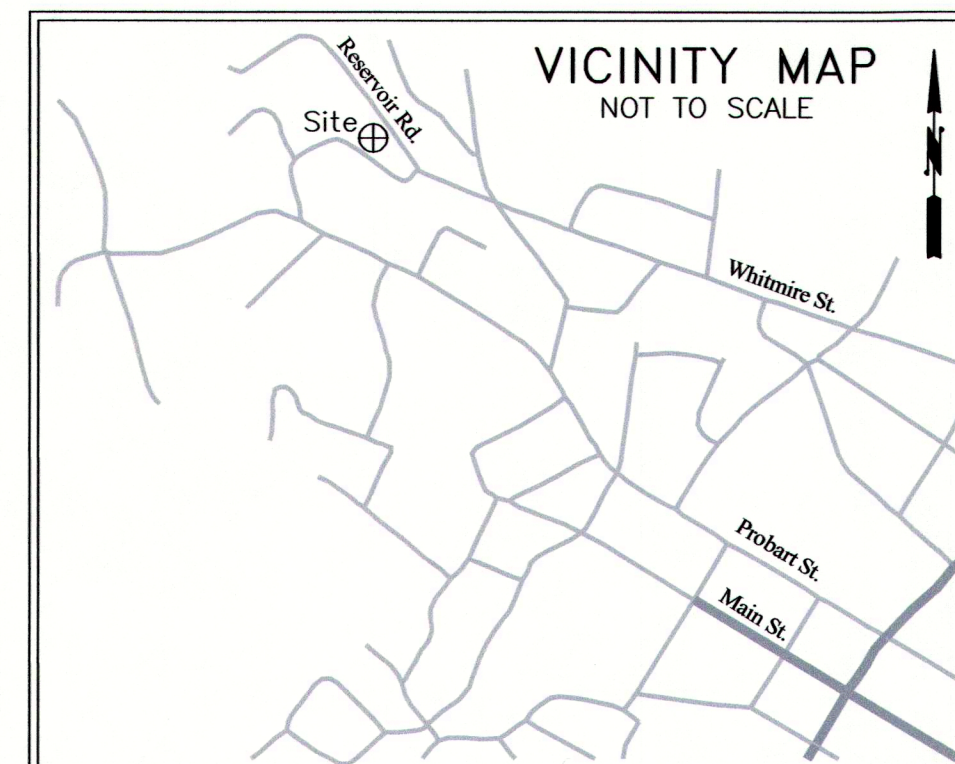
MICHAEL A. PFOUTZ Sr.
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4458



NOTES:

- 1) ORIGINALLY SURVEYED IN MARCH AND APRIL 2024. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND UNLESS NOTED OTHERWISE.
- 2) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON.
- 3) DEED REFERENCE: PIN: 3984; DOC. BK. 671, PG. 244. PIN: 3061; DOC. BK. 671, PG. 244. PIN: 3036; DOC. BK. 1109, PG. 111. PIN: 2193 DOC. BK. 1109, PG. 160
- 4) PLAT REFERENCE: P.F. 9, SL. 832
- 5) AREAS: PIN 2193 = 0.375 OF AN ACRE (SURVEY)
PIN 3036 = 0.189 OF AN ACRE (SURVEY)
PIN 3061 = 0.181 OF AN ACRE (SURVEY)
PIN 3984 = 0.346 OF AN ACRE (SURVEY)
TOTAL PLAT AREA = 1.091 ACRES
AREA DERIVED AT BY COORDINATE COMPUTATION
- 6) TAX PARCEL IDENTIFICATION NUMBERS: 8586-24-2193; 8586-24-3036; 8586-24-3061; 8586-23-3984.
- 7) NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED FOR THIS SURVEY.
- 8) BUILDING TIES WHERE SHOWN ARE TO THE STRUCTURAL WALLS AND ARE PERPENDICULAR TO PROPERTY LINE
- 9) THIS PROPERTY IS NOT WITHIN THE BREVARD CITY LIMITS, IT IS WITHIN THE ETJ, AND IS CURRENTLY ZONED GR4.
- 10) RESEARCH DID NOT REVEAL A DOCUMENT DELINEATING A DEFINED WIDTH OF A R/W FOR EITHER HAMPTON ROAD OR RESERVOIR ROAD. THE ROAD R/W WIDTH VARIES BETWEEN PROPERTY LINES AND CORNERS ON BOTH SIDES OF THE ROADS.

THIS PLAT WAS PREPARED FOR MTS PROPERTIES LLC AND JOHN VALENTI AND IS PROVIDED AS PART OF THE WORK PRODUCT TO OUR CLIENTS. THIS PLAT IN PART OR IN WHOLE IS NOT TRANSFERABLE AND SHALL NOT BE ALTERED IN ANY WAY OR REUSED IN ANY FORM BY ANY INDIVIDUAL OR ENTITY WITHOUT WRITTEN AUTHORIZATION BY MICHAEL A. PFOUTZ SR. AND IS INTENDED SOLELY FOR THE USE OF THE ORIGINAL CLIENT.
THIS DRAWING IS NOT VALID UNLESS THE ORIGINAL SIGNATURE AND STAMP OF THE SURVEYOR ARE ATTACHED. ANY REPRODUCTION OR VARIANCE TO THIS SURVEY BY ELECTRONIC OR ANY OTHER MEANS ARE NOT TO BE CONSIDERED ISSUED BY THE LICENSED SURVEYOR.



PREPARED BY CAROLINA MOUNTAIN SURVEYING

FIRM LICENSE NUMBER #F-1205
137 NORTH BROAD STREET, SUITE 2
BREVARD, NORTH CAROLINA 28712
(828) 883-2670
CMSURVEYING@COMPORIUM.NET

ORDINANCE No.

105,117 RESERVOIR RD & 82,84 HAMPTON RD
and
PIN's 8586-24-3036 & 8586-24-3061
PROPERTY SITUATE IN
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNERS OF RECORD: MTS PROPERTIES LLC
and JOHN VALENTI

CITY ANNEXATION PLAT

PREPARED FOR

MTS PROPERTIES LLC and
JOHN VALENTI

DATE

NOVEMBER 12, 2024

FIELD RECORDS

DATA COLLECTOR

DRAWING

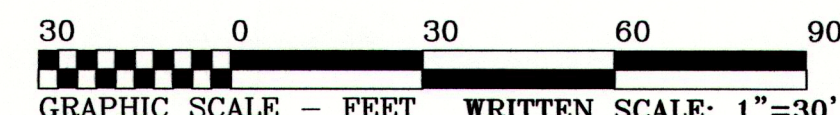
CMS24017-ANNEX

COORD. FILE

CMS24017.CRD

PROJECT NUMBER

CMS24017



RESOLUTION NO. 2025-XX

**A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on February 24, 2025, requesting the annexation of a non-contiguous area described in said Petition as the John Valenti property and the MTS Properties, LLC property, including four parcels located on Reservoir Road and Hampton Road, Brevard, NC 28712, consisting of 1.091 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984).

WHEREAS, the Brevard City Council has by Resolution No. 2025-18 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by John Valenti and MTS Properties, LLC, will be held at Brevard City Hall at 5:30 P.M. on the 5th day of May, 2025.

Section 2. The area proposed for annexation is described as follows:

Metes and Bounds Property Description:

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a ½" rebar;

thence N 28°27'17" W a distance of 49.43' to a ¾" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to an axle;

thence N 67°29'48" E a distance of 157.61' to a 1½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap; which is the place of beginning.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 7th day of April, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Designation of Mayor Copelof as Voting Delegate for 2025-2026 North Carolina League of Municipalities Board of Directors

Speaker: Wilson Hooper, City Manager

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

The Bylaws of the North Carolina League of Municipalities (NCLM) provide that each member municipality is entitled to one vote for a slate of candidates for the NCLM Board of Directors. The NCLM Nominating Committee will present its final slate of candidates on April 14th.

Discussion

Designation of the city's voting delegate must be completed prior to April 14th. In previous years, it has been customary for the Mayor to be designated as the voting delegate for casting a ballot on behalf of the City of Brevard.

Action

Consider designating Mayor Copelof as the voting delegate for the City of Brevard for the purpose of casting a ballot for the NCLM slate of candidates as presented by the NCLM Nominating Committee.

Attachments:

1. NCLM Voting Delagate Designation Form



2025-2026 NCLM Board | Designate Your Municipality's Voting Delegate

Designation of the Voting Delegate: Each Voting Delegate shall cast the single vote of the municipality for the 2025-2026 NCLM Board of Directors | Slate of Candidates.

Please complete the Voting Delegate form to identify your municipality's voting delegate to ensure delivery of electronic ballot and voting instructions by April 14, 2025.

If you have questions, contact Sarah Collins, scollins@nclm.org.

VOTING DELEGATE INFORMATION

Name *

Title	First	Last
-------	-------	------

Municipality *

Preferred Email - unique to voting delegate to receive ballot *

Cell Number *

Preferred Address *

Address Line 1		
City	North Carolina ▼	Zip Code

Person Completing Form (if different from above)

Name

Title	First	Last
------------------------------------	------------------------------------	-----------------------------------

Email

Preferred Phone Number

Submit

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Budget Amendment - Police - \$22,700, Governors Crime Commission Grant

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Assistant City Manager/Finance Director

Approved by: Wilson Hooper, City Manager

Background

The Police Department annually applies for the Governors Crime Commission Grant through the North Carolina Department of Public Safety. The City recently received five Mobile Data Terminals which ultimately provide for more efficient policing and more importantly, support officer safety.

Recommendation

Approve budget amendment 25-06 as submitted.

Attachments:

1. Budget Amendment \$22,700 Crime Commission Grant

ORDINANCE NO. 2025-XX
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-06

SUBJECT: Budget Amendment for Police Governors Crime Commission Grant, \$22,700

AGENDA INFORMATION

Agenda Location	New Business
Department:	Finance
Contact:	Dean Luebbe, Assistant City Manager and Finance Director

BRIEF SUMMARY: The Police Department annually applies and receives a Governors Crime Commission Grant through the North Carolina Department of Public Safety. In March of 2024, the City received notification that the City was approved as a grant recipient. The Police Department ordered and received five Mobile Data Terminals and accompanying in-car mounts and docking stations, which will assist officers with using the State’s digitized citation system as well as the timely receipt of critical information in support of officer safety.

The City received \$22,634.50 in reimbursement on March 10, 2025

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-06, as submitted, increasing the budget in expenditure account:

10-5100-6000 (Department Equipment)	\$22,700
TOTAL	\$22,700

And increasing the budget in revenue account:

10-3910-0775 (Police Grant Revenue)	\$22,700
TOTAL	\$22,700

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 7th day of April 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Countywide Single Fire District Proposal

Speaker: Wilson Hooper, City Manager
Bradley Elmore, Interim Fire Chief

Prepared by: Bradley Elmore, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

This season, Transylvania County (TC) intends to update the various provisions of its code of ordinances that establish and govern the county's rural fire departments. The purpose of the ordinance update is to add language clarifying that the departments may provide medical first response and other non-fire-related emergency services. At the same time, TC is pondering a change to the manner in which the various departments are funded. Currently each department's funding is drawn from a corresponding taxing district. This funding strategy results in a system where departments in areas of the county where the tax base is healthy are well-funded, and departments in areas where the tax base is lower are either underfunded or subsidized by the TC's general fund. A single taxing district means that TC could fund departments according to need and not be limited by district lines.

Though Brevard's fire department is independent of this scheme, it can opt-in if the city so chooses. Representatives from TC attended the March 24, 2025 Public Safety Committee meeting to discuss the possibility.

Discussion

Staff created the attached document outlining the pros and cons, as they see them, to the proposal. The main pro was the possibility that the city could receive more funding for its fire department under the single taxing district arrangement. The committee considered these points alongside other information provided by TC regarding the criteria TC would use to make funding decisions under the new arrangement. Although it seemed like BFD might fare well using the criteria TC shared, it was the feeling of the committee that unless those criteria existed in a codified formula, or that TC would formally commit to maintaining certain service levels within BFD's coverage area, BFD should stay independent.

Action

Approve a resolution endorsing the Public Safety Committee's recommendation to not participate in a potential county-wide fire taxing district.

Attachments:

1. Single Fire Tax District Pros Cons
2. Res_2025-XX_PSC Recommendation re Single Fire Taxing District

Pros	Cons
City of Brevard “fire district” will be eligible for funding from county	County will decide funding levels.
City tax rate can decrease by 3-10 cents, depending on how much city wishes to supplement base service level. ¹	Brevard residents’ will be subject to countywide fire tax. ²
Proceeds from fire tax could be used countywide. Individuals dept’s funding levels could be based on actual need and not limited by district lines.	Funding levels, and thus base service levels, set by the County Commissioners. Unknown at this time what criteria they’d use to establish funding levels. ³
Provides operational flexibility	May change who responds to calls within city limits.

¹ FY26 projection sees between \$.048-\$.063 of the projected revenue neutral rate going to fire depending on service levels.

² Countywide fire tax rate unknown at this time

³ Historically TC’s approach has been to fund each dept. in a way that maintains comparable service levels across districts. Under current funding model BFD service levels exceed those of other depts.

RESOLUTION NO. 2025-XX

**RESOLUTION AFFIRMING PUBLIC SAFETY COMMITTEE RECOMMENDATION
REGARDING BREVARD FIRE DEPARTMENT PARTICIPATION IN POTENTIAL COUNTY-
WIDE FIRE TAXING DISTRICT**

WHEREAS, on March 24, 2025 the Brevard City Council's Public Safety Committee (PSC) heard a presentation from Transylvania County staff on the possibility of transitioning to a single countywide fire taxing district, with an inquiry as to whether the city would like to participate; and

WHEREAS, after discussion, the PSC voted to recommend to the full City Council that the city not participate in the countywide fire taxing district; and

WHEREAS, on April 7, 2025 the full City Council considered the issue, summarized in the affixed staff report, and makes the following recommendation.

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

The City Council adopts the PSC's recommendation to not participate in any potential countywide fire taxing district.

Adopted and approved this the 7th day of April, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, February 12, 2025 – 4:00pm

City Hall Council Chambers

Members Present: Gary Daniel, Chair, Council Member
Billy Parrish, Heart of Brevard Representative
Nicole Bentley, Executive Director, Heart of Brevard
Parker Platt, At-Large Member
Mayor Maureen Copelof, Ex-Officio

Members Absent: Pamela Holder, Council Member
Lee McMinn, Citizen Member

Staff Present: David Todd, Assistant City Manager
Paul Ray, Planning Director
Emily Brewer, Senior Planner
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

Media: Nick Haseloff (*Transylvania Times*)

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:01pm.

B. Certification of Quorum

A quorum was certified by Assistant to the City Manager Selena Coffey.

C. Approval of Agenda

Ms. Bentley made a motion to approve the agenda, and the motion was seconded by Mr. Platt. The motion was approved unanimously.

D. Approval of Minutes

Mr. Platt motioned, seconded by Ms. Bentley to approve the minutes of the January 8, 2025 meeting. The motion carried unanimously.

E. Heart of Brevard Walkability Assessment

Mr. Parrish introduced the agenda item, noting that the Heart of Brevard had been working with Heart of Brevard board members and staff, council members and Mayor Copelof, and city staff. He distributed a binder for the committee's review and noted that there were 237 findings within the assessment. He noted that the Public Works Department had been able to address 46 of the last 184 items within last year's walkability assessment. He commended Public Works for their work on this. Mr. Parrish encouraged the city council to consider this year's walkability assessment in their upcoming priority-setting retreat and budget workshop.

Mr. Parrish provided an overview of the significant categories needing improvements within the downtown walkability assessment as follows:

1. Brick paved areas
2. Concrete sidewalks
3. Street trees
4. Tree wells
5. Public sector mulched areas
6. Private sector landscaping and outdoor areas
7. Light poles and street light standards

Mr. Parrish noted that there were approximately 58 safety issues that needed to be prioritized and noted that the next step would be to meet with the Public Works Department to begin addressing these and other priorities within the assessment.

The committee discussed the need to address the functionality and aesthetics of streetlights downtown, as there are many different types of lights, and it may be appropriate to standardize these in the future. There was further discussion of finding better ways for tracking the addressing of elements within the walkability assessment.

F. Downtown Business Sidewalk Inquiries

Mr. Ray started off this discussion, noting that there were a few items out of compliance with the city's sidewalk usage standards that were approved by the city council. He noted that the following items were out of compliance:

1. Phone booth at Rocky's Grill and Soda Shop
2. Butterfly bench owned by Blast from the Past
3. White squirrel in front of the White Squirrel Shop

He raised the potential of the city leasing these items as a way to address them. Mayor Copeloff noted that the White Squirrel Shop was agreeable to a lease with the city, but did not want to relinquish its ownership. Ms. Bentley noted that the committee may want to include the Crystal Mountain Gem Mine dinosaur in this lease approach. Ms. Brewer noted that the city should be careful in vetting any such lease agreement because the city could be responsible for liability with these structures. The committee continued their discussions in

this regard. Ms. Bentley recommended that City Attorney Mack McKeller attend the next committee meeting and the next shareholder meeting be rescheduled for Mr. McKeller to be present for that meeting as well. Ms. Copeloff asked if enforcement would begin on March 1 and whether enforcement could be delayed until the sidewalk regulations were discussed more in depth and the committee had heard from the attorney.

Mr. Daniel summarized the discussion, noting that Mr. McKeller would be asked to attend the next meeting to share legal implications about newspaper boxes and the potential for leasing the iconic items discussed earlier in the meeting. He noted that he would recommend that the city not delay sidewalk usage enforcement, but delay charging the fee.

G. Public Comment

Drew Dean, a downtown business owner, stated that she felt that downtown business owners were more distraught about the sidewalk fee than the regulations themselves. She spoke about the streetlights briefly and suggested speaking with Duke Power about them. Ms. Drew noted that she didn't like the trees downtown but noted that the city's downtown could benefit from consistency in the types of trees planted. She suggested that the city invest in large planters downtown to provide more consistency. Ms. Dean commended the city's Public Works Department.

H. Set Date for Next Meeting

The next meeting of the Downtown Master Plan Committee was scheduled for Tuesday, March 18, 2025 at 4:00pm by motion by Mr. Platt, second by Ms. Holder, and all in favor.

I. Adjourn

Ms. Bentley made a motion to adjourn, which was seconded by Mr. Platt. All in favor. The meeting adjourned at 5:09pm.

Minutes Approved: MARCH 18, 2025

X 

Gary Daniel
Chair, Council Member

X 

Selena D. Coffey
Assistant to the City Manager

MINUTES

City Council Public Works & Utilities Committee

Wednesday, March 5, 2025 – 3:30 PM
City Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Lauren Wise, Vice-Chair, Council Member
Owen Carson, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Dennis Richardson, Water Treatment Plant Supervisor
Emory Owen, Wastewater Treatment Plant Supervisor
Wesley Shook, Public Works Director
Aaron Winans, Wastewater Treatment Plant Staff
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

Guests: Harvey Sankey, Dave Bradley (Transylvania Times)

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:30pm.

B. Certification of Quorum

Assistant to the City Manager Selena Coffey certified that a quorum was present.

C. Approval of Agenda

Motion by Mr. Wise, seconded by Mr. Carson to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes

Mr. Carson made a motion to approve the agenda as amended, seconded by Mr. Wise, and all voted in favor.

E. DEQ Sewer Collection Permit

Mr. Todd noted that the City's sewer collection permit had recently expired and recognized public works staff for their work in ensuring that the permit was renewed, on January 27, 2025. He noted that this permit will be in place for 7 years.

F. Mills Avenue Culvert

Mr. Todd notified the committee that a 'basketball sized' sinkhole appeared near a sidewalk off Mills Avenue and that the sinkhole expanded significantly. He noted that the sinkhole has undermined the sidewalk, and the sinkhole is now the size of a vehicle. He then noted that a rusted culvert is causing the problem. He provided significant details regarding the culvert and its impact on the sidewalks, a nearby utility pole, the roadways, etc. Mr. Todd noted that Mr. Shook has been speaking with contractors who can possibly repair or replace the culvert, but the decision has not been confirmed yet. He noted that the culvert repairs could cost in the range of \$100,000 and replacement of the culvert could cost over \$200,000. Mr. Shook reported the sinkhole to FEMA and staff is hopeful that the city will receive FEMA reimbursement for the repairs or the replacement of the culvert. Committee members had questions, which were addressed by Mr. Todd and Mr. Shook. Mr. Todd noted that staff will learn from potential contractors when the project and repairs will be completed and report back to the committee at the next meeting. Ms. Copeloff noted the importance of getting the word out to the community about the project, its complexity, and what they might expect regarding the repairs.

G. Project Updates

1. Gallimore Sewer Basin Rehabilitation Project

Mr. Todd shared that the pipes have been surveyed with video, but staff has not yet received the final survey results. He noted that the city will begin the lining operation once the survey results are received. He shared that the project is somewhat behind, but staff hopes to begin lining in March and April. He noted that the project cost of \$2.3 million is unchanged.

2. Sewer Lift Station Rehabilitation Project

Mr. Todd shared that this project had gone out for bid and that bids were due back on March 5, 2025. He noted that staff identified some changes to design work, including adding variable speed drives to the pumps and giving staff the ability to add a channel grinder, which allows material to be ground up and allowing better flow leaving the wet well. For this reason, the designer will amend the bid package to include these items, which will push the bid due date to April 1, 2025, which will in turn push the project out another month as well. The budget has remained unchanged to date as a \$2.9 million project. With adding the new variable speed drives and grinder, the project budget may increase, but this is unknown at this time.

3. Wastewater Treatment Plant Update

Mr. Todd noted that KCI is currently working on the preliminary engineering report (PER) for the project and that work should wrap up in the near term. He noted that the city currently has \$12 million on hand for phase I of the project,

which includes a headworks rebuild. He noted that this work would begin in 2027, followed by the second phase of the project, which would end in the second quarter of 2029. Mr. Todd shared that the third phase, full expansion, isn't shown on the schedule due to KCI continuing to work through the PER process and finalizing their modeling process. KCI has planned to have a draft of the phase I plan completed for the April committee meeting. Mr. Todd noted that the project budget and timeline for this project is unchanged now.

4. Water Treatment Plant Improvement Update

Mr. Todd shared that the water treatment plant improvement project is currently out for bid, with bids due March 25, 2025. He noted that a first addendum has been distributed, which clarifies information within the bid documents. He noted that staff will be opening bids on that date and the construction schedule remains appropriate. Mr. Todd is unsure how many bidders will participate but noted that 10 entities had requested plans. He noted that this project had a mandatory pre-bid meeting, and 7 contractors were present. He noted that the city must receive 3 bids to move forward with the project and remain on schedule. Mr. Todd shared that staff hopes to have the most responsive contractor bid before city council for approval at the April council meeting.

5. Stormwater Masterplan Update

Mr. Todd shared that the request for proposals (RFP) is out for the city's stormwater masterplan. He shared that proposals are due on March 14, 2025 and shared his hope that all of the firms be reviewed in one day and asked the committee if they would be willing to set a date to "short list" the firms and another date to interview the firms.

Mr. Carson shared with the committee that he cares about the community, which is why he enjoys serving on the committee. He felt it important to share publicly that the company that he works for, Equinox, was contacted by a potential contractor to work as a subcontractor to apply for the RFP. Mr. Carson wanted to be transparent and ensure that he was open about this in order clearly identify the potential perception of a conflict of interest and offered to recuse himself as necessary. The committee discussed Mr. Carson's role and the potential conflict. Mr. Todd shared that he didn't see a true conflict of interest after the selection point if the process went well. Mr. Hooper noted that there would still be a level between the city and the subcontractor because Mr. Carson's firm would not be a prime contractor. He also noted that he didn't feel that Mr. Carson would meet the statutory definition of a conflict of interest if he has less than 10% ownership in the firm. Mr. Carson shared that his interest in the Equinox firm was less than 10%. The committee continued their conversation and stated that they appreciated Mr. Carson's transparency.

Mr. Todd asked that the committee plan to meet on April 8 for interviews with potential firms. The committee agreed with this date for interviews and March 20, 2025 from 10:00am-12:00pm for another meeting to short list the firms.

H. Public Comment

Harvey Sankey asked about the objective of the stormwater master plan. Mr. Todd responded by reading an excerpt of the RFP document to the group. He also asked if the funds were in the budget, to which Mr. Morrow responded affirmatively.

Tom Riches spoke and asked for an update on connectors from each house on Allison Road to the main sewer line. Mr. Shook responded to his questions.

Mr. Todd recognized long-term team member, Wastewater Treatment Plant Team Leader Emory Owen who will be retiring in April. Mr. Owen was given a round of applause by all in attendance.

I. Set Date for Next Meeting

The next meeting was scheduled for Wednesday, April 2, 2025 at 3:30pm.

J. Adjourn

With no additional business before the committee, the meeting was adjourned at 4:32pm with a motion by Mr. Wise, second by Mr. Carson, and all in favor.

Minutes Approved: April 2, 2025



Mac Morrow, Chair, Council Member
Lauren Wise, Vice Chair, Council Member



Selena D. Coffey
Assistant to the City Manager

MINUTES

ABC BOARD MEETING

Thursday, March 6, 2025 at 1:00pm

City Hall Council Chambers

The Brevard ABC Board met in a special-called session on Thursday, March 6, 2025 at 1:00pm in City Council Chambers at City Hall.

Members Present: Lisa Conner
Frank Pearsall
Ron Brewer
Susan Miller
Paula McKeller

Staff Present: Jackie Jarvis, General Manager
Selena Coffey, Assistant to the City Manager

A. Welcome & Call to Order

Board Chair Lisa Conner welcomed Board members and guests and called the meeting to order at 1:00pm.

B. Certification of Quorum

Assistant to the City Manager Selena Coffey certified a quorum noting that all members were present.

C. Approval of Agenda

A motion was made by Ms. Miller to approve the agenda. Seconded by Mr. Brewer. Motion passed unanimously.

D. Approval of Minutes

Minutes from February 27, 2025 regular meeting minutes were reviewed and Mr. Pearsall made a motion to approve the minutes after removing Selena Coffey from the minutes, as Ms. Coffey was not present for the meeting. The motion was seconded by Ms. Miller and all voted in favor.

E. Reconsideration of Motions and Actions Taken at February 27, 2025 Meeting regarding Employee Wages.

Ms. Miller spoke first indicating that the Board had accepted information that had been received, but new facts came about that suggested that the Board needed to

reconsider the new facts. She also indicated that their decisions should include consideration for the budget providing a certain amount of funds to the City of Brevard. She also reiterated that the Board needs to reconsider the approval of employee wages using \$23.15 per hour for those making less than this figure, since the living wage has only been increased to \$17.55 per hour. Ms. Jarvis noted that she would like to recommend that the employees get a \$4.00 per hour raising, bringing them to \$21.00 as a starting wage.

Mr. Brewer noted that Quinn Woolard, N.C. ABC Audit and Budget Manager, stated that the microphones used by the Board for recording the meetings were unethical. These microphones are used for recording meetings to take appropriate minutes. Ms. Conner then noted that the Board should not approve wages for any employees, except for Ms. Jarvis' salary.

Mr. Pearsall stated that he felt that the Board needed to get back to the process to rescind the former actions. Ms. Coffey agreed and noted that the Board took two formal actions at its last meeting.

Mr. Pearsall made a motion to rescind the motion from the February 27, 2025 meeting, increasing all employees' hourly wage to \$23.15. This motion was seconded by Ms. Miller and all voted in favor of the motion.

Mr. Pearsall then made a motion rescinding the second motion from the February 27, 2025 meeting, giving employees making over \$23.15 hourly a 28% increase in pay. Mr. Brewer seconded, and all voted in favor of the motion.

Ms. McKeller asked Ms. Jarvis to provide information on the impact of the increases to employees. The Board discussed that a budget amendment would be necessary before the Board approves the raises at the next meeting. Ms. Miller agreed to assist Ms. Jarvis in developing this budget amendment. Ms. Miller stated that she felt that seeing a dollar impact on the increases would be appropriate. Ms. McKeller stated that the ABC Board contributes a tremendous amount of money to the city and the funds that are given to the city should not impact what the ABC Board does, and the city does not decide how ABC Board runs the board.

Ms. Miller noted that the board should make the employee raises retroactive for employees. Ms. McKeller noted that the living wage is a minimum and the Board can pay their staff as much as they want and encouraged Ms. Jarvis to keep this in mind while budgeting.

F. Future Board Meetings

Ms. Jarvis introduced this issue questioning why the board meetings are held at City Hall. She then recommended that all future ABC Board meetings be held at the ABC store on Broad Street and that ABC staff take the minutes. Mr. Pearsall noted that he

didn't have a problem with this, but it may cause a negative reaction by the city. Mr. Brewer stated that the city didn't have any say in the matter and noted that he is in favor of the changes. Ms. Jarvis also noted that she would like to also change the meeting time to 10:00am.

Mr. Brewer made a motion to move the meetings to the ABC Store at 10:00am and that city staff no longer record the minutes or publish the meetings. This was seconded by Mr. Pearsall. All voted in favor.

Ms. Coffey noted that the city will need a copy of all minutes and agendas and meetings will need to follow all public meeting rules regarding posting the meetings. The board discussed the issues with publishing for the open meetings. Ms. Coffey recommended that the board consider hiring an attorney to ensure that the board has appropriate legal expertise for its meetings when necessary.

G. Next Meeting

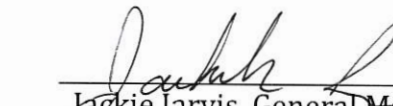
With no further business, the next meeting was scheduled for Thursday, March 27, 2025, at 10:00am at the ABC Store located at 350A North Broad Street, Brevard.

Mr. Brewer then asked if Ms. Jarvis could leave for the board to conduct a closed meeting. Ms. Conner noted that a closed session had not been advertised, and Ms. Coffey noted that it may be best to hold the closed session when the meeting had been advertised as having a closed session on the agenda. Other committee members agreed.

H. Adjourn

With no further business, Ms. McKeller moved to adjourn the meeting, with a second by Mr. Pearsall and all voted in favor. Meeting adjourned at 1:36pm.

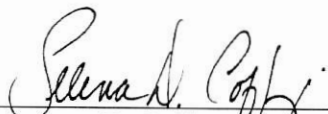
Minutes Approved: March 27, 2025



Jackie Jarvis, General Manager



Lisa Conner, Board Chair



Selena D. Coffey, Assistant to the City Manager

Budget Amendment

BE IT ORDAINED by the **Brevard ABC Board** that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2025.

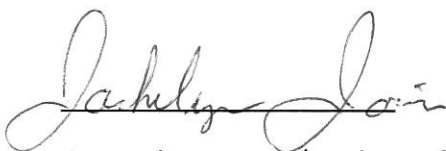
Section 1. To amend Budget to reflect changes in the financial plan, the appropriations amendments are to be made as follows:

Assets	Decrease	Increase
Truck Expense	\$ 5000.00	
Audit Expense		\$5000.00
Salary and Payroll Taxes		\$23,000.00
Training	\$3,000.00	
Cost of Goods Sold	\$20,000.00	
Total:	\$28,000.00	\$28,000.00

Section 2. Copies of this budget amendment shall be furnished to the ABC Commission, City of Brevard. Adopted this 27 day of March 2025



Brevard ABC Board Chair



General Manager / Budget Officer

FULL TIME

JACKIE	36.05	
PAXTON	26.82	29.82
DAVID	25.69	28.69
JEFF	19.10	22.10
ALYSSA	18.00	21.00
TIFFANY	18.00	21.00

PART TIME

TIM	24.57	27.57
TOMMY	20.98	23.98
DOUG	19.17	22.17
EVERETTE	19.17	22.17
MARTY	18.50	21.50
DANIEL	18.00	21.00
EMAIL	18.00	21.00
DELLA	18.00	21.00
LYNN	18.00	21.00
MISSY	18.00	21.00
NANCY B.	18.00	21.00
NANCY P.	18.00	21.00
BECKY	18.00	21.00

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Follow-Up to Council Priority Setting Retreat

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

On March 7 City Council held its annual Priority Setting Retreat. The retreat was facilitated by Lydian Altman and Kimalee Dickerson from the UNC School of Government. The facilitators led the group through a number of exercises designed to identify their priorities for the year to come. The themes identified during the exercises were recorded and are conveyed to the Council in the attached document.

