



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, November 17, 2025 - 5:30 PM

A. Welcome and Call to Order

B. Invocation

Rob Field, Director of Center for Spiritual Wisdom

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. October 30, 2025 Special Meeting
2. November 3, 2025 Regular Meeting

G. Certificates / Awards / Recognition

1. Recognition of Paula Hartman-Stein, Volunteer Coordinator of AARP Age-Friendly Task Force

H. Public Comments

I. Special Presentation(s)

1. Confirmation of Permanent Police Chief Appointment

J. Public Hearing(s)

1. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 — Institutional Campus Zoning District
2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, and 19 - Temporary Use Regulations

K. Consent and Information

1. Tax Settlement Report - October 2025
2. Resolution Declaring Intent to Permanently Close an Unopened Public Right-of-Way - Hendersonville Pediatrics
3. Ordinance Declaring Street Closures for Holiday Events

4. Downtown Master Plan Committee Minutes - September 10, 2025
5. Council Public Works & Utilities Committee Minutes - October 1, 2025

L. Unfinished Business

1. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1 and 38 - Restrictions on Hemp-Derived Consumable Products
2. Resolution in Support of HB 328 - Regulation of Hemp-Derived Consumable Products

M. New Business

1. R-5799 Sidewalk Betterments
2. Proposed Utility Connection Requirements for Properties in the Azalea / Rhododendron Neighborhood

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Property Acquisition: GS §143-318.11.(a)(3)(5)
2. Personnel and/or Employment: NCGS § 143-318.11. (a)(3)(5)(6)

P. Adjourn

Agenda Posted, Website, Sunshine List (November 13, 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
Special Meeting
October 30, 2025 – 5:30 PM

The Brevard City Council met for a specially called meeting on Monday, October 30, 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 Aaron Baker, Mac Morrow, Pamela Holder, and Lauren Wise.

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager David Todd, Planning Director Paul Ray, and Interim Police Chief Jack Moorman

Press – David Bradley, Transylvania Times

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

B. Certification of Quorum - City Clerk Denise Hodsdon certified a quorum present.

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

D. Public Comment

Ann Hollingsworth of 187 E. Main St. said my husband Danny and I own 78 S. Broad St. which is occupied by Headlines Salon. Last week we were out of town when you had your regular council meeting, and we had just become aware of the issue. So, we emailed all of our concerns relating to why we did not want the loading zone in front of Headlines, CykelWorx, and Looking Glass Realty. I would like to personally speak with you now for the public record. Brooke McCall, the owner of Headlines has been in business at that location for 28 years. She has an established clientele and many of her longtime customers are older and can't physically walk blocks to get their hair done. She has told us she has lost many customers because of the lack of parking now. Another factor that I thought of after I emailed you all for not putting a loading zone there is the lack of visibility. When you come out of First Citizens Bank onto Broad St. the large tractor trailers would block the line of sight, and this would be extremely dangerous because of the speed on Broad St.

Doug Miller of 330 S. Caldwell St. said I have a business on W. Jordan St. so obviously have an interest in this conversation. I attended the committee meeting you had to go over this again last week. I thank you for moving with such urgency on this and I think that the decision that was made at the last committee meeting was a good one. I think there was some really good conversation; I feel like we came to a good balance between making sure that the businesses' needs are met and that the businesses who need to get deliveries needs are met, and that the safety of the folks that need to move around was taken into consideration. We're not blocking any fire hydrants with this decision, which I know was a concern from the City. I think ultimately that was a good decision so I am here to say I support it. I think that is the right move at this point to go ahead and put the loading zones in the places that were recommended by the committee.

Melissa Driver of 370 Maple St. said my husband Joe Driver and I own CykelWorx, which we recently opened back in July, and are leasing from Paul Wilander. He owns the remainder of the building as well, and I work for him as an agent, so I use

the building for multiple purposes. I appreciate that you all sent this item back to a special committee, so I want to thank you for that because that gave us the time to understand more about what was being proposed and to discuss with that committee what we had hoped for as we all planned this Downtown Master Plan together. It's beneficial to all of the businesses, not just individual businesses. So I appreciate having the ability to have that input and not focus solely on where do we put food trucks, but also our livelihood as a new business and a retail storefront. So thank you for hearing us out at that committee meeting. I also am in agreement with the recommendation that came out of that committee meeting and am looking forward to your approval of that recommendation to place the loading zone away from our building and allow there to accommodate still the remaining three spaces in front of our building.

E. Unfinished Business

E-1. South Broad Street Restriping Plan – Mr. Hooper recalled that this evening's meeting is a result of Council's instruction from October 20th to send the South Broad St. restriping matter back to the Downtown Master Plan Committee for reconsideration and the need to have Council confirm, or not, their recommendation as soon as possible so it can be transmitted to NCDOT before the contractor's upcoming completion deadline. The Downtown Master Plan Committee (DMPC) met last week. They reviewed their original proposal from May; heard some public comments, including some of the folks who spoke tonight; they reviewed several alternatives that were developed by staff; and they considered an alternative that was proffered by Heart of Brevard. Finally, the committee also considered information from the logistics and delivery industry, which helpfully informed the conversation. The logistics folks agreed that none of the alternatives are great; there's not one that is perfect and doesn't have some trade-offs. He asked David Todd to review the various alternatives reviewed by the DMPC at their special meeting.

Mr. Todd began with the Downtown Master Plan Committee's current recommendation:

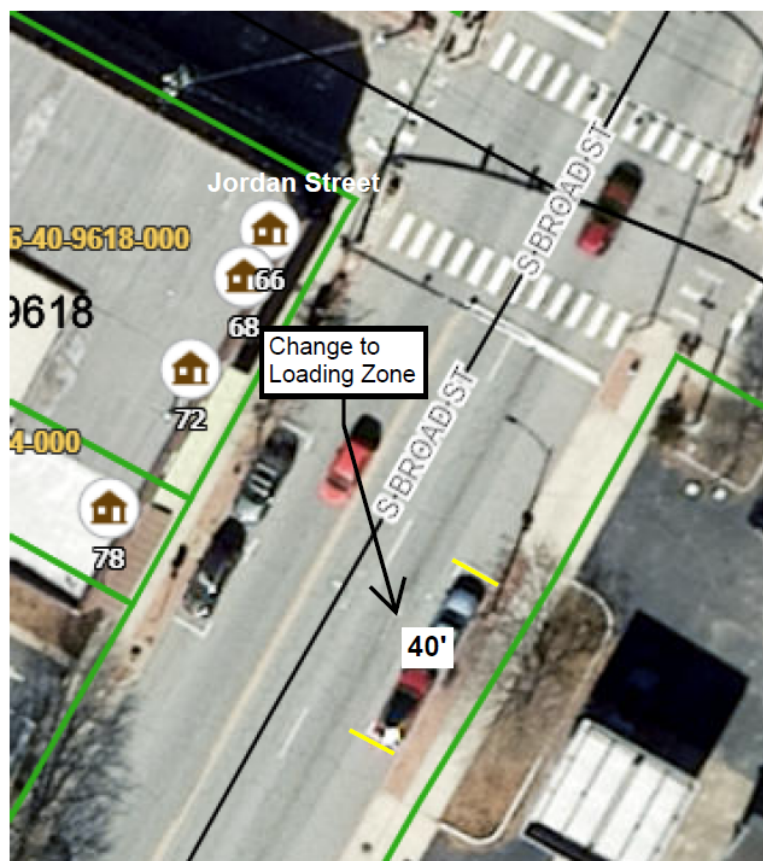
1. Relocate the ADA space previously located near the south end of the block – but which bisected the loading zone limiting the zone's usefulness—closer to the intersection with Main St. and create a contiguous approximate 69-foot loading zone near Quixotes. The 69-foot loading zone would be large enough to accommodate a single-axle tractor trailer with a 36' maximum trailer (as typically used for deliveries Downtown by U.S. Foods) and its loading ramp and leave space for said truck to maneuver in and out safely (see Attachment#1), this would net one (1) additional on-street parking space from the current configuration.
2. Leave the parking striping, including the ADA space, in front of Looking Glass Realty as is, and replace the two parking spaces in front of Eldrige Motors with a box truck loading zone approximately 40' in length, as shown on Attachment No.2.

Mr. Todd then reviewed all of the plans considered by the DMPC at its special meeting, including seven alternatives that were developed by staff and an alternative idea brought by the Heart of Brevard to locate the loading zone on East Jordan St. He discussed the pros and cons of each alternative.

Attachment #1



Attachment #2



Ms. Holder moved, seconded by Mr. Morrow to approve the recommendation of the Downtown Master Plan Committee at this past meeting.

During discussion a majority of council members agreed that there was no perfect solution, but that the committee's recommendation seemed to be the best

option. Mr. Daniel said this proposal comes to the Council with a unanimous vote from the DMPC, but I would like to state that my vote was made with the intention of moving this proposal to City Council. I'd also like to remind the Council that the DMPC was formed to advise us on the implementation of the Downtown Master Plan. An issue that is as politically fraught as downtown parking should ultimately be the sole responsibility of this Council, and indeed that's what this vote tonight will do. The issue I have with this proposal is that it is essentially what is in place now, the same proposal that the DMPC made previously and was implemented, and obviously it doesn't work. I have a video on my phone from a little over a week ago of a tractor trailer parked on E. Jordan unloading, and the loading zone in front of Quixote's was empty. I realize that where to place these loading zones is a difficult decision, but staff's original proposal, which I believe is the most practical location, has caused great concern with the merchants affected by that location. And, although I understand why these folks feel as they do, I truly believe that their concerns are largely misplaced. I am not able to support this. Vote on the motion was four in favor; one opposed (Daniel). The motion carried.

F. Adjourn – There being no further business, Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting at 6:05 p.m. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: November 17, 2025

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 3, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, November 3, 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, Pamela Holder, and Lauren Wise

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Senior Planner Emily Brewer, Interim Police Chief Jack Moorman, Interim Fire Chief Bradley Elmore, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, Community Center Director Tyree Griffin, Asst. Fire Chief Mark Norton, Incoming Fire Chief Chase Owen, and Fire Dept. Personnel

Press – David Bradley, Transylvania Times

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

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

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

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

E. Approval of Agenda – Mayor Copelof requested to add a Resolution Naming Depot Railroad Avenue Park to “Jimmy Harris Railroad Depot Park’ to Honor Former Mayor Jimmy Harris to Certificates/Awards/Recognition as Item G-1 and to renumber the remaining items in that section. Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. October 20, 2025 Regular Meeting – Mr. Baker moved, seconded by Mr. Wise to approve the minutes of the October 20, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Resolution Renaming Depot Railroad Avenue Park to ‘Jimmy Harris Railroad Depot Park’ to Honor Former Mayor Jimmy Harris – Mayor Copelof remarked that Jimmy Harris retired in 2021 after serving 22 years and he was the longest-serving mayor in Brevard’s history. She noted that this resolution is to honor his decades of service to the City of Brevard. She read the resolution aloud and presented it to Mayor Harris’ family members, daughter Cassi Eikenberg and her husband Luke, son Cooper Harris, sister Sue Robinson, niece Greer Robinson, and his former wife Carri Harris.

RESOLUTION NO. 2025-68
A RESOLUTION RENAMING DEPOT RAILROAD AVENUE PARK TO ‘JIMMY HARRIS
RAILROAD DEPOT PARK’ TO HONOR FORMER MAYOR JIMMY HARRIS

WHEREAS, Jimmy Harris was first elected Mayor of the City of Brevard in 1999 and was subsequently reelected seven times; and

WHEREAS, Mayor Harris retired in 2021 having served twenty two consecutive years, the longest mayoral tenure in the city’s history; and

WHEREAS, as Mayor his tangible accomplishments were significant and numerous. They are commemorated in Resolution No. 2021-57, “A Resolution of Respect and Appreciation for Mayor Jimmy Harris” unanimously approved by Brevard City Council on December 15, 2021; and

WHEREAS, his leadership extended beyond tangible accomplishments. Mayor Harris led with vision and community concern, working tirelessly to build a city that offered a high quality of life to all who chose to live there; and

WHEREAS, in 2022 Mayor Harris was inducted into the Order of the Long Leaf Pine by Governor Roy Cooper as an acknowledgement of his long and faithful service to the people of Brevard and North Carolina; and

WHEREAS, in 2025 Mayor Maureen Copelof and the Brevard City Council wish to further recognize and honor Mayor Harris’s service to Brevard; and

WHEREAS, during his mayoral tenure Mayor Harris championed the creation of Depot Railroad Avenue Park to revitalize an underutilized city-owned parcel, commemorate the city’s history, create a gathering place for residents in this area of town, and provide amenities for the Estatoe and Ecusta trails; and

WHEREAS, Mayor Harris led the community effort to fund, design, and construct the facility which opened in 2021.

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

1. Depot Railroad Avenue Park is hereby renamed Jimmy Harris Railroad Depot Park in honor of former Mayor Jimmy Harris.
2. Mayor Copelof and Brevard City Council hereby commend this honor’s observance to all residents of Brevard.
3. Staff are instructed to update the name on physical signage, official documents, and other media.

Adopted and approved this the 3rd day of November, 2025.

s/ Maureen Copelof, Mayor
s/ Mac Morrow, Councilmember
s/ Lauren Wise, Councilmember
Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Gary Daniel, Mayor Pro Tem
s/ Aaron Baker, Councilmember
s/ Pamela Holder, Councilmember

G-2. Proclamation No. 2025-28 Veterans Day – Joined by fellow Veterans Mac Morrow, Lauren Wise and Mack McKeller, Mayor Copelof read the proclamation aloud.

Proclamation 2025-28
Commemorating Veterans Day
November 11, 2025

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Proclaimed this 3rd day of November, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

G-3. Oath of Office – Chase Owen – Fire Chief – Chase Owen was sworn in as Fire Chief by City Clerk Denise Hodsdon. Chief Owen was accompanied by his family, wife Amber, son Colton, and daughter Lydia.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Chase Owen, 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 Fire Chief for the City of Brevard, North Carolina, so help me God.

Oath Administered by:

s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Chase Owen

H. Public Comments

Rodney Locks of 187 S. Rice St. reminded everybody that tomorrow is Election Day and thanked councilmembers for their service, especially Mr. Morrow for his many, many years of service. He said I saw the sign at the creek, the culvert, and I saw the four-way stop on the agenda, and I hope that you are still testing the waters so it is still safe for kids to jump into the creek.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1 and 38 – Restrictions on Hemp-Derived Consumable Products – Mr. Hooper explained that this amendment would add a layer of local regulation to the sale and distribution of hemp-derived consumable products at certain locations in the city. The amendments would add definitions of ‘hemp’, ‘hemp-derived consumable products’, ‘seller’ and other relevant terms to Chapter 1 of the Code; and it would add a new article to Chapter 38 entitled “Restrictions on hemp-derived consumable products for persons under the age of 21.” The most notable provisions in the proposed amendment are:

1. It shall be unlawful for any person or entity to knowingly sell or give hemp-derived consumable products to a person who is under 21 years of age within 2,000 feet of the property line of any public or private school, public park, or after school facility. Any seller or giver within said radius must demand proof of age from a prospective purchaser if the purchaser appears under 30 years of age.

2. It shall be unlawful for a person under the age of 21 to possess, purchase, or attempt to purchase any hemp-derived consumable product at any prohibited location.
3. It shall be unlawful for a person under the age of 21 to attempt to purchase hemp-derived products using fraudulent or altered identification.

Violation of the provisions shall be a civil penalty of \$100 for the first violation, \$250 for the second violation, and \$500 for each violation thereafter. The proposal also includes language that would permit the city to apply to a court for an injunction, abatement order, or other appropriate remedy for serial violators. These restrictions will be enforced by Brevard Police Department using similar methods that the State ALE Office uses to enforce the drinking age at bars and such.

Mr. Hooper noted that his matter stemmed from a recommendation by the Public Safety Committee to use the tools we have at our disposal as a municipality to try to counter the growing trend of hemp use among youth. Because municipalities aren't typically where public health matters like this live, the Committee and Council's initial strategy was to support legislation at the state level that would combat the increase in hemp use among youth by raising the age to purchase hemp products. However, it didn't pass and it is the committee's recommendation that the city take a more active approach. Mr. Baker added that the committee struggled with the fact that the regulation of these products is really the purview of the State of North Carolina, but the striking thing is that some of these products are so new that they have no rules at all, which creates a dangerous situation and the committee felt that the city needed to act. Mr. Baker said we will reevaluate as the state hopefully catches up with the City of Brevard.

At 6:05 p.m. Mr. Morrow moved, seconded by Mr. Daniel to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:05 p.m. Mr. Morrow moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

J-2. Proposed Update to City of Brevard Traffic Schedule Section 66-72 – Four-way Stop at Mills Ave. / Hillview Ave. / Hillview St. – Mr. Hooper explained that this is a staff recommendation to install a four-way stop which stems from both public input and staff's observation about the safety of this intersection. The City's Traffic Calming Work Team has studied several of the variables -the geometry of the intersection, traffic speeds, traffic volumes, pedestrian counts, surrounding uses- and makes this recommendation to improve safety at the intersection. Four-way stops help clarify the right of way and create a more predictable traffic environment that benefits both motorists and pedestrians. The conditions at the intersection in question are considered appropriate for this addition. Mr. Hooper requested that Council consider taking action on this matter tonight.

At 6:12 p.m. Mr. Baker moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:13 p.m. Ms. Holder moved, seconded by Mr. Morrow to close the public hearing. The motion carried unanimously.

Mr. Baker moved, seconded by Mr. Wise to approve the ordinance amending the City of Brevard Traffic Schedule. The motion carried unanimously.

**ORDINANCE NO. 2025-54
AN ORDINANCE AMENDING CITY OF BREVARD CODE OF ORDINANCES
AND TRAFFIC SCHEDULE TO CREATE A FOUR-WAY STOP AT
MILLS AVENUE / HILLVIEW AVENUE / HILLVIEW STREET**

WHEREAS, a public hearing was conducted on Monday, November 3, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that the Traffic Schedule be amended as outlined below.

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

SECTION 1. Brevard City Code of Ordinances Chapter 66: Traffic is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. 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 3. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs and pavement markings to be installed and enforcement of the foregoing provisions to be implemented.

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

SECTION 5. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

Adopted and approved this the 3rd day of November, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

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. Ms. Holder moved, seconded by Mr. Baker to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases – October 2025

**RESOLUTION 2025-69
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 October 2025 property values from the tax scroll in the amount of:

2025: \$ 611.44

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

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

K-2. Finance Report at September 30, 2025

K-3. Proclamation 2025-27 National Native American Heritage Month

**PROCLAMATION NO. 2025-27
NATIONAL NATIVE AMERICAN HERITAGE MONTH
NOVEMBER 2025**

WHEREAS, the indigenous peoples and nations in the United States have significantly influenced the history and culture of our great nation; and

WHEREAS, the contributions of indigenous peoples and nations have enhanced the freedom, prosperity, and greatness of the United States today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976, and in 1990, the Congress and President George H. W. Bush expanded recognition designating the month of November as Native American Indian Heritage Month; and

WHEREAS, Native American Heritage Month is recognized annually to honor indigenous cultures, histories, traditions, art, and achievements.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, hereby proclaim the month of November 2025 as "**Native American Heritage Month**" in the City of Brevard and encourage all residents to learn more and support the work of Native American people and organizations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 24th day of October, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

K-4. Council Public Safety Committee Minutes – August 26, 2025

K-5. Rosenwald Community Advisory Board Minutes – September 18, 2025

K-6. Council Public Safety Committee Minutes – September 23, 2025

K-7. Correspondence *(No action. Offered as information only.)*

K-7-a. ABC Board Minutes – September 25, 2025

L. Unfinished Business

L-1. Ordinance – Voluntary Contiguous Annexation – City of Brevard, Cashiers Valley Road PIN #8585-19-5389 – Paul Ray recalled that this is a City-initiated contiguous annexation for a portion of city-owned property on Cashiers Valley Rd. The annexation would bring the entire parcel inside the city limits. Council previously declared this parcel as surplus property and approved the sale of the property on the open market, with proceeds supporting affordable housing initiatives. Council held a public hearing at its October 20th meeting.

Mr. Morrow moved, seconded by Mr. Wise to approve the Ordinance to Extend the Corporate Limits of the City of Brevard. The motion carried unanimously.

**ORDINANCE NO. 2025-50
AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF BREVARD, NORTH CAROLINA**

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

WHEREAS, the City Council has by Resolution No. 2025-50 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on August 26, 2025 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2025-55 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City

Council Chambers at 5:30 P.M. on the 20th day of October, 2025, after due notice by publication on the 6th day of October, 2025; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by the City of Brevard, as shown and being a portion of that property described in the deed recorded in Document Book 81, Pages 472-473; and in Book 1152, Page 191-193, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 3rd day of November, 2025.

Said property is more fully described as follows:

Location: Cashiers Valley Road, Brevard, NC 28712. Transylvania County Tax Property
Identification Number: 8585-19-5389-000

Property Description:

Beginning at an existing concrete monument which has North Carolina NAD 83/2011 grid coordinates of Northing: 559254.05' and Easting: 881654.64';

thence N 49°56'27" W a distance of 195.52' to a deeded 30" Oak Tree;

thence N 50°55'39" W a distance of 127.49' to a found iron rod 1.0' above grade on the east side of a soil road bed;

thence along the eastern margin of the soil road bed N 15°41'21" E a distance of 74.96' to a set 5/8" rebar with a plastic I.D. cap on the east margin of the soil road bed;

thence N 72°06'25" E passing through a deeded 26" Oak tree at a distance of 7.49' and a deeded 34" double Hemlock tree at a distance of 61.21', a total distance of 70.11' to a found rebar with a plastic I.D. cap set at grade;

thence S 03°46'52" W a distance of 59.43' to a found ¾" iron pipe at grade;

thence S 62°42'08" E a distance of 147.82' to a found ¾" iron pipe 0.5' above grade;

thence S 62°46'10" E a distance of 53.81' to a calculated point at the intersection of the existing city limit line;

thence with the existing city limit line on a curve to the southeast with an arc length of 168.28', with a radius of 3,207.69', with a chord bearing of S 25°59'41" E, a chord length of 168.24' to a calculated point on the deeded property line for parcel 5389 in the center of Cashiers Valley road;

thence along the centerline of the existing asphalt road the following 2 calls S 67°20'11" W a distance of 35.92' to a calculated point;

thence S 70°00'39" W a distance of 25.99' to a calculated point in the centerline of the road;

thence leaving the centerline of Cashiers Valley road N 49°10'11" W a distance of 39.42' to an existing concrete monument which is the place and point of beginning.

Section 2. Upon and after the 3rd day of November, 2025 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Carolina Mountain Surveying for the City of Brevard, dated July 26, 2025 and recorded in Plat File 25, Slide 360, of the Transylvania County Registry.

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

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

Adopted and approved this the 3rd day of November, 2025.

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

s/ Maureen Copelof, Mayor

L-2. Proposed Amendment to the Official Zoning Map of the City of Brevard – City owned Parcel on Cashiers Valley Road PIN #8585-19-5389 – Paul Ray recalled that this is a City-initiated rezoning for the City-owned property on Cashiers Valley Road, which is being done concurrently with the previously discussed annexation. Council held a public hearing at its October 20th meeting. The property is currently split-zoned with the portion currently inside the city limits zoned as General Residential 8 (GR8) and the portion outside the city limits is zoned as General Residential 4 (GR4). The intention of this rezoning is to upzone the parcel to make it more marketable and the proposal is to rezone the entire parcel either GR8 or Neighborhood Mixed Use (NMX). At its August 26th meeting the Planning Board recommended rezoning to NMX. Mr. Ray explained that the potential rezoning to NMX complies with the Future Land Use Map and has a higher density allowance of 15 units per acre, as opposed to GR8, which 8 units per acre. However, single family homes are not permitted in NMX. Council may approve the rezoning as advertised (NMX) or consider a more restrictive zoning district to GR8.

Mr. Baker moved, seconded by Mr. Wise to approve the zoning map amendment as advertised to Neighborhood Mixed Use. The motion carried unanimously.

**ORDINANCE NO. 2025-51
AN ORDINANCE AMENDING THE CITY OF
BREVARD OFFICIAL ZONING MAP TO REZONE
ONE PARCEL OF LAND ON CASHIERS VALLEY ROAD**

WHEREAS, the City has initiated that the Official Zoning Map of the City of Brevard be amended by rezoning one City-owned parcel of land, identified by PIN 8585-19-5389-000 and hereafter referred to as the “Subject Property,” from the General Residential – 4 and General Residential – 8 districts to the Neighborhood Mixed Use district; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on August 26, 2025 and has recommended approval; and,

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

***Future Land Use Map:** designates the properties as “Activity Center - Minor.” According to the Future Land Use Character Area Table, Neighborhood Mixed Use is an applicable zoning district.*

and,

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

- The size of the proposed rezoning area.
- There is a close relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The subject property is adjacent to existing NMX-zoned parcels.
- The Plan is consistent with the above elements of the Comprehensive Land Use Plan and the Future Land Use Map.

WHEREAS, a public hearing was conducted on October 20, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendment, it is the desire of the City Council of the City of Brevard Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Number (PIN) 8585-19-5389-000 is hereby rezoned to Neighborhood Mixed Use, as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

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

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

SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

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

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

L-3. Proposed Amendments to City of Brevard Unified Development Ordinance to Make Various Minor Changes – Emily Brewer recalled that Council held a public hearing on the proposed amendments at its October 20th meeting. This is a staff-initiated amendment to make a number of smaller revisions to the Unified Development Ordinance that do not necessitate an individual text amendment.

Mr. Daniel moved, seconded by Mr. Baker to approve the proposed amendments as presented. The motion carried unanimously.

ORDINANCE NO. 2025-52

AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE FOR VARIOUS MINOR CHANGES

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; Chapter 5 – Architectural Standards; Chapter 8 – Tree Protection and Landscaping; Chapter 12 – Signs; Chapter 15 – Boards and Commissions; Chapter 16 – Administration; and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*.

WHEREAS, a public hearing was conducted on Monday, October 20, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 3rd day of November, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

L-4. Proposed Amendment to the Official Zoning Map of the City of Brevard – Five Parcels at Intersection of Pisgah Drive and Medical Park Drive – Paul Ray

recalled that Council held a public hearing on this rezoning request at its October 20th meeting. The request was received from First Victory, Inc. to rezone five properties located in the Pisgah Drive neighborhood. The properties are located adjacent to the Transylvania County Regional Hospital and are currently a part of the hospital's conditional zoning district (CZD) and the request is to remove them from the CZD and zone them to General Residential 8 (GR8). At its September 3rd meeting the Planning Board voted in favor of the rezoning as proposed.

Mr. Morrow moved, seconded by Mr. Daniel to approve the rezoning as requested. The motion carried unanimously.

**ORDINANCE NO. 2025-53
AN ORDINANCE AMENDING THE CITY OF
BREVARD OFFICIAL ZONING MAP TO REZONE
FIVE PARCELS OF LAND ON PISGAH DRIVE**

WHEREAS, the City has initiated that the Official Zoning Map of the City of Brevard be amended by rezoning one City-owned parcel of land, identified by PINs 8596-29-4552-000, 8596-29-5562-000, 8596-29-6501-000, 8596-29-749-000, and 8596-29-7468- 000 and hereafter referred to as the "Subject Properties," from the Transylvania Regional Hospital Conditional Zoning District to the General Residential – 8 district; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on August 26, 2025 and has recommended approval; and,

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

***Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.*

***LUH- 18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.*

***Future Land Use Map:** designates the properties as "Activity Center - Minor." According to the Future Land Use Character Area Table, Neighborhood Mixed Use is an applicable zoning district.*

and,

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

- The size and location of the proposed rezoning and the surrounding zoning.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.

WHEREAS, a public hearing was conducted on October 20, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendment, it is the desire of the City Council of the City of Brevard Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Numbers (PINs) 8596-29-4552-000, 8596-29-5562-000, 8596-29-6501-000, 8596-29-749-000, and 8596-29-7468- 000 is hereby rezoned to General Residential – 8, as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

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

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

SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

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

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

s/ Maureen Copelof, Mayor

M. New Business – None.

N. Remarks/Future Agenda Considerations.

Mr. Morrow commented that he read in Thursday's edition of the paper another diatribe against the City and its lack of doing anything for infrastructure. He said in order to set what I think is the record straight, I have submitted a written laundry list of what we have done in investment and what we have been doing for the last ten or so years. His written comments are as follows:

Brevard does not neglect its infrastructure... comments for the record.

Recent TT article by the Chairman of the Republican Party deserves a response. Clearly, the writer is "down" on something he is not "up" on.... This is my attempt to bring the facts for public information.

INVESTMENT

For a town our size, I would believe we would compare well above average in public utility upgrades.... The 2018 award being statewide recognition and... As the 2015 assessment and subsequent projects to-date reaffirm... our commitment to our environment and responsibility as a river city, should be better appreciated.

According to our Finance Director, "the city has spent over \$28m in the last ten years or so and has the debt to prove it.... And this is in addition to the over \$15m in WS grant funding since 2020."

Our city budget this year reflects this commitment with \$2,739,625 for Water and Sewer Fund interest and principal payment.