Discussion

Council's priorities are reflected throughout the document, but staff request Council review two sections in particular and affirm their content: Priorities for FY2025-2026 Budget Deliberations (pgs. 7-8), and "Stay the Course" items (pg. 9). These sections contain the clearest direction on what staff should work to include in the budget

Staff also requests Council review the Understanding Context section (pgs. 2-4), as it also gives clues as to Council's priority preferences.

Action

Council is asked to approve the attached document, endorsing its content and directing staff to utilize its recommendations in the creation of the FY26 city budget.

Attachments:

1. 2025 Retreat Notes for BREVARD TOWN COUNCIL

BREVARD CITY COUNCIL RETREAT NOTES
PREPARED BY SOG FACILITATORS LYDIAN ALTMAN AND KIMALEE DICKERSON
 Friday, March 7, 2025

GETTING STARTED

Introductions: Council & Key Staff	
What do you have to give to the success of today?	What do you hope to gain from today?
• Perspective, insights of community concerns; public context; Understanding/share perspective (4) • Help to the council; support (2) • Support for fulfilling the priorities (2) • Information (2) • Encouragement to stick to the priorities • Maintain focus • Open Listener • Employee perspective • Guidance • Knowledge/direction during departmental transition to new director • Experience and perspective from outside the organization • Knowledge/expertise	• Clear priorities/objectives for the year ahead; Guiding aims (4) • Direction (3) • Consensus for next year's efforts • Focus • Solid plan moving forward • Clear path in uncertain times • Areas to serve community • Insight into Council's priorities • Continued Council support • Understand both long and short-term goals • More about the city (I'm new) and how I can contribute • Great leadership and people • Understanding of retreat and budget prep process • Confidence

As you listen to the Mayor's Report and Review, think about two questions:
What may have enabled that success? What other successes, personal or professional, can you add or build on? • Staff flexibility and adaptability; creativity; ability to respond and make changes (4) • Make hard decisions and explain them to the public (2) • Ongoing communication with the public • Transparency in how we do business • Utilizing outside grants (move towards self-sufficiency) • Dedicated partners and expanding partnerships • Intentional focus on housing—we've shifted what we're doing and realigned the organization to support that focus, e.g., establishment of the Housing Committee • Monthly Meet the Mayor and Manager offers opportunity to actively listen to residents and the structure to create a response/take action • Use of technology

UNDERSTANDING CONTEXT

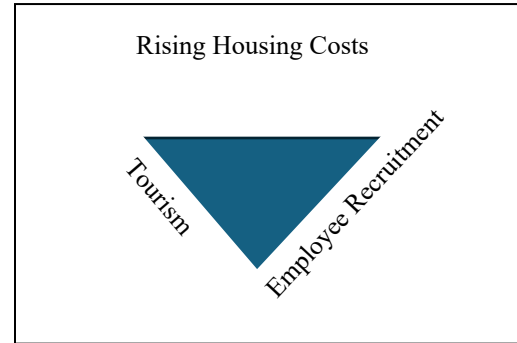
Issues with Potential Impact on City's Work		
From Council's 2024 retreat		Updates or Additions for 2025
Trends- Internal:	• Staffing needs • Cross training • Professionalizing • Lagging technology in our organization • Outgrowing out space • Equipment needs • Expanding scope of large projects impacting operations	• Increasing professionalism is Key! • Retention of staff • Staffing in Brevard Police and Fire Departments • Staff skilled at recruitment and retention • Increasing costs of fringe benefits • Cost of employee training and development • Hiring challenges to get staff on the streets • Lack of (affordable) workforce housing in general • Re-investment in city-owned infrastructure
Trends- External:	• Inflation/ Construction costs/ Cost of Living increasing • Grant funding available • Employee/workforce shortages • Infill and growth • Technology enhancements: changing, social media • Remote work increasing	• Inflation/ Construction costs/ Cost of Living increasing (still!) • Great uncertainty about grant funding in the future • Leveling off of 'Work from Home' practices • Wide proliferation of mis/disinformation (generated by AI?) generating mistrust in general • Increase in # visitors—increases in traffic, impact on infrastructure and services • Lack of appropriate housing (quantity and affordability) for our own City's workforce
Technology Factors	• Mismatched technology (City levels) • Teleworking opportunities are trending up • IT security issues / security threats	• City Council chambers enhanced AV set up • Emergency communications (2) • Planning ahead for infrastructure upgrades • Open vision for developing technology • City phone system • Backup communications for power disasters\Redundancy and resiliency of communications and critical infrastructure • Misinformation management • Enhanced IT structure citywide internal/external

Trend	2024	2025
Political Factors: Local, State and Federal policy	• Intergovernmental agencies: contracts and agreements • Changes in policy makers (federal and State) • Federal / State funding for directed projects	• These remain and are more pronounced: County conflicts, State limitations, Conflicting visions. Communication and compromise are needed. • Partisan v. nonpartisan boards • Funding uncertainties (fed and state) trickle down to local level • State urban-rural divide • Land use autonomy • Municipal elections (2) • Increased polarization of the community • Rapid changes in federal policies
Economic Climate: What's the financial picture?	• Pharm investments • Outdoor equipment manufacturing • Breweries • Architecture/arts • Retiree destination • Level off and visitor spending • Covid was a boom for the City financially • Baby boomers and new people transition impacting property availability • Short Term Rentals	• Pharm investments (continue) • Outdoor equipment manufacturing (continue) • Impact of Helene less than expected here in Brevard • State and Federal funding is questionable • Economic impact of Ecusta Trail already being felt • Tourism increasing • Small business growth • Reliance on tourism comes increasing costs and potential recession • FEMA reimbursements? • Cost of living increases

Trend	2024	2025
Uncertainties	• Funding • City/County relationships • National economic events and trends • Up coming recessions • Reliance on tourism economy	• Funding • National <i>and international</i> economic events and trends • Increasing costs of running a city • Reliance on tourism – this is legit resource. Brevard is special • Staffing • Grants • Impact of possible federal workforce reductions locally • Weather uncertainties and impact on workload
Customer Needs: Changing Demographics? Changing requirements?	• Constituents’ expectations are rising • Increased expectations of citizens overall • Affordable housing • Safety • Roads • Stormwater infrastructure • Water/Sewer • Generational families vs. transplants mismatch • Population demographics change • Communication and feeling heard • Intentional engagement • Volunteer engagements • Connect with residents and leverage partnerships • Provide more information for citizens	• Safety enforcement on roads • Learning need v. want • Constituents’ expectations are rising, which continues to be a pressing need. Contributes to staffing issues. • Affordable housing (lack) is exacerbated and more pressing this year. • Loss of younger residents and career opportunities • More interactions with volunteers • Affordable housing plan needed • Aging demographics • Social net services in jeopardy

Most Critical Issues or Trends for 2025:

- Funding uncertainties and macro-economic pressures (3)
- Recruitment and retention difficulties, especially “boots on the ground” positions (3)
- Workforce housing (2)
- Big ticket infrastructure needs (2)
- Tourism is part of our economy (+/-)
- Changing demographics, especially loss of younger people
- Staffing and organizational ability to deliver on multiple fronts
- Managing misinformation (and fear) takes time
- Uncertainty regarding international events
- State of city-county relationships
- Inter-relatedness of trends



THREE WISHES

Taking the Long View--What needs to be in place to adequately respond to external or internal influences happening now or in the future?

1. Regardless of *how* it happens, what three wishes do you have to build a better Brevard?

Priority Area	Wishes
AFFORDABLE HOUSING	• Housing to support a diverse community • Brevard is a livable community with diverse, reasonably priced housing for everyone with an innovative, accessible transportation system.
HEALTHY AND DIVERSE ECONOMY <i>Facilitator's Note: Is this a new/emerging priority area? Otherwise, the wish is related to High-Quality Organization.</i>	• Support a healthy workforce: ○ Creation of housing units ○ Initiatives that support commerce ○ Development engines • Workforce, commerce, and small business opportunities abound.
ECONOMIC INCENTIVES	• Achieve balance between economic development and preserving our natural environment
INFRASTRUCTURE INVESTMENTS	• Wastewater Treatment Plan renovation underway • Investment to sustain Infrastructure: ○ Finish what we're currently working on ○ Be better about keeping up with maintenance (even the 'unsexy' stuff) • Balance action with maintenance
COMMUNITY PARTNERSHIPS & ENGAGEMENT	• This is 'how we do our business.' It is foundational to our accomplishments

HIGH-QUALITY ORGANIZATION	• Realistic, adequate staffing ○ What is 'ideal' staffing level? ○ Inform Council even if it isn't attainable now • Five star efficient, effective, and sustainable government as it relates to staffing, infrastructure and services. • Efficient core services ○ Effectively staffed departments. (Our behaviors reflect our capabilities.) ○ Folks have positive opinions of us. Pride in hometown. (Community has confidence in us. We explain how issues are interconnected and not simple to solve. We offer why we're focused in these particular issues.)
COMMUNITY PARTNERSHIPS & ENGAGEMENT	This is 'how we do our business.' It is foundational to our accomplishments
CONNECTED TRANSPORTATION NETWORK	<i>Facilitator's Note: There were no wishes related to this Goal Area.</i>

STRATEGIC FILTER (designed in collaboration with the Council during 2024 Retreat)

The filter included the following criteria and was amended in 2025 (in red):

- ☒ Essential Services ~~(What keeps the lights on and is mandatory by law)~~
- ☐ What creates efficiencies
- ☐ Connected services
- ☐ Ongoing projects that are critical and priorities – what needs to happen for successful completion?
- ☐ What has been “hanging on the wall” and really needs to get done?
- ☐ “Big vs Small Impact” What has a big impact on the community and meets citizens’ needs?
- ☐ Presents a safety issue or threat

Council was encouraged to keep this filter in mind during their current (and future) prioritization exercise.

PRIORITIES FOR FY 2025-26 BUDGET DELIBERATIONS

An initial list of priorities was compiled from outstanding items from last year, new potential items mentioned by internal committee(s) or community groups, and by council members on-site. After discussing each item, some items were moved to a new “Stay the Course” list until there was consensus on the final list for Council to prioritize.

Action	# Votes	Issue/Initiative	Comments
Include in FY 25-26 Budget Plans	4	Jordan St. bumpout reconfiguration (DMPC, cost approx. \$50,000)	Safety concern.
	4	Explore how to increase funds for sidewalks to meet our expectations and address safety concerns on an ongoing [rather than piecemeal] basis	
	3	Complete Eastatoe Trail easements	
	3	Create a city-wide parking and wayfinding sign plan	
	3	Encourages diverse housing options. Open to a variety of approaches, e.g., make template plans available, incentives, allowing different types and designs of housing, like cluster, duplex/triplex, etc.	
	3	Sports Complex site planning (PTR, cost TBD)	Immediate need. Add bathroom. Pave parking lot. Link with funding for Eastatoe.
	2	Seek funding for Downtown Master Plan	
	2	Add funds to accelerate street repaving	In addition to Powell Bill \$\$
	2	Complete space needs analysis and changes for all department	
	2	Engineering and design of picnic area and bathrooms for Silverstein Park.	Positions us for outside \$\$

Action	# Votes	Issue/Initiative	Comments
Continue to seek grants, band-aid as needed, keep on list for upcoming years	0	Create economic development policy	Use most recent project as basis for policy
	0	Support for contract with an architectural firm to study space needs and begin planning for new/extensively renovated city hall (and BPD and BFD facilities).	Follow up with the county to see what about housing TOB offices in their new building.
	0	Repair wooden bridges	When safety concerns are identified
	0	Create an Emergency Action Plan that addresses vulnerabilities, builds redundancy where needed, and creates resiliency.	
	0	Become a funding partner with the County on transit system	
	0	Review of Fire Service agreement with County	Talk with the county for update
Moved to Stay the Course"	X	Addl. traffic calming measures (PSC, cost TBD)	Speeding is safety concern and there is never enough dollars to fix all voiced concerns.
	X	Complete Tannery North section of trail	
	X	Implement the findings of the Berry Dunn BPD organizational health assessment and change management strategy.	
	X	Downtown parking study (DMPC, cost approx. \$50,000)	Funds available already to do this.
	X	Staff focus on "trail-related" zoning actions (with corresponding Council workshop that was postponed because of Helene)	
Removed	X	Bicycle lanes, etc. on West Main (DMPC, cost TBD)	Delay beyond upcoming budget; HOB to seek funding partner.

	STAY THE COURSE: Continue the following projects, initiatives¹
A.	Complete Eastatoe Trail Easements
B.	Maintain staff focus on “trail related” zoning actions
C.	Implement findings/continue support of Berry Dunn BPD organizational health assessment and change management strategy. Action: Manager to evaluate and distinguish (1) administrative changes from (2) policy or (3) budgetary implications. Numbers 2 and 3 come to council and maybe Public Safety Committee.
D.	Contract with architectural firm (from Professional Services funds) to study space needs for City Hall, BPD, BFD
E.	Undertake Downtown Parking Study (from currently budgeted funds)
F.	After action evaluation/debrief of recent downtown efforts. Use this to inform and revisit the Downtown Master Plan. ○ What went well? What would we do differently? What have we learned?
G.	Staff to create a policy that identifies conditions necessary for installing traffic calming measures. Council to revisit this issue once policy is ready and decide how to allocate funds and issue guidance to residents.
H.	Complete Tannery North section of trail
I.	Consider options, including Municipal Services District, when contract with Heart of Brevard expires (summer 2025). The whole council will review options for how to conduct this work going forward, including potential organizational changes/reforms.
J.	Housing Trust Fund
K.	WTP

¹ Involves no additional funding but is an investment of staff time and effort. And/or this continues as a Council-identified priority (sacrosanct).

EXTERNAL REQUESTS FOR INVOLVEMENT (Manager's Report)

Request	Comments
Staff involvement in Age-Friendly Community work.	Not a council priority for spending staff time.
Energy efficiency/carbon reduction work and advisory committee.	If this work overlaps with existing job responsibilities and work plans and Council priorities, fine to be involved.
Enhanced public outreach, particularly on matters related to downtown.	Undertake the after-action review (see "F" above). Consider those results in how we communicate about our downtown work.
Staff involvement in community "Long-Term Recovery Group" work.	The manager is likely to continue being involved with this going forward.

POTENTIAL STRATEGIC PURSUITS

Question	Comments
Under what circumstances should we begin transition to FT fire dept?	Express TOB needs to County. Get information about the County' decision in this regard. (May 2025) Revisit with council.
MSD approach at expiration of Heart of Brevard contract?	See "I" under "Continue the following projects, initiatives"
Revisit Downtown Master Plan?	Revisit Plan to understand what's changed since it was first adopted and what remains relevant to today. Consider other relevant reports, including after-action review on Downtown work , Parking, and Wayfinding. Guage the support of the community and downtown businesses. Prioritize pieces and strategies considering today's context.
Tap the brakes on housing until all players can get on same page?	Do not stop. Continue to engage Transylvania County and offer them the opportunity to be part of the success of willing partners. Offer them advance notices of meetings. Provide lots of information.

Question	Comments
TIF district at Broad/French Broad to induce development?	Project the rise in property value and use that amount to fund infrastructure improvements (which are usually the responsibility of the developer). This is common practice but not necessarily in smaller towns like Brevard. Relates to Downtown Plan
Offer our levers to efforts re: DRV/old Ecusta site?	Are we set up to respond when we get an ask? ○ Develop economic development policy ○ Limited ability to use closed sessions to consider requests Current ability includes: ○ Zoning changes to support ○ Offering economic development incentives to the 'right' development ○ Extend infrastructure ○ Underwrite studies, like environmental assessment, to lower the risk to potential developers Limited ability (until 2027) to do much at all without property owner's permission.
Get in the game regarding healthcare?	Not discussed. May resurface again in closed session.

NEXT STEPS

1. SOG facilitators offer retreat notes to the Manager no later than March 28 (by March 17, if possible).
2. Manager will develop a proposed budget reflecting Council's priorities; budget to include a listing of FEMA reimbursements.
3. Federal Grants: BPD and DOJ (equipment)

EVALUATION

What Worked Well	What to Do Differently
Enjoyed having more time to discuss (2) decisions and make meaning of the prioritization exercise.	Consider bringing in more input from the department directors
Kept on schedule	Room configuration limited department director's ability to hear discussions.
Balanced long term vision with practical decisions for upcoming year	Need bigger screens to read slides
Appreciate concerns being considered and documented.	
We got through the entire agenda.	
We were civil to each other throughout.	

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Azalea Avenue Property LMI Housing Presentation and Property Acquisition Discussion

Speaker: Sara Van Lear, Development Finance Initiative
Sara Odio, Development Finance Initiative
Emily Brewer, Planning Department
Wilson Hooper, City Manager

Prepared by: Emily Brewer, Senior Planner, Wilson Hooper, City Manager,
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Approved by: Wilson Hooper, City Manager

Background

Last year after property at Brevard Davidson River Presbyterian Church was deemed undevelopable for multi-family housing due to soil conditions, the City and its partners at DFI switched their attention to vacant property off Old Hendersonville Hwy and Azalea Ave. The property, which is actually three separate parcels all owned by the same family and totaling just short of 4 acres, was identified as a good candidate for housing by DFI because its features suggest it would be competitive for LIHTC funding.

In October 2024 the City Council agreed to an "up-to" eight month option to purchase the property. This option gave the city the site control it needed to do due diligence on the property and assess its suitability and competitiveness for a LIHTC-funded low-to-moderate income (LMI) multi-family housing development. In that time, the city has performed a geotechnical analysis of the site, held two rounds of public meetings gathering neighbors' input on the possibility of development on the site, engaged an architect to produce initial site plans, and run a preliminary financial pro forma on the site.

The results of staff/DFI's diligence, and the development options they identified, will be summarized this evening.

Discussion

The first round of public engagement, conducted in December 2024, sought to identify "Guiding Public Interests". These interests, included as an attachment, were endorsed by Council in January and were:

1. Optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and the local workforce
2. Include access to green space and community amenities for residents
3. Attract as much private investment as possible to maximize the impact of public investment in affordable housing

4. Accommodate the City's sewer infrastructure extension in the Azalea/Rhododendron neighborhood.

The second round of engagement, conducted last month, sought public input on whether the development scenarios envisioned by DFI and the City's architectural firm Rowhouse, met the guiding public interests. A memo summarizing the results of these sessions and conveying the comments made by the participants is attached. Participants were asked to weigh in on the development scenarios presented this evening, and most agreed that they met the public interest.

If Council is persuaded that this project has promise and should move forward -and agrees to to move forward with purchasing the property- the next step in the development process will be to draft an RFQ for a qualified development partner. This RFQ would be published this summer, with selection of the partner slated for winter 2025.

Fiscal Impact

In 2024 the value was appraised at \$930,000. The sellers of the property have agreed to a sale price of \$1.1M. By the expiration of the option, the city will have paid \$175,000, which will be applied towards the overall sale price. Thus the city will need to come up with \$925,000 to fund the remainder of the purchase price.

The Purchase Option was funded via the city's Housing Trust Fund (HTF), as was \$525,000 of the city's \$1.169M loan to the Fairhaven Meadows LIHTC-funded multifamily project. The remaining available balance of that fund sits at less than \$20,000. At the Council's recent priority setting retreat, a strong message was sent to continue on with funding housing related projects, so staff anticipates that the FY26 budget will include a contribution of at least \$200,000 (the FY25 contribution) to the fund.

Even with an infusion in July, the fund's cash balance is insufficient to purchase the property outright. And the decision whether to purchase the property will need to be made in the current fiscal year. However, the fund's current balance and the anticipated yearly contributions are enough to pay debt service if the purchase was financed. Hence, staff is recommending that if Council wishes to proceed, the city borrow the money to purchase the property.

This approach comes with several conditions, however:

1. A loan term of 60 months (five years) or more must be approved by the Local Government Commission. Staff have consulted with the LGC staff and know the steps forward. To have LGC approval by the time the purchase option expires, staff must apply soon. No LGC approval is required for loans of 59 months or less, but a shorter term means larger annual debt service payments, which has implications for the city's budget. If Council wishes to move forward with financing, staff recommend the full 59 month loan, meaning the debt service payment will be around \$240k for the next five years.

2. The loan must be competitively solicited. Staff are preparing an RFP to lenders soliciting proposals re: terms, interest rate, etc.
3. Since the presence of the house was factored into the appraised value of the property, lenders are likely to make their loan contingent on its continued presence as collateral. If this is the case, the house would need to remain standing until the debt is retired.

When the possibility of purchasing Azalea Ave was originally discussed, it was assumed the LMI housing project would fit on the vacant land and the existing house could be resold, leaving the net cost to the city at <\$500k. As previewed by the presentation this evening, the house may need to be removed to make an LMI development financially feasible. Therefore, staff recommend that the city be prepared for a net impact to its finances of nearly the full \$1.1M purchase price. The one small offset would be if the city chooses to rent the existing house to tenants for the next 3-5 years, but staff estimate this will bring no more than \$19k-\$25k/year depending on rental rate.

Action

No formal action required. Staff seek Council input on the following themes:

1. Its preferred development option of the several presented by DFI
2. Guidance on whether to proceed with financing the purchase of the property.

Attachments:

1. Res 2025-09 Endorsing Guiding Public Interests for Affordable Housing on Azalea Ave and Old HVL Hwy Property
2. 03-31-25 _ DFI Memo re Comm Engagement on Dev Options

RESOLUTION NO. 2025-09

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

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

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

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

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

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

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

Affordable housing development on the Azalea Avenue site should:

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

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

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

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

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

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




Denise Hodsdon, CMC
City Clerk


Maureen Copelof
Mayor



To: Brevard City Council

From: Sara VanLear, Project Manager, Development Finance Initiative

Date: April 3, 2025

Re: Overview of community engagement feedback regarding the development options for affordable housing on the Azalea Avenue site

In October 2024, the City executed an option to purchase agreement to facilitate the development of affordable housing on three parcels on Azalea Avenue and Old Hendersonville Highway ("Azalea Avenue" site). DFI then conducted a pre-development process that included several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm (Rowhouse Architects). The process resulted in multiple options for affordable housing development on the Azalea Avenue site that are feasible for the private sector to execute and meet the City's goals for the site.

DFI's pre-development process described above incorporates two phases of community engagement. The first phase was facilitated by DFI in December 2024 and focused on establishing public interests for development of this site. See this [linked memo](#) for more information on that first phase of engagement. The second phase, facilitated in March 2025, asked the public for feedback on two development options. This memo outlines the results of the second phase of DFI's community engagement efforts.

Engagement sessions and the online survey were open to the public. The second phase of DFI's community engagement effort included:

Engagement Opportunity	Date/Time/Location	# of Attendees or Respondents
Online survey	Open to the public March 12-26, 2025	29 responses recorded
In-person engagement session	March 12, 2025 at 2:00pm Calvary Baptist Church (133 Osborne Road, Brevard)	2 attendees
In-person engagement session	March 12, 2025 at 5:30pm Calvary Baptist Church (133 Osborne Road, Brevard)	7 attendees

Virtual engagement session	March 13, 2025 at 5:30pm Via Zoom	2 attendees
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The engagement sessions drew a total of 11 attendees and the City received 29 survey responses. Please see Appendix 1 for an overview of the development options discussed during each session and outlined in the online survey.

Summary of Community Input

Below are summary takeaways organized by public interest based on the public feedback received. The summaries are not exhaustive but are representative of the most frequent input heard. See Appendix 2 for complete online survey responses. See Appendix 3 for photos of the engagement session notes captured during the in-person facilitated discussions on March 12, 2025.

For each public interest, respondents were asked the following:

- Do the development options meet this guiding public interest: Yes/No? Why/why not?
- Which development option (if any) meets the public interest better?

Public Interest #1: Affordable housing development on the Azalea Avenue site should optimize the number of new, quality rental units affordable to Brevard’s low-to-moderate income households and the local workforce.

Feedback:

Participants said both development options meet public interest #1. Participants discussed positive attributes of both options, including optimizing the site for new affordable housing. Most agreed that “either would be a much-needed asset to the City.” Overall, a majority communicated that Development Option 2 meets public interest #1 better, primarily due to its look and feel.

Those who prefer Development Option 1 discussed the ways in which they believe the design allows for the greatest number of new units and an efficient use of the site. One participant detailed how Option 1 has more units while offering the same level of green space, amenities, and a greater overall green buffer. Another participant focused on the fixed land cost, making Option 1 “the most economical” choice due to lower per unit costs. One participant detailed how “Option 1 provides a larger number of units, at a lower price per unit, with minimal difference in the City’s/public’s investment.” Several others summarized the growing need for affordable housing options in an area with limited developable land and preferred how Option 1 would enable the greatest number of units on the site.

Participants who prefer Development Option 2 appreciated the minimal difference in overall unit count alongside a design that “blends into the rest of the neighborhood.”

Multiple participants noted how the dispersed buildings are appropriate in this area of Brevard, and how Option 2 “looks more like a community.” Many who preferred Option 2 described the lower unit count as an appropriate trade-off for the difference in overall aesthetics. A few participants felt that the design is more likely to promote resident interactions and therefore may reduce tenant turnover. Additional comments included how Option 2 preserves more views and seems easier to maintain.

Public Interest #2: Affordable housing development on the Azalea Avenue site should include access to green space and community amenities for residents.

Feedback:

The majority of participants agreed that both development options meet this public interest, and did not note major differences between the options. Additionally, participants appreciated the amount of green space reserved within both site designs.

Along with their general agreement, many participants provided detailed feedback about how to “activate” the green space and include community amenities. Most people agreed that the intended amenities would only be useful if programmed and well maintained to encourage regular use and resident interactions. One participant detailed the need for “green space [to have] some trails around the creek so people will feel encouraged to use it. If it’s just woods people may not feel like it’s truly for them to enjoy.” Specific input from several participants included green space that incorporates:

- gathering spaces such as picnic tables,
- a playground,
- walking paths, and
- safety features such as lighting.

Lastly, a couple of participants commented on the concentration of green space on the northern side of the site and noted a desire to see amenities on the southern side of the site as well.

Public Interest #3: Affordable housing development on the Azalea Avenue site should attract as much private investment as possible to maximize the impact of public investment in affordable housing.

Feedback:

Most engagement session participants (in-person and virtual) stated that both options meet this public interest, and did not identify a significant difference between Development Option 1 and Development Option 2.

Half of survey participants expressed one of two primary sentiments:

1. agreement that the development options meet public interest #3, or

2. unsure due to limited information about the public and private investments related to the development options.

Most other survey participants left this question unanswered.

Overall, a majority of participants agreed that the development options met public interest #3.

Public Interest #4: Affordable housing development on the Azalea Avenue site should accommodate the City's sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

Feedback:

The majority of participants agreed that both development options meet public interest #4, and did not identify a significant difference between Development Option 1 and Development Option 2.

Additional comments:

Similar to the first phase of community engagement, DFI asked participants to share additional ideas, comments, and questions that were not covered by the public interests.

Several participants discussed concerns about traffic. With an expected 48 to 58 new households on this site, many participants had questions about how to plan for the anticipated increase in traffic. They noted the limited capacity of Azalea Avenue and traffic congestion that currently exists on Old Hendersonville Highway. A few participants tied their traffic concerns to safety concerns for residents who walk and/or bike in this neighborhood. They noted how pedestrian safety is already a concern in this area due to limited pedestrian- and bike-friendly infrastructure, and expressed worry for future residents on the Azalea Avenue site. Some participants noted a need to upgrade the road capacity of Azalea Avenue, and one participant suggested preventing through traffic on Azalea Avenue to reduce the future traffic anticipated as a result of this development.

In addition to traffic, several participants described concerns about stormwater management. A few people discussed the undersized culvert on Azalea Avenue that overflows with heavy rains, and expressed concern about the impact of development on this site related to this current issue.

A few attendees expressed overall disagreement with affordable housing development on this site, noting concerns about property values, future tax assessments, and the impact of the sewer extension into the neighborhood.

Overall summary:

The majority of people who engaged in the sessions and the survey expressed agreement that the presented development options meet the established public interests for the affordable housing development on the Azalea Avenue site. Based primarily on look and feel, a majority of participants preferred Development Option 2.

Appendix 1: Development Options Discussed for the Azalea Avenue Site

Development options included were designed by Rowhouse Architects.

Development Option 1:

- Two 3-story buildings that total 58 new affordable rental units.
- This option includes an indoor community amenity space and approximately 1 acre of green space.
- Development Option 1 would cost an estimated \$17.2M to construct.
 - The estimated public investment for Option 1 is \$1.9M (approximately \$33,000 per unit). This public investment estimate includes land acquisition costs.

Development Option 2:

- Six buildings that range from 1-story to 3-stories that total 48 new affordable rental units.
- This option includes an indoor community amenity space and approximately 1 acre of green space.
- Development Option 2 would cost an estimated \$16.5M to construct.
 - The estimated public investment for Option 2 is \$1.8M (approximately \$38,000 per unit). This public investment estimate includes land acquisition costs.

Development Option 1



Development Option 2



Appendix 2: Online Survey Responses

The following survey responses were received via the Qualtrics input form released to the public on March 12, 2025 and closed on March 26, 2025. The survey included nine questions related to two development options. Each question and anonymized survey responses are included below (verbatim, with no spelling or grammar edits). The order of survey responses is based on the order in which the response was received (first to last).

Survey Question #1:

Public Interest #1:

Affordable housing development of the Azalea Avenue site should optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and the local workforce.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #1:

1	Ask again later
2	No! Not low cost housing!
3	Yes, although I would question whether a third building of the same size could be added to the site to increase the number of units.
4	Yes. If it is affordable
5	No the congestion to old 64 and the intersection cannot handle such traffic especially during school hours as both directions are already congested to both elementary schools
6	No response
7	No response
8	Yes
9	Yes
10	No. No pricing is included in this survey. How are we to determine if something is affordable without knowing the cost?
11	Yes!
12	Yes. We need more affordable rental housing
13	Yes
14	Sure, but not all local workforce would like to rent to be in an apartment. What about single family homes?
15	Yes
16	Yes
17	Yes
18	Yes. Many units available close to local businesses.
19	Yes
20	Yes. Attractive, well designed housing for many families.

21	Yes, although I think this project is only a start and there is a significant need for continued investment in affordable housing in Brevard/TC
22	Y
23	N, it's optimized sure but that a lot of units on that space!
24	No response
25	Yes
26	Yes
27	Yes
28	Yes
29	Yes. It will provide needed housing for workforce.

Survey Question #2:

Which development option meets Public Interest #1 better: Option 1 or Option 2? Why?

Survey Responses to Question #2:

1	Option 0
2	Neither
3	Option 1 -- fewer buildings yet more units with the same amount of green space and indoor community space
4	2. Looks more like a community versus just an apartment that was put up
5	Neither
6	No response
7	Number 2 seems like a better fit. Bigger buildings mar the beauty of the area.
8	1. If the goal is to optimize the number, then more units meets that goal.
9	Option 2
10	Again, without knowing the proposed or projected rental prices it's impossible to say. Option 1 would appear, on paper, to provide the higher density and as such would be most economical since, presumably, the land cost is fixed and as noted the cost of development is lower per unit.
11	Option 1. More units. Bottom line this is what is most important- more units.
12	Option 1. 2 story buildings are more appropriate for this area.
13	2. Less steps - looking at future, easier to maintain
14	2
15	1
16	Option 1 provides more units, so at least on its face, that seems to better satisfy the "optimization" goal.
17	1
18	2. More and smaller buildings seems less intrusive.
19	I think either would be great. I kind of like the look of option #2 best, but I would be thrilled if either one comes about.
20	Either would be a much needed asset to the city.