PLANNING - INFRASTRUCTURE

Documents available are:

2006-present Unified Development Ordinance – living document being updated continuously, even tonight if you are paying attention

2007 Stormwater Master Plan – budgeted update to this plan currently underway with McAdams, a two-year process.

2011 City initiated King's Creek Sub-basin inflow and Infiltration Analysis

2012 Settlement agreement with the NC Environmental Management Commission – to complete the additional collection flow monitoring and data analysis by Oct 1, 2013, and to complete the collection system improvements I/I reduction prioritization plan by June 30, 2014. Fine reduced.

2014 City of Brevard Wastewater Collection System Improvement Plan – addresses high peak wastewater flows and pump station capacity. System wide flow monitoring, I/I priority plan, storage, pipe and pump upgrades.

2014 Railroad Avenue Community Plan... the new park would meet the requirement for all residents to have a gathering place within ¼ mile of their residence and a replica depot would be built by 2021 to honor the historical impact of the railroad and the neighborhood and provide needed facilities and parking. Over 550 citizens and organizations met the challenge of \$150k to build the park.

2015 Brevard Comprehensive Plan (2015) - Updated 2023/4

2016 Water Supply Evaluation for the City of Brevard presented by McGill Associates. "The current water supply from the intake on Cathy's Creek appears to have low vulnerability in the immediate future but is expected to exceed 80% of its permitted capacity on an average day as soon as 2045 and exceed that capacity by 2058. The

public water system may exceed its permitted capacity on peak days as soon as 2042. The construction of a second intake structure on Cathy's Creek immediately upstream of its confluence with the French Broad River and expansion of treatment capacity by 50% to 3.9MGD is projected to allow the City of Brevard Public Water System to meet its peak day demand through 2065."

2016 TC/City Parks & Rec Master Plan – city complied with all provisions except third party administration.

2017 City receives the 2018 Engineering Award by the American Council of Engineering of North Carolina for the Neely Road Wastewater Improvement Project. "This project exemplifies how small towns like Brevard can overcome overwhelming problems with aging wastewater infrastructure through a strategic approach that maximizes the use of limited resources. CDM Smith and the City began with a flow study and hydraulic model evaluation to diagnose system performance. This led to a coordinated program of sewer condition assessment and improved maintenance, and implementation of more than 26,000 feet of sewer rehabilitation, a new 7 mgd pump station, approximately 13,000 feet of 20-inch main force, and a 3.2 MG equalization tank; all of which is funded through State Revolving Fund loans.

2019 City of Brevard presented their Strategic Plan and Goals to the Transylvania County Board of Commissioners. Specific to public utilities:

- Under the heading of Water & Sewer Enterprise Fund - Rehab/Upgrade WTP & WWTP for efficient operation; Develop long-term Budget Plan for Water and Sewer Rates; Finance Capital Improvements with Grants and Low Interest Loans.
- Under the heading Sewer Collection System - Reduce Number of Sewer System Overflows; Reduce Impact on WWTP (utilities and chemicals); Be Environmental Stewards of the French Broad River Basin; Free up WWTP Capacity; Upgrade 6" Sewer Lines to 8". Under the heading Water Distribution – Reduce Unaccounted Water Loss; Upgrade Water lines; Automated Meter Reading (small and large meters).

2021 Comprehensive Transportation Plan – includes modernization improvements to Ecusta Road, US 276/US 64, Wilson Road... etc.... we are already a sea of barrels at the entrance of the forest.

2021 First phase of the Silverstein Memorial Playground complete.

2021 New 1m gallon, \$2,858,050 Burrell Mt Water Tank Project approved.

2021 King Street Water Line Project for \$1,086,918 approved.

2021 Cathy's Creek Stream Restoration Project \$914,423 approved.

2021 Gallimore Road Sewer Basin Project \$2,234,845 approved.

2022 Wilson Hooper begins his tenure as Brevard City Manager who said, "I want to say that Brevard is already a gem for the state of North Carolina and the whole Appalachian region. We can polish the edges here and there, but it is a gem already. This city is what most other towns in western North Carolina strive to be so we're starting from a good place and I'm going to do my best to keep that tradition rolling. I hope to make this town just a little bit better"

2022 City was the recipient of a \$387,500 grant from NCDEQ for the purpose of completing a Water and Sewer inventory and Assessments. Summit Engineering was selected to perform the work at a cost of \$431,500 with the Water & Sewer Fund transferring an additional \$44,000... an additional change order for \$68,500.

2022 Water Treatment Plant (1980) treats over a million gallons of clean, delicious mountain water a day... "made fresh daily" OIC Dennis Richardson's famous quote... will receive \$4.9m project funds from 2022 ARPA (American Rescue Plan) with project completion expected in early fall of 2026. Nearly all the pumps will be replaced as will the actuators that control the flow and chemical actuators that allow staff to monitor chlorine levels during the purification process.

2023 NC General Assembly included \$13m in State Budget for Utility Capital Budget. City intends to use most of the money for engineering and design.

2023 Mary C Jenkins Community Center opens.

2023 Brevard Pedestrian & Bicycle Plan – Brevard named 2025 “Top Adventure Town” by Blue Ridge Magazine.

2023 Tannery North section of the Estatoe Greenway awarded \$528k of Federal Carbon Reduction Act monies. Construction is scheduled for 2026.

2023 Building Brevard 2030, Comprehensive Land Use Plan, adopted serving as a strategic guide for land use, infrastructure, and programing decisions to the year 2030.

2023 \$21,412,044 NSFLIP Grant approved for the Ecusta Trail.

\$24,559,469 RAISE Grant approved for Ecusta Trail.

2024 New pedestrian bridge across the Davidson River opens.

2024 City hired KCI Technologies who developed a 3 Phase approach on the existing site utilizing what we have. Phase I is expected to start Spring 2026 and will include headworks upgrade, new primary filtration, influent screens and grit removal. Phase II – a new biological process yet to be determined, will increase capacity to 2.5-3mgd and dewatering improvements, converting the EQ tank to activated sludge, a new admin/lab building. Phase III will expand the plant to 4mgd.

2025 New Vacuum Truck purchased through the Water & Sewer Fund for \$540k. Since the city had made its last debt payment on the Duke Energy Building on Cashiers Valley Road, the net effect of increasing debt payments for \$80k per year in the Water & Sewer Fund.

2025 \$4.9m project funded by NCDEQ with American Rescue Plan dollars from the State Recovery Fund for the Water Treatment plant with contractor Carolina Specialties selected.

2025 \$5,873,000 (State ARPA plus \$3m from the \$13m state allocation) funded the Sewer Pump Station Rehabilitation Project, administered by T P Howard Company to upgrade Gallimore, Fish Camp & Wilson Road Pump Stations.

SUMMARY

Our auditor said last year about our commitment to our infrastructure: “Brevard is a small town with big city investment... it does not get any better than this...”

As Chairman of the Public Works Committee, I have witnessed firsthand the amazing work of the staff and consultants who have brought low interest loans and grants to the betterment of Brevard. This list highlights only those projects I had the privilege of having a small part.

For those who attempt to make a political point that we could do more, perhaps, but we are a city based on non-partisan policy, where policy rules the day. Operating an enterprise fund like our water and sewer fund, must always have the 4,000 users in mind for the project being considered must be suitable, feasible and acceptable.... they are the rate payers.

Respectfully submitted,
Mac Morrow,
Chairman, Public Works Committee

Ms. Holder encouraged everyone to vote tomorrow.

Mr. Wise also reminded everyone to vote. He said this is, in my opinion, the most important day of the year and it is a privilege that many people in the world don't have.

He thanked Council Member Morrow for his comments and said I am going to miss you on the Public Works & Utilities Committee. I will say about the op-ed in the paper by Herschel Johnson, that in the past two years that I have been co-chair of the Public Works Committee that I have never seen him attend a meeting. We do have some people who come regularly, and they ask great questions, and they applaud the efforts we have made. I would say if you have an opinion about things, educate yourself and don't say ignorant things for political reasons. We are a small community, and we don't need that. We are working hard for all the people here, so come talk to us if you are really concerned.

Mr. Daniel supported what had already been said.

Mr. Baker welcomed Chief Owen and said he was looking forward to welcoming a new Chief of Police soon. He noted that the County has wrapped up its housing study and wondered if we should engage with them in terms of them presenting it to us. He asked if there was an update on planned next steps for the Azalea Ave. project and when the County might revisit the grant money. Mr. Hooper said he sent the Housing Committee's recommendation to the county manager for her to share with the commissioners to see if they have an appetite for that. He is awaiting feedback from her. If the feedback is positive, he will bring it to Council, and if it is not, it will go back to the Housing Committee. Mr. Baker also encouraged everyone to vote and said we may have a chance to break the turnout record. He also noted that the Brevard High Football team is undefeated and won their conference championship; Brevard High Soccer team won their conference championship; and the Brevard College Soccer team has not lost a game, and they are currently in their conference tournament.

Attorney McKeller echoed Mr. Baker's comments about the Brevard Football team and remarked that the last time there was an undefeated football team at Brevard High School was in 1999. He also reminisced about Jimmy Harris calling football games on WSQL.

Mr. Hooper extended his thanks to all the candidates and welcomed Chief Owen.

Mayor Copelof said I echo what others have said. It was very special for us to be able to recognize Mayor Jimmy Harris, who served an incredible number of years, and noted that that type of dedication to a community is amazing. She extended a welcome to Chief Owen as a member of the team. She also encouraged everyone to exercise their right to vote tomorrow, and to take time to thank our veterans this Veterans Day.

O. Closed Sessions

O-1. Personnel and/or Employment: NCGS §143- 318.11.(a)(3)(5)(6) – At 6:45 p.m. Ms. Holder moved, seconded by Mr. Daniel to go into closed session to discuss a personnel matter and to clear Council Chambers. The motion carried unanimously. City Clerk Denise Hodsdon was authorized to remain for the closed session with Council and Attorney McKeller.

Council Returned to Regular Session – at 7:41 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.

P. Adjourn – There being no further business, at 7:41 p.m. Mr. Daniel moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: November 17, 2025

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2025-29

**HONORING DR. PAULA HARTMAN-STEIN FOR DISTINGUISHED
PUBLIC SERVICE TO THE CITY OF BREVARD**

WHEREAS, Dr. Paula Hartman-Stein organized and led a diverse Age-Friendly Community Task Force comprised of elected officials, residents, non-profit partners and stakeholder organizations which organized, promoted, analyzed and worked on age friendly goals for the city; and

WHEREAS, Dr. Hartman-Stein used her professional expertise to design a community survey and conducted community listening sessions to ensure Brevard's Age-Friendly program reflected the needs and priorities of the community; and

WHEREAS, Dr. Hartman-Stein led the Age-Friendly Task Force to develop Brevard's Age-Friendly Action Plan accepted by City Council in January 2025 and accepted by AARP in February 2025; and

WHEREAS, Dr. Hartman-Stein organized and led a series of four intergenerational forums focused on increasing understanding between generations and reducing ageism; and

WHEREAS, Dr. Hartman-Stein organized a series of Healthy Aging Across the Lifespan forums in conjunction with the Blue Ridge Community College Nursing program. When Hurricane Helene hit, she immediately pivoted and changed the focus of the remaining sessions to emotional recovery needs of both the nursing students and the public; and

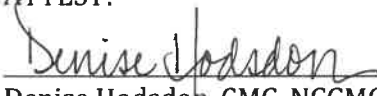
WHEREAS, Dr. Paula Hartman-Stein was responsible for the City of Brevard receiving AARP grants totaling four thousand dollars for recovery and disaster preparedness programs after Hurricane Helene. She used these funds to conduct in-person training sessions for vulnerable populations as well as creating a 40-minute video now available country-wide to help the public and volunteers understand and develop emotional resilience after a disaster; and

WHEREAS, Dr. Hartman-Stein's unwavering dedication, creative initiatives and expert leadership firmly established Brevard's Age-Friendly program and has had a positive impact across the community as the City of Brevard continues to improve as an Age-Friendly city.

NOW THEREFORE, BE IT PROCLAIMED that I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, publicly recognize and commend Dr. Paula Hartman-Stein for her service to the City of Brevard and its citizens.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 17th day of November, 2025.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Confirmation of Permanent Police Chief Appointment

Speaker: Wilson Hooper, City Manager
Kelley Craig, Human Resources Director

Prepared by: Wilson Hooper, City Manager, Kelley Craig, Human Resources Director

Approved by: Wilson Hooper, City Manager

Background

Chapter 2-113(a) of the Brevard Code of Ordinances endows the City Manager with the authority "to appoint...all city officers and employees not elected by the people, and whose appoint or removal is not otherwise provided for by the law...in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt."

Chapter 50-73 specifies that "the chief of police shall be appointed by the city manager subject to confirmation by the city council."

In early summer 2025, upon the announcement by the previous chief of police of his intention to retire, the City Council held a closed session per NCGS 143-318.11(6) to discuss the qualifications and conditions of employment of the next chief. At that time, the Council directed the city manager to conduct a recruitment per the strategy discussed during the session.

The initial step was to solicit qualifications for a recruitment/consulting firm to conduct the recruitment. Three firms submitted qualifications, and Developmental Associates (DA) was chosen because of their proven track record in executive recruitment, and the large pool of qualified potential candidates they maintain. To help craft the description profile and calibrate what traits the city sought in its candidates, DA conducted interviews with stakeholders identified by City Council and City Manager in early/mid summer. DA also folded in preliminary findings from Berry Dunn, the third-party firm currently conducting an organization assessment of the work environment at BPD.

After collaboratively creating a position profile, posting the job description, collecting resumes, and filtering candidates who do not meet the desired qualifications, DA uses a proprietary, research-based methodology to assess the remaining candidates.

The job description was posted publicly on July 30; the application deadline was August 28. At the conclusion of DA's process, two finalists were invited to Brevard for in-person interviews and to assess fit. The finalists met with Mr. Hooper, Mayor Copelof, and several colleagues in both the Police and Administration departments. DA received 28 applications from candidates that met the minimum qualifications; Mr. Hooper narrowed the pool to thirteen for further consideration.

The remaining screening activities, and reasoning for selecting the identified candidate, are described below.

Discussion

Phone interviews were conducted with eleven preferred candidates after two withdrew. The candidates were also asked to complete a short written exercise. The interviewer, former Raleigh and incoming Charlotte Mecklenburg police chief Estella Patterson, applied her extensive law enforcement experience to evaluate the candidates' approach to trust building, organizational leadership, and building/maintaining productive relationships with officers. With the feedback from Patterson and DA in hand, Mr. Hooper and Ms. Craig narrowed the list of eleven candidates to five. These five would participate in the full assessment center.

Prior to the assessment center, one candidate withdrew from consideration, so four participated the week of September 22. The remaining candidates were given three exercises designed to assess how well they applied the desired skills in real world circumstances. The candidates' performance was evaluated by a team of assessors made up of active and recently retired law enforcement executives from across the region including Sheriff Chuck Owenby, Chief Mike Lamb (Asheville PD) and Chief Somer Oberlin (Weaverville PD).