21	Option 1. It provides a larger number of units, at a lower price per unit, with minimal difference in the city's/public's investment.
22	#2. Still creates a lot of housing but has a better feel to it. Both will greatly increase traffic on Azalea Ave. I would like to see entrance/exit on Old Hendersonville Hwy only, NOT onto Azalea
23	2, still a lot of housing but the number is better suited. 30 would be more ideal
24	Option 2 - saves the views, more visually appealing, more likely to create community among the folks living there (more like a neighborhood)
25	Option one, as it provides more volume which is sorely needed
26	2
27	2. I think there should be less density per building if possible. Smaller, less dense buildings are preferable for most in shared building spaces.
28	Option 1
29	2. It is more neighborhood feeling versus having 1 really large building. Also cheaper. It would be more aesthetic

Survey Question #3:

Public Interest #2: Affordable housing development of the Azalea Avenue site should include access to green space and community amenities for residents.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #3:

1	Signs point to yes
2	No.
3	Yes, but I haven't seen any information about how these spaces will be activated.
4	I believe it is better to have the outside green space for kids and community amenities to bring people together
5	Same answer as above
6	No response
7	I'm conflicted. I realize we need more affordable housing in this area, but I don't like to see this area become over-developed and lose more natural spaces.
8	Yes
9	Yes
10	Yes.
11	Yes! Both do (if the green space has some trails around that creek so people will feel encouraged to use it— if it's just woods people may not feel like it's truly for them to enjoy.)

12	No response
13	Yes
14	Yes, green space looks fine
15	Yes housing needs in an appropriate area
16	Yes
17	Yes
18	Yes, 1 acre is a substantial amount of uninterrupted green space.
19	Yes
20	Yes.
21	Yes.
22	N, the green space included isn't really usable. Connecting to the greenway or having a garden space or playground would be better use
23	Sort of. The green space included is mostly inaccessible woods.
24	Yes
25	No response
26	Yes
27	Yes -- there will be green space. I can't speak to the quality of this space since I did not see details.
28	Yes
29	Yes. It would provide needed housing for the workforce.

Survey Question #4:

Which development option meets Public Interest #2 better: Option 1 or Option 2? Why?

Survey Responses to Question #4:

1	Option 3
2	Neither
3	No difference between the options as far as I can tell on this survey's description
4	2. Looks like community
5	Neither
6	No response
7	2 for the same reason cited previously.
8	I think option one serves the Azalea St neighborhood better because at least a few trees screen it on the left side.
9	Option 2
10	Option 2. Quality of life will be greater with less units per building.
11	Yes! Both meet this with the green space in the back, and the proximity to town. I hope that it will have some little trails in it so that people are encouraged to use the green space. I also think planting trees in/near the parking area is important. I like option 1 because I don't think the additional

	buildings of option two enhance green space or amenities any more than option one and option one is 10 more units!
12	No response
13	2
14	Both
15	Option one More units
16	I think either would be fine, but, having lived in a number of apartment complexes, the small grassy areas between buildings tend just to get trampled on, so Option 2 seems preferable.
17	2
18	2. Parking lots seem more spread out leading to more options for additional green space.
19	Either
20	I like both
21	Option 1: both provide Equal amounts of green space, though option 1 provides this to more people via a larger number of units
22	No response
23	#2 is better with more plantings included in the living spaces as opposed to just the edges and borders. Please plant natives for healthier lower maintaince plantings
24	Option 2
25	No response
26	Option 2
27	Both are the same.
28	1
29	Option 2. More aesthetic. Neighborhood feeling versus 1 huge building. And cheaper.

Survey Question #5:

Public Interest #3: Affordable housing development of the Azalea Avenue site should attract as much private investment as possible to maximize the impact of public investment in affordable housing.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #5:

1	Yes definitely
2	No
3	I can't speak to this because I'm unaware of what (or how much) was done to attract the private investment portion.
4	No response

5	Any purchaser should be restricted to the number of dwellings per sq ft of that land it cannot take such housing as city sewer isnt available and would cost current residents sewer costs if enforced on them
6	No response
7	No response
8	We were not given information on how this is done
9	Yes
10	I have seen nothing that indicates anything about attracting private investment.
11	Yes, seems like it. I hope we don't have to wait a million years on a wish and a prayer for a developer who will be willing to do it.
12	Don't know
13	No response
14	No response
15	Yes. Employment for people to do the construction.
16	Yes
17	Yes
18	Large projects like this will require significant private investment.
19	No response
20	No response
21	Unknown
22	Not enough info. Public investment is low in both scenarios but how are the private investors held to guidelines that the the town wants.
23	Y
24	Yes
25	No response
26	No response
27	Not certain-- I'm not seeing details about potential for private investment. Did not attend meetings.
28	No response
29	No response

Survey Question #6:

Which development option meets Public Interest #3 better: Option 1 or Option 2? Why?

Survey Responses to Question #6:

1	Option 107
2	Neither
3	Both options seem similar.
4	No response
5	None
6	No response

7	No response
8	No response
9	Option 2
10	Impossible to say with the information provided.
11	I like option 1.
12	Option 1
13	No response
14	No response
15	Either. Employment for people to do construction.
16	I don't know that there's a big difference between the options for this question. Maybe Option 1 since it has more units?
17	1
18	They seem equal to me.
19	No response
20	No response
21	No response
22	No response
23	2. Lower input over all. Please be very clear about expectations from the community and the town for how the development is completed and then sold. The ensuing ownership should be required to follow all original guidelines. I think at the first meetings it was said they had a 30 yr clause to keep housing affordable?
24	Option 2
25	No response
26	No response
27	No opinion on this since I don't have information specific to investment potential.
28	No response
29	No response

Survey Question #7:

Public Interest #4: Affordable housing development of the Azalea Avenue site should accommodate the City's sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #7:

1	Without a doubt
2	No response
3	Apparently yes.

4	No response
5	Raises the cost of living for those who do not have to pay for city sewer as is not all have city water in that neighborhood either none have city trash pick up
6	No response
7	No response
8	Yes if it supplies sewer facilities to the rest of the area.
9	Yes
10	Yes.
11	Yes
12	Yes. This should be mandatory.
13	No response
14	No response
15	Yes. I may be wrong, but I don't think this area has municipal sewer and water.
16	Yes
17	Yes
18	Yes, new buildings in this area can be incorporated into new sewer infrastructure.
19	I truly don't know from looking at the drawings.
20	Yes
21	Unknown
22	Y, it appears so.
23	Y
24	Yes
25	No response
26	No response
27	No response
28	No response
29	No response

Survey Question #8:

Which development option meets Public Interest #4 better: Option 1 or Option 2? Why?

Survey Responses to Question #8:

1	Option 0
2	No response
3	No difference as far as I can tell.
4	No response
5	None
6	No response
7	No response

8	Either
9	Option 2
10	Option two. Lower density.
11	Either?
12	Don't know
13	No response
14	No response
15	Either. I may be wrong, but I don't think this area has municipal sewer and water
16	Option 1 would reduce the number of new taps that need to be installed since there are fewer stand-alone buildings, right?
17	No response
18	They seem equal to me.
19	See above
20	Both
21	No response
22	No response
23	2
24	Option 2
25	No response
26	No response
27	No response
28	No response
29	No response

Survey Question #9:

Is there anything else you would like to share regarding future affordable housing development on the Azalea Avenue site?

Survey Responses to Question #9:

1	Nice parking lot!
2	No response
3	Affordable housing is very much needed. I would like to see future developments that combine affordable and market rate renters in the same buildings as a way to reduce stigma, increase social capital, and attract developers.
4	No response
5	The street itself would need widened the main highway backs up at the red light as is
6	I'm not in favor of more affordable housing being located on these proposed parcels. Please show the data to support the need for more affordable housing in the area.

7	The intersections at Wilson and Ecusta are already very clogged up throughout the day. This might be a perfect opportunity for another roundabout. If not, the offset of Wilson and Ecusta needs to be addressed forming one intersection rather than two so close in proximity.
8	People are going to complain about traffic as a future issue at the Neely, Park, Old Hville Hwy intersection. Make this issue part of your early planning and get the information out.
9	3 story buildings are unacceptable in a residential area devoted to homes.
10	Both plans have inadequate parking in the renderings. While there may be a formula that is being used. Anyone with real world experience of rental and multi family housing knows that there should be at least two spots per unit, minimum, plus one guest spot per two units (whether designated or not). Traffic is already a nightmare on that section of road. Adding an additional, possible, 100 cars entering and exiting is going to create an even larger issue. Investment should also be made into timing the lights better during times of high traffic volume to prioritize and clear Old Hendersonville Road faster. The may include a realignment of Wilson and Ecusta since that is where the bottle neck starts.
11	If a developer doesn't commit within a year, I think that a small portion of the land should be parceled off for smaller building companies (or nonprofit builders) to develop so that the land does not sit unused. We need affordable housing NOW, so little pieces of land might not be the most efficient building practice, but if more people are housed right away while we wait for a willing developer, then that's still a good thing.
12	It will be a welcome improvement to the area.
13	No
14	Single family homes. Affordable living for the workforce and providing choices-as some families prefer rentals or apartments, while others prefer to own a home.
15	There will be a lot of negativity on Facebook ' you are brevard' for any change in this community. Don't let that noise overwhelm positivity of the community as a whole.
16	N/a
17	No response
18	No response
19	Let's make this happen!!!!!!
20	No response
21	Consider public transit, sidewalks, bike lanes, etc. - how will these families commute to/from work & school safely.
22	Im still concerned about stormwater management and traffic on azalea avenue. Also, even 48 units is ALOT of units on that small lot.
23	Please consider traffic implications on Azalea Ave. it is already a cut through, there are a lot of kids and pets on that street.

	Stormwater will. Red to be managed, during heavy rains, water already crossed the road at the undersized culvert and is washing out the driveway of one of the residents
24	No response
25	No response
26	No response
27	No response
28	No response
29	No response

Appendix 3: Photos of Engagement Session Notes

DFI staff documented the input gathered during the two in-person engagement sessions on March 12, 2025. The notes are organized by small group discussion and in order of public interest discussed.

1 OPTIMIZE NEW UNITS

- ★ PREFER NO ENT./EXIT ON OLD HENDERSONVILLE RD.
 - COULD SECOND POINT HAVE GATE
- ★ MORE GREEN SPACE TOWARDS S. END OF SITE
- ★ PREFER #2 FOR LOOK + FEEL BUT LIKE #1 FOR MAXIMIZING UNITS

→ NATURAL (TREES, VEGETATIVE)

→ NOT A SOLID WALL

→ INTEGRATED INTO NEIGHBORHOOD

A GREEN SPACE SHOULD HAVE FUNCTION

→ COMM. GATHERING → PLANT TREES + PLAYGROUND

#2 GREEN SPACE

- * BALANCE ACROSS THE SITE
 - ABILITY TO BRING SOME SOUTH
- * MAKE SURE STORMWATER MOVES AWAY FROM SITE
- * MAKE SURE OPEN SPACE FEELS SAFE
 - ↳ LIGHTING
- * HOW IS PROPERTY DELINEATED FROM NEIGHBORS?
 - NATURAL (TREES, VEGETATIVE)
 - NOT A SOLID WALL
 - INTEGRATED INTO NEIGHBORHOOD
- * GREEN SPACE SHOULD HAVE FUNCTION
 - COMM. GATHERING. → PICNIC TABLES + PLAYGROUND

P1
#2

OTHER

* #2 FEELS MORE LIKE NEIGHBORHOOD vs. #1

* #2 GET TO KNOW YOUR NEIGHBORS BETTER

→ DESIGN SITE TO MAXIMIZE NEIGHBOR
INTERACTION (BALCONIES FACING ~~EACH OTHER~~)
OUTWARD

* 3 STORY BLDGS CONFLICT w/
NEIGHBORHOOD

* #2 BLENDS IN BETTER

* HOW DOES SITE CONNECT TO CITY
SIDEWALK NETWORK?

#3 MAXIMIZE PRIVATE INVEST.
→ MIN. PUBLIC INV.

- * NOT OBVIOUS DIFFERENCE BETWEEN SCEN.
- * #2 MAY PROMOTE LOWER TURNOVER
- * SEWER LINE ADDS TAX BASE TO CITY

#4 SEWER INF. EXPANSION

#2 FITS MORE INTO NEIGHBORHOOD

* BOTH SERVE SAME PURPOSE

* ONLY IF COST IS DIFF. FOR SEWER

#5 OTHER

- ★ EV PARKING IN SITE
- ★ VALUE OF HOMES NOT JUST MAX. UNIT COUNTS
- ★ PREFER EXTERNAL CORRIDORS
→ MORE NEIGHBOR INTERACTION
- ★ 3 STORY BLDGS CONFLICT W/
NEIGHBORHOOD
- ★ #2 BUENDS IN BETTER
- ★ HOW DOES SITE CONNECT TO CITY
SIDEWALK NETWORK?

PI1 Optimize # of new units affd.

- Eligibility limits outside LIHTC (e.g. ^{local} occupation)
- Neither option prefer ~20 units

Green Concerns

- impact on prop. values
↳ tax assessments

- target > 60% AMT

Broad River Terrace Res. ←

- Safety concerns ^{behavior}
- Traffic impacts

- Affd. v. workforce — use of language w/ public

- Azalea — access management

↳ Broad river traffic

↳ eliminate through traffic

↳ Connect to adj. MF prop.

Qs re: LIHTC & DFI exp.

Q re: HCV

change in comm. character

↳ over reliance on Gov't.

PI2 Access to Green Space
and Comm. amenities

- Stormwater detention Feeds
H₂O conveyance → inappropriate green space
- ~~Maintenance~~ Maintenance of green space area

(PI3) Maximize private investment

• No significant diff. b/n options

(P14) Sewer extension

- Neither option: Sewer connection will impact Cost to Neighbors
 - ↳ concern about compulsory connection to sewer.

Option 1

①

Optimize # & quality of units

• Parking: 1.5 space/unit "not very generous." (both options)

• Young people can't afford housing
↳ multi-gen households → Glendon example
↳ problem not unique to Blevard.
↳ Mass. examples

• Goal should be "living wages" as well as aff. housing

• Cost of living high for what region has to offer

↳ tourists & transplants impact housing costs for locals.

↳ Can not afford to replace

~~Option 1~~

(PI 1)

Optimize Site

Teachers/Firefighters/HH w/ children
→ should be a safe place for families

Tradeoff of Safety/access on Old. Miller Rd.

Option 2 optimizes site w/ lowest #
of units

Parking lot

• Compatibility
• lesser of two evils
• Convenience of
infrastructure
improvements.

• Safety
• good neighbors

• road
inadequate
for access
on Arceata

(PI 2)

Max Green Space

• Option 2 preserves trees/green space

(PI3) Max. Private Investment

• Option 2 is a long-term better investment for the town. Will be better maintained.

(PI4) Sewer Extension

- Neighborhood residents (retirees) may not pay to connect.
↳ Can town defer cost of connections?

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 - Definitions in Response to Session Law 2024-57

Speaker: Paul Ray, Planning Director
Aaron Bland, Asst Planning Director

Prepared by: Emily Brewer, Senior Planner, Aaron Bland, Asst Planning Director

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

Background

These text amendments are in response to changes to state law that greatly restrict local government discretion to amend local zoning ordinances. The statutory provision, amended as part of the Disaster Recovery Act of 2024 – Part III, Session Law 2024-57, broadly expands the definition of “down-zoning” and provides that local governments cannot adopt a down-zoning without written consent from all impacted owners.

City Council held a public hearing about this matter on March 17th. Staff discussed the difficulty this change creates in implementing the new architectural standards. Given that the new architectural standards will create nonconformities without written consent of all affected property owners, the implementation of the new standards must be modified from what was originally envisioned when the process started, long before SL 2024-57 was enacted.

This text amendment aims to provide a context within the bounds of the new law in which the City can apply the new architectural standards and any other future text amendments by creating two new definitions within the City's Unified Development Ordinance: one for "New Construction" and another for "Residential Zoning District."

Discussion

At the public hearing Council discussed the importance of ensuring clarity between the new "new construction" definition and the existing nonconformity threshold of "significant improvement." Adding a definition of "new construction" to the definitions chapter of the UDO (Chapter 19) does not make any changes to the nonconformities chapter (Chapter 14) or the process by which nonconformities are addressed during permitting based on the requirements of Chapter 14.

Adding this "new construction" definition will result in three tiers of improvements to existing structures within the UDO that require different levels of compliance:

1. Significant Improvements (25% threshold): Existing; Requires compliance where practical

2. Substantial Improvements (50% threshold): Existing; Requires mostly full compliance
3. New Construction (Proposed 75% threshold): Proposed; Would require full compliance as if brand new

It is important to note that an overhaul of the UDO Chapter 14 is forthcoming, which will rely on these three levels of investment as triggers for upgrading nonconformities. This text amendment only adds the two terms to Chapter 19, but when Chapter 14 is rewritten any lingering confusion will be clarified. However, amending the nonconformities chapter is a much more complex discussion, and in order to be able to move forward with the new architectural standards, Staff is proceeding quickly by only adding the "new construction" and "residential zoning district" definitions to Chapter 19 at this time.

Policy Analysis

Ensuring the new architectural standards can legally be applied within the City's jurisdiction works towards the same priorities of the *Building Brevard 2030 Comprehensive Land Use Plan* as the architectural standards themselves. Most notably, Goal #2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.

Action

Council's options are:

- Adopt the amendments as written;
- Revise and adopt the amendments as revised by Council;
- Reject the amendment;
- Send the amendment back to the Planning Board for further study and consideration; or
- Call for additional public hearings

Attachments:

1. Excerpt from SL 2024-57
2. Proposed Amendments
3. Consistency Statement
4. Enacting Ordinance

GENERAL ASSEMBLY OF NORTH CAROLINA
EXCERPT FROM SESSION LAW 2024-57 / SENATE BILL 382

SUBPART III-K. LOCAL GOVERNMENT

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

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

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

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

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

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

New Construction:

Current Definition: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Proposed Definition: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **[50%, two-thirds, 75%, etc.]** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **[50%, two-thirds, 75%, etc.]** of the value of the existing structure and require the issuance of at least **[two or three]** trade permits from the Transylvania County Building and Inspections Department.

Planning Board and Staff Recommendation: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **75%** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **75%** of the value of the existing structure and require the issuance of at least **two** trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District:

Current Definition: None

Proposed Definition – Option # 1: A zoning district that is entirely reserved for residential land uses.
[Note there are none in our jurisdiction]

Proposed Definition – Option # 2 [Staff Recommendation]: A zoning district that is primarily intended for residential land uses. This shall apply to the following zoning districts: General Residential-4 (GR4), General Residential-8 (GR8), and Residential Mixed-Use (RMX).

Proposed Definition – Option # 3 [Planning Board Recommendation]: Any zoning district that permits residential land uses. This shall apply to all zoning districts except General Industrial (GI).

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-003**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas.

ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 19 – DEFINITIONS TO CODIFY NEW DEFINITIONS**

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

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

WHEREAS, the North Carolina General Statutes lack definitions of critical terms necessary for the interpretation and application of SL 2024-57, leaving the process for enactment of zoning ordinance amendments unclear; and,

WHEREAS, in order to implement updated architectural standards, the City must establish these definitions in the Unified Development Ordinance in order to comply with SL 2024-57; and,

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

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
 - **Goal 3:** Encourage a development pattern that respects Brevard’s sense of place and prioritizes livable communities.
 - **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
 - **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
 - **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas;
- and,

WHEREAS, a public hearing was conducted on Monday, March 17, 2025, by the Brevard City Council.

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

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

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

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

Adopted and approved this the 7th day of April 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 - Architectural Standards

Speaker: Paul Ray, Planning Director
Aaron Bland, Asst Planning Director
Stephanie Holland, Planner

Prepared by: Emily Brewer, Senior Planner, Aaron Bland, Asst Planning Director

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

Background

In December 2023, the City Council passed a resolution authorizing the City Manager to sign a contract with the planning and urban design consulting firm Plusurbia Inc. to begin updating the City's architectural standards, which are found primarily in Chapter 5 of the City's Unified Development Ordinance (UDO).

Plusurbia's work is generally defined by two phases. The first phase was the creation of a standalone document of building design guidelines, which were endorsed by City Council on June 17, 2024.

The second phase is actual codification of the design guidelines as requirements of the UDO, which will be done by this text amendment. The standards are now fully developed and were unanimously recommended by Planning Board at their February 25th meeting. City Council held a public hearing on this matter at its March 17, 2025 meeting.

Discussion

The new Architectural Standards are intended to preserve and enhance the distinct character of Brevard by regulating key aspects of the built environment. By setting a high standard for quality design across the jurisdiction, every new development can become a thoughtful, lasting addition to Brevard, enhancing the community for years to come. The new Chapter 5 is structured around building types and architectural styles, each with various elements and design requirements. The new standards also place greater emphasis on the architectural legacy of character areas by restricting the building types and architectural styles to only those that are most compatible with the community's vision for these key area.

In December, the North Carolina General Assembly passed Session Law 2024-57 which changed the City's ability to enact amendments to development regulations. Local governments are no longer allowed to enact changes to development regulations that create nonconformities without the written consent of all affected property owners. As a result, this update does not entirely reflect the results of the community engagement.

Specifically, this version does not include two of the character areas identified (the Railroad Avenue District and the US-64 Highway Corridor) and has different boundaries for the Downtown character area than originally envisioned. While this adoptable version does not include these two character areas, Plusurbia has prepared proposed standards and boundaries for those character areas, so if there is a change to state law they can be adopted.

Policy Analysis

Updating the UDO's architectural standards is a component of the *Building Brevard 2030 Comprehensive Land Use Plan* Goal #2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities. Specifically:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas.

Action

Council's options are as follows:

- Adopt the amendments as written;
- Revise and adopt the amendments as revised by Council;
- Reject the amendment;
- Send the amendment back to the Planning Board for further study and consideration; or
- Call for additional public hearings brought before them.

Attachments:

1. Proposed Amendments
2. Consistency Statement
3. Enacting Ordinance



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.2. Use categories and tables of permitted uses.

- A. All uses permitted in this Code have been divided into 10 general categories as detailed below and are generally defined as follows:
1. *Residential*: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
 2. *Lodging*: Premises available for short-term human habitation for a fee, including daily and weekly rental.
 3. *Commercial*: Premises available for the transaction of general business, the provision of services, the commercial sale of merchandise, and/or food and drink consumption, but excluding manufacturing.
 4. *Civic/institutional*: Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
 5. *Entertainment/recreation*: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
 6. *Agriculture*: Premises primarily used to grow crops, produce, flowers, etc., raise animals, harvest timber, or other similar functions.
 7. *Manufacturing/wholesale/storage*: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
 8. *Infrastructure*: Uses and structures dedicated to transportation, communication, information, and utilities.
 9. *Accessory*: Uses of land or of a building or structure or portion thereof, which is incidental and subordinate to a principal use on the same lot.
 10. *Temporary*: Uses of land which, having met certain requirements and conditions, that may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.
- B. *Interpretation of use matrices.*
1. The use matrix is not intended to be a comprehensive list of all possible uses, but rather a list of more common uses likely to be proposed within the city.
 2. In the event that a particular use is not listed in the use matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the administrator shall determine whether a materially similar use exists in this chapter.
 - a. Should the administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing pursuant to G.S. 160D-403.



- b. Should the administrator determine that a materially similar use does not exist, this chapter may be amended to establish a specific listing for the use in question in accordance with the provisions set forth for text amendments in [CHAPTER 16](#).
 3. When determining whether a proposed use is materially similar to a listed use, the administrator may consider the following criteria:
 - a. The actual or projected characteristics of the proposed use;
 - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
 - c. Relative amounts of sales;
 - d. The customer type;
 - e. The relative number of employees;
 - f. Hours of operation;
 - g. Amount and frequency of deliveries;
 - h. Building and site arrangement;
 - i. Types of vehicles used and their parking demands;
 - j. The number of vehicle trips generated;
 - k. Signs;
 - l. How the proposed use is advertised;
 - m. The likely impact on surrounding properties; and
 - n. Whether the activity is likely to be found independent of the other activities on the site.
 4. Prohibited uses within the applicable zoning district or uses for which the administrator determines there is not a materially similar use in the matrix may be permitted through the application of a conditional zoning district in accordance with the provisions set forth in [CHAPTER 16](#).
- C. *Use matrix.* The following matrix sets forth the manner by which certain uses may be permitted within the various districts set forth above.
 1. "P" denotes those uses that are permitted "by right."
 2. "—" denotes those uses that are not permitted within the given district.
 3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in [CHAPTER 16](#). Additional standards for certain uses requiring a special use permit are set forth in [CHAPTER 3](#) and [CHAPTER 5](#) of this ordinance.
 4. "PS" denotes those uses that are permitted with additional standards, which are set forth in [CHAPTER 3](#).
 5. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.

TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Residential										
Household Living	3.5.1	Dwelling—Single-Family	P	P	—	—	—	—	P	—
		Dwelling—Duplex	P	P	P	P	—	—	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—



TABLE 2.2-A: LAND USE MATRIX

Category	Section (a)	Use	Zoning Districts							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	3.5.2	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	3.5.3	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	P	P	—	P	P	P	—
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P



TABLE 2.2-A: LAND USE MATRIX

Category	Section (a)	Use	Zoning Districts							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Gas Station	—	—	SUP	PS	SUP	PS	—	PS
		Gunsmiths and Weapon Sales	—	—	SUP	SUP	PS	PS	—	PS
		Civic/Institutional								
Educational	3.8.1	All educational uses except as listed below	SUP	P	P	P	P	P	P	—
		Colleges/Universities	—	—	SUP	SUP	P	P	P	—
		Schools—Vocational/Technical	—	SUP	P	P	P	P	P	P
Government	3.8.2	All government uses, except as listed below	—	P	P	P	P	P	P	P
		Correctional Facilities	—	—	SUP	—	SUP	P	P	P
		Public Safety Station	SUP	SUP	P	P	P	P	P	P
Medical	3.8.3	All medical offices and facilities except as listed below	—	P	P	P	P	P	P	—
		Hospital	—	—	—	—	—	P	P	—
Places of Worship	3.8.4	All religious institutions or places of worship	SUP	P	P	—	P	P	P	—
		Cemeteries	PS	PS	PS	—	PS	PS	PS	—
Entertainment/Recreation										
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Cultural or Community Facility	SUP	P	P	P	P	P	P	—
		Indoor Amusements	—	—	SUP	P	P	P	SUP	P
		Indoor Firing Range	—	—	—	SUP	—	SUP	SUP	SUP
		Live Performance Theater	—	SUP	SUP	P	P	P	P	—
		Movie Theater	—	—	—	P	P	P	—	—
		Special Event Venue	SUP	SUP	PS	PS	PS	PS	PS	—
		Studios, Galleries and Workshops - High Impact	—	—	SUP	SUP	SUP	P	P	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	



TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP
		Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P
Agriculture										
Agriculture	3.10.1	All agricultural uses	PS	—	—	—	—	PS	PS	PS
Manufacturing/Wholesale/Storage										
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	—	—	—	—	SUP	—	P
		Brewery, Distillery, Winery, Cider - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cider - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										



TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	—	P
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	3.12.3	Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	P	P	P	P	P	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
Non-Residential Accessory	3.13.2	All non-residential accessory uses, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
		Accessory Retail	—	—	PS	PS	PS	PS	PS	PS
		Drive-Thrus	—	—	SUP	SUP	—	PS	—	—
		Mobile Food Vendor Site	—	SUP	PS	PS	PS	PS	PS	PS
		Recycling - Small Collection	—	—	—	—	—	SUP	SUP	P
		Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS
		Taproom / Tasting Room	—	—	SUP	P	P	P	—	P
Temporary										
Events and Structures	3.14.1	All temporary events and structures, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Carnivals or Circus	—	—	—	—	—	PS	PS	PS
		Farmers Market	—	—	PS	PS	PS	PS	PS	—
Vendors	3.14.2	All temporary vendors, except as listed below	—	—	PS	PS	PS	PS	—	—
		Vending Pushcarts	—	—	—	—	PS	—	—	—
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.										

(a) This column refers to the section of this ordinance that contains the use definition and additional standards.

2.6. Density and dimensional requirements.



2.6.2. Building height.

A. **Maximum building height.** The maximum building height for a structure varies based on zoning district.

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

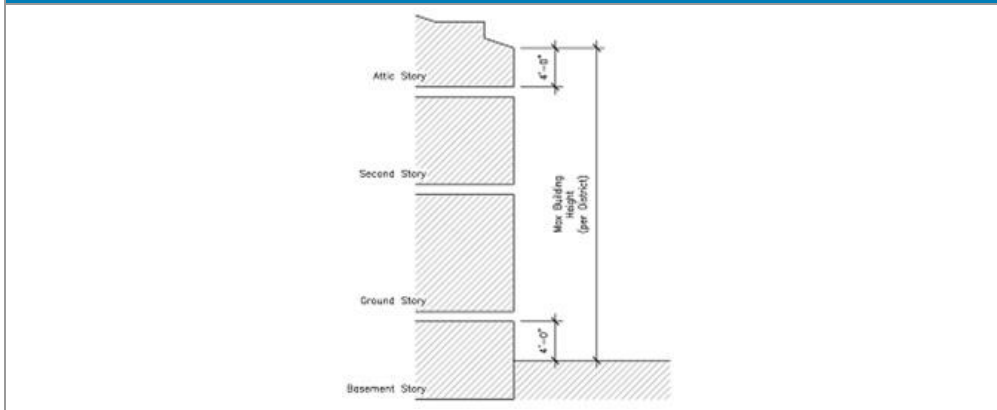
TABLE 2.6.2-A: MAXIMUM BUILDING HEIGHT BY RIGHT	
District	Maximum Height by Right
GR4	35 feet
GR8	35 feet
RMX	35 feet
NMX	35 feet
PGX	35 feet
DMX	50 feet
CMX	50 feet
IC	50 feet
GI	50 feet
<i>Note: Projects or development that do not meet the above standards may apply for conditional zoning in accordance with Section 2.1.C.</i>	

B. **Computation of building height.**

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



FIGURE 2.6.2-A: BUILDING HEIGHT MEASUREMENT



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

C. Maximum story height.

1. A building story shall not exceed 14 feet in height from finished floor to finished floor.
2. Basements that emerge less than 4 feet from grade or attics not exceeding 4 feet at the knee-wall shall not constitute a story.

2.7. Yards and setbacks.

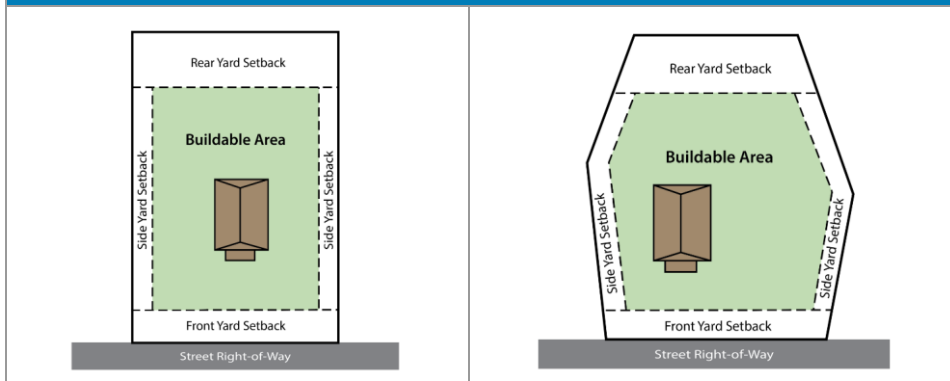
2.7.1. General standards for all yards and setbacks.