The four finalists were also administered the EQi 2.0 emotional intelligence assessment. EQi 2.0 is a research-based tool for measuring the candidate's interpersonal competencies, their decision making abilities, their approaches to stress management, their self-perception, and their self-expression. Certain traits within these areas are highly correlated to successful leadership.

The two top performers in the assessment center and EQi 2.0 came to Brevard for in-person interviews the weeks of September 29 and October 6. Here Mr. Hooper introduced the candidates to his/her potential colleagues and assessed their overall fit for the organization. At the conclusion of these visits, Mr. Hooper asked his preferred candidate whether he could begin checking her references and initiate other necessary background activities, which she agreed to. After references returned positive, Mr. Hooper extended a conditional offer of employment on October 10. The conditions were successful completion of all relevant background checks, and confirmation by City Council. City Council tentatively confirmed the appointment in closed session on October 20, 2025. Background checks for police chiefs take up to six weeks, and were wrapping up as of the publication of this agenda.

The candidate's name and background will be shared in an amended agenda item distributed prior to Monday's meeting.

Fiscal Impact

The new chief's starting compensation rate will be \$120,000 per year, and she will be

subject to a one-year probationary period. The police chief position is Grade 30 on the City's 31 grade pay classification schedule, with a pay range of \$96,907 to \$145,360.

Action

Staff requests that Council approve the attached resolution memorializing their confirmation of the appointment of the new Brevard Police Chief.

Attachments:

1. Res_2025-XX_Chief of Police (Placeholder)

RESOLUTION NO. 2025-XX

**RESOLUTION CONFIRMING CITY MANAGER’S APPOINTMENT OF
_____ AS CHIEF OF POLICE**

WHEREAS, Chapter 50-73 of the Brevard Code of Ordinances states “the chief of police shall be appointed by the city manager subject to confirmation by the city council”; and

WHEREAS, during a Closed Session following the October 20, 2025 City Council meeting, held according to the provisions of NCGS 143-318.11(6), the city manager shared his intention to appoint _____ as chief of police; and

WHEREAS, the City Council accepted the recommendation and agreed to hold a public vote on their confirmation at their November 17, 2025 meeting; and

WHEREAS, on November 17, 2025 the city manager publicly presented _____ credentials and conditions of employment.

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

The Brevard City Council does hereby confirm _____ as chief of police based on the qualifications presented by the city manager at the November 17, 2025 City Council meeting.

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

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 — Institutional Campus Zoning District

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background & Discussion

This is a Staff-initiated text amendment to address some dimensional challenges in the Institutional Campus zoning district. Per Section 2.1 of the UDO, the Institutional Campus (IC) zoning district "is coded to allow for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health-care facilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles." The IC zoning district was intended to allow for large "campus"-style development without much interaction with adjacent properties, so the requirements included large setbacks and buffers. However, the IC zoning district has smaller parcels where the large setbacks (40 feet on all sides) do not work. The proposed amendments reduce some of the dimensional requirements for the IC zoning district for added flexibility and better incorporation into the City's other land uses.

Planning Board considered this proposal at their October 28, 2025 meeting and unanimously recommended approval. In accordance with North Carolina General Statutes, the Planning Board also submits a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (Attachment 3).

Policy Analysis

The Building Brevard 2030 Comprehensive Land Use Plan recommends added flexibility for campuses and institutions— LUH-23: *Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions*. These changes are consistent with the Comprehensive Land Use Plan.

Action

This information is provided for the public hearing. At the next meeting, Staff will ask Council to take one of the following actions:

- Adoption of the amendment as written;
- Adoption of the amendment as revised by the Board;
- Rejection of the amendment; or

- Table the amendment for future consideration and/or hearings.

Attachments:

1. Proposed Amendments
2. Land Use Matrix (Included for Reference - No Changes)
3. Consistency Statement BPB
4. Draft Ordinance



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.7. Yards and setbacks.

2.7.2. Setbacks for principal structures.

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

TABLE 2.7.2-A: SETBACKS FOR PRINCIPAL STRUCTURES

District	Front Yard Setback	Rear Yard Setback	Side Yard Setback
GR (4, 8)	15 feet	25 feet	6 feet
RMX	10 feet	25 feet	6 feet
NMX	Edge of right-of-way	10 feet	0 feet / 10 feet from GR & RMX
PGX	15 feet	10 feet	6 feet
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from GR & RMX	0 feet / 10 feet from GR & RMX
IC	40 10 feet	<u>10 feet / 25 feet from GR & RMX</u> 40 feet	<u>6 feet / 10 feet from GR & RMX</u> 40 feet
GI	15 feet	10 feet / 25 feet from GR & RMX	10 feet / 25 feet from GR & RMX
CZD	To be determined by approving authority		

2.7.3. Setbacks for accessory structures.

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

TABLE 2.7.3-A: SETBACKS FOR ACCESSORY STRUCTURES

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
PGX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet



TABLE 2.7.3-A: SETBACKS FOR ACCESSORY STRUCTURES

District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
IC	0 feet/6 feet from GR & RMX	6 feet/10 feet from GR & RMX	0 feet/6 feet from GR & RMX	6 feet/10 feet from GR & RMX
IC	40 feet along all external boundaries			
GI	10 feet/25 feet from GR & RMX	10 feet/25 feet from GR & RMX	10 feet/25 feet from GR & RMX	10 feet/25 feet from GR & RMX
CZD	To be determined by approving authority			

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

CHAPTER 4. LOT AND SUBDIVISION REQUIREMENTS

4.2. Lot requirements.

4.2.3. Street frontage required.

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

TABLE 4.2.3-A: STREET FRONTAGE REQUIREMENTS FOR CONVENTIONAL LOTS

District	Minimum Street Frontage
GR (4, 8)	30 feet
RMX	30 feet
NMX	20 feet
PGX	20 feet
DMX	0 feet
CMX	0 feet

**TABLE 4.2.3-A: STREET FRONTAGE REQUIREMENTS FOR CONVENTIONAL LOTS**

District	Minimum Street Frontage
IC	60 40 feet
GI	60 feet

Note: The dimensional requirements for irregular lots, including minimum street frontage, can be found in Section 4.2.4.

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

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.4. Buffers and screening.

A. Applicability:

1. These regulations shall apply to the following:
 - i. All newly developed properties
 - ii. When expansions or changes in use result in the expansion of gross floor area of an existing building and/or parking and loading area of over 25 percent, and any property containing an existing structure undergoes significant or substantial improvement as defined in [CHAPTER 19](#) of this ordinance, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.

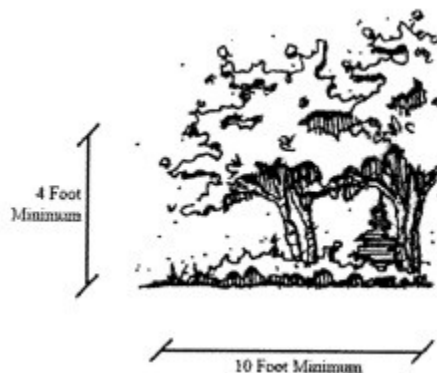


- iii. When the zoning district classification changes for an existing use or parcel at the request of the property owner or representative thereof, then the parcel shall comply with the landscaping requirements of this section to the maximum extent practical.
2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections ii and iii above.
3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater management requirements as set forth in [CHAPTER 6](#) of this ordinance.

B. Buffer yard types:

1. *Type A buffer yard:*
 - a. Minimum width: 10 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.
 - c. Maximum horizontal openings: 20 feet.
 - d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet up to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity.

FIGURE 8.4-A: TYPE A BUFFER YARD



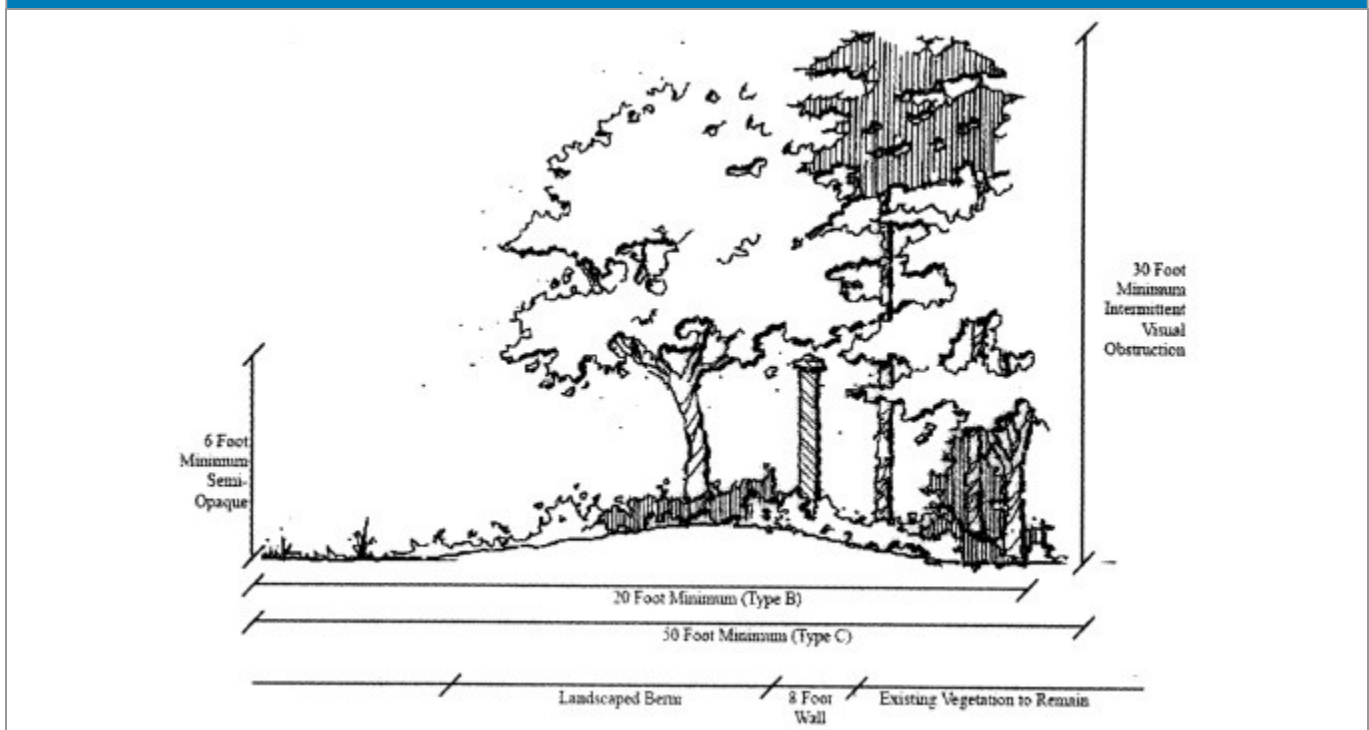
2. *Type B buffer yard:*
 - a. Minimum width: 20 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
 - c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
 - d. Performance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



3. *Type C buffer yard:*

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

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

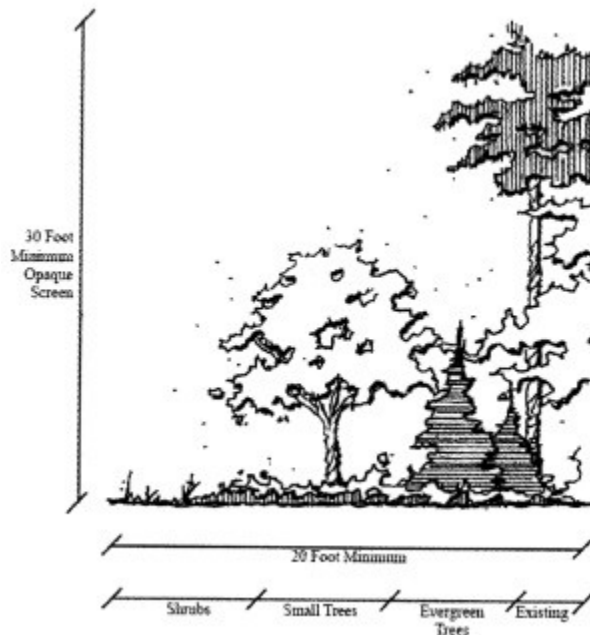


4. *Type D buffer yard:*

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



FIGURE 8.4-C: TYPE D BUFFER YARD



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

C. Fences, walls, and berms:

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

D. Required buffer yards:

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



2. Buffer yards shall be required along the perimeter of proposed projects within certain zoning districts (and associated conditional districts) when such project lies *adjacent* to a zoning district (or conditional district) of lesser intensity:

TABLE 8.4-A: REQUIRED BUFFER YARDS BY ZONING DISTRICT

		Adjacent District							
		GR	RMX	NMX	PGX	DMX	IC	CMX	GI
District in Which Development is Located	GR	None	None	None	None	None	None	B	D
	RMX	B	None	None	None	None	None	None	D
	NMX	B	A	None	None	None	None	None	D
	PGX	B	A	A	None	None	None	None	D
	DMX	B	A	A	A	None	None	None	D
	IC	<u>BE</u>	<u>BE</u>	<u>AE</u>	<u>AE</u>	<u>AE</u>	None	None	None
	CMX	D	D	D	D	D	None	None	None
	GI	E	E	E	E	E	None <u>E</u>	None	None

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

TABLE 8.4-B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT

		New Multifamily (more than 4 units/bldg.)	Non-Residential Group Development
District in Which Development is Located	GR	B	B
	RMX	B	B
	NMX	B	B
	PGX	B	B
	DMX	B	B
	CMX	B	D
	IC	B	<u>CB</u>
	GI	NA	E

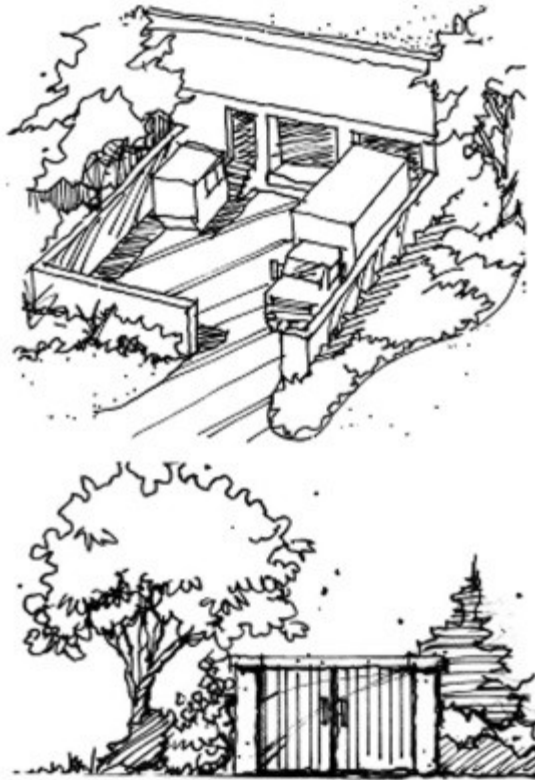
4. The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
5. Buffer yards are intended to be constructed along the perimeter of the property or project; however, when there are irregular topographic conditions (such as the perimeter of the property is at a lower grade than the use being screened) the approving authority may require the relocation of the required buffer yard in order to better serve its purpose.