- A. A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section [5.472.7.9](#).
 1. Landscaping requirements set forth in [CHAPTER 8](#) of this ordinance may supersede setbacks listed herein.
 2. No portion of any structure shall be placed upon any parcel boundary or within any public or private right-of-way or easement, unless otherwise provided for by this ordinance. This provision shall not prohibit zero lot line structures with common walls situated on one or more lot lines.
- B. **Types of setbacks:**
 1. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
 2. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.



3. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

FIGURE 2.7.1-A: ILLUSTRATIVE SETBACK DIAGRAMS

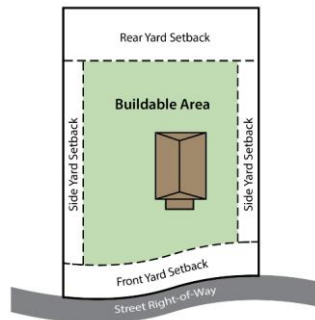


C. Measurement of setbacks and building lines:

1. Required yard setbacks and building lines are measured parallel to the applicable lot line or public right-of-way line.
 - a. Front yard setbacks and building lines shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
 - b. Side yard and rear yard setbacks and building lines shall be measured from the property line(s).
2. When lot lines are curvilinear, setbacks and building lines shall be measured parallel to the curvilinear lot line.

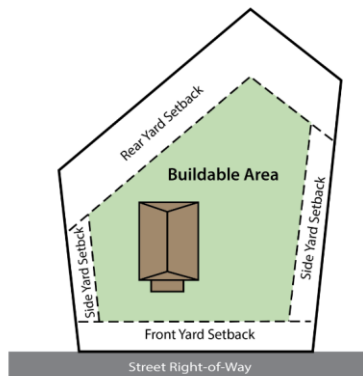


FIGURE 2.7.1-B: SETBACKS FROM CURVILINEAR LOT LINES



3. When there are multiple rear lot lines, the rear yard setback and building line must be measured from each of the rear lot lines.

FIGURE 2.7.1-C: SETBACKS FROM MULTIPLE REAR LOT LINES



D. Administrative decisions for setbacks:

1. The administrator may impose additional setbacks based upon specific guidance from the City of Brevard Comprehensive Plan, the City of Brevard Downtown Master Plan and other district or small area/master plans, the City of Brevard Comprehensive Pedestrian Plan, the City of Brevard Street Schedule, or other plans or policies of the city.
 - a. For private streets, a right-of-way in accordance with [CHAPTER 13](#) shall be assumed by the administrator.



- b. When determining the edge of the right-of-way, the administrator shall account for existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-street parking, and other improvements that deviate from a standard street cross-section.
2. The administrator may approve deviations from required setbacks by up to 20 percent of the required area in accordance with [CHAPTER 16](#) in order to:
 - a. protect existing or proposed rights-of-way and other infrastructure improvements
 - b. ensure environmental protection of sensitive and/or conservation areas, including steep slope areas
 - c. account for surface water protection and/or satisfy flood damage prevention requirements
3. For non-conforming lots without street frontage, the administrator shall designate a front yard for the purposes of setback measurement.
4. The administrator may grant exceptions to the setback requirements of this ordinance for infill developments where the average setback on already-built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side yard setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.
5. The administrator may determine that in established neighborhoods the functional rear yard is not opposite the front yard based on the peculiar shape of the parcel or the development pattern. In these cases, the administrator may determine that another line shall be considered the rear lot line for setback purposes.

2.7.9. Encroachments.

Certain structural and architectural features are permitted to encroach ~~across parcel lines,~~ into setback areas and into rights-of-way. The following standards shall be established for encroachments:

- A. **Awnings:** Awnings on structures within commercial and mixed-use zoning districts may encroach upon the front setback area and rights-of-way provided that the following conditions are met:
 1. Awnings shall be supported by means of a frame attached directly to the structure receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way.
 2. ~~Storefront~~ [Shopfront](#) awnings projecting the width of the sidewalk pedestrian zone must be attached to the building at 14 feet above the grade of the sidewalk. Awnings may only project two-thirds the width of the sidewalk pedestrian zone if attached lower than 14 feet above the grade of the sidewalk.
 3. Awnings shall not project into the furniture/landscape zone of any sidewalk, nor over a street or adjacent on-street parking, and, in no event, shall they project further than seven feet from the face of the building.
 4. The lowest point of any awning shall be at least nine feet above the grade of the sidewalk.
 5. All awnings in other zoning districts shall be considered a part of the structure for purposes of measuring and complying with area and setback regulations.
- B. **Handicapped ramps:** The administrator may approve the installation of handicapped landings, ramps, and similar structures as additions to existing structures, even though such additions do not meet the minimum setback requirements of this ordinance, provided such additions meet the following criteria:
 1. They are intended for the sole purpose of providing handicapped access to an existing structure.

Commented [EB1]: This section was located in Chapter 5 but has been relocated to the setback section



2. They fully conform to North Carolina Building Code and are designed to minimize setback deviations to the maximum extent possible.
3. Prior to the issuance of any permit the administrator shall inspect the site of the proposed addition and may impose such conditions as are necessary to minimize any conflicts that may arise from the construction thereof, including the encroachment of such additions upon setback lines.
4. No such addition shall encroach into a public or private right-of-way or easement, regulatory floodway, or surface water protection area.

C. *Roof overhangs and gutters:*

1. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet.

D. *Uncovered porches, stoops, and stairs:*

1. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third of the required setback dimension up to a height of four feet above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet.

E. *Balconies and bay windows:*

1. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet into the required setback dimension. Balconies or bay windows may not exceed ten feet in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed 33 percent of the total width of each elevation.

F. *Chimneys:*

1. Chimneys may encroach into front, rear, or side setbacks by up to two feet. Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.

- G.** No such eve, bay window, balcony, stairs, stoop, porch, chimney shall encroach into a public or private right-of-way or easement, regulatory floodplain, or surface water protection area.

CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.5. Residential uses.

3.5.1. Household living use category.

A. *Household living.*

1. Definition: Residential occupancy of a dwelling unit by a household. Household living includes the following uses:
 - a. Dwelling – Single-family;
 - b. Dwelling – Duplex;
 - c. Dwelling – Multifamily 3-4 units/building;



- d. Dwelling – Multifamily more than 4 units/building;
- e. Dwelling – Townhome;
- f. Manufactured Home (single unit);
- g. Live-Work Units; and
- h. Mixed-Use Residential Units

B. Dwelling—Single-family.

- 1. Definition: A free-standing building designed for and/or occupied by one household. These residences may be individually owned as residences or owned by rental or management companies. Single-family dwellings are typically site-built structures that comply with the North Carolina Residential Building Code, current edition, but also include factory-built, modular home units.

C. Dwelling—Duplex.

- 1. Definition: A building containing two residential dwelling units that is typically divided horizontally, each unit having a separate entrance from the outside or through a common vestibule.

D. Dwelling—Multi-family (three or four units/building).

- 1. Also known as a Triplex or Quadraplex
- 2. Definition: A building containing three or four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include triplexes or fourplexes (buildings under one ownership with three or four dwelling units in the same structure),

E. Dwelling—Multi-family (more than four units/building).

- 1. Definition: A building containing more than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These structures may include apartments (five or more units under one ownership in a single building)

F. Dwelling—Townhome.

- 1. Definition: A building that contains three or more separate dwellings divided vertically and connected by shared walls. Each unit has a separate entrance to a front and/or rear yard. This definition includes subdivisions where townhomes are located in zero lot line developments where common walls are situated on one or more lot lines.

G. Manufactured home.

- 1. Definition: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on the building site which also meets the following requirements:
 - a. It is at least eight feet in width and 32 feet in length;
 - b. It is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance;
 - c. It is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site; and
 - d. It does not have any wheels or axles permanently attached to its body or frame.
- 2. Additional Standards:
 - a. A manufactured home must bear a seal certifying that it meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

Commented [EB2]: The changes included here are currently located in Chapter 5. They are not new changes – just relocating from the other chapter.



~~a-b.~~ This definition does not include recreational vehicles (RV), park model RVs, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code.

- i. Recreational vehicles (RV), park model RV's, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code shall not be permitted, nor shall such structures become occupied within any other property within the jurisdiction of the City of Brevard, except as otherwise provided for in this ordinance.

~~b. — Manufactured homes are permitted with standards in the Manufactured Home Overlay District.~~

- c. Dwelling units built to, or utilizing any of, the following as primary construction standards are NOT considered manufactured homes suitable for use as permanent dwelling units: National Electrical Code Article 551; National Fire Protection Association No. 1192; and American National Standards Institute No. 119.5.

d. Manufactured homes shall be set up on the site in accordance with the standards set by the N.C. Department of Insurance.

e. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.

f. The tongue, axes, transporting lights, and removable towing apparatus shall be removed after placement on the lot and before occupancy.

g. Within 30 days following setup, manufactured homes shall be fitted with skirting in compliance with the following:

- i. Skirting of the lower area below the floor level shall be required on all manufactured home units.
- ii. Skirting shall be of such material and color to blend with the color, material, fabric and/or design of the mobile home itself.

h. A permanent foundation, wall or basement, constructed in compliance with the N.C. Department of Insurance regulations, may be erected to support any mobile home unit in lieu of the above requirements for skirting.

i. Manufactured homes shall not be used for nonresidential purposes.

H. Live-work unit.

2. Definition: A residential building type that consists of both a residential use and a non-residential use that is allowed in the applicable zoning district.
3. Additional Standards:
 - a. Typically, the enterprise or non-residential use is located on the ground floor and the residential unit is above or behind.
 - b. Non-residential uses within a live-work unit must be listed within Section 2.2.C as a permissible use within the district in which the live-work unit is proposed and such non-residential use must be approved by means of the appropriate permitting process.
 - c. In districts where residential building types are not permitted live-work units may be permitted within pre-existing non-conforming residential structures.

I. Mixed-use residential unit.



1. **Definition:** A non-residential building type that consists of both a residential use and a non-residential use that is allowed in the applicable zoning district.
2. **Additional Standards:**
 - a. Location of residential unit:
 - i. In the Downtown Development Overlay District, the non-residential use shall be located on the ground floor unit with the residential unit or units above.
 - ii. In all other districts, the ground floor shall be primarily non-residential, with the residential unit or units encouraged to be above or behind the non-residential space.
 - b. Non-residential uses within a mixed-use residential unit must be listed within Section 2.2.C as a permissible use within the district in which the live-work unit is proposed and such non-residential use must be approved by means of the appropriate permitting process.

CHAPTER 5. ARCHITECTURAL STANDARDS

5.1. Purpose and intent.

Architecture has played an undeniable role in defining Brevard's distinct character and lasting identity. These Architectural Standards are intended to preserve and enhance that character by regulating key aspects of the built environment. By setting a high standard for quality design across the jurisdiction, every new development can become a thoughtful, lasting addition to Brevard, enhancing the community for years to come.

While these Standards reflect Brevard's local culture, heritage, environment, and architectural identity, the city will continue to evolve over the years following their adoption. As such, they are not intended to be static but adaptable, outlining the typical characteristics and specifications for pedestrian-oriented, authentic, durable, context-sensitive, and climate-responsive buildings.

These Standards are intended to be interpreted alongside **Brevard's Architectural Visual Guidelines**, which act as a comprehensive catalog of Brevard's architectural identity, presenting best practices meticulously tailored to the city's one-of-a-kind character. These Standards enforce the policies of that document.

Commented [EB3]: Hyperlink to the document

5.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
 1. New construction of a building or buildings; and
 2. Any new changes to building facades, including but not limited to replacement of exterior building elements such as wall material/design, roof material/design, or other exterior remodeling. In this case, only the element and/or material of the building that is being changed or modified (including but not limited to the wall material/design, roof material/design, windows, or doors) will be subject to these regulations.
- B. The following structures are exempt from the building design elements adopted under this Chapter:
 1. Structures subject to regulation under the North Carolina Residential Code (see N.C.G.S. § Section 160D-702(b)).

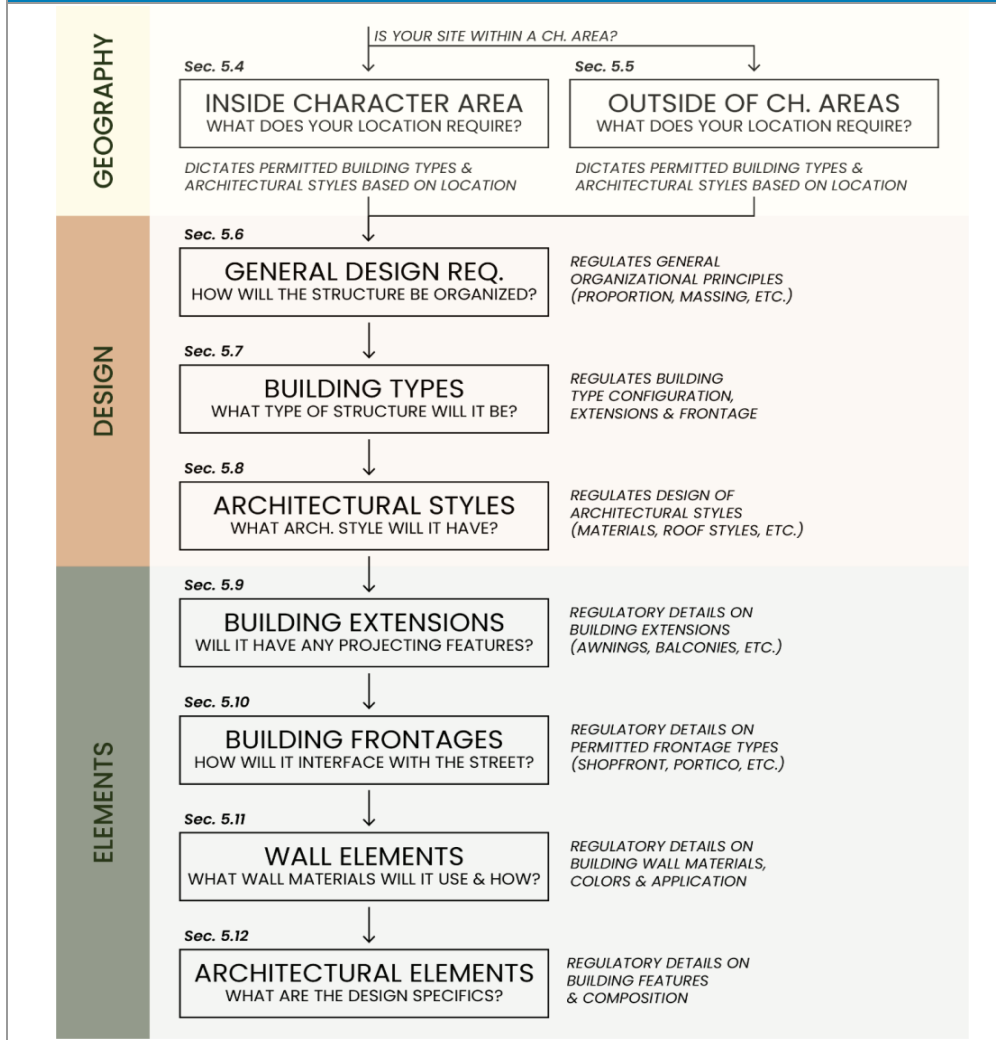
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5.3. Process.



- A. The following diagram shall demonstrate the process for understanding and applying the architectural standards.

TABLE 5.3-A: PROCESS FOR APPLYING ARCHITECTURAL STANDARDS TO DEVELOPMENT PROJECTS



5.4. Inside of Character Areas.



5.4.1. Purpose and applicability.

- A. This section seeks to strengthen distinct districts in Brevard by designating them as Architectural Character Areas.
- B. Properties within each Architectural Character Area are subject to additional regulations concerning permitted architectural styles, materiality, and building elements.
- C. The applicability of Architectural Character Areas are as follows:

TABLE 5.4.1-A: ARCHITECTURAL CHARACTER AREAS AND ZONING CLASSIFICATIONS	
Character Area	Zoning Classification
Downtown	Downtown Development Overlay District (DDOD)
Pisgah Gateway	Pisgah Gateway Mixed-Use (PGX)

5.4.2. Character area descriptions.

- A. **Downtown.** Downtown Brevard’s most distinctive buildings share a common architectural style of Brick Masonry Vernacular, featuring naturally warm-colored brick with various bond patterns. Examples of Revival styles can also be found in Downtown, but should be generally reserved for Civic buildings. As a pedestrian-focused area, mixed use building shopfronts adorned with large, symmetrical windows and doors, as well as canopies or colored fabric awnings, play a significant role in reinforcing Downtown’s character.

TABLE 5.4.2-A: DOWNTOWN BUILDING EXAMPLES	
Transylvania County Courthouse	McMinn Building
	

- B. **Pisgah Gateway.** The Pisgah Gateway stands at the foot of the National Forest entrance; for many visitors it represents their first or only impression of Brevard. This area should reinforce a strong architectural character, drawing on Brevard’s mountain tradition of rustic stone and timber construction.



TABLE 5.4.2-B: PISGAH GATEWAY BUILDING EXAMPLES



5.4.3. Permitted building types by character area.

- A. Based on the historical patterns and desired future of the local built environment, the following building types are permitted within each Character Area as follows:

TABLE 5.4.3-A: PERMITTED BUILDING TYPES BY ARCHITECTURAL CHARACTER AREA

BUILDING TYPE	SECTION (a)	CHARACTER AREA	
		Downtown	Pisgah Gateway
Civic*	5.7.1	YES	YES
Institutional	5.7.2	—	YES
Warehouse	5.7.3	—	—
Main Street Building	5.7.4	YES	YES
Flex Building	5.7.5	—	—
Liner Building	5.7.6	YES	YES
Live/Work Building	5.7.7	YES	YES
Neighborhood Business	5.7.8	—	YES
Large-Scale Commercial	5.7.9	—	—
Roadside Business	5.7.10	—	YES
Stacked Flats	5.7.11	YES	YES
Multiplex	5.7.12	YES	YES
Small Multiplex	5.7.13	YES	YES
Accessory Building	5.7.14	YES	YES

(a) This column refers to the section of this ordinance that contains the building type definition and standards.

* For all government uses, see Section 5.7.1.

5.4.4. Permitted architectural styles by character area.



- A. Based on the historical patterns and desired future of the local built environment, the following Architectural Styles are permitted within each Character Area as follows:

TABLE 5.4.4-A: PERMITTED ARCHITECTURAL STYLES BY ARCHITECTURAL CHARACTER AREA			
ARCHITECTURAL STYLE	SECTION (a)	CHARACTER AREA	
		Downtown	Pisgah Gateway
Brick Masonry Vernacular	5.8.1	YES	—
Stone Masonry Vernacular	5.8.2	—	YES
Rustic Frame Vernacular	5.8.3	—	YES
Industrial Vernacular	5.8.4	—	—
Colonial Revival*	5.8.5	YES	—
Brevard Contemporary	5.8.6	—	—

(a) This column refers to the section of this ordinance that contains the building type definition and standards.
 * For all government uses, see Section 5.8.5

5.5. Outside of Character Areas.

5.5.1. Purpose and applicability.

- A. Properties located outside of all Architectural Character Areas are subject to a distinct set of standards offering greater flexibility, which are described within this section.

5.5.2. Permitted building types by zoning district.

- A. For properties located outside of Architectural Character Areas, the permitted building typologies vary by zoning district in accordance with the following table:

TABLE 5.5.2-A: PERMITTED BUILDING TYPES BY ZONING DISTRICT								
BUILDING TYPE	SECTION (a)	ZONING DISTRICT*						
		GR	RMX	NMX	DMX	CMX	IC	GI
Civic**	5.7.1	YES	YES	YES	YES	YES	YES	YES
Institutional	5.7.2	YES	YES	—	—	YES	YES	YES
Warehouse	5.7.3	—	—	—	—	—	YES	YES
Main Street Building	5.7.4	—	—	—	YES	YES	YES	YES
Flex Building	5.7.5	—	—	—	—	YES	YES	YES
Liner Building	5.7.6	—	—	YES	YES	YES	YES	YES
Live/Work Building	5.7.7	—	YES	YES	YES	YES	YES	YES
Neighborhood Business	5.7.8	—	—	YES	YES	YES	YES	YES
Large-Scale Commercial	5.7.9	—	—	—	—	YES	—	—
Roadside Business	5.7.10	—	—	YES	—	YES	—	YES



TABLE 5.5.2-A: PERMITTED BUILDING TYPES BY ZONING DISTRICT

BUILDING TYPE	SECTION (a)	ZONING DISTRICT*						
		GR	RMX	NMX	DMX	CMX	IC	GI
Stacked Flats	5.7.11	—	—	—	YES	YES	—	—
Multiplex	5.7.12	—	YES	YES	YES	YES	YES	—
Small Multiplex	5.7.13	—	YES	YES	YES	YES	YES	—
Accessory Building	5.7.14	YES	YES	YES	YES	YES	YES	YES

(a) This column refers to the section of this ordinance that contains the building type definition and standards.

*The Pisgah Gateway Mixed-Use (PGX) Zoning District is intended to coincide with the boundaries of the Pisgah Gateway Character Area. Permitted Building Types for PGX are listed in Section 5.4.3.

** For all government uses, see Section 5.7.1.

- B. Because of their unique characteristics, group developments may be allowed to utilize additional building types not permitted in the zoning district.

5.5.3. Permitted architectural styles by zoning district.

- A. Except for Government uses, properties located outside of all Architectural Character Areas may choose from any of the architectural styles designated as appropriate or authentic to Brevard in Section 5.8.

5.6. General design requirements.

5.6.1. Proportion and massing.

- A. All buildings shall be designed with Proportion, including but not limited to 2:3, 3:5, or 5:8.
- Proportion shall be used to determine overall building form, massing, roof lines, and the location and scale of Building Extensions, Building Frontages, and Architectural Elements.
 - Building Extensions, Building Frontages and Architectural Elements shall be designed with Proportion.
- B. Building mass shall be broken down into basic forms and shapes, with a primary building mass and secondary massing for wings, Building Extensions, and Building Frontages.
- The building mass shall use changes in roof height, façade depth, materials, and articulation to express important elements in the building, such as a main entrance or a gathering space.

5.6.2. Vertical organization / hierarchy.

- A. All buildings shall have a clearly articulated base, middle, and top.
- Base.** The base of the building shall express a load-bearing function. The base of the building may be expressed in the following ways:
 - Through the building foundation only, or
 - Through the bottom half of the Ground Floor, or
 - Through the entire Ground Floor.



2. **Middle.** The middle shall be designed with a simple rhythm and pattern that expresses the function of the building. The middle should constitute the majority of the building exterior.
 - a. The middle can include all floors of the building (with the Foundation serving as the Base, and the Roof serving as the Top), or
 - b. The middle can include only the middle floors of the building.
3. **Top.** Design of the building's top shall express the special location where the building meets the sky.
 - a. The top may simply be the roof of the building, or
 - b. The top may be defined by a change in the Building Extensions on the highest floor of the building, such as the addition or removal of balconies or awnings, or
 - c. The top may be defined by a special articulation in the Wall Elements of highest floor of the building, such as a change in material, pattern, or color.
4. **Transitions.** The transition between the Base, Middle and Top of the building can be physically defined with architectural elements or a change in materials.
 - a. *For masonry construction:* Watertables, string courses, cornices, moldings, and expression lines may be used to delineate the transitions between Base, Middle, and Top – this is most relevant to the Brick Masonry Vernacular, Stone Masonry Vernacular, and Colonial Revival architectural styles.
 - b. *For frame construction:* There may not be any horizontal delineation between base middle and top. If horizontal delineation exists, it can be expressed through a subtle change in the type of wood siding (such as from board and batten siding to shingles), through subtle changes in paint color, or it can be expressed with wood trim or moldings.

5.6.3. Horizontal organization / rhythm.

- A. Buildings that exceed 100 feet in width shall have façade articulation to break up the façade width into smaller sections.
- B. Each section shall be a maximum of 50' in width and may consist of multiple Bays, or regularly spaced window openings.
 1. To create an emphasis on symmetry in the main building mass, an odd number of opening Bays is recommended.
 2. For secondary building wings and extensions, an even number of opening Bays is recommended.
- C. Sections shall be articulated through window spacing and window grouping, as well as Pilasters, Columns, special brick or stone patterns, or a change in façade depth.

5.6.4. Fenestration and transparency.

- A. Windows shall express each individual floor of the building; windows shall not span multiple floors.
- B. The top of all windows on the same floor of a building shall be aligned horizontally.
- C. The centerlines of all windows on multi-floor buildings shall be aligned vertically.
- D. Each building story shall feature a façade transparency of 20% min to 33% max.
 1. Façade transparency shall be calculated for the area between finished floors and shall be the total percentage of door and window area along that portion of the façade. Upper floor transparency shall be measured to the finished ceiling.



2. Applicants shall provide a diagram to demonstrate compliance with these provisions.
- E. Fenestration standards do not apply to Shopfront Frontages, which are regulated under the design standards in Section 5.10.2.
- F. For tailored Window regulations based on architectural style, refer to Section 5.8.

5.6.5. Equipment screening.

- A. All outdoor electrical, plumbing, mechanical, HVAC, communications equipment or similar shall be concealed from view from any frontage or sidewalk.
 1. All equipment screening enclosures, including those located on the building roof, must use materials complimentary to the selected Architectural Style.

5.6.6. Material mixing.

- A. Material mixing on the exterior walls of a building is not required. However, in some architectural styles, more than one material may be permitted on the exterior wall of a building. If more than one material is used, these regulations shall apply.
 1. Material mixing shall be applied in horizontal layers and shall evoke structural rules of material weight.
 2. Lighter-appearing materials shall always be placed on top of heavier-appearing materials.
 3. Vertical mixing of materials is not permitted on any building.
 4. Architectural style-specific standards for material mixing, showing appropriate horizontal layering from the lightest material on top to the heaviest material on bottom, are provided below:

TABLE 5.6.6-A: MATERIAL MIXING BY ARCHITECTURAL STYLES		
Architectural Style	Material	Hierarchy
Brick Masonry Vernacular	<i>No material mixing permitted.</i>	
Stone Masonry Vernacular	<i>No material mixing permitted.</i>	
Rustic Frame Vernacular	Wood Shingle	Lightest
	Wood Board and Batten Siding	
	Wood Plank Siding	
	Wood Logs	
	Stone (typically for foundation or ground level only)	Heaviest
Industrial Vernacular	Metal	Lightest
	Brick	Heaviest
Colonial Revival	Wood / Fiber Cement Plank Siding (Gable ends and Dormers only)	Lightest
	Brick	Heaviest
Brevard Contemporary	Stucco	Lightest
	Wood Shingle	
	Wood Board and Batten Siding	
	Wood Plank Siding	



TABLE 5.6.6-A: MATERIAL MIXING BY ARCHITECTURAL STYLES

Architectural Style	Material	Hierarchy
	Brick or Stone (Must select only one, permitted on the ground level only)	Heaviest

5.6.7. Ground floor finishing height.

- A. All buildings with a residential ground floor use shall have a minimum ground floor finished floor height of 24 inches along the front façade to provide adequate privacy and separation from the street.
- B. All buildings with non-residential ground floor uses shall have a ground floor finished floor height of 0 inches min to 6 inches max along the front façade.

5.6.8. Large building standards.

- A. **Applicability.** Large buildings shall meet additional requirements to minimize its aesthetic and environmental impact on the community. These standards shall apply to:
 - 1. Any single structure with a gross floor area of 100,000 square feet or greater;
 - 2. Any single structure or grouping of structures with a combined total gross floor area of 100,000 square feet or more when such structures are joined by a firewall or partiwall.
- B. **Heat island effect mitigation.** Based on their characteristics, roofs on large buildings must meet the following heat island effect mitigation standards:
 - 1. *All Roofs:* May use a green (vegetative) roof for at least 50% of roof surface as an alternative to the below requirements, or may use a combination of high SRI materials and partial green roofs as an alternative to the above requirements if: $\text{Total Roof Area} \leq (\text{Area of SRI Roof} * 1.33) + (\text{Area of Green Roof} * 2)$
 - 2. *Roof Slope 2:12 or Above:* Must use a material with a Minimum Solar Reflective Index (SRI) of 78 for at least 75% of roof surface
 - 3. *Roof Slope Less Than 2:12:* Must use a material with a Minimum Solar Reflective Index (SRI) of 29 for at least 75% of roof surface
- C. **Façade requirements.** In addition to regulations based on the chosen Building Type, Architectural Style, and those stated elsewhere in Section 5.6, façade design on large buildings shall adhere to the following additional requirements:
 - 1. At least 60% of the front façade ground floor shall incorporate shopfront, portico, or gallery features.
 - 2. Articulation of bays shall include wall plane projections or recesses at least 5% of the length of the façade in depth.
 - 3. Plane projections and recesses should extend horizontally for at least 20% of the entire façade length.
- D. **Roof features.** Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be required which will complement the character of adjoining and nearby structures.

5.7. Building types



5.7.1. Civic building.

- A. Civic buildings are the most important structures in the city, often acting as landmarks.
1. Civic buildings are required to include either a Tower or a Cupola and one permitted building frontage type.
 2. All government uses shall conform to the Civic Building Type and the Colonial Revival Architectural Style (see Section 5.8.5).

FIGURE 5.7.1-A: CIVIC BUILDING ILLUSTRATION

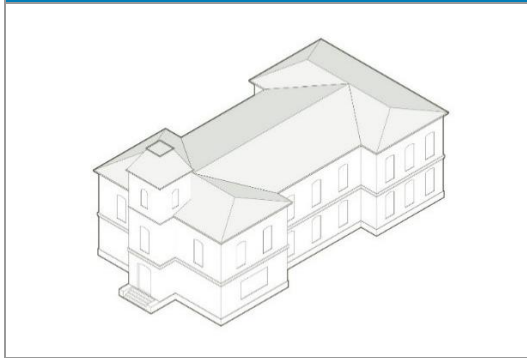


TABLE 5.7.1-A: CIVIC BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Extensions	
Tower (see Section 5.9.1)	Required (see above)
Cupola (see Section 5.9.2)	Required (see above)
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted



5.7.2. Institutional building.

- A. Institutional buildings are purpose-built structures designed to host a particular public, semi-public or private use, such as a school or medical facility.

FIGURE 5.7.2-A: INSTITUTIONAL BUILDING ILLUSTRATION

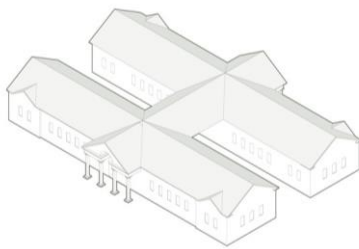


TABLE 5.7.2-A: INSTITUTIONAL BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street, or interior campus spaces if in IC
Building Extensions	
Tower (see Section 5.9.1)	Permitted
Cupola (see Section 5.9.2)	Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.3. Warehouse.



- A. Warehouses are open-plan structures with vaulted or gabled roofs that typically have less façade articulation and fewer openings than other structures. Based on zoning, these buildings can be constructed or re-tooled for a variety of purposes, ranging from light manufacturing to showrooms or recreational centers.

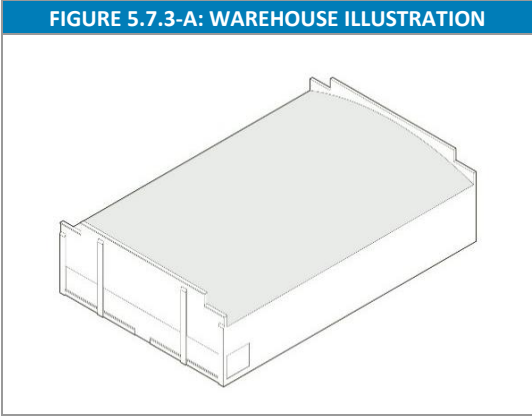


TABLE 5.7.3-A: WAREHOUSE BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.4. Main street building.



- A. Main street buildings are medium to large in scale and vertically integrate two or more distinct land uses within a single building. This building type should account for the majority of downtown structures and feature high transparency shopfronts along the ground floor.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which, but shall only use one.

FIGURE 5.7.4-A: MAIN STREET BUILDING ILLUSTRATION

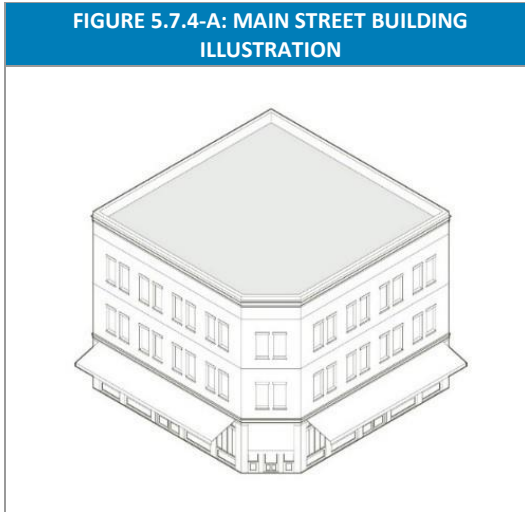


TABLE 5.7.4-A: MAIN STREET BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Primary Façade Width	150' max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted



TABLE 5.7.4-A: MAIN STREET BUILDING TYPE SPECIFICATIONS

Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.5. Flex building.

- A. Flex buildings can be used to provide a vertical or horizontal mix of uses with ground-floor industrial, service, or retail uses and upper-floor service, residential or lodging uses. It may also be a single-use building.

FIGURE 5.7.5-A: FLEX BUILDING ILLUSTRATION

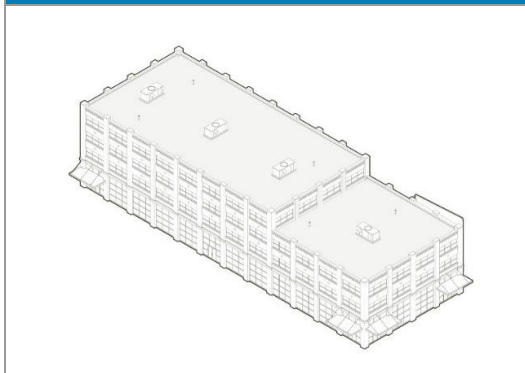


TABLE 5.7.5-A: FLEX BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Permitted



TABLE 5.7.5-A: FLEX BUILDING TYPE SPECIFICATIONS

Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.6. Liner building.

- A. Liner buildings are shallow structures that wrap the perimeter of a large-scale commercial building (big box retail, theater, convention center, etc.) or parking structure to create habitable street frontage and conceal large, blank facades. Liner buildings may contain a variety of uses, including ground floor retail, and/or upper-level services, residential or lodging.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

FIGURE 5.7.6-A: LINER BUILDING ILLUSTRATION

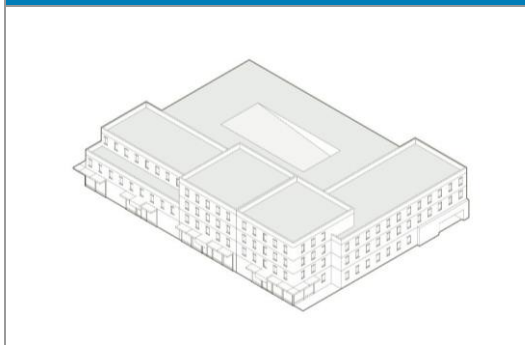


TABLE 5.7.6-A: LINER BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	Equal to or more than the structure it is lining
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted



TABLE 5.7.6-A: LINER BUILDING TYPE SPECIFICATIONS

External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.7. Live/work building.

- A. Live/Work buildings are small to medium-sized structures designed to provide a flexible combination of residential and limited commercial functions. Commercial space is typically located on the ground floor and accessed through a shopfront.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

FIGURE 5.7.7-A: LIVE/WORK BUILDING ILLUSTRATION

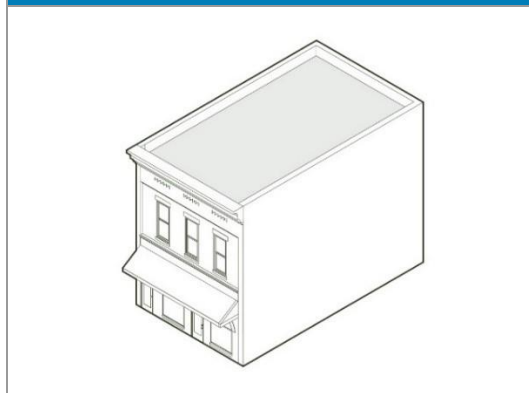


TABLE 5.7.7-A: LIVE/WORK BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	Equal to or more than the structure it is lining
Building Width	50 feet max
Building Extensions	



TABLE 5.7.7-A: LIVE/WORK BUILDING TYPE SPECIFICATIONS	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.8. Neighborhood business.

- A. A Neighborhood Business complements walkable neighborhoods by facilitating a small increment of mixed use through a pedestrian-friendly ground floor retail or service use accessed from a sidewalk shopfront. Residential units, storage or small offices may be located on upper floors.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

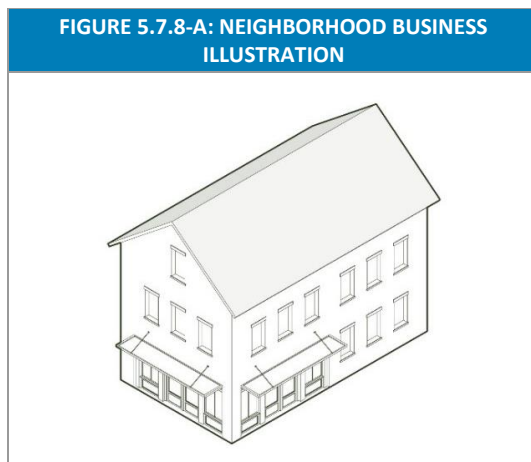




TABLE 5.7.8-A: NEIGHBORHOOD BUSINESS BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	Equal to or more than the structure it is lining
Building Width	60 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.9. Large commercial building.

- A. Large Commercial Buildings are among the most sizeable structures in the city by floorplate, accommodating one or several commercial tenants. This typology is intended for heavily auto-oriented areas with larger lots and larger buildings, accommodating intense commercial activities.
1. If a large commercial building is unable to meet transparency requirements, it must be concealed by a liner building.
 2. Large commercial buildings may use a flat roof type regardless of the selected Architectural Style, but only when the attached porticos and/ or galleries have pitched elements (when called for by that Style).
 3. On large commercial buildings, Shopfronts or Galleries are required along the primary façade.



FIGURE 5.7.9-A: LARGE COMMERCIAL BUILDING ILLUSTRATION

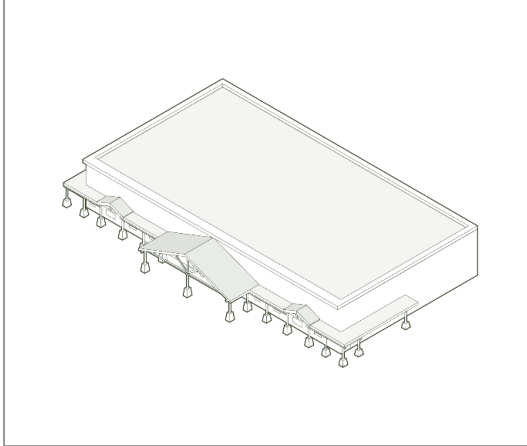


TABLE 5.7.9-A: LARGE COMMERCIAL BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Ground Floor Area	50,000 square feet min
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Required
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Permitted



5.7.10. Roadside business.

- A. Quite adaptable, roadside business buildings can appear in either a pedestrian or auto-oriented context, and can accommodate special site features, such as a drive-thru, which may or may not include a porte cochere.

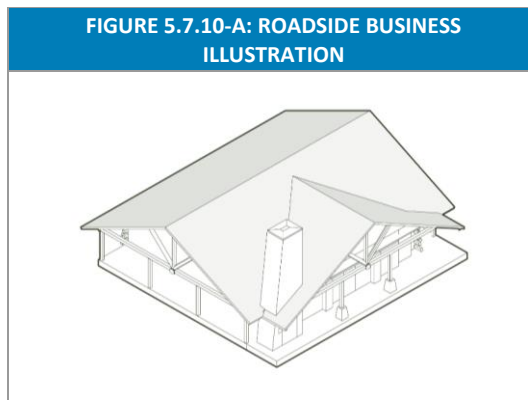


TABLE 5.7.10-A: ROADSIDE BUSINESS BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.11. Stacked flats.



- A. Stacked flats are medium-to-large sized structures that consist of multiple dwelling units or hotel rooms. Each unit may have its own individual entry or may share a common entry point. Stacked flats may include a courtyard.

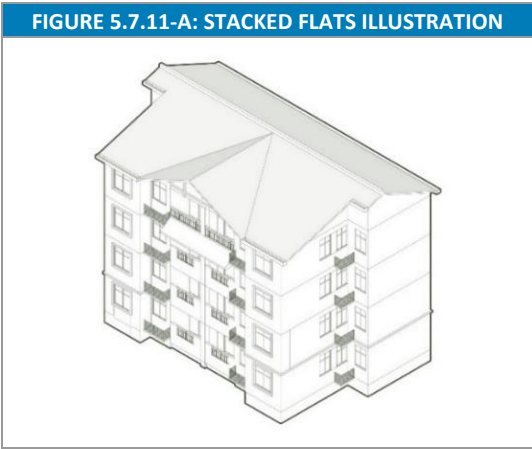


TABLE 5.7.11-A: STACKED FLATS BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Width	150 feet max
Building Depth	70 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Not Permitted
Balcony (see Section 5.9.6)	Required
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Not Permitted
Porch (see Section 5.10.3)	Required
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted



TABLE 5.7.11-A: STACKED FLATS BUILDING TYPE SPECIFICATIONS

Courtyard (see Section 5.10.6)	Permitted
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5.7.12. Multiplex.

- A. Multiplexes are medium-to-large sized structures that consists of 5-18 side-by-side and/or stacked dwelling units or hotel rooms, typically with one shared entry. Between stacked flats and the small multiplex in scale, this type is appropriately scaled to fit within medium-density areas, especially transitions at the edge of downtown.

FIGURE 5.7.12-A: MULTIPLEX ILLUSTRATION

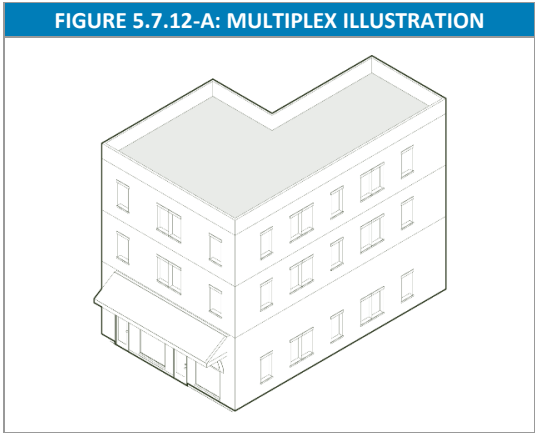


TABLE 5.7.12-A: MULTIPLEX BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Width	150 feet max
Building Depth	70 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Required
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	



TABLE 5.7.12-A: MULTIPLEX BUILDING TYPE SPECIFICATIONS

Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Not Permitted
Porch (see Section 5.10.3)	Required
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.13. Small multiplex.

- A. Small multiplex buildings are low-rise residential structures that typically accommodate between 5-10 units. These buildings can foster a close-knit community and can be designed to architecturally blend with single-family neighborhoods.

FIGURE 5.7.13-A: SMALL MULTIPLEX ILLUSTRATION

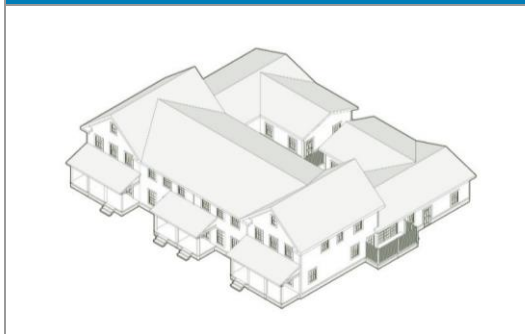


TABLE 5.7.13-A: SMALL MULTIPLEX BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Width	100 feet max
Building Depth	70 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Not Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted



TABLE 5.7.13-A: SMALL MULTIPLEX BUILDING TYPE SPECIFICATIONS	
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Not Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.14. Accessory structure.

- A. Accessory structures are secondary structures that share its lot with the principal structure it is designed to support.
 - 1. Accessory structures are permitted in all zoning districts but require a principal structure to co-exist on the same lot, except as otherwise provided by this ordinance (see Section 2.5).
 - a. Structures larger than 25% of the ground floor area of the principal structure are considered additional principal structures and shall be considered as a group development.
 - 2. All accessory structures shall use the same Architectural Style, Wall Materials, and Roofing Materials as the principal structure.
- B. The following accessory structures are exempt from these requirements:
 - 1. Accessory dwelling units (ADUs) and other structures regulated under the North Carolina Residential Code (see NCGS Section 160D-702(b)).
 - 2. Any accessory structure that shares a lot with a principal structure regulated under the North Carolina Residential Code.

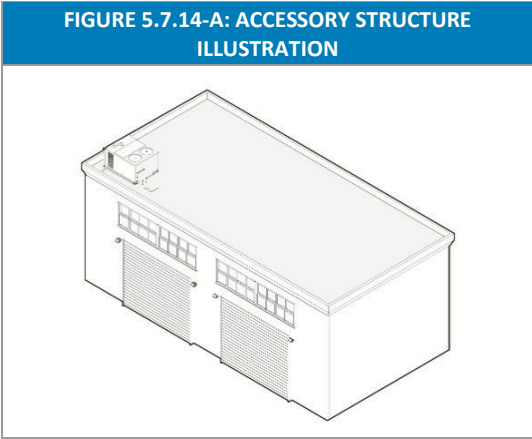




TABLE 5.7.14-A: ACCESSORY STRUCTURE BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Number of Stories	2 max (unless otherwise specified in Section 2.5)
Ground Floor Area	No more than 25% of the ground floor area of the principal structure
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.8. Architectural styles.

5.8.1. Brick masonry vernacular.

- A. Brick masonry vernacular architecture reflects skilled craftsmanship and simple materials. It can be load-bearing brick construction or a brick veneer. There are many options for brick glazing finish, warm colors, bond patterns, and mortar techniques. Brick Masonry Vernacular buildings can stand out through innovative masonry stylization used along the parapet, cornice, window openings, stringcourse, water table, and wall edges



FIGURE 5.8.1-A: BRICK MASONRY VERNACULAR ILLUSTRATIONS

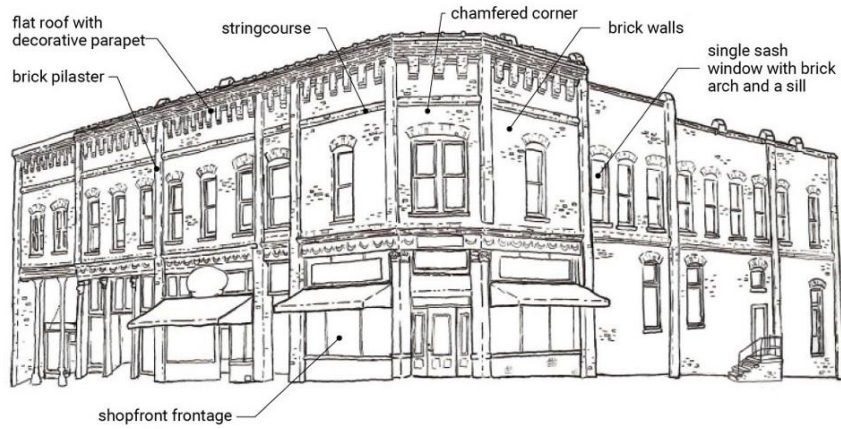




TABLE 5.8.1-A: BRICK MASONRY VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls (see Section 5.11)	
Material	<i>Permitted:</i> Brick, Brick Veneer (Thin Brick)
Finish	<i>Permitted:</i> Glazed or Unglazed Brick <i>Not Permitted:</i> Painted Brick*
Bond Type	<i>Permitted:</i> Running, Common, Flemish, or English <i>Not Permitted:</i> Stack*
Mortar Technique	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded, Weather, Overgrout*
Roof	
Roof Shape	<i>Permitted:</i> Flat with Parapet (Partiwall buildings), Parapet Gable Roof (Free-standing buildings only)
Roof Pitch	3:12 max (must be concealed by parapet)
Roofing Material	<i>Permitted:</i> Metal, Slate, Clay Tile, Concrete Tile, Asphalt Shingle, Built-up (flat roof buildings only)
Roof-Wall Junction	<i>Permitted:</i> Parapet, Cornice
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Casement, Sash, Awning
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, or Horizontal Bands
Window Surround	<i>Required Above:</i> Lintel or an Arch <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Metal or Wood (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	<i>Permitted Shapes:</i> Segmental, Flat, Semi-Circular
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Permitted only on buildings outside of designated fire district.

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.2. Stone masonry vernacular.

- A. Stone is a locally available building material in Brevard and it was traditionally sourced from small quarries, fields, and from local rivers. It can be used for chimneys, foundations, retaining walls, and landscape features, as well as the construction of entire buildings such as schools, churches, roadside businesses and other focal



buildings that might be visible from all four sides. Stone is typically uncoursed and can be used as load-bearing walls or applied as a veneer.

FIGURE 5.8.2-A: STONE MASONRY VERNACULAR ILLUSTRATIONS

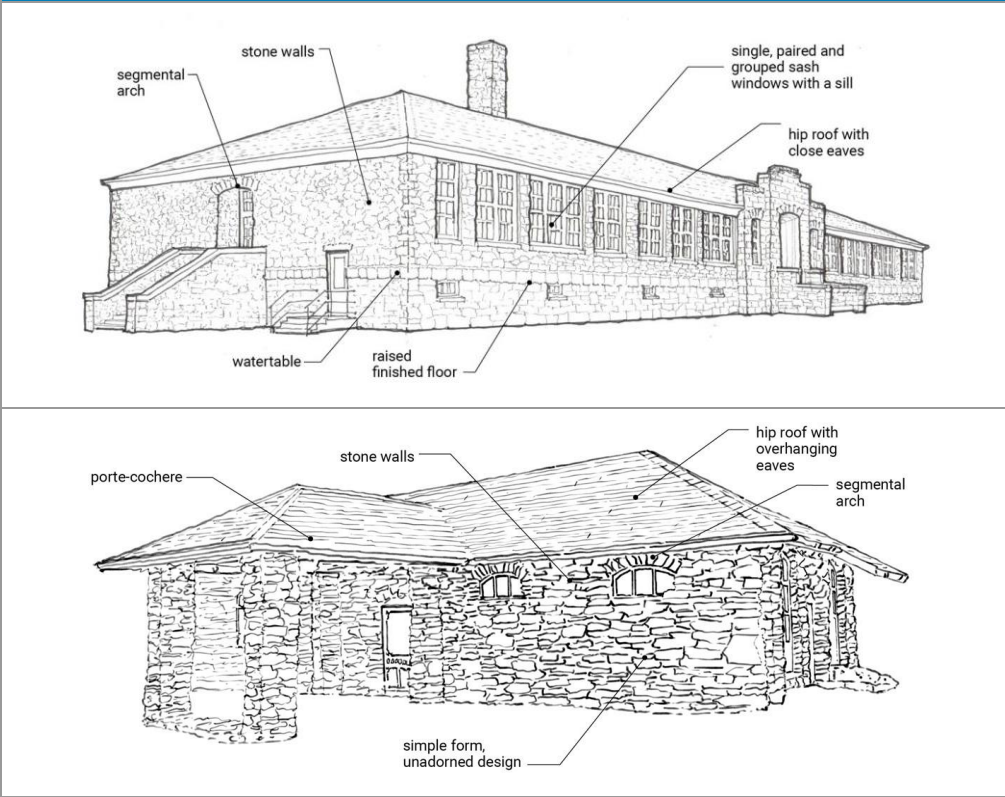


TABLE 5.8.2-A: STONE MASONRY VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls (see Section 5.11)	
Material	Permitted: Load-bearing Stone or Stone Veneer
Finish	Permitted: River Rock, Granite, Quarry Rock Not Permitted: Manufactured Stone, Painted Stone*
Cuts and Courses	Permitted: Uncut, Rough-Cut, Ashlar-Cut Not Permitted: No Courses, Irregular Courses, Regular Courses*



TABLE 5.8.2-A: STONE MASONRY VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Mortar Technique	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Roof	
Roof Shape	<i>Permitted:</i> Parapet Gable Roof, Hip Roof
Roof Pitch	5:12 min, 12:12 max
Roofing Material	<i>Permitted:</i> Wood Shingles, Slate Shingles, Concrete Tile, Asphalt Shingle, Composition Shingle, Composite Shake/Slate
Roof-Wall Junction	<i>Permitted:</i> Parapet (Gable End only, if applicable), Close Eaves, Boxed Eaves, Overhanging Eaves
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Casement, Sash, Awning
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, or Horizontal Bands
Window Surround	<i>Required Above:</i> Lintel or an Arch <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Metal or Wood (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	<i>Permitted Shapes:</i> Segmental, Flat
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Permitted.

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.3. Rustic frame vernacular.

- A. The Rustic Frame Vernacular style is recognizable for its exposed wood structure, which can include exposed log walls with chinking, exposed wood trusses, wood bracing, and half-timber construction. The exterior walls are rough-hewn, unpainted and untreated exterior wood. This can be found as shingles, rough-hewn siding, logs, or vertical board-and-batten siding. Window glass is divided with mullions. Rough stone can be used for foundations, chimneys, and piers. The roof is typically a gable roof and the overall form of the buildings is a simple rectangular or L-shaped.



FIGURE 5.8.3-A: RUSTIC FRAME VERNACULAR ILLUSTRATIONS

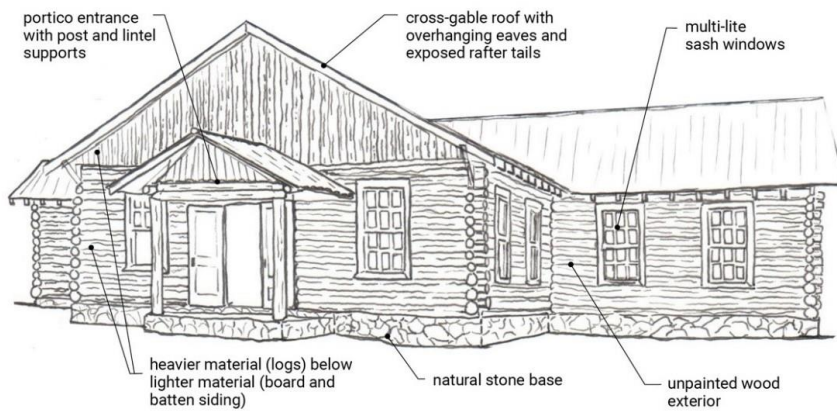
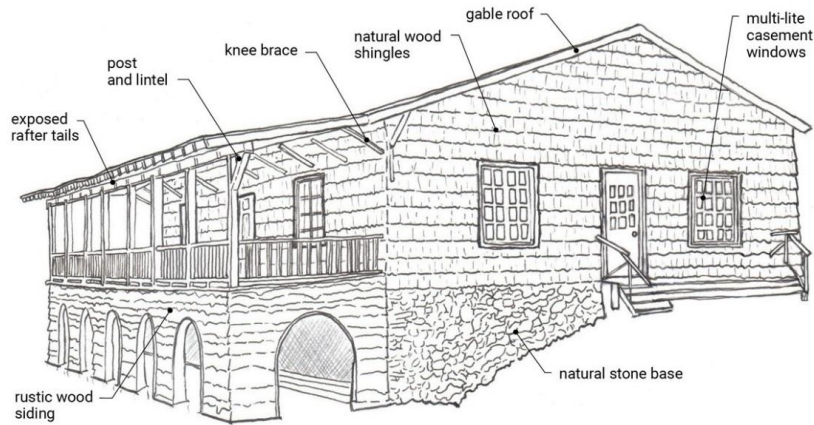


TABLE 5.8.3-A: RUSTIC FRAME VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
<i>Exterior Walls (see Section 5.11)</i>	
Material	<i>Permitted: Wood - Main Exterior Walls; Stone - Base, Foundations, Piers, Chimneys</i>



TABLE 5.8.3-A: RUSTIC FRAME VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Finish	<i>Permitted:</i> Natural, Rough-Hewn, Unpainted Wood, Transparent and Semi-transparent Stain, Natural Stone <i>Not Permitted:</i> Painted Wood, Painted Stone*
Wood Application Type	Any natural wood, including but not limited to Wood Shingles, Wood Logs with visible chinking, Rough-hewn Horizontal Wood Siding, Board-and-Batten Vertical Wood Siding
Roof	
Roof Shape	<i>Permitted:</i> Gable (Main Building Roof), Shed (Porches, Building Extensions, Dormers)
Roof Pitch	<i>Gable:</i> 5:12 min, 18:12 max <i>Shed:</i> 3:12 min
Roofing Material	<i>Permitted:</i> Slate Shingle, Composition Shingle, Tile
Roof-Wall Junction	<i>Permitted:</i> Overhanging Eaves, Exposed Rafter Tails
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Casement, Sash, Awning
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, or Horizontal Bands
Window Surround	<i>Required Above:</i> Wood frame <i>Required Below:</i> Wood frame <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Wood (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	Not Permitted.
Columns	Not Permitted.
Pilasters	Not Permitted.
Exposed Wood Structures	Permitted.

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.4. Industrial vernacular.

- A. Industrial architecture in Brevard is recognizable for its simple, utilitarian form, structure, and materials. Industrial buildings typically have a large interior open space with a wide gable or curved roof supported on metal trusses. Windows historically were designed to be large and sometimes were grouped or banded to provide maximum light to the interior space. Windows are encouraged to be multi-lite with mullions. In the case of warehouses, there may have been solid blank walls. The exterior materials may be brick, vertical or horizontal metal siding, or corrugated metal.



FIGURE 5.8.4-A: INDUSTRIAL VERNACULAR ILLUSTRATIONS

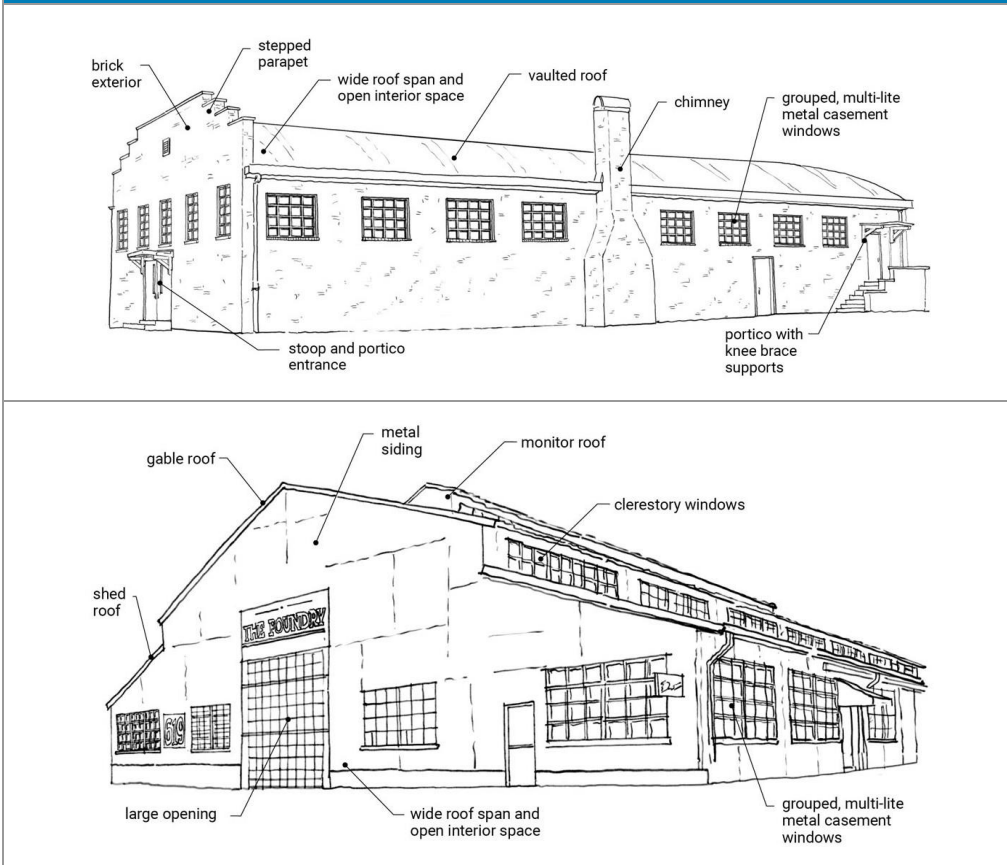


TABLE 5.8.4-A: INDUSTRIAL VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
<i>Exterior Walls (see Section 5.11)</i>	
Material	<i>Permitted:</i> Metal, Brick, Wood
Finish	<i>Permitted:</i> Unpainted Metal, Painted Metal, Weathering Steel (Corten Steel), Unpainted Brick, Painted Brick, Unpainted Wood, Painted Wood
Material Application Type	<i>Permitted:</i> Corrugated Metal, Metal Siding (Horizontal or Vertical), Horizontal Wood Siding, Board-and-Batten Vertical Wood Siding, Load-bearing Brick or Brick Veneer



TABLE 5.8.4-A: INDUSTRIAL VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Roof	
Roof Shape	<i>Permitted:</i> Gable (Main Building Roof), Shed (Porches, Building Extensions, Dormers), Vaulted (Warehouse space), Monitor Roof over Gable
Roof Pitch	<i>Gable:</i> 3:12 min, 5:12 max <i>Shed:</i> 3:12 min
Roofing Material	<i>Permitted:</i> Metal
Roof-Wall Junction	<i>Permitted:</i> Overhanging Eaves, Close Eaves
Primary Windows	
Window Proportions	<i>Permitted:</i> Any
Window Types	<i>Permitted:</i> Any
Window Grouping	<i>Permitted:</i> Any
Window Surround	Not required.
Window Frame	<i>Permitted:</i> Metal (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	Not Permitted.
Columns	Not Permitted.
Pilasters	Not Permitted.
Exposed Wood Structures	Permitted (for Industrial Vernacular, these structures shall be constructed of metal).

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.5. Colonial revival.

- A. Colonial Revival is a patriotic architectural style in Brevard that is notable for symmetrical facades, brick construction, and centrally located, prominent front entryway. The entry is accented with classical columns and semi-circular features such as a classical door surround or a double-height front porch. Windows are often multi-lite with mullions.
1. All government uses shall conform to the Civic Building Type (see Section 5.7.1) and the Colonial Revival Architectural Style.