6. Natural vegetation, vegetation required for tree protection, riparian buffer areas, and other forms of existing vegetation may be utilized to satisfy these requirements when such natural and existing vegetation clearly satisfies the purpose of this section.
7. Off-site vegetation:
 - a. Existing plant material on adjacent property may be credited toward buffer requirements, provided that such material is in a permanently protected area such as a conservation easement or similarly preserved area.
 - b. Plant material, existing or proposed, on an adjacent property may be credited toward buffer requirements through use of a landscape easement.
8. Buffer requirements may be reduced or waived by the approving authority in the following circumstances:
 - a. Such requirements would pose a safety hazard.
 - b. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon city trees, as recommended by the city horticulturalist.
 - c. Special use permits based solely upon building height or building ground floor square footage size, where such requirement would serve no useful purpose.
 - d. When projects to which these requirements apply exhibit unifying architectural and landscape design characteristics that integrate the project into surrounding development, and when the landscape design of such a project clearly meets and exceeds the goal of these requirements such that these requirements become unnecessary.
9. Fences, walls and berms in buffers
 - a. Where walls and berms are built within any required project boundary buffer, they shall meet the following requirements.
 - i. Walls and berms within a buffer may be used to permit a reduction in the buffer up to 25 percent of the required width.
 - ii. Walls and berms shall not be permitted within surface water protection areas, floodplains, and floodways.
 - iii. Walls and berms shall conform to other applicable requirements of this ordinance.
 - iv. All walls, when located within a buffer, shall be planted on the face towards the adjacent property with at least one upright shrub for every six feet of wall length.
 - v. Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
 - vi. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
 - vii. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall, berm, or fence structure at the time of landscape plan approval.
 - viii. Chain link and concertina wire fences shall be buffered by a Type A buffer yard on all sides.



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



Section 2.2 Land Use Matrix
No Proposed Changes / Included for Reference Only

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	—
		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

TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P
		Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Flea market	—	SUP	SUP	SUP	SUP	SUP	—	—
		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	—

TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS								
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI	
Entertainment/Recreation											
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P	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	P
		Indoor Firing Range	—	—	—	SUP	—	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	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—	—
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P	P
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP	SUP
		Parks, Open Space, and Greenways	P	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	P
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	SUP	—	P	—	P	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	PS	—	PS	PS
		Laboratory	—	—	—	—	—	P	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P	P
		Media Production	—	—	P	P	P	P	P	P	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP	

TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P
		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	—

TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		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.										

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-0003**

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:

- **Action LUH-23:** Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions.

ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING CHAPTERS 2, 4, AND 8 OF THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE TO REVISE DIMENSIONAL STANDARDS FOR
INSTITUTIONAL CAMPUS ZONING DISTRICT**

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 4 – Lot and Subdivision Requirements; and Chapter 8 – Tree Protection and Landscaping be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*, specifically LUH-23: *Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions*.

WHEREAS, a public hearing was conducted on Monday, November 17, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 1st day of December, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, and 19 - Temporary Use Regulations

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background & Discussion

This is a Staff-initiated text amendment to revise the standards for temporary uses and clarify when an applicant needs to secure a temporary use permit and when the applicant needs a special event permit.

Temporary uses are land uses on private property that are established only for a fixed, limited period of time with the intent of discontinuing it once that time expires, which may or may not have temporary structures (tents, stages, etc.), associated with them. The current ordinance conflates temporary uses with special events, which are temporary events held on public rights-of-ways. Below is a matrix that describes how uses may be permitted based on where they are held.

	CITY PROPERTY (Depot, MCJCC and FBCC)	RIGHT-OF-WAY OR CLEMSON PLAZA	PRIVATE PROPERTY
Events / Festivals / Carnivals / Etc.	Facility Reservation	Special Event Permit <i>(being discussed by the Public Safety Committee)</i>	Temporary Use Permit <i>(City may require a Special Event permit too if the event is deemed to “substantially hinder or prevent the normal flow of vehicular or pedestrian traffic”)</i>
Vendors	Not allowed <i>(being discussed by the Finance & HR Committee)</i>	Not allowed <i>(being discussed by the Finance & HR Committee)</i>	Temporary Use Permit
Temporary Land Use	Not allowed	Not allowed	Temporary Use Permit

These amendments establish standards and procedures for the temporary land uses to ensure the protection of public health, safety, and welfare. Temporary uses may occur for a

limited duration (generally up to 90 consecutive days) and must comply with applicable City, County, State, and Federal regulations. City-sponsored events (e.g. Transylvania Farmers Market) are exempt from certain duration limits. The administrator has broad discretion to impose conditions related to safety, traffic, parking, hours of operation, and other operational factors. Activities must cease by 10:00 PM when near residential areas, debris and temporary structures must be removed promptly after the event, and floodplain regulations must be met. The specific categories of temporary uses are:

- **Agricultural/Produce Stands:** Allows short-term sale of fresh produce and related products using temporary structures; vehicles and trailers cannot serve as sales structures.
- **Construction Offices:** Permits temporary structures for on-site project management and storage during active construction; valid for the duration of construction.
- **Outdoor Seasonal Sales:** Allows sales of seasonal goods (e.g., Christmas trees, pumpkins) for up to 90 days, with limits on frequency and location within zoning districts.
- **Temporary Dwellings:** Provides for short-term housing for residents displaced by disasters; limited duration (12 months, with one 6-month renewal) and subject to placement and floodplain regulations. (Note that events with a declared State of Emergency fall under Chapter 21 *Emergency Response and Recovery* of the UDO.)
- **Temporary Mobile Classrooms:** Permitted only for educational or religious institutions when the main building is damaged; allowed up to 12 months with extensions.
- **Temporary Mobile Vendors:** Allows small, non-motorized vending carts on private property for up to 30 days; excludes food trucks and vending on City property.
- **Temporary One-Day Events:** Permitted without a zoning permit if held no more than four times per year per site and without structures or street closures.
- **Temporary Outdoor Events:** Includes outdoor performances, markets, festivals, and similar activities; allowed for up to 14 days, with up to six events per property per year. Events impacting public rights-of-way may also require a special event permit.
- **Temporary Outdoor Storage Containers:** Includes portable moving and storage units. Containers may remain up to 30 days without a permit or up to 90 days with a permit and compliance with general standards.

Planning Board considered this proposal at their October 28, 2025 meeting and unanimously recommended approval. In accordance with North Carolina General Statutes, the Planning Board also submits a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (Attachment 2).

Policy Analysis

Though not explicitly stated, the Building Brevard 2030 Comprehensive Land Use Plan encourages arts / cultural and economic vitality throughout the City. As such, these changes are consistent with the following elements of the CLUP:

- GOAL 6. Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play, and create.
- GOAL 7. Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- PNRC-1: Maintain and expand public parks and programming.
- PNRC- 22: Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.
- PNRC- 25: Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.

Action

This information is provided for the public hearing. At the next meeting, Staff will ask Council to take one of the following actions:

- Adoption of the amendment as written;
- Adoption of the amendment as revised by the Board;
- Rejection of the amendment; or
- Table the amendment for future consideration and/or hearings.

Attachments:

1. Proposed Amendments
2. Consistency Statement BPB
3. Draft 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 established for a fixed, limited period of time with the intent of discontinuing it once that time expires. ~~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](#) 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	—



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	3.5.2	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	3.5.3	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	P	P	—	P	P	P	—
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P
		Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Flea market	—	SUP	SUP	SUP	SUP	SUP	—	—
		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



TABLE 2.2-A: LAND USE MATRIX

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



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		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										
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



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Utilities—Class 3	—	—	—	—	—	—	—	P
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	3.12.3	Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	P	P	P	P	P	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
Non-Residential Accessory	3.13.2	Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
		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
Temporary	3.14	Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS
		Taproom / Tasting Room	—	—	SUP	P	P	P	—	P
Temporary										
Temporary	3.14	All temporary uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Agricultural / Produce Stand	PS	PS	PS	PS	PS	PS	PS	PS



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Construction Office	PS	PS	PS	PS	PS	PS	PS	PS
		Dwelling – Temporary	PS	PS	PS	PS	PS	PS	PS	PS
		Mobile Classroom	PS	PS	PS	PS	PS	PS	PS	PS
		Mobile Vendor	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Seasonal Sale	PS	PS	PS	PS	PS	PS	PS	PS
		One-Day Event	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Event	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Storage Container	PS	PS	PS	PS	PS	PS	PS	PS
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.

CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.13. Accessory uses.

3.13.2. Non-residential accessory use category.

Commented [EB1]: No changes - included for reference

A. Non-residential accessory use.

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

B. Accessory retail.

- Definition: The on-premises, retail sale of products directly to customers, where the retail use is incidental to a primary use conducted upon the same premises. Examples include but are not limited to the following: a furniture manufacturer who operates a show floor for the display and sales of furniture produced by the manufacturer or a bicycle manufacturer who operates a floor for the display and sales of bicycles produced by the manufacturer.
- Additional Standards:



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

C. Drive-thru.

1. Definition: A facility where food and other products or services may be purchased or obtained by motorists without leaving their vehicles. Examples include drive-through fast-food restaurants, coffee, photo stores, pharmacies, bank teller windows, convenience stores, and dry-cleaning pick-up stores without dry cleaning equipment. This term does not include gas stations or other vehicle services, which are separately defined.
2. Additional Standards:
 - a. Drive-through stacking lanes, windows, and associated equipment shall not be permitted within 50 feet of a GR or RMX district or residential use.
 - b. Drive-through windows and services shall be located and accessed only at the rear or side of the building and shall not be located between the principal structure and a public street. Service lanes shall not be located between the building and the street.
 - c. When situated at the side of the building, windows and services shall be located at least 20 feet back from the front façade of the building.
 - d. Vehicle storage for drive-through uses shall be located outside of, and physically separated from, the right-of-way of any street. This area shall not interfere with the efficient internal circulation of the site, adjacent property, or adjacent street right-of-way.
 - e. Service lanes shall be a minimum of 80 feet long for a single stacking lane or 80 feet per lane when there is more than one service lane. A service lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Service lanes do not have to be linear. Stand-alone automatic teller machines shall provide stacking distance for four vehicles outside of any right-of-way, parking area, or travel lane.
 - f. Drive-through service lanes shall provide a minimum of ten stacking spaces on site for restaurant and food sale uses with drive-through facilities and a minimum of six stacking spaces on site for



banking, pharmacies and similar non-food-related uses with drive-through facilities. Each stacking space shall be a minimum of nine feet by 18 feet.

- g. A service lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations. A service lane is required for full-service drive-through automobile cleaning establishments.
- h. Service lanes shall be designed so that they do not interfere with parking, parking access and vehicle circulation. Crossings shall be situated so as to minimize conflicts between pedestrians and vehicles. Where service lanes are traversed by pedestrian crossing areas, such crossings shall be clearly marked. Warning signage may be required at the discretion of the administrator in the interest of pedestrian safety.
- i. All service lanes shall be clearly identified by means of striping, landscaping, curbing, and the like.
- j. Site access and egress shall be shared by the drive-through and inside customer service functions.
- k. The drive-through service lane shall first exit into other circulation lanes within the same project, and then onto a public street via the same exit curb cut as the other circulation lanes within the same project.
- l. Service lanes shall be designed for a one-way traffic pattern only.
- m. The drive-through shall be limited to a maximum of two service lanes and one additional lane for an automated teller machine (ATM).
- n. Drive-through facilities shall be screened from off-site view from adjacent properties by a Type A buffer with a minimum width of ten feet.
- o. Speaker box sounds from the drive-through lane shall not unreasonably disturb the peace and quiet of abutting residential property.
- p. A traffic impact study may be required by the approving authority.

D. Mobile food vendor site.

- 1. Definition: A permanent location for licensed mobile food vendors or food trucks to offer food and beverages for sale consumption.
- 2. Additional Standards:
 - a. Mobile food vendors shall only vend at permanent locations permitted under this section.
 - b. The owner, or authorized agent thereof, of any property upon which a mobile food vendor(s) proposes to operate, shall secure a permit for the establishment of a mobile food vendor site.
 - c. Mobile food vendors using the designated site shall secure all necessary permits required by the Transylvania County Health Department.
 - i. Mobile food vendors must follow all applicable rules and requirements of the Transylvania County Health Department and any other relevant agencies of Transylvania County or the State of North Carolina.
 - ii. In the issuance of permits for mobile food vendor sites and mobile food vendors, the administrator shall have broad discretion to assign such conditions as may be necessary to protect the health, safety, and welfare of the public
 - d. Number of mobile food vendor sites:
 - i. In NMX, PGX and DMX zoning districts, only 1 mobile food vendor site shall be permitted per parcel.



- ii. In CMX, IC, and GI zoning districts, each parcel is permitted up to 3 mobile food vendor sites, so long as all other separation and site requirements as set forth in this section are met.
- iii. Additional mobile food vendor sites may be permitted with the issuance of a special use permit in accordance with [CHAPTER 16](#).
- e. Separation requirements:
 - i. Mobile food vendors shall be situated at least 10 feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space.
 - (A) This requirement shall not apply to special events approved by the city for placement upon public streets.
 - ii. Mobile food vendors shall be situated at least 20 feet from one another.
 - iii. Mobile food vendors shall be situated at least 25 feet from any permanent structures.
 - (A) The administrator may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information. Such reductions shall be reviewed on a case-by-case basis, at the discretion of the administrator.
 - (B) There shall be no reduction in separation between mobile food vendors and permanent structures within the downtown fire district.
 - iv. Mobile food vendors shall be situated at least 200 feet from any residential structure that is located within GR zoning district.
 - v. Mobile food vendors must be set back a minimum of ten feet in all directions from fire hydrants.
- f. Power.
 - i. Outside of the Heart of Brevard district, generators may be used to power the vending unit. Within the Heart of Brevard only dedicated power supplies shall be used.
 - ii. For dedicated power supplies the applicant must present documentation that power load supplied to the vehicle is sufficient to meet the vehicles needs while in operation.
- g. Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m., except during an approved special event, when other operating hours may be established as part of the event.
- h. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.
- i. Each food truck shall supply at least one waste receptacle which must be removed at the end of each day. All waste receptacles must be emptied at the end of each day and as necessary during the day. City trash receptacles shall not be used for the food truck operator's waste.
- j. Mobile food vendor signage shall be limited to the following:
 - i. Mobile food vendors shall be allowed signage only as described in Chapter 12 of this Ordinance.
 - ii. Nothing in this Ordinance shall be construed to mean that mobile food vendor vehicles cannot be painted or decorated, or display menus affixed to the side(s) of the vendor vehicle.

E. Recycling—small collection.



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

F. Rooftop amenity space.

1. **Definition:** A covered or uncovered space on a building rooftop that is intended to be an accessory use for residents of a building or mixed-use building type or for the patrons of a commercial building.
2. **Additional Standards:**
 - a. Any structure on a rooftop amenity space shall not exceed 12 feet in height.
 - b. The rooftop amenity space shall not be enclosed.
 - c. No sign affixed to any structure in a rooftop amenity space shall be visible from the street.

G. Taproom or tasting room.

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

3.14. Temporary uses.

A. Temporary use.

1. **Definition:** Any use of land or property established for a fixed, limited period of time with the intent of discontinuing it once that time expires. These uses may include temporary structures, event staging, or other activities that don't have the permanence of a primary land use.

Commentary: These regulations apply for all temporary uses occurring on private property outside of any public rights-of-way. For events and uses that include the reservation of City-owned property please refer to the City of Brevard's facility reservation policy. For events and uses that include the temporary closure of public rights-of-way, please refer to Section 66-13 of the City Code.

Commented [EB2]: EnCode allows us to place "Commentary" on pages to provide more information. We will use this to provide additional info to the constituents.

2. **Additional Standards:**
 - a. The temporary use shall be limited to a period not to exceed 90 consecutive days, unless otherwise specified. After the permit expires, the temporary use shall be removed and shall not be reestablished for a period of at least 45 days.
 - i. Temporary uses held or sponsored by the City of Brevard are not subject to this limitation.
 - ii. All debris shall be cleared from the site at the end of the use, and all temporary structures shall be removed within 5 days.
 - b. All outdoor activities shall be discontinued by 10:00 PM when located within 500 feet of a residential use, unless otherwise specified.
 - c. No temporary use may be located within any required setback or buffer area.
 - d. The temporary use must comply with all floodplain development regulations (Section 6.8 of UDO and Chapter 34 of City Code).



- e. Temporary uses may be located within parking areas only upon determination by the administrator and/or the relevant public safety agencies that such obstruction will not impede commerce, hinder the flow of traffic or endanger the safety of motorists or pedestrians.
- f. Temporary structures established as part of a temporary use are not required to comply with the architectural standards set forth in Chapter 5.
- g. Signs associated with a permitted temporary event may be permitted in accordance with Section 12.8.4.
- h. Temporary uses as part of a declared emergency, as defined by Section 21.2, are not subject to these requirements and are instead permitted in accordance with Chapter 21.3.1.
- i. The temporary use shall comply with all other applicable federal, state, and local regulations, including but not limited to requirements set forth by the county building department, the county fire marshal, and the county public health department.
- j. In the consideration of any temporary use, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety and welfare of the public. This may include, but is not limited to, provision of parking, directional signage, traffic control measures, operational hours, and other conditions deemed necessary by the administrator and/or other City departments.

B. Agricultural / produce stand.

- 1. Definition: A temporary use, which may include temporary structures, where fresh produce and limited produce-derived products are for sale.
- 2. Additional Standards:
 - a. Agricultural / produce stands must comply with the general temporary use requirements of 3.14(A) above, unless otherwise specified.
 - b. All vehicles, including recreational vehicles, trailers and buses, and temporary and transportable manufactured homes, shall not be used as temporary structures for an agricultural / produce stand.

C. Construction office.

- 1. Definition: A use of a temporary structure utilized as a construction office or equipment shed during the construction of a new development.
- 2. Additional Standards:
 - a. Temporary construction offices must comply with the general temporary use requirements of 3.14(A) above, unless otherwise specified.
 - b. A temporary construction office is allowed incidental to a construction project and requires a separate temporary use permit.
 - c. The temporary use permit shall be valid for the duration of construction.
 - i. For the purposes of this section, the duration of construction is from the start of construction, as defined by this ordinance, until 30 days after the certificate of occupancy is issued. If a permit expires or a project is abandoned, the temporary use, along with all temporary structures, shall be removed immediately.

D. Outdoor seasonal sale.



1. Definition: A temporary use, which may include temporary structures, where seasonal goods are sold, such as Christmas tree sales, holiday sales, plant sales, and pumpkin sales.
2. Additional Standards:
 - a. Outdoor seasonal sales must comply with the general temporary use requirements of 3.14(A) above, unless otherwise specified.
 - b. Outdoor seasonal sales may be permitted for a period not to exceed 90 days, after which the outdoor seasonal sales shall be removed and shall not be reestablished for a period of at least 30 days.
 - c. Outdoor seasonal sales in GR and RMX shall only be permitted as an accessory use to a Civic/Institutional Use.

E. Temporary dwelling.

1. Definition: Temporary housing accommodations for displaced residents when the principal residence of the occupant has been destroyed by wind, fire, flood, movement of earth, or other manmade or natural disaster.
2. Additional Standards:
 - a. Temporary dwellings must comply with the general temporary use requirements of 3.14(A) above, unless otherwise specified.
 - b. This section shall not apply to any properties damaged from events that are a declared disaster and subject to a "State of Emergency," as defined by Section 21.2. Temporary residential uses as part of a declared emergency may be permitted in accordance with Chapter 21.3.1.
 - c. A maximum of one temporary structure for each dwelling on the property is permitted, not to exceed three.
 - d. The temporary structure(s) shall be located on the on the lot where active repair and/or reconstruction of the primary structure is occurring.
 - e. Setback requirements may be waived during the duration that the temporary housing unit is permitted, such that:
 - i. The placement of the temporary housing will allow for unobstructed repair and reconstruction on the site, if applicable;
 - ii. The temporary housing unit does not extend into any public or private right-of-way, easement, or adjacent property; and
 - iii. The placement of the temporary housing unit does not violate any applicable provisions of NC Building Code or Fire Code.
 - f. Temporary dwellings shall not be placed in flood hazard areas, unless active repair or reconstruction of the primary structure is occurring on site and there is no feasible location outside of the flood hazard area for the temporary dwelling to be placed.
 - i. If placed in the special flood hazard area the temporary dwelling shall be fully movable, properly licensed and ready for highway use. A recreational vehicle or other type of temporary dwelling is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.



- g. The temporary use permit shall be issued for a period of time not exceeding 12 months while the repair and reconstruction of the principal residence is taking place. The permit may be renewed for an additional 6-month period, provided the applicant provides documentation demonstrating progress has been made to repair and/or reconstruct the primary structure on the lot.
- h. The temporary housing unit(s) must be removed from the lot within 30 days following the completion of the repair and reconstruction of the primary residence or within 30 days following the expiration of the zoning permit.

F. Temporary mobile classroom.

- 1. Definition: A temporary use of a prefabricated, modular, or relocatable building designed for educational purposes.
- 2. Additional Standards:
 - a. Mobile classrooms shall only be allowed as a temporary accessory use to Education uses and Places of Worship uses.
 - b. Mobile classrooms shall only be permitted when the principal structure of Education Use or Place of Worship Use has been destroyed by wind, fire, flood, movement of earth, or other manmade or natural disaster. This shall not include damage resulting from events that are a declared disaster and subject to a "State of Emergency," as defined by Section 21.2.
 - c. No other types of temporary structures may be permitted as temporary mobile classrooms except prefabricated, modular, or relocatable building designed for educational purposes.
 - d. Mobile classroom units shall be placed on a masonry foundation, and all wheels, axles, hitches, and other mobile appurtenances shall be removed.
 - e. Mobile classroom units shall be located to the rear or interior side of a principal building.
 - f. Mobile classrooms shall be connected to a principal building via a sidewalk.
 - g. A maximum of 2 mobile classrooms shall be allowed on a property at one time.
 - h. The mobile classroom units shall be permitted for a period of up to 12 months. Extensions may be granted with evidence that a principal building meeting the requirements of the ordinance is being constructed.

G. Temporary mobile vendors.

- 1. Definition: A non-motorized vending cart that is designed and equipped to sell food, beverages, or other goods directly to consumers on private property.
 - a. This definition does not include wholesale distributors. The vendor physically reports to and operates from an off-site facility for servicing, restocking, and maintenance each operating day.
 - b. This definition also does not apply to vendors included as part of a special event, as provided in Section 66-13 of the City Code, or temporary outdoor events, as provided by this ordinance.

Commentary: This subsection pertains to mobile vendors located on private property. For use of City property or public rights-of-way, please refer to the City Code. Food trucks are not permitted within the City of Brevard as a temporary use. Instead, the City permits mobile food vendor (or food truck) sites on property as an accessory use, in accordance with Section 3.13.2.



2. Additional Standards:

- a. Temporary mobile vendors must comply with the general temporary use requirements of 3.14(A) above, unless otherwise specified.
- b. The temporary mobile vendor shall be limited to a period not to exceed 30 consecutive days at one location. After the permit expires, the temporary mobile vendor shall be removed and shall not be reestablished for a period of at least 30 days.
- c. Temporary mobile vendors shall not be permitted on properties with residential uses.
- d. The outdoor mobile vending cart must be located so the cart is:
 - i. At least 5 feet from the edge of any driveway, traffic lane, handicapped ramp, building entrance, exit or emergency exit;
 - ii. At least 15 feet from any fire hydrant; and
 - iii. Does not impede, endanger or interfere with pedestrian or vehicular traffic.
- e. No temporary structure, tables, etc. are permitted with a temporary mobile vendor.
- f. No more than two mobile vendors shall be permitted on a property less than 3 acres. No more than 4 mobile vendors shall be permitted on lots 3 acres or larger.
- g. The mobile vending cart operator or their designee must be present at all times, except in cases of an emergency.
- h. No audio amplification is allowed as part of the outdoor mobile vending operations.
- i. The dimensions of any outdoor mobile vending cart may not exceed the following:
 - i. 5 square feet in area
 - ii. A maximum length or width of 10 feet.
 - iii. A maximum height of 8 feet, including any umbrellas or protective coverings attached to the cart.

H. Temporary one-day event.

1. Definition: A temporary event lasting 1 day located on private property that does not utilize temporary structures.
2. Additional Standards:
 - a. A temporary one-day event shall be allowed without a permit, provided they comply with the following:
 - i. No more than 4 temporary one-day events occur on any premise in any one calendar year, and there is at least one month between events.
 - ii. No display or storage of goods occurs outside except on the day of the event.
 - iii. The event does not utilize any temporary structures, except:
 1. A walled tent 400 square feet or less or
 2. An open tent 700 square feet or less.
 - iv. The event does not occur in any required setback or buffer area, flood hazard area, or any public rights-of-way.



- i. The event will not hinder or prevent the normal flow of vehicular or pedestrian traffic on all or a portion of any street, sidewalk, or other public right-of-way. The following would typically fall under this standard:
 1. Attendance of 500 people or more is anticipated at any one time;
 2. Total attendance that averages 500 people or more per day;
 3. Span multiple blocks, even if the street isn't being closed; or
 4. Other conditions that are deemed to substantially hinder or prevent the normal flow of traffic, as determined by the Brevard Police Department, Fire Department and/or Public Works Department.

I. Temporary outdoor event.

1. Definition: A temporary event within an outdoor space on private property, such as but not limited to the performance of live music, festivals, competitions, carnivals/circuses, worship services, farmers markets, arts and crafts fairs, flea markets, and others.
 - a. Events held at a permitted Special Event Venues, as defined by Chapter 19, shall not be considered temporary.

Commentary: If the temporary outdoor event lasts only one day and does not utilize any temporary structure (including tents), the event may be allowed without a permit in accordance with Section 3.14(H).

2. Additional Standards:

- a. Temporary outdoor events must comply with the general temporary use requirements of 3.14(A) above, unless otherwise specified.
- b. No one event may be longer than 14 calendar days, including set-up and breakdown time.
 - i. The administrator is authorized to extend the duration of the temporary outdoor event permit beyond 14 days if there is a unique situation that warrants a time extension.
 - ii. Temporary outdoor events held or sponsored by the City of Brevard are not subject to this limitation.
- c. No more than 6 outdoor events may be permitted per property per calendar year. This shall also apply to adjoining properties under one ownership.
- d. The administrator may require the applicant to also procure a special event permit if event is deemed to substantially hinder or prevent the normal flow of vehicular or pedestrian traffic on all or a portion of any street, sidewalk, or other public right-of-way. The following would typically require a special event permit under this standard:
 - i. Attendance of 500 people or more is anticipated at any one time;
 - ii. Total attendance that averages 500 people or more per day;
 - iii. Span multiple blocks, even if the street isn't being closed; or
 - iv. Other conditions that are deemed to substantially hinder or prevent the normal flow of traffic, as determined by the Brevard Police Department, Fire Department and/or Public Works Department.



J. Temporary outdoor storage containers.

1. Definition: The use of a self-storage container that is delivered to a residence or business owner for the purpose of storing belongings and then may be picked up and returned to a warehouse until called for again. This definition includes portable moving containers, shipping containers, temporary dumpsters, and other portable storage containers.
2. Additional Standards:
 - a. Temporary outdoor storage containers shall only be used for storage of belongings and materials. No person may occupy or reside within the temporary outdoor storage container.
 - b. No permit is required for a temporary outdoor storage container provided it complies with the following:
 - i. The temporary outdoor storage container has been on the property for less than 30 days.
 - ii. The temporary outdoor storage container is not located in any required setback or buffer area, flood hazard area, any public rights-of-way, or on any property line.
 - c. A temporary outdoor storage container may be permitted to remain on the property for up to 90 days with the issuance of a permit and compliance with the general temporary use requirements of Section 3.14(A) above.