FIGURE 5.8.5-A: COLONIAL REVIVAL ILLUSTRATIONS

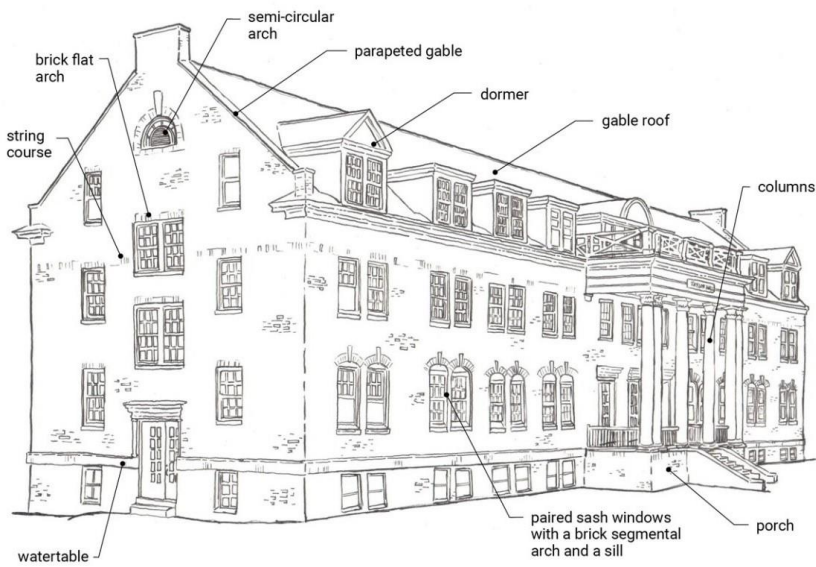
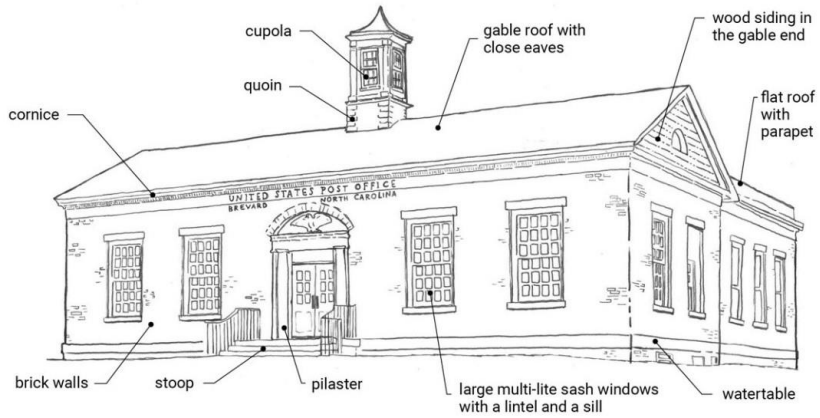




TABLE 5.8.5-A: COLONIAL REVIVAL STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls (see Section 5.11)	
Material	<i>Permitted:</i> Brick or Brick Veneer (Thin Brick)
Finish	<i>Permitted:</i> Glazed or Unglazed Brick <i>Not Permitted:</i> Painted Brick*
Bond Type	<i>Permitted:</i> Running, Common, Flemish, English <i>Not Permitted:</i> Stack*
Mortar Technique	<i>Permitted:</i> Concave, Flush, Vee, Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Roof	
Roof Shape	<i>Permitted:</i> Gable, Hip, Flat with Parapet
Roof Pitch	3:12 min, 5:12 max
Roofing Material	<i>Permitted:</i> Slate Shingle, Composition Shingle, Tile
Roof-Wall Junction	<i>Permitted:</i> Close Eaves, Parapet (on the gable edge)
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Sash
Window Grouping	<i>Permitted:</i> Single, Double
Window Surround	<i>Required Above:</i> Lintel or Arch <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Wood (White only)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	<i>Permitted Shapes:</i> Segmental, Flat, Semi-circular
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Not Permitted.
Architectural Elements	
Trim and Molding	Permitted. <i>Materials:</i> Stone, Cast Stone, Brick, Wood, Stucco
Railings	Permitted. <i>Materials:</i> Metal
Pediments	Permitted.
Swags, Garlands, Medallions	Permitted. <i>Materials:</i> Stone, Cast Stone, Brick Wood, Stucco

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.



5.8.6. Brevard contemporary.

- A. The Brevard Contemporary architectural style gives homage to Brevard’s mountain geography and rural heritage, while accommodating modern construction trends. It allows greater flexibility for larger retail providers and multi-family housing which is an important part of Brevard’s evolution as a resilient community. The Brevard Contemporary style allows for alternative materials such as stucco.

FIGURE 5.8.6-A: BREVARD CONTEMPORARY ILLUSTRATIONS

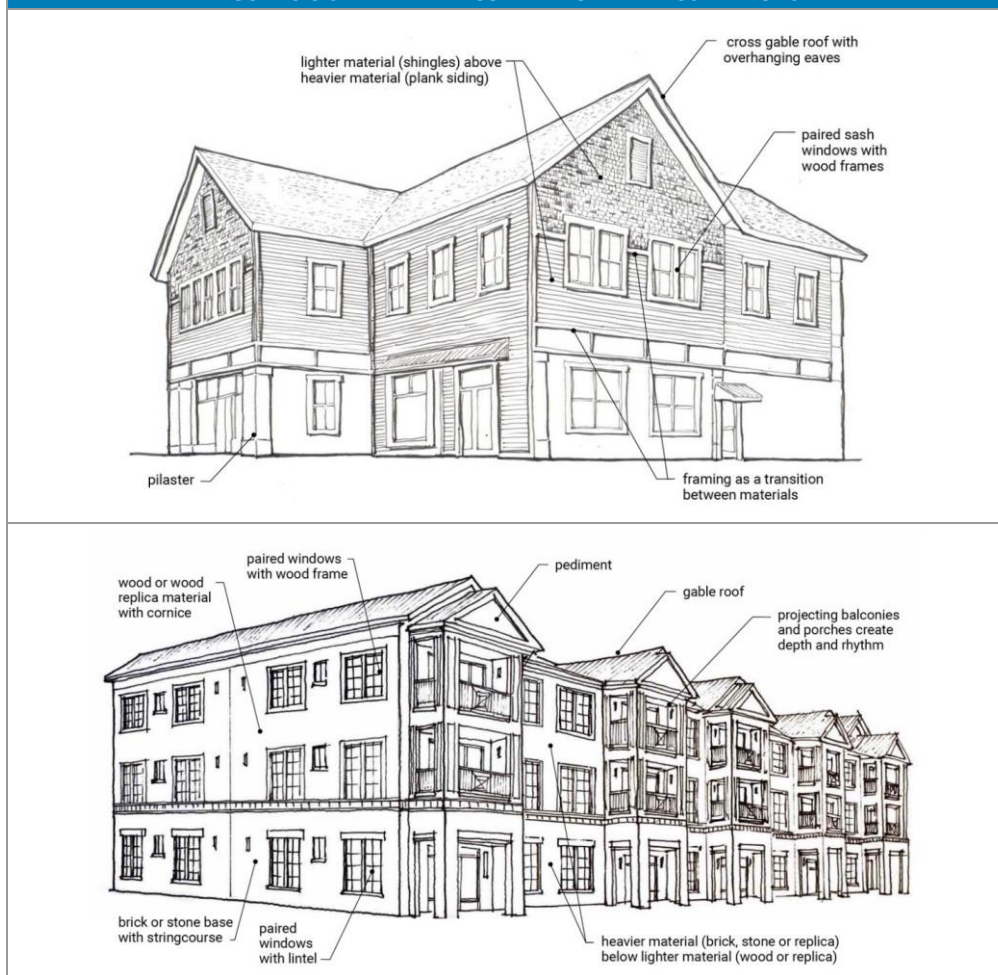




TABLE 5.8.6-A: BREVARD CONTEMPORARY STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls	
Ground Floor Material	<i>Permitted:</i> Stained or Painted Wood, Painted Fiber Cement Siding, Stone, Brick <i>Not Permitted:</i> Vinyl, Metal, Stucco*
Upper Floor Material	<i>Permitted:</i> Stained or Painted Wood, Painted Fiber Cement Siding, Stucco <i>Not Permitted:</i> Vinyl, Metal, Stone, Brick*
Gable, Pediment, and Dormer Material	<i>Permitted:</i> Painted Wood, Painted Fiber Cement Siding, Stucco <i>Not Permitted:</i> Vinyl, Metal, Stone, Brick*
Roof	
Roof Shape	<i>Permitted:</i> Gable, Hip, Dutch Gable
Roof Pitch	3:12 min, 12:12 max
Roofing Material	<i>Permitted:</i> Slate Shingle, Composition Shingle, Tile, Metal
Roof-Wall Junction	<i>Permitted:</i> Close Eaves, Overhanging Eaves, Boxed Eaves
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Any
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, Horizontal Bands
Window Surround	<i>Required Above:</i> Frame <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Any (Any Color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	Not Permitted.
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Permitted.
Architectural Elements	
Trim and Molding	Permitted. <i>Materials:</i> Wood, Fiber Cement, Stucco
Railings	Permitted. <i>Materials:</i> Metal, Wood
Pediments	Permitted.
<i>*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.</i>	

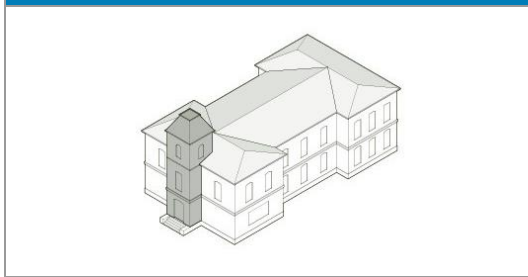


5.9. Building extensions.

5.9.1. Towers.

- A. A tower is a portion of a building that is significantly taller than it is wide and projects above the roofline of the rest of the structure. Towers are iconic architectural elements that combine functionality and symbolism to elevate a building's importance against the rest of the city.

FIGURE 5.9.1-A: TOWER ILLUSTRATION



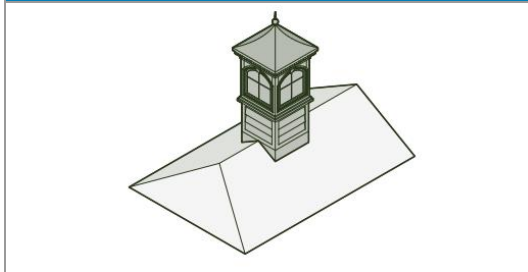
- B. *Use.*
1. Towers shall be reserved for civic or institutional structures.
 2. With administrative approval, towers may be used, by exception, to hide overruns and other structures protruding from the roofline.
- C. *Dimensions.*
1. The footprint of a tower shall be no larger than 20 feet by 20 feet. Circular towers must also fit within this area.
 2. Towers can extend up to 20 feet above the maximum building height, as established by Section 2.6.2.
- D. *Placement.* One or more tower facades shall be located forward of the remaining building façade.
- E. *Materials.* Towers shall use same façade and roof materials as the rest of the building (see Architectural Styles).

5.9.2. Cupolas.

- A. Similar to towers, cupolas may also be used to create urban landmarks, though their base begins at the building's roofline, instead of projecting from the façade.



FIGURE 5.9.2-A: CUPOLA ILLUSTRATION



B. Dimensions.

1. The footprint of a cupola shall be no larger than 10 feet by 10 feet.
2. Cupolas are limited to square, hexagonal, or octagonal in shape.
3. Towers can extend up to 10 feet above the maximum building height, as established by Section 2.6.2.

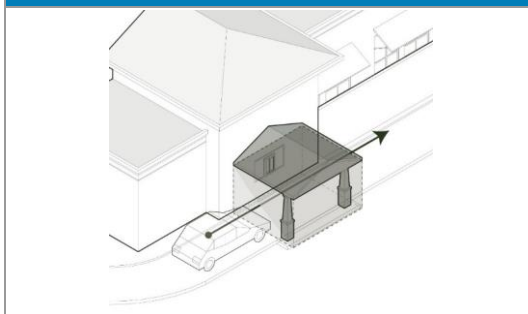
C. Placement. Cupolas shall only be placed on the rooftop of a structure.

D. Materials. Base and cap materials may differ from rest of building if they conform to selected Architectural Style.

5.9.3. Porte cocheres.

- A.** A Porte Cochere is a porch or covered area at a building entrance designed to shelter persons entering and exiting vehicles, though they may also be used in drive-thru and gas station applications to shelter service windows and fuel pumps.
- B.** Porte cocheres must architecturally relate to the structure they are attached to, reflecting the same or complementary materials, roofing, colors and other details.

FIGURE 5.9.3-A: PORTE COCHERE ILLUSTRATION



C. Quantity. There shall be a maximum of one porte cochere per principal structure, if permitted by Building Type.



D. Dimensions.

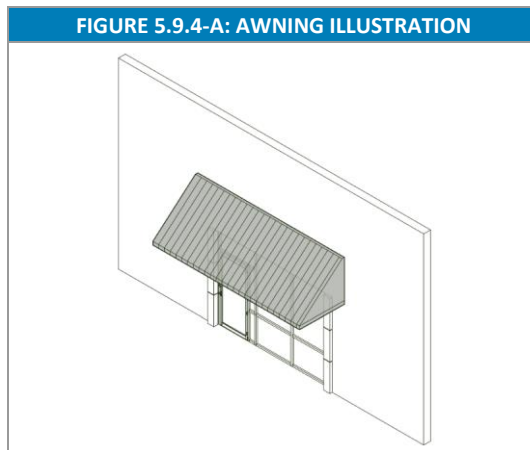
1. Porte cocheres shall be structurally connected to the primary building, unless used to protect fuel pumps.
2. Porte cocheres can be a maximum of 400 square feet if located on the front façade of the building.
3. If located on the side of the building, the porte cocheres can be a maximum of 1,200 square feet.
4. Porte cocheres have no maximum square footage if located at the rear of the building.

E. Height. If attached to the primary structure, the height of the porte cochere shall be lower than the primary structure roofline.

F. Materials. Porte cocheres shall comply with the selected Architectural Style of the primary structure.

5.9.4. Awnings.

- A.** An Awning is a roof-like covering mounted above a building entrance or windows to protect pedestrians and the façade from the natural elements. Unlike other architectural extensions, awnings are wholly supported by the building façade they project from. They are constructed with a metal frame and textile or metal covering, and the entire apparatus may be retractable.



B. Dimensions and design.

1. Awnings shall stretch either the entire width of the entry, entire width of shopfront windows, or across the full shopfront.
2. Awnings shall only be angled or triangular; semi-circular, concave, or convex awnings shall not be permitted.
3. Text shall not be printed or placed directly onto an awning. Any signage must be permitted in accordance with [CHAPTER 12](#).

C. Placement.

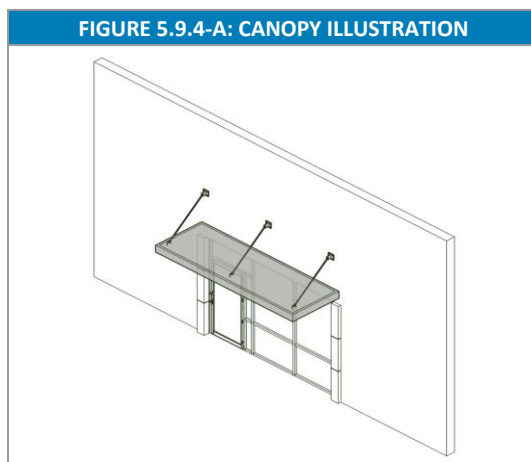
1. When on the ground floor, the awning shall be placed directly above building entrances and shopfronts and below upper-story windows, expression lines, and signbands, if applicable.



2. When on upper floors, the awning shall be located directly above individual windows or window groups.
3. Awnings may encroach into setbacks and rights-of-way, in accordance with Section 2.7.9.

5.9.5. Canopies.

- A. Canopies are fixed, structural overhangs that serve the same purpose as awnings. They are non-retractable and fully supported by the building façade they project from.



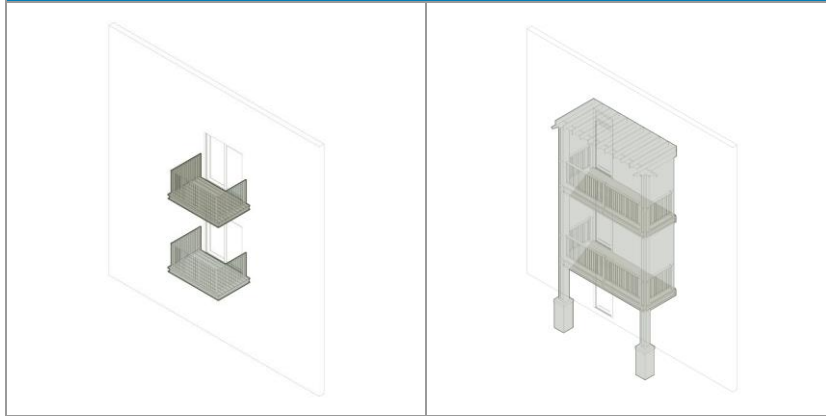
- B. *Dimensions and design.*
1. Canopies shall stretch either the entire width of the entry, entire width of shopfront windows, or across the full shopfront.
 2. Canopies shall be primarily constructed of metal, and shall match railings, balconies, and other metallic architectural elements on the principal structure.
- C. *Placement.*
1. When on the ground floor, the canopy shall be placed directly above building entrances and shopfronts and below upper-story windows, expression lines, and signbands, if applicable.
 2. Canopies may encroach into setbacks and rights-of-way, in accordance with Section 2.7.9.

5.9.6. Balconies.

- A. A balcony is a raised, enclosed platform extending from a building façade, designed to provide outdoor space and enhanced views to upper stories.



FIGURE 5.9.6-A: BALCONY ILLUSTRATIONS



B. Design.

1. Balconies shall be constructed of metal or wood, depending on the Architectural Style of the building.
2. All balconies shall be enclosed by railing / balustrade. Composite materials or glass shall not be used for railing / balustrade.
3. Balconies must be visibly supported from below, using corner posts, structural brackets, or an exposed cantilever that complements the balcony's other materials. If balconies are inset, structural support requirements may be fulfilled by adjacent side walls.
4. Balconies may be stacked and fully covered by canopies, awnings, or roofs.

C. Placement.

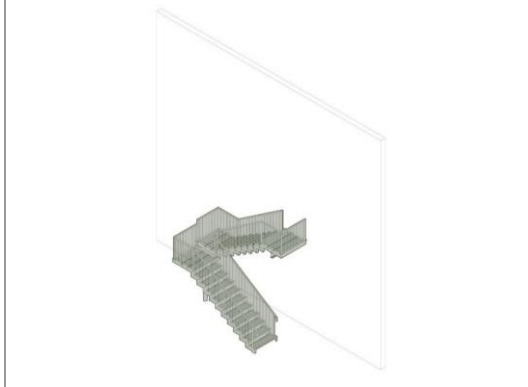
1. Balconies may encroach into setbacks and rights-of-way, in accordance with Section 2.7.9.

5.9.7. External staircases.

- A.** Different from stoops, external staircases can be found throughout Brevard, and serve multiple purposes, such as providing multi-floor building access (including roof access), integrated balconies or landings, and design enhancements.



FIGURE 5.9.7-A: EXTERNAL STAIRCASE ILLUSTRATION



B. Design.

1. Metal or wood construction is required, depending on Architectural Style for the building. Composite materials or glass shall not be used for railing/ balustrade.
2. Bright colors may be used on metal staircases to coordinate with railings or balconies and act as an architectural accent, particularly for monochromatic buildings.

C. Location. External staircases shall only be on the side or rear building facades.

D. Exception. Staircases located in partially enclosed breezeways, such as on multi-family buildings, are exempt from the requirements of this section, except that railings/ balustrades shall be identical to those used on balconies.

5.10. Building frontages.

5.10.1. General standards for building frontages.

- A. A building frontage marks the place where the private interior space of the building meets the public space of the primary street. This is the location where people enter and exit the building. The design of building frontages varies based on the location and purpose of the building.
- B. All buildings in Brevard must be oriented toward the street of higher classification, with clearly delineated, pedestrian-oriented building entrances fronting the primary street.

5.10.2. Shopfront.

- A. Shopfronts should have large glass windows that both create advantageous display spaces and allow natural light to filter deeper into the building. Inset entrances prevent doors from swinging into the pedestrian right-of-way. Shopfronts often include a bulkhead, cornice, and piers or pilaster. They may also include awnings or canopies to provide protection from the weather.



FIGURE 5.10.2-A: SHOPFRONT ILLUSTRATION



B. Dimensions.

1. The maximum distance between fenestration is 2 feet.
2. The ground floor transparency shall be between 70-90% on the primary street and 30-90% on the side street.
3. The shopfront door shall be recessed a maximum of 5 feet.
4. Multiple entrances shall be a maximum of 40 feet apart along the primary street.

C. Components.

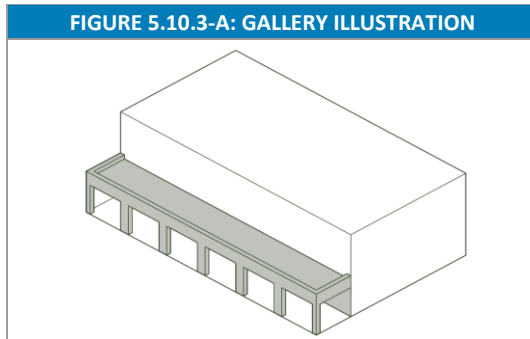
1. Each shopfront frontage shall have an entrance. The door may have a transparency between 40-90%.
2. Display windows shall use clear glass or clear low-e glass.
3. Fascia is permitted.
4. Sills are required with a height between 1.5 inches and 3 inches.

D. Design. The shopfront must use materials that complement the Architectural Style of the building.

5.10.3. Gallery.

- A.** A gallery overlaps the sidewalk, extending beyond the building facade wall and eliminating the need for a canopy or awning. The gallery may be one or two stories in height (using upper-levels as balcony/porch-like outdoor space), and is intended for buildings with ground floor retail uses.

FIGURE 5.10.3-A: GALLERY ILLUSTRATION



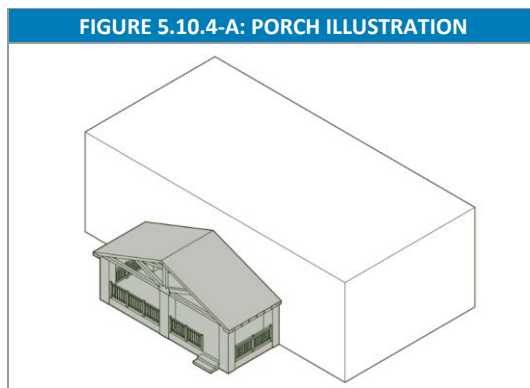
B. Dimensions.



1. The minimum depth of the gallery shall be 8 feet.
 2. The gallery may be a maximum of 2 stories, but shall not exceed the number of stories on the building.
 3. The clear height shall be a minimum of 12 feet on the ground floor and 9 feet on the second floor.
- C. *Design.* The gallery must use materials that complement the Architectural Style of the building.

5.10.4. Porch.

- A. Porches project beyond the main façade of a building, but unlike galleries, do not extend into the right-of-way. The porch is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building. Unlike a portico, a porch is large enough to function as an outdoor living space.



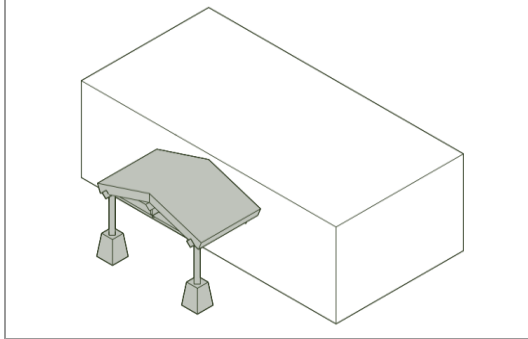
- B. *Dimensions.*
1. Porches shall be a minimum of 8 feet wide by 8 feet deep.
 2. The porch may be a maximum of 2 stories, but shall not exceed the number of stories on the building.
 3. The clear height shall be a minimum of 8 feet.
 4. The porch finish height shall be a minimum of 1.5 inches above the sidewalk.
- C. *Design.* The porch must use materials that complement the Architectural Style of the building.

5.10.5. Portico.

- A. Porticos are used to enhance the building entrance and provide protection from weather elements. Porticos project forward from a building façade but shall not encroach upon the right-of-way. Where both are permitted, porticos may be paired with any stoop, and function as small, entryway covers that project over the entire stoop or its landing. Without a stoop, porticos are useful to shelter at-grade entrances that require greater visual distinction and can be effective tools to break up blank facades. Unlike porches, porticos do not serve as living space.



FIGURE 5.10.5-A: PORTICO ILLUSTRATION



B. Dimensions.

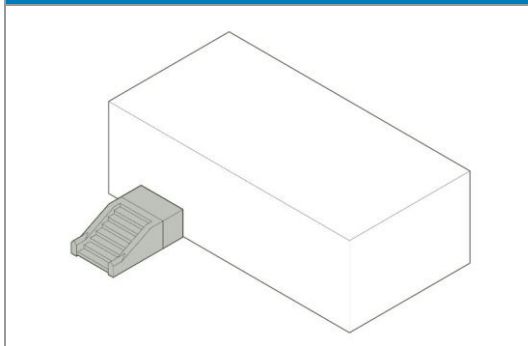
1. Porticos shall be a minimum of 5 feet wide by 5 feet deep.
2. The portico may be a maximum of 2 stories, but shall not exceed the number of stories on the building.
3. The clear height shall be a minimum of 8 feet.
4. The porch finish height shall be a minimum of 1.5 inches above the sidewalk.

C. Design. The portico must use materials that complement the Architectural Style of the building.

5.10.6. Stoop.

- A.** Stoops project forward from a building façade but may not encroach upon the right-of-way. A stoop functions to access a first floor that is elevated above the sidewalk, ensuring greater privacy within the building. They are primarily intended for entrances to first floor residences.
- B.** Stairs from the stoop may descend perpendicular or parallel to the façade.

FIGURE 5.10.6-A: STOOP ILLUSTRATION



C. Dimensions.



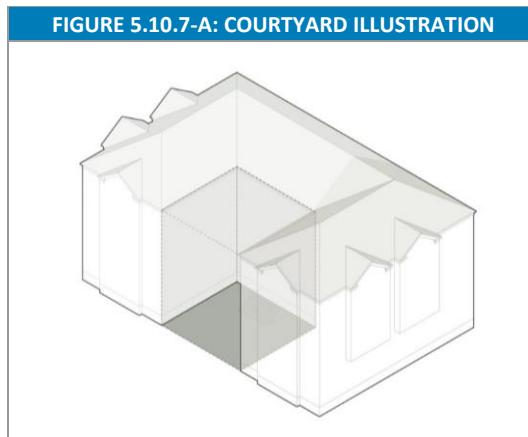
1. Stoops shall be a minimum of 5 feet wide by 5 feet deep and a maximum of 8 feet wide by 8 feet wide.
2. The stoop finish height shall be a minimum of 1.5 inches above the sidewalk.

D. Design.

1. If installed along the stoop, railings shall use an identical finish to those installed on any balconies or external staircase.

5.10.7. Courtyard.

- A.** Courtyard frontages are created by setting back a central portion of a building's main facade. This common space can be used as an apartment entry court, garden space, or for restaurant outdoor dining on mixed use/flex buildings. Courtyards are particularly useful for creating intimate street-level spaces and promoting pedestrian activity in more auto-oriented areas.



B. Dimensions.

1. Courtyards shall be a minimum of 20 feet wide by 20 feet deep.

C. Design.

1. A minimum of 70% of the courtyard area shall be uncovered with sky exposure. Shade furniture shall not contribute to this percentage.

5.11. Wall elements.

5.11.1. Brick.

- A.** When used as a façade or visible structural material on applicable buildings, bricks shall conform to the following standards:



TABLE 5.11.1-A: BRICK STANDARDS

Characteristics	Regulations
Finish	<i>Permitted:</i> Glazed or Unglazed Brick <i>Not Permitted:</i> Painted Brick*
Color	<i>Permitted:</i> Warm Colors - shades of brown, tan, red, orange or yellow <i>Not Permitted:</i> Cool Colors - shades of white, gray, black, blue, or purple*
Shape	<i>Permitted:</i> Standard Modular Brick: 7-5/8" x 3-5/8" x 2-1/4" <i>Not Permitted:</i> Other Brick Sizes such as Roman or Norman*
Structure	<i>Permitted:</i> Load-bearing walls, Veneer
Bond Type	<i>Permitted:</i> Running, Common, Flemish, or English <i>Not Permitted:</i> Stack*
Mortar	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Façade Elements	<i>Optional:</i> Corbel, Parapet, Belt Course, String Course, Water Table, Quoining, Arches, Lintels, Sign Band

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.2. Stone.

- A. When used as a façade or visible structural material on applicable buildings, stone shall conform to the following standards:

TABLE 5.11.2-A: STONE STANDARDS

Characteristics	Regulations
Finish and Color	<i>Permitted:</i> Locally sourced river rock; locally sourced granite <i>Not Permitted:</i> Airstone Cement Wall Tiles, Quartzite, Marble, Manufactured Stone, Cement Stone*
Structure	<i>Permitted:</i> Load-bearing walls, Veneer
Cuts	<i>Permitted:</i> Uncut, Rough Cut, Ashlar Cut
Courses	<i>Permitted:</i> No courses, Irregular Courses, Regular Courses
Mortar	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Façade Elements	<i>Optional:</i> Corbel, Parapet, Belt Course, String Course, Water Table, Quoining, Arches, Lintels

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.3. Wood.

- A. When used as a façade or visible structural material on applicable buildings, wood shall conform to the following standards:



TABLE 5.11.3-A: WOOD STANDARDS

Characteristics	Regulations
Material and Finish	<i>Permitted:</i> Unpainted Wood, Painted Wood (for some Architectural Styles) <i>Not Permitted:</i> Vinyl products*
Color (see Section 5.11.6)	<i>Body Color:</i> Depending on Architectural Style, the natural color of the unpainted wood, or maximum of 2 different colors based on Approved Palette. <i>Trim Color:</i> Natural color of the unpainted wood if primary façade material is also left natural. Trim must be painted/ colored if body material is painted/ colored.
Wood Application Type	<i>Permitted:</i> Wood Shingles, Wood Logs with visible chinking, Rough-hewn Horizontal Wood Siding, Board-and-Batten Vertical Wood Siding <i>Not Permitted:</i> Shiplap siding, Lap siding*
Material Mixing (see Section 5.6.6)	More than one Permitted Wood Application Type may be used on a building. In all cases, visually heavier applications should be placed beneath lighter applications in the following order, with lightest on top and heaviest on bottom: ▪ Shingle ▪ Board and Batten ▪ Plank Siding ▪ Smooth Cut Logs ▪ Rough Hewn Logs

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.4. Metal siding.

- A. When used as a façade or visible structural material on applicable buildings, metal shall conform to the following standards:

TABLE 5.11.4-A: METAL SIDING STANDARDS

Characteristics	Regulations
Material and Finish	<i>Permitted:</i> Uncoated and unpainted Corten Steel, Steel, Aluminum, Copper, and Zinc; Coated or painted (PVDF) Steel, Aluminum; Flat and Matte finish coatings and paints. <i>Not Permitted:</i> High gloss finishes*
Color (see Section 5.11.6)	<i>Body Color:</i> 1 Color based on Approved Palette
Material Mixing (see Section 5.6.6)	<i>Permitted:</i> Corrugated, 5V-Crimp

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.5. Stucco.



- A. When compatible with the selected Architectural Style, stucco use is permitted as a façade material across the jurisdiction of these Architectural Standards, except on buildings within the Downtown and Pisgah Gateway Character Areas, as defined in Section 5.4.
- B. When used on applicable buildings, stucco shall conform to the following standards:

TABLE 5.11.5-A: STUCCO STANDARDS	
Characteristics	Regulations
Material and Finish	<i>Permitted:</i> Flat and Matte finishes; Manufactured Panels less than or equal to 4' in dimension that are used as accents (Upper Floors) <i>Not Permitted:</i> Stucco/ EIFS products on the Ground Level of any building; Plain Stucco Finish Panels that exceed 4' in width or height; High gloss finishes*
Color (see Section 5.11.6)	<i>Body Color:</i> Maximum of 2 different colors based on Approved Palette
Application Type	<i>Permitted:</i> Manufactured Panels less than or equal to 4' in dimension that are used as accents (Upper Floors); Trim; Cornices <i>Not Permitted:</i> Stucco/ EIFS products on the Ground Level of any building; Window and Door Surrounds; Window Sills*
*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.	

5.11.6. Applied colors.

- A. For Architectural Styles that allow for applied colors (such as the painting of materials or selection of materials that have been artificially colored during manufacturing), the colored materials shall follow the following requirements:
 1. Flat and matte finish paints are permitted, but high gloss finishes shall not be used.
 2. Multiple Body Colors: If more than 1 color is selected, the colors must be applied in horizontal layers separated by an architectural element such as trim.
 3. Trim Color: Any 1 color is permitted for trim, including window frames, door frames, brackets, roof eaves, soffits, fascia, rafter tails, porch elements, etc. If more than one color is desired for trim, the second color must be white.
 4. The application of 1 or multiple colors shall approximately adhere to these proportions:
 - a. *Body Color #1:* 60% of Façade (90% of Façade if there is only one Body Color)
 - b. *Body Color #2, if used:* 30% of Façade
 - c. *Trim Color:* 10% max of Overall Façade
 5. Fluorescent colors are not permitted.
 6. Corporate signature colors are strongly discouraged, unless compatible with the overall color scheme and design of the entire project.

5.11.7. Material authenticity.

- A. During construction and qualifying renovations, applicants shall use as many authentic, historic building materials as possible (ex. brick, natural wood, local stone, etc.).



- B. When using entirely authentic, historic building materials is not possible, contemporary substitute materials that closely imitate the required materials may be used on a limited basis.
 - 1. To qualify for use in the project, substitute materials must have a demonstrated record of long-term quality and durability.
 - 2. The physical properties of substitute materials must be similar to those of the historic materials they mimic to enable them to follow the same standards.
- C. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original.
 - 1. Substitute materials are not recommended for use on the ground floor of any project.
 - 2. The appropriateness of substitute materials shall be reviewed on an individual basis.

5.12. Architectural elements.

A. *Doors.*

- 1. Doors shall reflect the architectural style of the building. The table below provides general guidance on the types of doors that are permitted in the City of Brevard. Please refer to the architectural style section for more specific guidance on the types of doors that are permitted for different architectural styles.
- 2. In addition to these standards, Shopfront doors shall also comply with the standards in Section 5.10.2.
- 3. Doors may be placed as a single or paired.
- 4. The door shall be constructed of wood or metal.
- 5. The permitted door surrounds are frame, quoins, lintel, column, pilaster, arch, transom, sidelights, or pediment.
- 6. Glass may be permitted in the door but shall be clear, clear low-e, or frosted glass. Other types of glass, including but not limited to tinted, colored or reflective glass, shall not be permitted.

B. *Masonry arches.*

- 1. If used, arches should relate to the overall architectural design of the building.
- 2. Arches shall be designed to appear to be load-bearing.
- 3. All elements of the arch shall align to a center point.
- 4. The springing of the arch shall align with its means of support.
- 5. Permitted arch shapes are limited to: Segmental (Bowspring), Flat (Jack), Semi-circular (Roman)

C. *Columns.*

- 1. If used, columns should relate to the overall architectural design of the building.
- 2. Columns shall be designed to appear to be load-bearing.
- 3. All columns shall be circular or square in section.

D. *Pilasters and engaged columns.*

- 1. If used, pilasters and engaged columns shall match the design of the selected column, pier or post used in the overall building design (for instance, if Doric columns are selected, then the Pilaster or Engaged Column shall also be Doric).
- 2. Pilasters shall project from the wall a minimum of four inches. If a semi-circular pilaster or engaged column is selected, it shall be exactly half of the round column in section.



E. *Exposed wood structures.*

1. Visible structural wood elements may be incorporated into the design of the building to express a utilitarian, rustic, or craftsman aesthetic.
2. Potential exposed wood structures include rafter tails, rafters, trusses, brackets, knee braces, and post and lintel construction.
 - a. If selected, exposed wood structures shall be made of real wood materials and should remain unpainted, unless otherwise noted.

CHAPTER 14. NONCONFORMITIES

14.3. Nonconforming principal structures.

- A. A nonconforming principal structure containing a use permitted in the district may continue only in accordance with the provisions of this chapter.
- B. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures and any nonconforming use contained therein.
- C. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.
- D. Subject to the provisions of Section 14.3(E) and 14.3(F), when a nonconforming structure is moved on lot upon which it is located, it shall, if possible, be moved so as to make the structure conforming. Otherwise, the moved structure shall be placed on the lot in as conforming a manner as possible.
- E. If a nonconforming structure is significantly damaged or significantly improved, the following requirements shall apply in the issuance of any permit:
 1. Where modifications are proposed to repair damages to a structure, a permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction.
 2. If the structure can be rebuilt on the same lot and meet all district and building type requirements, it shall be.
 3. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located or building type, then it shall be placed on the lot in as conforming a manner as possible.
 4. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.
 5. Significant damage and/or significant improvement to any non-conforming structure that is located within a lot containing any other non-conforming condition shall, to the maximum extent possible, require the satisfaction all other requirements of this ordinance and the elimination of all non-conforming conditions. Examples include, but are not limited to, the provision of sufficient parking, landscaping and buffering, and public improvements (i.e., sidewalks and other), and full compliance with all applicable signage, flood hazard reduction, surface water protection, and stormwater management provisions.
 6. In no case shall significantly damaged structure be rebuilt so as to encroach upon any public right-of-way, easement, regulatory floodway, surface water protection area or except as allowed by [CHAPTER 6](#) of this ordinance or Chapter 34 of Brevard City Code.
 7. A non-conforming use which existed within the structure to which modifications are made may reoccupy such structure upon issuance of certificate of occupancy provided that:



- a. Modifications do not result in an expansion of the nonconforming use.
 - b. The nonconforming use is reestablished within the structure within 60 days of the issuance of a certificate of occupancy.
 - c. Any use requiring the issuance of a special use permit shall not be reestablished in a district within which such special use is not permitted.
- F. If a nonconforming structure is substantially damaged or substantially improved, the structure, all nonconforming uses contained therein, and all non-conforming conditions within the same property (i.e., parking, landscaping, signage, flood hazard issues, and etc.) shall be brought into full compliance with the requirements of this ordinance.
1. [This provision shall not necessitate full compliance with CHAPTER 5 unless the applicability standards of Section 5.2 are met.](#)

14.4. Nonconforming manufactured homes/mobile homes, and mobile home parks.

- A. A nonconforming manufactured home may only be replaced in accordance with the ~~design criteria found in CHAPTER 5 of this ordinance~~ standards set forth in [Section 3.5.1](#).
- B. A manufactured home may continue to be placed or replaced within a non-conforming manufactured home subdivision or park on previously platted lots or previously approved spaces, as well as make any necessary improvements to the subdivision or park infrastructure, but shall not be permitted to expand the area or number of units contained within the boundary of the subdivision or park, except as otherwise provided in [CHAPTER 2](#) of this ordinance.
- C. A nonconforming manufactured home may be replaced with another manufactured home only if the manufactured home meets all regulating district requirements.

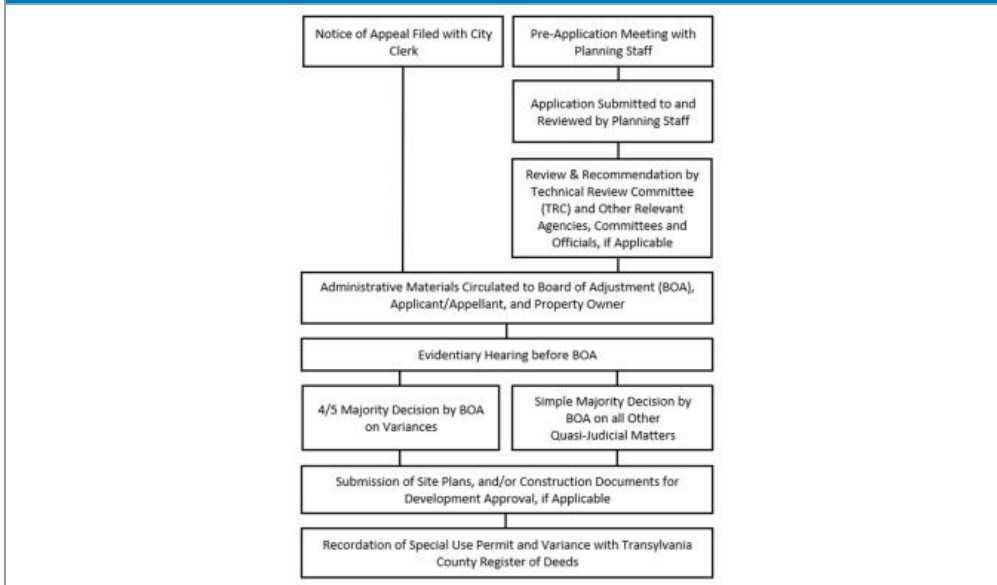
CHAPTER 16. ADMINISTRATION

16.8. Quasi-judicial decisions.

- A. *Outline of review procedures for quasi-judicial decisions.*



FIGURE 16.8A: REVIEW PROCEDURES FOR QUASI-JUDICIAL DECISIONS



B. General procedures. In accordance with G.S. 160D-102, a quasi-judicial decision is a process that involves the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative decisions that are final and binding. Pursuant to G.S. 160D-406, the board shall follow quasi-judicial procedures for all quasi-judicial decisions.

1. *Procedure for filing appeals and applications.* Notices of appeal shall be filed with the city clerk. Applications for variances, and special use permits, ~~and architectural special use permits~~ shall be filed with the administrator in accordance with Section 16.5. Certificates of appropriateness are outlined in CHAPTER 20 of this Ordinance.
2. *Notice of evidentiary hearing.* Notice of evidentiary hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal or application is the subject of the hearing; to the owner of the property that is the subject of hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by these regulations. In the absence of evidence to the contrary, the city may rely on the Transylvania County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an



evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

3. *Administrative materials.* The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
4. *Hearings.* The board shall conduct an evidentiary hearing on the appeal or application. It shall determine contested facts and make its decision within 45 days of the conclusion of hearing. The board's decision shall be based upon competent, material, and substantial evidence in the record of the hearing.
 - a. The applicant, the city, and any person who would have standing to appeal the decision under G.S. 160D-1402 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value, traffic impacts, or other matters about which only expert testimony would generally be admissible under the rules of evidence.
 - b. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal, the inclusion or exclusion of administrative material, or the standing of a party, may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
 - c. Witnesses shall testify under oath. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
 - d. The official who made the decision, or the person currently occupying that position if the decision-maker is no longer employed by the city, shall be present at the hearing as a witness. The appellant shall not be limited at the evidentiary hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the BOA shall continue the hearing.
 - e. When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402(j).
 - f. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of members shall be required to decide any other quasi-judicial matter or to determine an appeal in the nature of certiorari. For the purposes of this paragraph, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under Section 15.5 shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 - g. The decision shall be reduced to writing and reflect the board's findings of contested facts, if any, the facts' application to applicable standards, and conclusions of law. The written decision shall be approved by the board and signed by the chair or other duly authorized member of the board. The



decision of the board shall be effective upon filing such decision with the clerk to the board. The clerk shall see that the decision is delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, any entity granted party status at the hearing, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective and shall certify that proper notice has been made.

5. *Burden of persuasion.* In all quasi-judicial hearings, the applicant or appellant, as the case may be, shall have the burden of persuasion.

6. *Rehearings.*

a. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 days after the date of the board's decision. In addition, specific information to enable the board to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the board, if, in its judgment, a prima facie case for such change has not been alleged. A quasi-judicial hearing shall not be required to be held by the board to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four-fifths of the board for a variance and a simple majority for all other matters. In the event that the board finds that a rehearing is warranted, it shall proceed as in the original hearing except that the application fee shall be waived.

b. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

7. *Appeals of the BOA's decisions.* Every quasi-judicial decision of the BOA under this section shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. A petition for review shall be filed with the clerk of superior court within the times specified in G.S. 160D-1405(d).

C. *Procedures for special use permits.* Special uses are generally compatible with the land uses permitted by right in a zoning district but require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as special uses in a zoning district shall be authorized by the BOA. Applications for special use permits shall be processed, considered, and decided upon using the same procedures and subject to the same requirements as those established in Section 16.8.A, except as provided below.

1. *Application required.*

- a. The applicant shall submit a sketch plan, in accordance with Section 17.4.
- b. The applicant shall submit a description or narrative stating why the special use is requested.
- c. The administrator may request an environmental survey.
- d. The administrator may require any other documentation, such as construction documents and building elevations, deemed necessary by the administrator in order to provide a complete and accurate description of the proposed use.

2. *Administrative review procedure.*

- a. The applicant shall submit the completed application, pursuant to Section 16.5 at least 45 days prior to the BOA meeting at which it will first be reviewed. For urgent matters, the administrator may request the BOA to review the application at an earlier meeting if processing time permits.



- b. The administrator shall review and comment on the application and supporting materials in accordance with Section 16.6.
 - c. The administrator may require that the application and supporting materials be reviewed by the technical review committee (TRC) in accordance with Section 15.1.
 - d. The administrator may require that the application be circulated to other relevant city, county, and state agencies and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.
 - e. The administrator may require a neighborhood compatibility meeting in order to gather neighborhood feedback, and may require the person proposing the special use permit to report on any communication with neighboring property owners and residents.
 - f. Once the administrator has reviewed the application and circulated it to other relevant agencies, committees, and officials, the administrator shall transmit the application to the BOA for action.
3. *Hearings.*
- a. The evaluation and approval of the special use permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to the following findings of fact:
 - i. The use meets all requirements and specifications of the ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
 - ii. The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area; and
 - iii. The proposed use or structure will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses.
 - b. The BOA may require a traffic impact study, an environmental survey or impact statement, and any other additional information or evidence as necessary to properly consider the application.
4. *Permit approval.*
- a. In approving an application for a special use permit, the BOA may attach reasonable and appropriate conditions on the location, nature, and extent of the proposed use, which support the required findings of fact. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. These conditions shall not include requirements for which the city does not have the statutory authority to impose or for which the courts have held to be unenforceable if imposed directly the city. Only those conditions mutually approved in writing by the BOA and the applicant shall be incorporated into the permit requirements.
 - b. The BOA may not require the landowner to waive a vested right as a condition of the special use permit approval. The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the plan would be contrary to one or more of these findings shall rest entirely with the applicant or landowner.
 - c. Following the approval of the special use permit by the BOA, the applicant shall submit to the administrator all construction documents and any other documents specified by CHAPTER 17 for project development approval and administration. The administrator shall require evidence of approval of any other permit required by any other federal, state, or local agency (i.e., NCDOT permits, NCDENR permits, Army Corps of Engineers permits, etc.).



5. *Effect of approval.* If an application is approved, the special use permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The approved special use permit shall be recorded with the Transylvania County Register of Deeds and a copy of the recordation be submitted to the city, pursuant to G.S. 160D-705(c).
 6. *Modifications.* Modifications to an approved special use permit shall be in accordance with Section 16.9.
 7. *Revocation of special use permits.*
 - a. Revocation of special use permits shall be conducted pursuant to Section 16.13.
 - b. In addition to the reasons for revocation outlined in Section 16.13, the applicant must secure a valid building permit within a 12-month period from date of approval of the special use permit unless otherwise specified.
- D. *Procedures for administrative appeals.* Appeals of administrative decisions and development approvals shall follow the same procedures and be subject to the same requirements as those established in Section 16.8.A except as provided below:
1. *Applicability.* In accordance with G.S. 160D-405, the BOA shall hear and decide appeals of final and binding decisions made by administrative officials charged with enforcement of any development regulations, including administrative modifications and denials of development permits. Any person who has standing under G.S. 160D-405 or the city may appeal a decision to the BOA. The owner of the property or any other party with standing shall have 30 days from receipt of notice, pursuant to Section 16.4, within which to file a notice of appeal stating the grounds for appeal.
 2. *Stays.*
 - a. An appeal of a notice of violation or other enforcement order stays enforcement of the decision appealed from and accrual of any fines assessed unless the official who made the decision certifies to the BOA after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulations. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed.
 - b. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulations shall not stay further review of an application for development approvals to use such property; in these situations the appellant or city may request, and the BOA may grant, a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.
 3. *Hearings.* The board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all powers of the official who made the decision.
 4. *Alternative dispute resolution.* The parties to an appeal may agree to mediation or other forms of alternative dispute resolution.
- E. *Procedures for variances.* Except as limited herein, the board of adjustment shall have the authority to vary provisions of the UDO in accordance with this section. Applications for variances shall follow the same



procedures and be subject to the same requirements as those established in Section 16.8.A except as provided below.

1. Administrative review procedure:
 - a. The applicant shall submit the completed application, pursuant to Section 16.5 at least 45 days prior to the BOA meeting at which it will first be reviewed. For urgent matters, the administrator may request the BOA to review the application at an earlier meeting if processing time permits.
 - b. The administrator shall review and comment on the application and supporting materials in accordance with Section 16.6.
 - c. The administrator may require that the application and supporting materials be reviewed by the technical review committee (TRC) in accordance with Section 15.1.
 - d. The administrator may require that the application be circulated to other relevant city, county, and state agencies and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.
 - e. Once the administrator has reviewed the application and circulated it to other relevant agencies, committees, and officials, the administrator shall transmit the application to the BOA for action.
2. *Standards for granting variances.* Except as limited by subsection 16.8.D.4, below, when unnecessary hardships would result from carrying out the strict letter of the UDO, the BOA shall vary such regulations upon a showing of all of the following:
 - a. Unnecessary hardship would result from the strict application of the regulations. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.
3. *Guiding principles.* In judging a request for a variance, the BOA shall be guided by the following principles:
 - a. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - b. The hardship relates to the applicant's land, rather than personal circumstances;
 - c. The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
 - d. The hardship is not the result of the applicant's own actions; and
 - e. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not constitute an unnecessary hardship.
 - f. Hardships for the following regulations are shared across many properties, are broadly required for public safety and general welfare, and are unlikely to create a situation warranting a variance.

- i. To provide relief from the requirements of Section 9.5 for visibility at street intersections and driveways. In order to ensure that the requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured and substantial justice is achieved, the following additional requirements shall apply:
 - (A) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, ordinances.
 - (B) The variance shall only be issued upon the inclusion of the following determinations:
 - (1) The variance will not pose a danger to the public safety based on competent evidence. As used in this subsection, competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to vehicular safety resulting from the reduction of visibility of the sight triangle.
 - (2) The variance is the minimum necessary to afford relief.
 - ii. To provide relief from the surface water protection requirements of Section 6.7 pertaining to encroachments into surface water protection areas other than that portion lying in the regulatory floodway may be considered. In order to ensure that the requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured and substantial justice is achieved, the following additional requirements shall apply:
 - (A) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, ordinances.
 - (B) Variances shall only be issued upon the following determinations:
 - (1) The granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws ordinances.
 - (2) The variance is the minimum necessary to afford relief.
 - (C) Variances shall only be issued prior to floodplain development approval.
- ditions.* The BOA, in granting a variance, may prescribe appropriate conditions and safeguards on any variance, provided that the conditions are reasonably related to the variance. Violation of such conditions or failure to comply with the safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance and shall be punishable as prescribed in [CHAPTER 18](#).
- itations on board's authority.* The BOA shall not have authority to grant variances in the following situations:
- To change the permitted uses for any property.
- To provide relief from the environmental protection requirements in [CHAPTER 6](#) including, but not limited to, steep slope, sedimentation and erosion prevention, stormwater runoff, surface water protection, and flood damage prevention, except those surface water protection areas of Section 6.7 outlined in subsection 3 above.
- To provide relief from the water, sewer, and utility requirements of Section 13.4.
- formance with City Code.* Structures and uses permitted by means of a variance from a provision of the City Code shall otherwise conform to all other applicable provisions of this ordinance and the Brevard County Code of Ordinances.
- approved variance shall be recorded with the Transylvania County Register of Deeds and a copy of the recordation be submitted to the city, pursuant to G.S. 160D-705(c).



CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

17.11. Architectural plans.

- A. Architectural plans shall ~~depict~~ demonstrate compliance with the requirements of CHAPTER 5. At a minimum, the plans must depict architectural details of the proposed development and shall consist of:
1. ~~Preliminary~~ Renderings of building elevations plus typical cross sections to clearly define the character of the project as required by the administrator;
 2. A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development; ~~and~~
 3. An exterior building materials inventory and details; and
 - ~~3-4. Any other submittals deemed necessary by the administrator to demonstrate compliance with CHAPTER 5.~~
- ~~B. Architectural plans do not include full construction drawings and interior arrangements are not considered as part of this review.~~

CHAPTER 19. DEFINITIONS

19.3. Definitions.

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

Approved Palette: When modifying façade material finishes, applied colors are based on this set, inspired by Brevard's natural setting and rustic vernacular styles. This palette serves as inspiration for potential colors, as opposed to an exhaustive list of options.

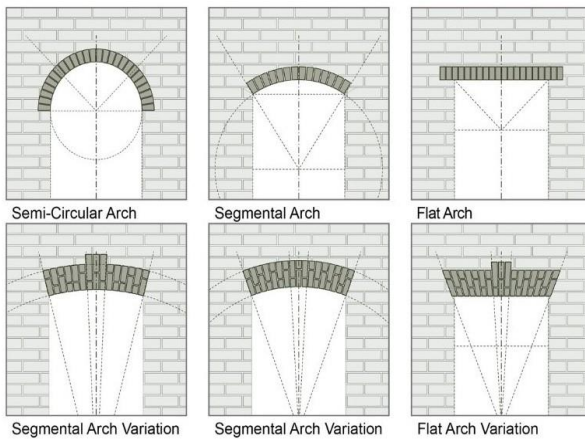


APPROVED COLOR PALETTE



Arch: A curved, structural element that spans an opening and supports weight from above.

TYPES OF ARCHES



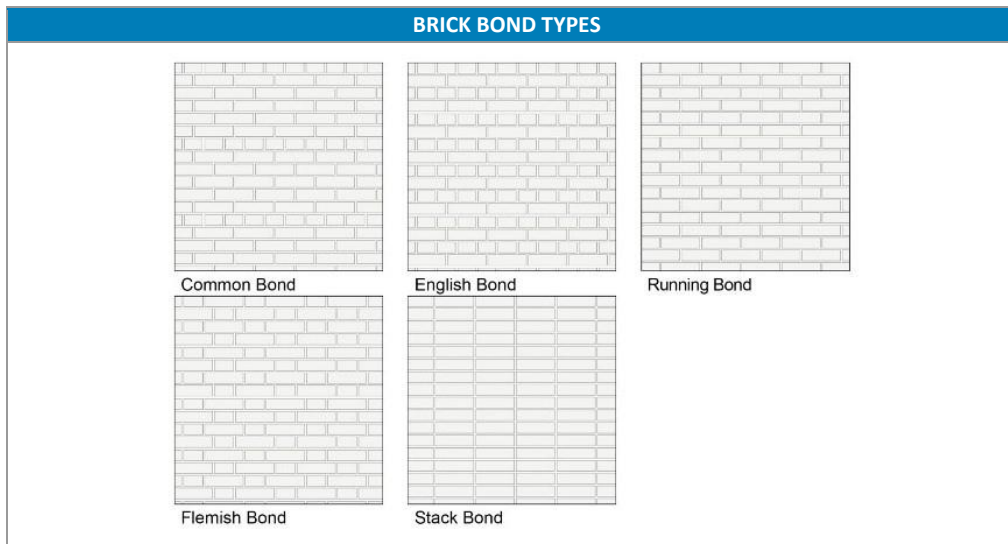


Awning: A roof-like shelter of canvas or other material extending over a doorway from the top of the window, over a deck, etc., in order to provide protection from the weather.

Bay: A building façade division between two vertical architectural elements, typically featuring a window or other opening.

Belt course: A continuous row or layer of stones or brick set in a wall. Set in line with window sills, it helps to make the horizontal line of the sills visually more prominent. Also called a String Course.

Brick bond: Various uniform patterns in which brickwork can be laid for structural and aesthetic benefits. In Brevard, brick patterns reflect traditional load-bearing bonds or veneer patterns, including Common Bond, English Bond, Flemish Bond, and Running Bond.



Brick finish: An exterior coating or texture applied to bricks to create a desired look and to protect them from the elements. In Brevard, bricks should express warm, natural colors, including shades of brown, tan, red, orange or yellow, reflecting the natural color of local soils.



BRICK FINISH EXAMPLES



Decorative brickwork in the parapet



Red brick with common bond



Herringbone brick pattern in parapet



Red brick with running bond and soldier course



Red brick wall with a structural pilaster



Multi-color brick with semi-circular arch



Red brick with running bond



Red brick with common bond and quoining



Red brick wall with structural pilaster and flat arch



Multi-color brick with extruded mortar



Red brick with flush mortar is used as veneer



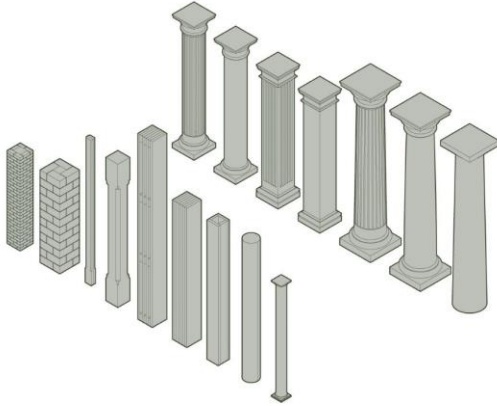
Red brick with common bond and concave mortar

Clear height: The distance from the ground or floor to the lowest hanging overhead obstruction.

Column: A vertical structural element, consisting of a rounded or square shaft with a capital and base.

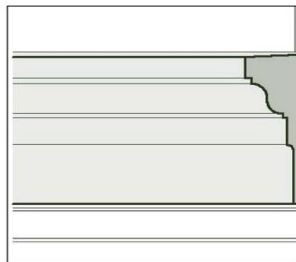


COLUMN ILLUSTRATIONS



Cornice: A horizontal molded projection crowning a building or architectural element, such as at the junction between the roof and the wall or above a main entrance or porch.

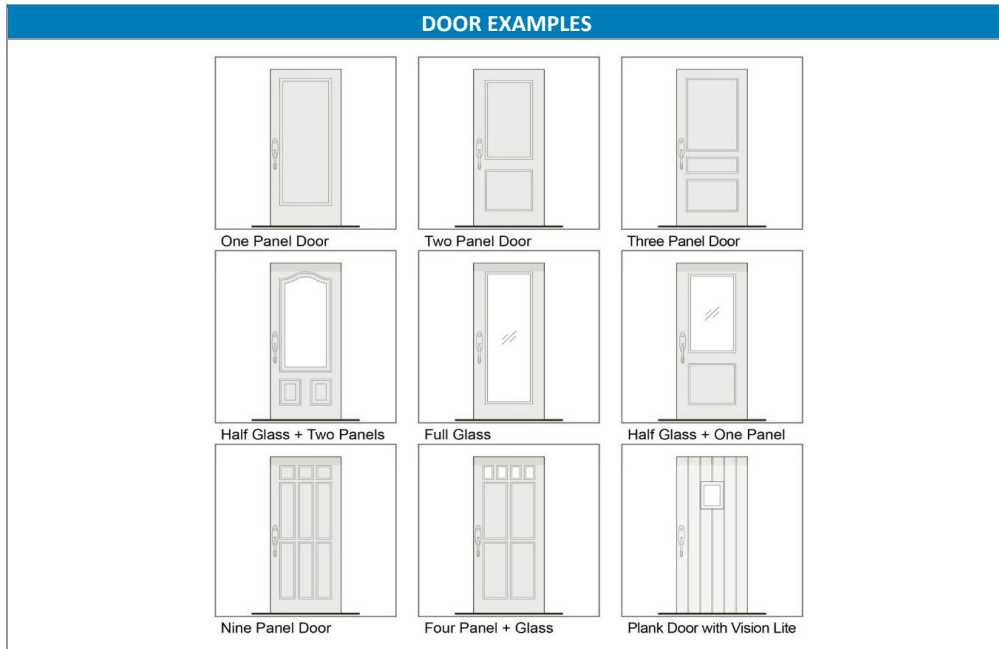
CORNICE ILLUSTRATION



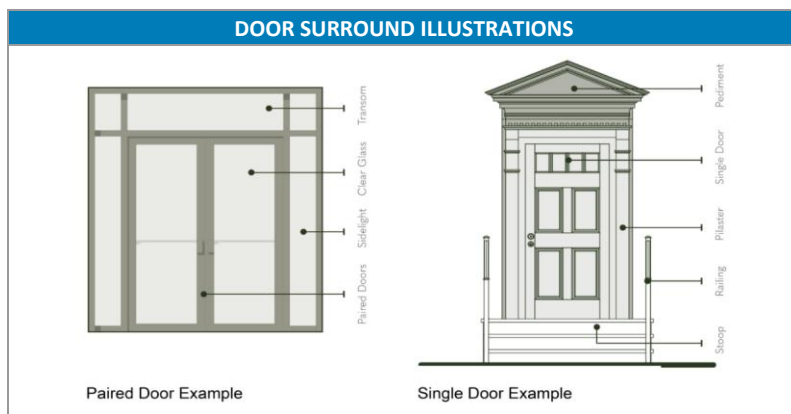
Cornice

Display window: A large window within a Shopfront frontage that is designed to display items for sale and attract customers to the store

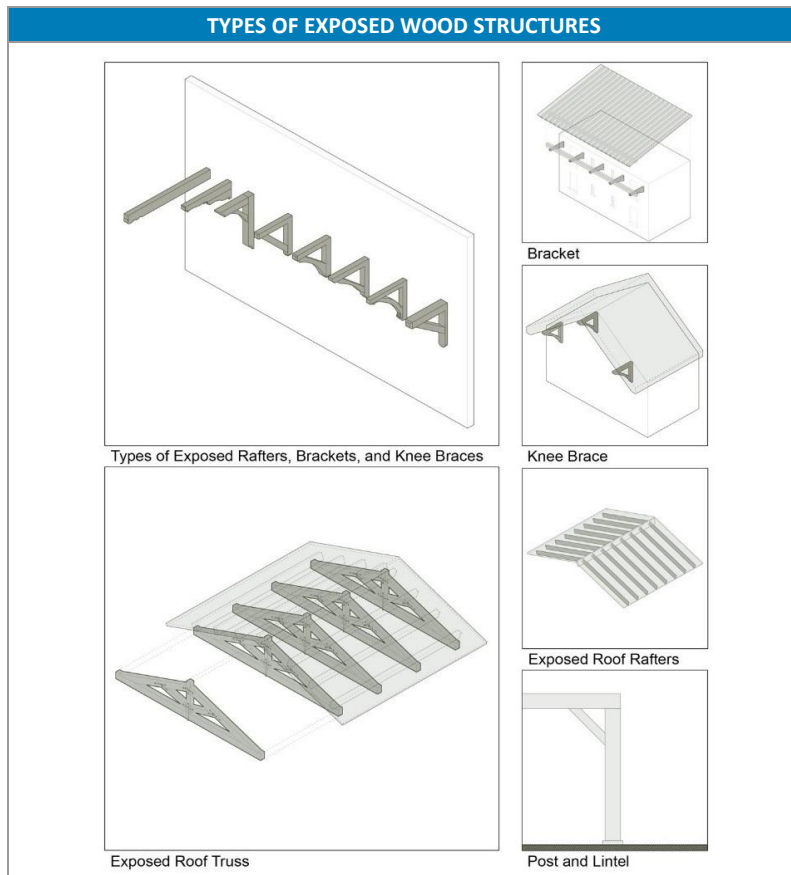
Door: Operable barriers installed at building ingress and egress points.