3.14.1. Temporary events and structures use category.

A. ~~Temporary events and structures:~~

1. ~~Definition: An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event. Examples of these activities include, without limitation, the following:~~
 - a. ~~carnivals or circuses;~~
 - b. ~~contractor's office and equipment sheds~~
 - c. ~~farmers markets;~~
 - d. ~~outdoor meetings;~~
 - e. ~~satellite real estate sales office;~~
 - f. ~~seasonal structures; and~~
 - g. ~~special events~~
2. ~~Additional Standards:~~
 - a. ~~In the consideration of any temporary use, structure or special event, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety and welfare of the public.~~
 - b. ~~The use shall clearly be of a temporary nature.~~
 - c. ~~The use shall be limited to a period not to exceed 90 days except as otherwise provided.~~
 - d. ~~The use shall not obstruct any public travel way except by specific approval by the city and will cause no traffic congestion;~~
 - e. ~~The use shall not create a nuisance to surrounding uses.~~



- ~~f. The use shall not create hazards or adverse impacts related to parking, drainage, fire protection, or other adverse impacts.~~
- ~~g. The operator shall provide a plan for the management of waste generated by the use, and sanitary facilities if the administrator or health department deems it is necessary.~~
- ~~h. The operator shall satisfy all other requirements of the director of public health, the building inspector or the fire marshal.~~
- ~~i. The operator shall secure a business license, street closure permit, sidewalk closure permit, or parade permit if required.~~
- ~~j. The applicant and/or operator shall promote the temporary use or special event as tobacco and nicotine free (including, but not limited to smoking, vaping, dipping, and chewing).~~
- ~~k. The total area of a temporary use or special event, including tents, display areas, and other appurtenances of the use, shall not exceed 2,000 square feet. This requirement shall not apply to the following categories of temporary uses or special events:~~
 - ~~i. Special events, upon approval by the administrator.~~
 - ~~ii. Farmers markets.~~
 - ~~iii. Carnivals and circuses.~~
- ~~l. Tents and structures:~~
 - ~~i. Applicants shall provide flame retardancy certifications for all tents.~~
 - ~~ii. Temporary structures shall not exceed 120 square feet. Tents, shipping containers, satellite offices and classrooms, equipment sheds, and temporary dwellings, as described herein shall not be subject to this requirement.~~
 - ~~iii. Seasonal greenhouses, tents, and other temporary structures may be permitted for a period not to exceed 90 days. These structures must be removed on the expiration date of the permit.~~
 - ~~iv. A satellite office and equipment shed may be permitted in any district for a period covering the construction phase of a project, not to exceed one year, provided that such office be placed on the property on which the project is situated.~~
 - ~~v. The administrator may approve the temporary set-up and occupancy of recreational vehicles (or other temporary dwellings in consultation with the building inspector) when the principal residence of the occupant has been destroyed by wind, fire, movement of earth, or other manmade or natural disaster. The temporary permit shall be issued for a temporary dwelling located on the same property as the damaged structure for a period of time not exceeding 12 months while repair and reconstruction of principal residence is taking place. The permit may be renewed for an additional six month period, provided the applicant provides documentation demonstrating progress has been made to repair and/or reconstruct the primary structure on the lot.~~
 - ~~(A) This provision is only applicable for events that are not declared an emergency by the City Manager or the Mayor of the City of Brevard. If it is a declared emergency by any of the aforementioned officials, this provision is superseded by Chapter 21.~~
 - ~~(B) The setup or occupancy of a recreational vehicle shall not be permitted within the City of Brevard for any other reason whatsoever, except as otherwise provided for in this ordinance.~~



vi. ~~Shipping containers shall only be permitted to be used for temporary storage and must be in conjunction with a non-residential use.~~

m. ~~Site layout:~~

i. ~~Temporary uses, structures and special events shall be arranged so as to maximize public safety, to minimize conflicts among vehicles and pedestrians, to minimize conflicts with existing, permanent uses.~~

ii. ~~Temporary uses, structures and special events shall be situated at least ten feet from all property lines and any road right of way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.~~

iii. ~~Temporary uses, structures and events may obstruct travel ways within parking areas only upon determination by the administrator that such obstruction will not impede commerce, hinder the flow of traffic or endanger the safety of motorists or pedestrians. Uses, structures or events shall be clearly delineated and separated from areas of active vehicle operation by means of traffic safety cones, signage, flagging, or other approved means.~~

iv. ~~Temporary uses, structures and special events shall be situated at least ten feet from points of ingress and egress, and shall not obstruct the sight triangle at any intersection. Ingresses and egresses to the temporary uses, structures and special events shall be designated.~~

n. ~~The administrator shall require an operations and site plan for each temporary use, structure, or special event, and shall require written permission for the operation of the temporary use, structure or special event by the owner(s) of the subject property.~~

o. ~~The administrator may require that the operator provide a performance bond in the amount of 125 percent of the cost of removal of the use and restoration of the site, as authorized by G.S. 160D-702.~~

p. ~~The temporary use, structure or special event shall comply with all other applicable provisions of City Code.~~

~~B. Carnival or circus:~~

1. ~~Definition: A business providing temporary outdoor commercial entertainment, which may consist of sideshows, concessions, rides, games of chance, and other amusements.~~

2. ~~Additional Standards:~~

a. ~~Carnivals and circuses may be permitted for a period not to exceed 21 days.~~

b. ~~Carnivals and circuses shall only be permitted within undeveloped, vacant lots, or within developed parking lots that serve a principal structure, which structure is unoccupied for the duration of the carnival or circus.~~

c. ~~Carnivals and circuses shall not employ registered sex offenders.~~

~~C. Farmers markets:~~

1. ~~Definition: Venues wherein multiple vendors sell or offer for sale, seasonal products directly to consumers on a non-wholesale basis. Farmers markets shall be accessible to the general public and managed by public or non-profit entities. Farmers markets are a form of temporary use.~~

2. ~~Additional Standards:~~

a. ~~Vendors may offer seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetables, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products.~~



- b. ~~Vendors may offer value added horticultural, agricultural, aquacultural or forest products which were produced by the vendor, including but not limited to baked goods, meat, dairy, honey, cider, preserves, relishes, jams, jellies and similar products.~~
- c. ~~Vendors may offer hand made crafts and works of art which were produced by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation.~~
- d. ~~Vendors may offer food items prepared by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation, and provided that the vendor shall comply with all applicable requirements of the director of public health and the North Carolina Department of Agriculture.~~
- e. ~~The sale of live animals is prohibited.~~
- f. ~~All vendors, including vendors utilizing vending push carts, shall situate products for sale, as well as associated vehicles, push carts, tents, tables or other materials within a designated vending space as delineated upon a site plan provided to the administrator.~~
- g. ~~The operator shall provide the administrator an operations plan, operating rules, and a list of the names of the vendors (persons, firms or corporations) who shall provide merchandise for sale as part of the market. The list shall generally describe the type of item to be sold by each said vendor.~~

3.14.2. Temporary vendors use category.

A. Temporary Vendors:

- 1. ~~Definition: Any vendor who sets up a temporary location to sell food, goods, or services. Vendors may be permitted individually or as part of a temporary event (Section 3.14.1). Temporary vendors include, but are not limited to:~~
 - a. ~~Agricultural and non agricultural roadside vendors and~~
 - b. ~~vending pushcarts.~~
- 2. ~~Additional Standards:~~
 - a. ~~Temporary vendors, excluding those listed below, may be permitted one tent, which shall not exceed 1,500 square feet in area. Temporary vendors shall employ no other temporary structure.~~
 - b. ~~Temporary vendors shall be allowed signage only as described in CHAPTER 12 of this Ordinance.~~
 - c. ~~No temporary vendor shall:~~
 - i. ~~Sell, barter, exchange or attempt to sell any goods, wares or merchandise from any city street or from any passenger vehicle or trailer. This prohibition shall not apply to vending carts as set forth below. This prohibition may be waived by the administrator for special events recognized by the city, provided that the applicant satisfies all permit requirements of Section 66-13 and complies with article I of CHAPTER 66 and other applicable provisions of Brevard City Code.~~
 - ii. ~~Vend on any street or sidewalk where vending is otherwise prohibited.~~
 - iii. ~~Vend between 9:00 p.m. and 7:00 a.m. of the following day, except during city approved festivals and events.~~
 - iv. ~~Sell food or beverages for immediate consumption unless the operator has available for public use his own or a public litter receptacle which is available for patrons' use and no more than ten feet distant from the vending location.~~



- v. ~~Leave the designated location without first picking up, removing and disposing of all trash or refuse remaining from sales made.~~
- vi. ~~Solicit or conduct business with persons in motor vehicles.~~
- vii. ~~Sell anything other than that which the operator is licensed to vend.~~
- viii. ~~Sound or permit the sounding of any device which produces noise, or use or operate any sound system, radio, sound amplifier or speaker to attract the attention of the public.~~
- ix. ~~Vend within 50 feet of any driveway entrance to a police or fire station, or within ten feet of any other driveway or of any alley.~~
- x. ~~Vend within ten feet of the crosswalk at any intersection.~~
- xi. ~~Vend within ten feet of any fire hydrant or fire escape.~~
- xii. ~~Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission.~~
- xiii. ~~Vend within ten feet of any building.~~
- d. ~~The application for a temporary vending permit shall include:~~
 - i. ~~The name and address of the applicant, and the name and address of the owner of the vending business or of the cart to be used in the operation of the vending business.~~
 - ii. ~~A description of the type of food, beverage or merchandise to be sold.~~
 - iii. ~~A description (including the size) and a photograph of any pushcart to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.~~
 - iv. ~~A copy of any approval required by the county health department, building inspector, or fire marshal.~~
 - v. ~~Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the permittee and the property owner (including the city in the case of pushcart operators) from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the property owner as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city. Policies covering pushcart operators shall conform to the minimum coverage requirements as set forth by the city manager.~~
 - vi. ~~The federal and state tax identification numbers of the owner of the business, and copies of the owner's pre-printed North Carolina sales and use tax forms for the months of proposed operation.~~
- e. ~~All permits issued under this section shall be displayed in a prominent location at all times during the operation of the vending business.~~
- f. ~~Any temporary vendor's permit may be denied, suspended or revoked by the administrator for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare or morals, or for conduct which is contrary to the provisions of this chapter or any condition of permit approval.~~
- g. ~~Non agricultural roadside vendors:~~



i. ~~Non-agricultural vendors may be permitted to operate for a period not to exceed 90 days, after which such vendors shall vacate the premises and shall not be reestablished for a period of 45 days.~~

h. ~~Agricultural roadside vendors:~~

i. ~~Agricultural vendors may be permitted to operate for a period not to exceed 180 days, after which such vendors shall vacate the premises and shall not be reestablished for a period of 45 days.~~

ii. ~~Agricultural vendors shall only offer seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products.~~

~~B. Vending pushcart.~~

1. ~~Definition:~~ Any self contained, wheeled vehicle used for displaying, keeping or storing any article by a vendor or peddler (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and does not require registration by the state department of motor vehicles.

2. ~~Additional Standards:~~

a. ~~To relieve any potential for traffic hazard or pedestrian congestion, or any safety hazard resulting therefrom, the number of vending carts with active permits within the central business district at any given time shall not exceed four.~~

b. ~~No vendor selling from a pushcart on the sidewalk shall:~~

i. ~~Leave any pushcart unattended.~~

ii. ~~Store, park or leave any pushcart overnight on any street or sidewalk.~~

iii. ~~Vend within 75 feet of any other vending cart.~~

iv. ~~Set up, maintain or permit the use of any table, crate, carton, rack or other device to increase the selling or display capacity of his pushcart or where such items have not been described in his application.~~

v. ~~Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the pushcart.~~

vi. ~~Maintain any pushcart upon any street or sidewalk which impedes, endangers or interferes with the travel upon or use of the street or sidewalk.~~

vii. ~~Set up a pushcart so as to block or impede ingress and egress to any structure.~~

c. ~~If it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any law officer of the city may direct vendors to move to another location. No person may refuse to comply with a law enforcement officer when the order is given under the authority of this section.~~

d. ~~Size of pushcarts:~~

i. ~~No pushcart shall exceed 48 inches in width or 72 inches in length.~~

ii. ~~No pushcart shall exceed 60 inches in height, nor shall any canopy be less than 78 inches in height at its lowest point.~~

iii. ~~The administrator shall have the right to require smaller dimensions based upon such factors as, but not limited to, pedestrian and vehicular safety and adequate sight distances.~~

e. ~~The pushcart shall be set up so that a minimum of five feet of pedestrian passage is maintained along the sidewalk at all times.~~



- f. ~~Vendor permits will be invalid during special festivals and events within the central business district. However, vendors may apply for permits from the sponsoring organization or committee to operate within the area of the special event.~~

CHAPTER 12. SIGNS

12.8. Temporary signs.

12.8.4. Temporary use signage.

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

Commented [EB3]: No change - included for reference

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:

~~**Carnival or circus:** A business providing temporary outdoor commercial entertainment, which may consist of sideshows, concessions, rides, games of chance, and other amusements.~~

~~**Farmers markets:** Venues wherein multiple vendors sell or offer for sale, seasonal products directly to consumers on a non-wholesale basis. Farmers markets shall be accessible to the general public and managed by public or non-profit entities. Farmers markets are a form of temporary use.~~

Agricultural / produce stand: A temporary use, which may include temporary structures, where fresh produce and limited produce-derived products are for sale.

Construction office: A use of a temporary, portable, or modular structure utilized as a construction office or equipment shed during the construction of a new development.

Mobile food vendors (or food trucks): Licensed motor vehicles or mobile food units which offer for sale and consumption food and beverages (excluding alcohol).

Mobile food vendor site: A permanent location for licensed mobile food vendors or food trucks to offer food and beverages for sale and consumption.

Outdoor seasonal sale: A temporary use, which may include temporary structures, where seasonal goods are sold, such as Christmas tree sales, holiday sales, plant sales, and pumpkin sales.



Shipping container: An intermodal container originally designed to store goods or merchandise during shipping by container upon ships, rail, or other types of transportation and are usually 8' wide and 8'6" high by either 20' or 40' length.

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

Special event: An event that uses public property, including streets, public plazas or parks, such as community festivals, parades, or races. See Section 66-13 of Brevard City Code of Ordinances.

Temporary dwelling: Temporary housing accommodations for displaced residents when the principal residence of the occupant has been destroyed by wind, fire, flood, movement of earth, or other manmade or natural disaster.

Temporary mobile classroom: A temporary use of a prefabricated, modular, or relocatable building designed for educational purposes.

Temporary mobile vendors~~Vending pushcart:~~ Any self-contained, wheeled vehicle used for displaying, keeping or storing any article by a vendor or peddler (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and does not require registration by the state department of motor vehicles. A non-motorized vending cart that is designed and equipped to sell food, beverages, or other goods directly to consumers on private property.

1. This definition does not include wholesale distributors. The vendor physically reports to and operates from an off-site facility for servicing, restocking, and maintenance each operating day.
2. This definition also does not apply to vendors included as part of a special event, as provided in Section 66-13 of the City Code, or temporary outdoor events, as provided by this ordinance.

Temporary one-day event: A temporary event lasting 1 day, entirely located on one property.

~~**Temporary events and structures:** An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event. Examples of these activities include, without limitation, the following: carnivals or circuses; contractor's office and equipment sheds; farmers markets; outdoor meetings; satellite real estate sales office; seasonal structures; and special events.~~

Temporary outdoor event: A temporary event within an outdoor space on private property, such as but not limited to the performance of live music, festivals, competitions, carnivals/circuses, worship services, farmers markets, arts and crafts fairs, flea markets, and others. Events held at a permitted Special Event Venues, as defined by Chapter 19, shall not be considered temporary.

Temporary outdoor storage containers: The use of a self-storage container that is delivered to a residence or business owner for the purpose of storing belongings and then may be picked up and returned to a warehouse until called for again. This definition includes portable moving containers, shipping containers, temporary dumpsters, and other portable storage containers.

~~**Temporary structure:** A structure intended to serve a specific event and to be removed upon the completion of that event. This term includes, but is not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, and other impermanent devices, which do not involve grading or landform alteration for installation, and which are not permanently affixed to the ground.~~ A temporary, portable, or modular structure that will be in use only for the duration of the temporary land use or event, including the following:

- A. Tents,



- [B. Recreational vehicles.](#)
- [C. Temporary and transportable manufactured home.](#)
- [D. Travel trailer, or](#)
- [A.E. Other temporary structures approved in consultation with the building inspector and/or fire marshal.](#)

~~Temporary vendors: Any vendor who sets up a temporary location to sell food, goods, or services. Vendors may be permitted individually or as part of a temporary event. Temporary vendors include, but are not limited to agricultural and non-agricultural roadside vendors and vending pushcarts.~~

~~Temporary Use: Uses of land established for a fixed, limited period of time with the intent of discontinuing it once that time expires. These uses may include temporary structures, event staging, or other activities that don't have the permanence of a primary land use. 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.~~

Trailer: Any vehicle or structure capable of moving or being moved over streets and highways on its own wheels or on flatbeds or other carriers, which is designed to be utilized to:

- A. Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;
- B. Serve as a carrier of people, new or used goods, products, or equipment;
- C. Be used as a selling, advertising, or display device.

CHAPTER 21. EMERGENCY RESPONSE AND RECOVERY

21.3. Temporary uses associated with emergency response and recovery.

- A. The administrator may approve the establishment of temporary uses associated with emergency response and recovery efforts for a specified duration. These uses include, but are not limited to, temporary housing, shelters, personal services (laundry, showers, etc.), medical facilities, and/or government or social service offices.
- B. The administrator may consult with the Technical Review Committee and may apply additional conditions to ensure public health, safety, and welfare are not compromised as a result of the temporary use and/or its location.
- C. Temporary uses may be subject to additional agency approvals which may include, but are not limited to, utilities connections, stormwater reviews, floodplain development permits, and building permits.
- D. Permit or other development fees for temporary uses associated with emergency response and recovery efforts may be waived by an amendment of the fee schedule adopted by City Council, as permitted by law.

21.3.1. Temporary residential uses.

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

Commented [EB4]: No changes - included for reference only.



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



- iii. When placed on a lot as a type of group development, progress has been made to repair and/or reconstruct the primary residence of each occupant and/or additional displaced persons or recovery personnel are in need of temporary housing accommodations as a result of the emergency event.
 - b. The temporary housing unit(s) must be removed from the lot within thirty days following the completion of the repair and reconstruction of the displaced person's primary residence or within thirty days following the expiration of the zoning permit.
- B. Preexisting nonconforming short-term rentals (STRs) or other lodging uses may be used as temporary housing accommodations in response to the local, state, or federal emergency for a period without being considered abandoned as set forth in Section 14.2 – *Nonconforming uses*.

21.3.2. Temporary non-residential uses.

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



- b. The temporary non-residential use must be removed from the lot within thirty days following the closure of the use or within thirty days following the expiration of the zoning permit.

21.4. Temporary signage associated with emergency response and recovery.

- A. Any non-residential use that is actively engaged in ongoing public service efforts in response to the emergency shall be permitted to display temporary signage.
 - 1. *Permit:*
 - a. Type 1 and Type 2 freestanding temporary signs, as described in Section 12.8, associated with emergency response and recovery shall not require a permit.
 - b. Other types of signage shall be subject to the provisions of the underlying zoning district and requires a permit.
 - 2. *Number:*
 - a. Uses actively engaged in response and recovery efforts shall be allowed two temporary signs per location. Additional signage may be permitted in accordance with the ordinance provisions.
 - b. Government uses shall not be subject to this limitation.
 - 3. *Duration:*
 - a. The temporary signs are permitted to be displayed for the duration of the declared emergency or the applicability of this chapter, whichever is longer, provided the public service advertised is active and ongoing.

Commented [EB5]: No changes - incorporated for reference only.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-0001**

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 6.** Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play, and create.
- **GOAL 7.** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **PNRC-1:** Maintain and expand public parks and programming.
- **PNRC- 22:** Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.
- **PNRC- 25:** Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.

ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING CHAPTERS 2, 3, AND 19 OF
THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE
TO AMEND THE TEMPORARY USE REGULATIONS**

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*, specifically:

- **GOAL 6:** Integrate arts, culture, diversity, and history into everyday life and build on Brevard’s identity as a dynamic community to live, work, play, and create.
- **GOAL 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **PNRC-1:** Maintain and expand public parks and programming.
- **PNRC- 22:** Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.
- **PNRC- 25:** Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.

WHEREAS, a public hearing was conducted on Monday, November 17, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 1st day of December, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney



CITY of BREVARD

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

TAX SETTLEMENT REPORT FOR MONTH ENDED OCTOBER 31, 2025

Tina Tanner
Certified Tax Collector

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER								
2025	\$ -	\$ 4,581,126.39	\$ 427,280.33	\$ 195,358.15										
2024-2014	\$ 11,986.29	\$ 6,246.25	\$ 3,664.91	\$ 9,827.00										
2013- PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -								
TOTAL:	\$ 11,986.29	\$ 4,587,372.64	\$ 430,945.24	\$ 205,185.15	\$ -	\$ -								

YEAR	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		
2025	\$	-	\$	78,787.77	\$	14,235.31	\$	7,200.76					
2024-2014	\$	-	\$	62.00	\$	1.48	\$	-					
2013-PRIOR	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
TOTAL:	\$	-	\$	78,849.77	\$	14,236.79	\$	7,200.76	\$	-	\$	-	
	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		TOTAL
2025													\$ 100,223.84
2024-2014							\$	-					\$ 63.48
2013-PRIOR	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
TOTAL:	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ 100,287.32

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Resolution Declaring Intent to Permanently Close an Unopened Public Right-of-Way - Hendersonville Pediatrics

Speaker: Paul Ray

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

HP Brevard, LLC has requested that the City close an unimproved alley located between Jordan Street and Morgan Street. During review of the request, it was determined that the alley extends the full length of the block, rather than only a portion as originally believed. The applicant's surveyor has provided an updated plat and legal description reflecting this correction. Under N.C. General Statute §160A-299, the first step in the alley closure process is for City Council to adopt a Resolution of Intent declaring its intent to close the alley and to schedule a public hearing on the matter.

Discussion

If City Council adopts the attached Resolution of Intent, the City Clerk will:

- Publish the Resolution once a week for four consecutive weeks in the Transylvania Times;
- Send notice by certified mail to all property owners abutting the alley; and
- Post notices along the alley in at least two conspicuous locations.

Following completion of these steps, City Council will hold a public hearing, at which time the details of the proposed agreement between the City and HP Brevard, LLC will be presented for consideration.

Fiscal Impact

The action at this time carries no direct fiscal impact. Any transfer of public property or associated terms will be reviewed by City Council at the public hearing stage.

Action Requested

Staff recommends that City Council:

Adopt the attached Resolution of Intent to close the alley between Jordan Street and Morgan Street, and

Direct the City Clerk to publish, mail, and post the required notices in accordance with N.C.G.S. §160A-299.

Attachments:

1. Resolution Intent to Close Alley

RESOLUTION NO. 2025-XX

A RESOLUTION DECLARING THE INTENT OF THE BREVARD CITY COUNCIL TO CONSIDER THE CLOSING OF AN UNIMPROVED ALLEY BETWEEN JORDAN STREET AND MORGAN STREET

WHEREAS, North Carolina General Statute §160A-299 authorizes the City Council to close any street or alley within its jurisdiction, provided that certain procedures are followed, including the adoption of a resolution declaring the City's intent to do so and the scheduling of a public hearing; and

WHEREAS, HP Brevard, LLC has requested the closure of an unimproved public alley that runs between Jordan Street and Morgan Street, located within the downtown block containing its property; and

WHEREAS, the City has determined that this alley extends the full length of the block, and a revised survey and legal description have been prepared to accurately describe the right-of-way proposed for closure; and

WHEREAS, the City Council desires to initiate the process required by State law in order to consider the requested closure.

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

1. Intent Declared. It is the intent of the City Council to permanently close the public alley extending between Jordan Street and Morgan Street as described in the survey and legal description prepared by the applicant's surveyor.
2. Public Hearing Scheduled. A public hearing on the proposed alley closure shall be held in the Council Chambers at Brevard City Hall on December 15, 2025, at 5:30 PM, at which time all interested persons will be given an opportunity to be heard.
3. Notice Requirements. The City Clerk is hereby directed to:
 - Publish this Resolution once a week for four (4) successive weeks in the Transylvania Times;

- Send a copy of this Resolution by certified mail to each property owner adjoining the alley; and
 - Post a notice of the proposed closure in at least two conspicuous locations along the alley.
4. Further Action. Following the public hearing, the City Council may adopt an Order permanently closing the alley if it determines that the closure is not contrary to the public interest and that no property owner will be deprived of reasonable access.

ADOPTED AND APPROVED this, the 17th day of November, 2025.

Maureen Copelof, Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Ordinance Declaring Street Closures for Holiday Events

Speaker: Aaron Bland, Asst. Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The North Carolina Department of Transportation (NCDOT) requires local approval for special events that involve the closing or repurposing of state-owned highways and roads.

Discussion

The NCDOT guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures. They will, however, recommend alternative routes should they have a project scheduled for the same day as a special event.

The attached ordinance is for two concurring events on December 6, 2025: Heart of Brevard's Light Up the Night and the Chamber of Commerce Holiday Parade.

Policy Analysis

The City has been sponsoring and permitting special events for several years. The passing of an ordinance only applies to City-sponsored special events on state roads. Permits sponsored by individuals or non-profits are permitted differently and do not require an ordinance. Council has passed ordinances for City-sponsored festivals since 2015.

Action

Council's options are to adopt or reject the street closure ordinance.

Attachments:

1. Ordinance Declaring Road Closures for Light Up the Night & Holiday Parade

ORDINANCE NO. 2025-XX

**AN ORDINANCE DECLARING MULTIPLE
ROAD CLOSURES FOR SPECIAL EVENTS**

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Light Up the Night

Date: Saturday, December 6, 2025

Time: 6:00 AM – 8:00 PM

Route Description: Main Street (US 276) from Caldwell Street to Rice Street; Broad Street (US 64) from Probart Street to Morgan Street

SECTION 2. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Holiday Parade

Date: Saturday, December 6, 2025

Time: 1:30 PM – 5:00 PM

Route Description: North Country Club Road (SR 1116) from Brevard High School to South Broad Street; Broad Street (US 64) from North Country Club Road to the Brevard College main entrance.

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

Adopted and approved this the 17th day of November 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

MINUTES
City Council Downtown Master Plan Committee

Wednesday, September 10, 2025 – 4:00pm
City Hall Council Chambers

Members Present: Gary Daniel, Chair Council Member
Nicole Bentley, Heart of Brevard Executive Director
Dee Dee Perkins, Heart of Brevard Representative
Dakota Chapman, Citizen Member
Parker Platt, At-Large Member
Mayor Maureen Copelof, Ex-Officio Member

Members Absent: Pamela Holder, Vice Chair, Council Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

A. Welcome & Call to Order

Chairman Daniel called the meeting to order at 4:00pm.

B. Certification of Quorum

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

C. Approval of Agenda

Mr. Hooper requested to add an agenda item for “Discussion of stamped sidewalks” and Ms. Bentley asked to add an agenda item for an “Update on the paving of Broad Street.” Ms. Perkins made a motion to approve the agenda as revised. This motion was seconded by Ms. Bentley. All voted in favor.

D. Approval of Minutes – August 13, 2025 Meeting

Mr. Platt made a motion to approve the August 13 meeting minutes, which was seconded by Mr. Chapman. All voted in favor.

E. Parking Study Firm Recommendation

Mr. Bland introduced the agenda item and shared staff's process for selecting a firm to complete the city's parking study. He shared that the RFQ process yielded 9 responses and that a subcommittee reviewed qualifications and narrowed to 2 finalists: Benchmark (Charlotte) and JMT (Waynesville). Mr. Bland shared that both firms have experience with smaller communities. He further shared that Benchmark stood out for having a stronger planning focus with an emphasis on multimodal integration (bicycle facilities, parking, wayfinding, circulation), and public engagement/presentation capability. He concluded that staff recommended retaining Benchmark for the study.

After discussion among committee members and staff responding to their questions, Ms. Perkins made a motion to recommend that city council engage Benchmark for the parking study. This motion was seconded by Mr. Platt and all voted in favor of the motion.

F. Discussion of Stamped Crosswalks

Mr. Hooper asked the committee for input regarding installing stamped crosswalks akin to the existing Main and Broad Street intersection at the Broad-Jordan and Broad-Morgan intersections. He stated that the State would be going through a competitive bidding process, and the lowest bid was \$167,000. He stated that this is so expensive because it uses thermoplastic paint for the stop bars and they use a heated iron on the sidewalk to make it permanent and sturdy. Mr. Hooper also noted that this method would require significant traffic control, which also drives up the cost. He further noted that there is no money to spend on this project except the funds set aside for the Downtown Master Plan Fund. He noted that this project would use almost all of the funds available in that budget and other projects, such as bike lanes, reconfiguration to Jordan Street end to Times Arcade Alley, etc. He noted that the city go back and retrofit later using city staff, but it would be lower quality because it would simply be painted on. In addition, if the city used in-house staff for the project, the timeline for completion would be a significant factor because staff would be working on many projects and there would be competing priorities.

The committee discussed the potential project at length. There were discussions about projects that would not be completed if the funds were spent of the stamped crosswalks, the potential for grant funding for the crosswalks, and the implications of funding this project over others.

After significant discussion, Mr. Platt made a motion that the committee recommend to city council that they utilize Downtown Master Plan funds to create the crosswalk at Jordan and Broad and complete the Jordan Street bump out. This was seconded by Ms. Bentley and all voted in favor.

G. Update on Paving of Broad Street

Mr. Hooper explained that the city had notified the public earlier in the summer about the paving of Broad Street stating that the repaving was to occur at night, with milling and repaving one block each night until they were finished and that prior to this, they would go from Broad Street to Brevard College and a lot of pedestrian curb cuts into compliance with ADA standards. He stated that they had also been reconfiguring manholes. Mr. Hooper stated that he didn't expect that the project would interrupt the weekend's events and would be completed within the next two weeks or so.

H. Public Comment

Doug Miller, downtown business owner, spoke with frustration that NCDOT has created many safety concerns and asked that staff pay attention to their work details.