Door surround: The functional and decorative framing structure surrounding a door.



Exposed wood structures: Structural supports that may be added to a building exterior for functional and aesthetic reasons. Depending on the architectural style, these may include rafters, brackets, knee braces, trusses, and more.



Facade: The exterior portion of a building exposed to public view.

Fascia: The plain, wide band above a Shopfront and its Transom Windows that can be used for the placement of signage. See also Signband.

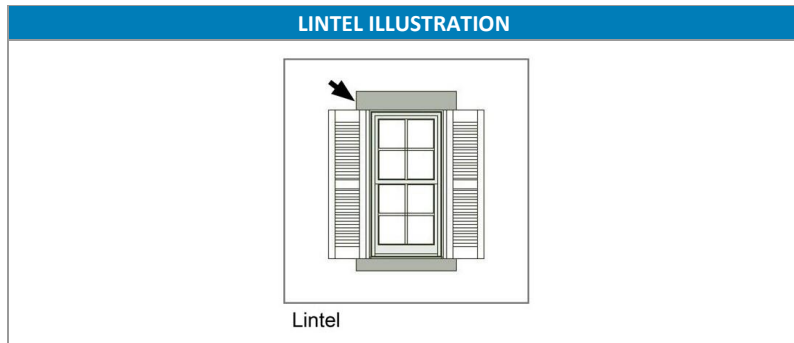
Fenestration: Openings on a building façade, such as Windows and Doors. Fenestration expresses each floor of the building.

Horizontal band: A horizontal band of three or more windows separated by mullions. They are most commonly found in industrial and institutional buildings where there is a need for greater natural light in the interior space.

Horizontal organization: Breaking up long facades into smaller building increments or bays. See also Rhythm.

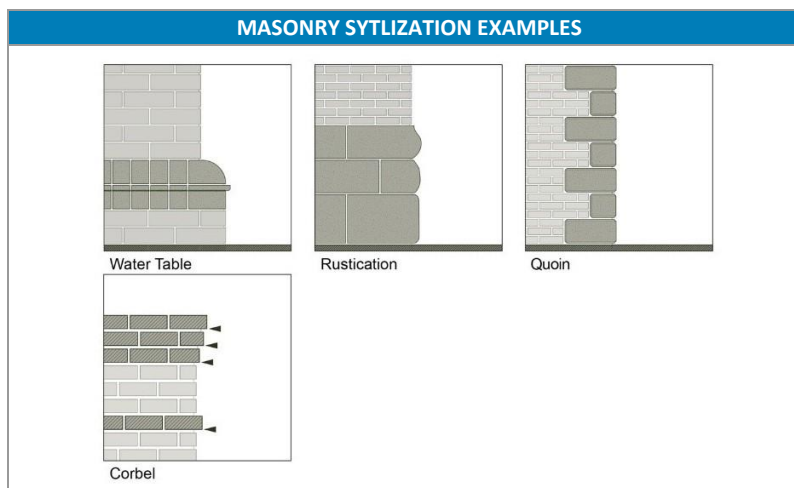


Lintel: A horizontal beam that spans openings in a building, such as doors or windows. Lintels can be decorative, structural, or both.



Masonry stylization: Stylistic masonry features that can be applied to the façade to express weatherproofing, structure, and building function. These may include:

- A. Horizontal masonry features for weatherproofing purposes, such as Water Tables, Belt Courses, String Courses, and Parapets.
- B. Structural expression techniques, such as Quoining, Rustication, Corbeling, Lintels, and Arches.
- C. Functional expression purposes, such as Signbands.



Massing: How the primary building mass relates to building extensions, building frontages, and building wings.

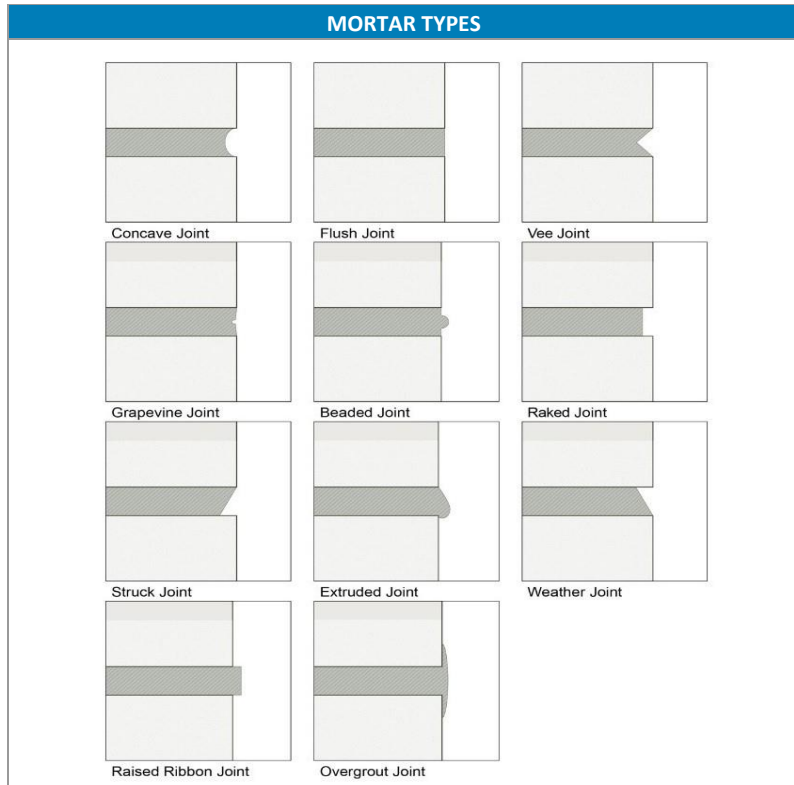


Metal Finish: Treating a metal surface to create a desired appearance and/or strengthen its performance. In Brevard, natural coloration, weathering (corten) steel, and paint can be used to achieve a rustic effect.



Monitor: A raised structure running along the ridge of a double-pitched roof, with its own roof running parallel to the main roof. The long sides of monitors usually contain Clerestory Windows or louvers to light or ventilate the area under the roof. Monitors are usually located on industrial buildings.

Mortar: The bonding agent used to join masonry building blocks. Mortar can be applied in many styles, such as Concave, Vee, Grapevine, or Flush to maximize durability and weatherproofing for the exposed materials. For the best appearance, mortar should be lighter in color than the brick it is paired with.

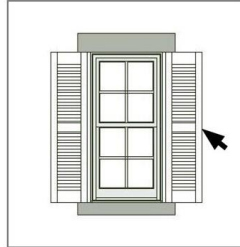


Mullion: A vertical or horizontal bar that separates units of glass on a multi-lite window.

Operable shutter: Hinged, movable panels fixed outside a window that can be closed for security, storms, privacy or to keep out light. Shutters can be paneled or louvered. Unlike fixed, decorative shutters, operable shutters are designed to open and close, and are sized to fit the window opening.



OPERABLE SHUTTER ILLUSTRATION



Operable Shutters

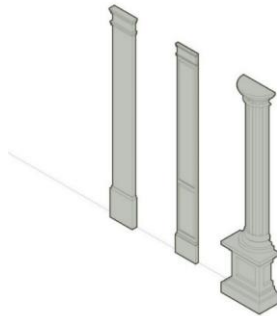
Parapet: Low wall projecting from the edge of a platform, terrace, roof, or exterior wall of a building.

Parapet gable roof: A type of gable roof treatment where the building walls on each end of the gable roof extend above the roof level and are capped with waterproof coping.

Pediment: A structural and decorative gable directly supported by posts or columns, typically located above an entrance. Pediments are distinct features from the building roof.

Pilaster: A vertical architectural element, resembling a column, that is embedded into or attached to a wall.

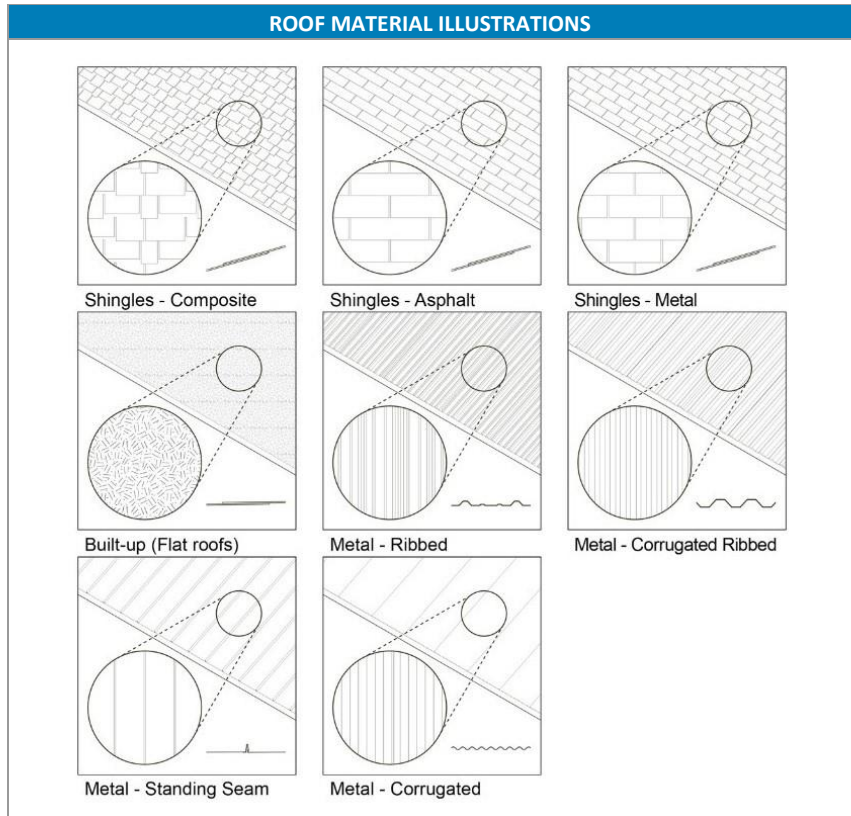
PILASTER ILLUSTRATION



Proportion: Time-tested ratios in design such as the Golden Section, squares, and circles.

Rhythm: The repetition of elements to create a sense of movement, harmony, and balance in a space. It can be achieved through the consistent use of lines, shapes, colors, textures, lighting, and patterns.

Roof Material: The material used on the outermost roof layer. Roof materials may include shingles, metal, or conventional flat roof systems, and use natural colors such as browns, tans and grays.

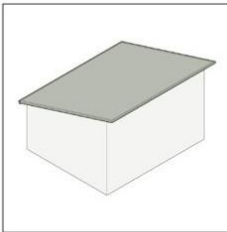


Roof pitch: The slope or incline of a roof, expressed as the ratio of vertical rise over horizontal run.

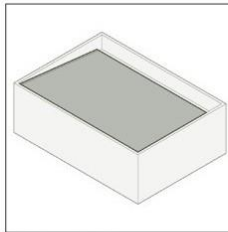
Roof shape: The shape of a building roof, which is highly related to architectural style. Common examples include Gable, Hip, Flat, and Shed.



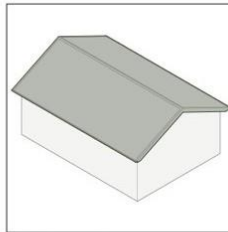
ROOF SHAPE ILLUSTRATIONS



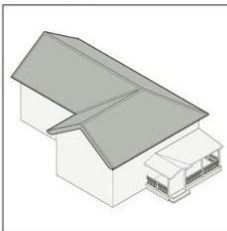
Shed roof



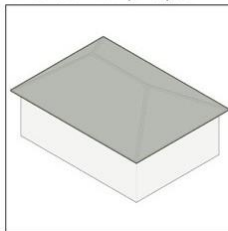
Flat roof with parapet



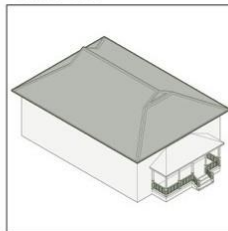
Gable roof



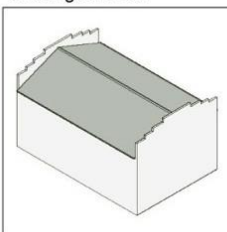
Cross gable roof



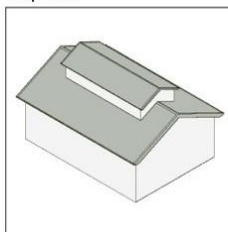
Hip roof



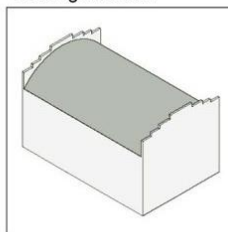
Dutch gable roof



Gable roof with parapet

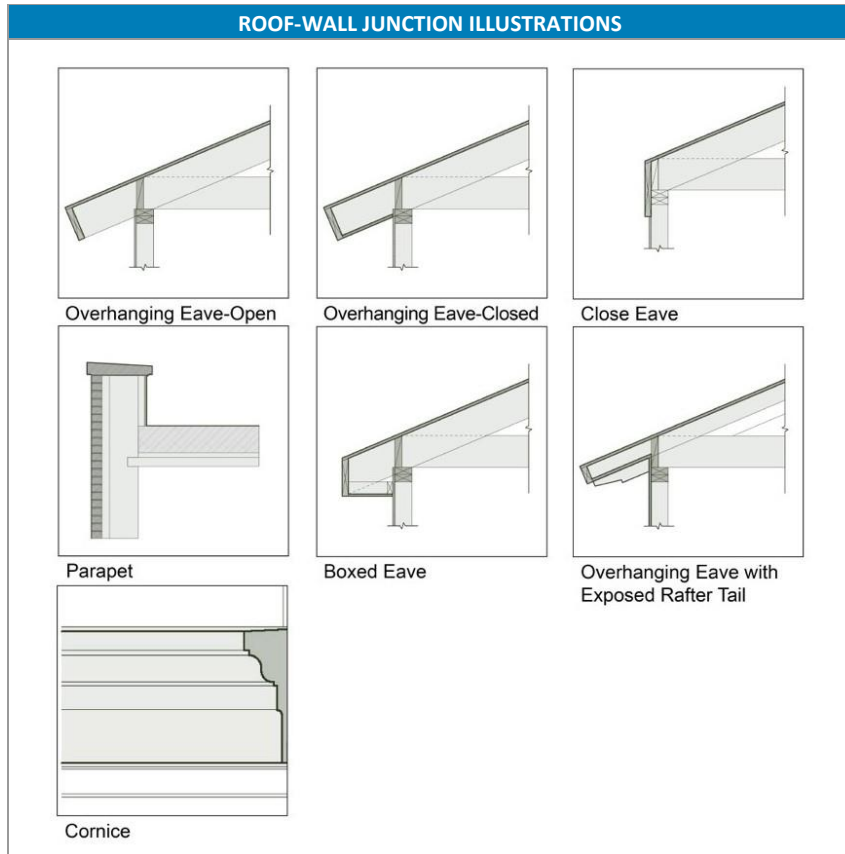


Monitor roof over gable



Vaulted roof (with parapet)

Roof-wall junction: The area where the roof meets the building wall. Junction types are selected based on roof shape and include Parapet, Parapet with Cornice, Projecting Eaves, Close Eaves, and Boxed Eaves.

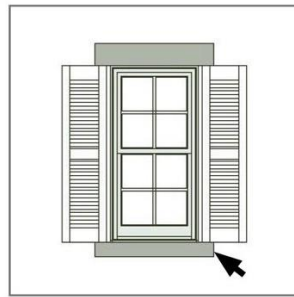


Sidelite (or sidelight) window: A narrow, vertical fixed window that is usually placed on either side of an exterior door.

Sill: A horizontal beam that forms the bottom of a window or doorway. A sill can be made of timber, stone or brick and the exterior of the sill may be tilted to shed rainwater.



SILL ILLUSTRATION

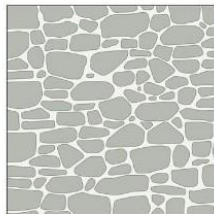


Sill

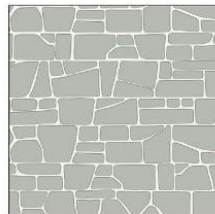
Signband: The plain, wide band above a Shopfront and its Transom Windows, that can be used for the placement of signage. This area above the Shopfront can also be referred to as the Fascia.

Stone course: Similar to Brick Bonds, Stone Courses are horizontal layers of stones arranged uniformly in a wall for structural and aesthetic benefits.

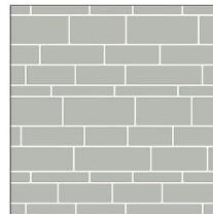
STONE COURSE EXAMPLES



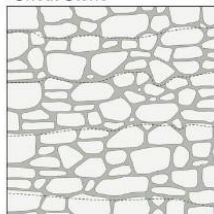
Uncut Stone



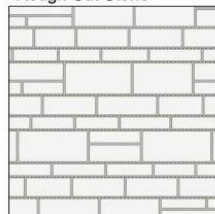
Rough Cut Stone



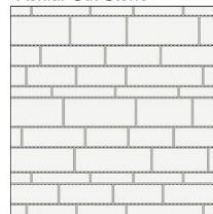
Ashlar Cut Stone



No Courses



Irregular Courses



Regular Courses

Stone finish: The texture and appearance of stone materials. In Brevard, river rock or granite quarry rock reflect locally available stone.



STONE FINISH EXAMPLES



Rough cut stone with irregular courses



Uncut river rock with no courses



Uncut river rock with no courses



Rough cut river rock veneer with irregular courses



Rough cut stone veneer with irregular courses



Rough cut river rock veneer with irregular courses



Rough cut granite with irregular courses



Ashlar cut granite with regular courses



Rough cut granite veneer with irregular courses



Ashlar cut granite with regular courses



Rough cut stone with regular courses



Ashlar cut granite with regular courses

String course: A horizontal band, often projecting, extending across the face of a wall. The band can be composed of a course of bricks, stone, or other materials. It can also be referred to as a Belt Course.

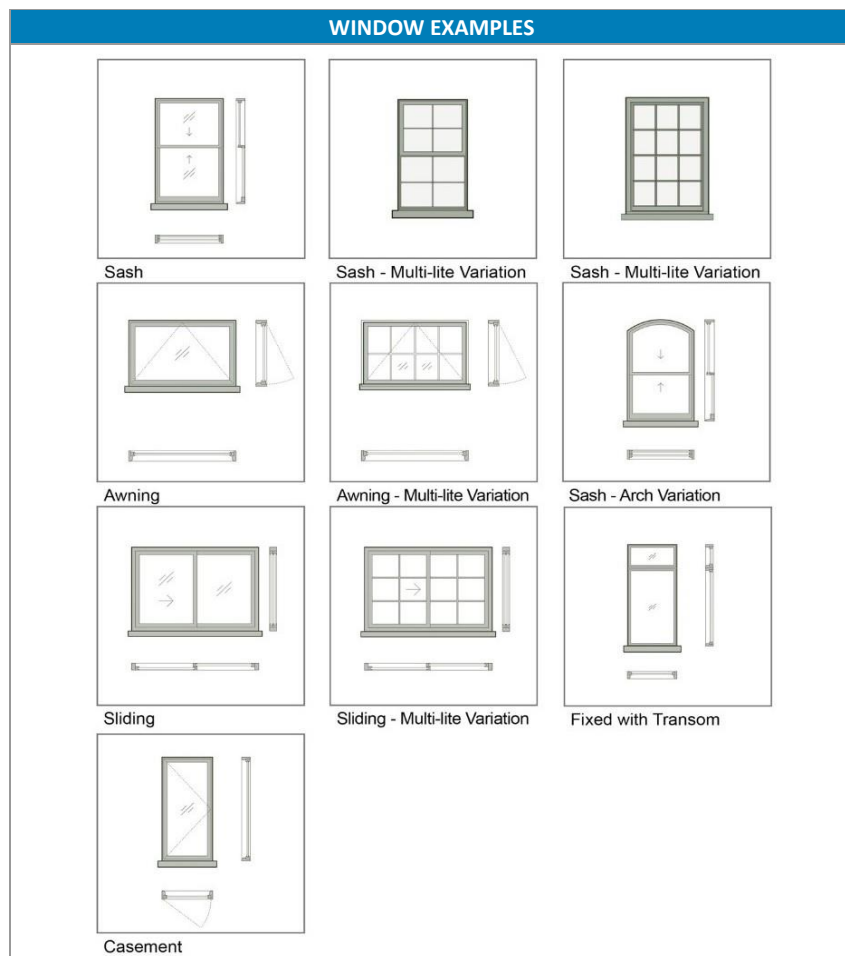
Transom window: A secondary window placed directly above a Window, Display Window, or Door that is used to provide additional light or ventilation into the interior. Transom Windows can be Fixed (non-operable), Awning, or Hopper type of windows.



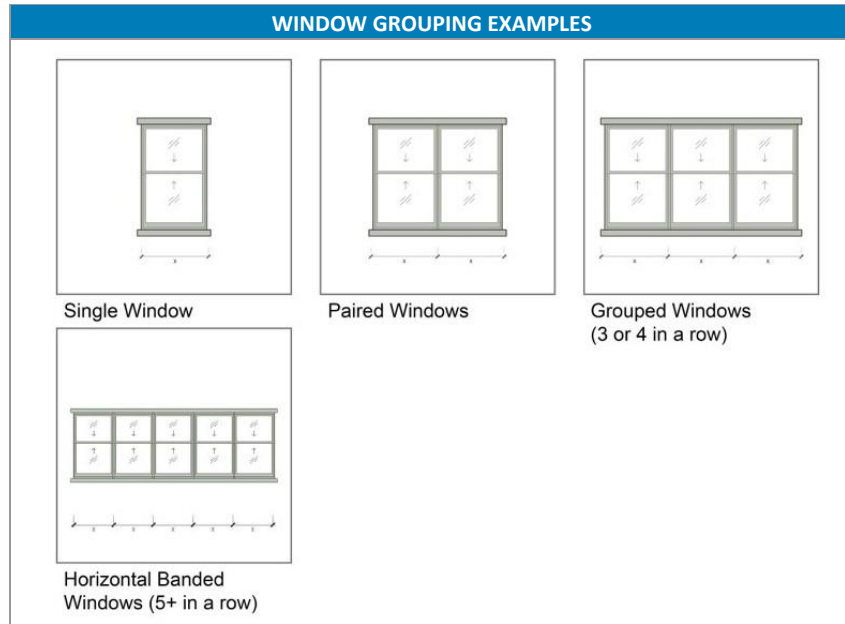
Vaulted roof: A broad, curved roof supported with trusses, usually located on large, open floor plan buildings. Most often found on industrial or institutional buildings.

Vertical organization: Dictates the hierarchy of building design, including the division of the building into base, middle and top portions.

Window: An opening in a wall or roof to allow for light and air penetration into a building interior.



Window grouping: Arrangements of multiple windows to allow for greater transparency.



Wood finish: Application of a finish can be used to alter the appearance of wood products, as well as strengthen their durability for use on a façade.



UNPAINTED WOOD FINISH EXAMPLES



Unpainted wood shingles



Unpainted wood shingles



Unpainted wood plank siding with half-timbering



Unpainted board and batten siding



Unpainted vertical plank siding



Unpainted wood logs as an exterior material



Unpainted board and batten siding



Unpainted wood shingles



Unpainted wood logs with visible clay chinking



Unpainted board and batten siding



Unpainted wood shingles



Unpainted rustic wood siding



PAINTED WOOD FINISH EXAMPLES



Painted board and batten siding



Painted board and batten siding that is weathered



Painted wood shingles



Painted fiber cement plank siding



Painted wood shingles



Painted wood shingles



Painted fiber cement board and batten siding

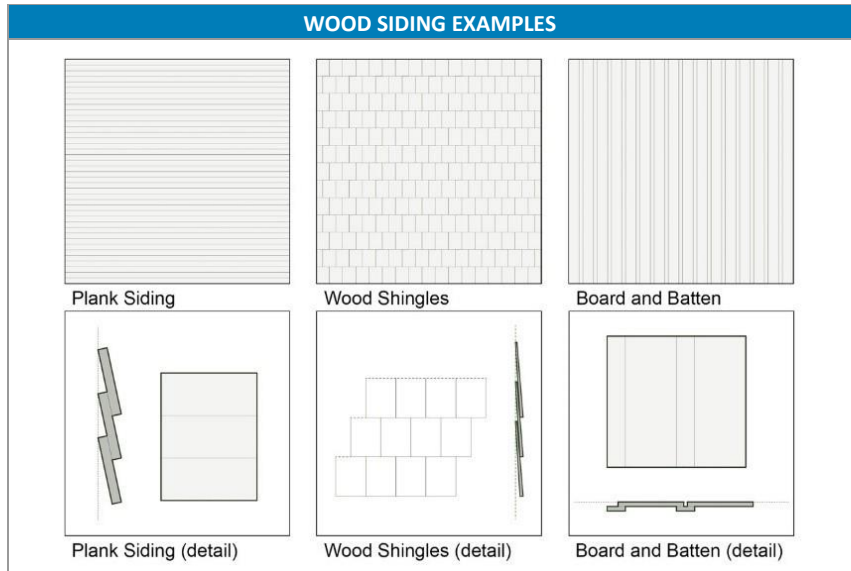


Painted board and batten wood siding



Painted fiber cement plank siding

Wood siding: Patterns of stacking and arranging wood on a façade, such as plank siding, board & batten siding, and shingles.



**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-002**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas.

ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF
THE CITY OF BREVARD UNIFIED DEVELOPMENT
ORDINANCE TO ENACT UPDATED ARCHITECTURAL
STANDARDS AND ASSOCIATED REGULATIONS**

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

WHEREAS, the historical architectural vernaculars and building typologies found in the city is an essential component of Brevard's small-town character; and,

WHEREAS, the City Council of the City of Brevard authorized the City to engage the planning and design firm Plusurbia, Incorporated to draft new architectural standards for the City in December of 2023 via Resolution 2023-57; and,

WHEREAS, the City Council of the City of Brevard approved and adopted the Brevard Architectural Visual Guidelines in June of 2024 via Resolution 2024-27; and,

WHEREAS, working in conjunction with these guidelines, this text amendment will help ensure that the desired stylistic character of Brevard's architecture endures across years of future development; and,

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

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
 - **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
 - **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
 - **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
 - **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas;
- and,

WHEREAS, a public hearing was conducted on Monday, March 17, 2025, by the Brevard City Council.

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

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

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

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

Adopted and approved this the 7th day of April 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, April 7, 2025

Title: Approval of Open-Ended Designer Service Agreements

Speaker: David Todd, Assistant City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

The City routinely utilizes the services of design/engineering firms. For example, civil engineers help us with sidewalk, road, and trail design or repairs. Utility engineers help us with water pump station and wastewater lift station design and repair as well as inventory of our systems and repairs to our water distribution and wastewater collection systems. Surveyors help us with land acquisition for new projects or easements and right of ways. Traffic engineers help us design and resolve often difficult and complex issues related to the flow of pedestrians and cars across our sidewalks and streets.

Hiring for these types of professional services is often more complicated and difficult than it appears on the surface, as technical expertise and experience often are more important than the lowest price. Because of these challenges, the Federal government established the Brooks Act in 1972, which requires that architects and engineers be selected based on the firm's competence, qualifications and experience rather than by price. North Carolina in turn adopted this as legislation, known commonly as the Mini Brooks Act, in 1987, and it has been further revised as recently as 2014. North Carolina's Mini Brooks Act reads that State and Local Government Units must "announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity."

As you might imagine, this process is cumbersome at best.

In an effort to streamline this process and make City staff's effort more efficient, on January 29 the staff published Requests for Qualifications (RFQ) for Open-Ended Service Agreements in the following disciplines: civil engineering, utility engineering, surveying, environmental services, traffic engineering, architectural, MEP+Fire (includes mechanical, electrical, plumbing and fire protection, and roofing). The submission period ended February 21. Staff selected 1-3 firms in each discipline using a qualifications-based criteria. If this action is approved this evening, these firms will be asked to sign one-year services

agreements that, in essence, bind them to the City on a no-cost retainer until such time as their services may be needed. This process will do two primary things: first, it will make it much easier for us to stay within the bounds of Mini Brooks, and second it will allow us to secure design/engineering services much more efficiently and quickly. There may be firms selected whose services we choose not to employ over the course of the agreement.

The RFQ for Open ended Services Agreements was advertised on the City website, in the *Transylvania Times*, the *Asheville Citizen Times*, the *Charlotte Observer*, the *Greater Diversity News* and with the North Carolina HUB Office. The RFQ closed on February 21. In response to the RFQ staff received the following number of submissions in each discipline:

Architectural – 4
Civil Engineering/Traffic - 6
Civil Engineering/Utilities – 9
Environmental – 6
Roofing Building Envelope Design – 3
Survey – 6

A team of City's members consisting of Paul Ray, Aaron Bland, Wesley Shook, and David Todd reviewed the submittals and "short listed" the firms to no more than 3 firms in each category. Interviews were conducted with the shortlisted firms to confirm their qualifications. Staff is now bringing its recommendations to Council for approval.

Discussion

The Mini Brooks law does allow for exemptions on projects under \$50,000, but this again requires a significant effort, although a less intensive effort. Open-Ended Service Agreements will give us relief from this process as well. Not to mention, exemptions, especially when used in bulk, are frowned upon. However, it is important to note that nothing about the Open-Ended Service Agreements will prevent us from seeking exemptions if needed (e.g., a specialty project best suited for a firm not included in our Open-Ended Agreements) or posting an RFQ for a new, likely larger, project. Open-Ended Service Agreements still require us to negotiate a price with each firm as they are selected for a project; it just prevents us from basing the selection on price. Staff are also still free to move to a different firm on or off of our Open-Ended Service Agreement if we cannot reach what we believe is a fair price with the firms under our Open-Ended Service Agreement contract. In essence, this process lets us review firms in advance, in bulk, so to speak, bringing efficiencies later as we will not need to repeat the RFQ process as often.

Fiscal Impact

An exact dollar amount or cost savings is difficult to quantify but establishing Annual Service Agreements will allow staff to operate much more efficiently when establishing future Design Agreements.

Action

Staff request Council approve the attached resolution authorizing selection of the

“Recommended” firms as identified on Attachment A

Attachments:

1. Attachment A - 2025 Annual Service Agreement Submissions with Recommended Firms
2. Resolution Approving Design Firms for Annual Open Ended Service Agreements

2025 Annual Service Argeement Submissions with Recommended Firms

Rating Scale Very Well Qualified Well Qualified Qualified Not Qualified														

RESOLUTION NO. 2025-XX

RESOLUTION APPROVING DESIGN FIRMS FOR ANNUAL OPEN ENDED SERVICE AGREEMENTS

WHEREAS, G.S. 143-64.31 requires the City to announce all requirements for architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”); and

WHEREAS, the City has advertised for Design Firms interested in holding Annual Service Agreements with the City in the following design disciplines; Architectural, Civil Engineering (Traffic), Civil Engineering (Utilities), Environmental Services, Roofing and Building Envelope Design and Surveying in multiple newspapers, with Greater Diversity News, the North Carolina HUB Office and on the City’s website; and

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

WHEREAS, City Staff including the Assistant City Manager, Director of Planning, Assistant Director of Planning and the Public Works Director, known collectively as the Selection Committee received and reviewed proposals from firms in each of the stated disciplines; and

WHEREAS, the Selection Committee is recommending approval of the three to five firms in each discipline selected on a qualification basis for Annual Service Agreements as shown on Attachment A.

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

Section 1. The designers recommended by the Selection Committee per Attachment A are approved for Annual Service Agreements in the disciplines as specified.

Section 2. The City Manager and/or his designee is authorized to enter into Annual Service Agreements with the recommended design firms as shown on Attachment A.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this 7th day of April, 2025

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk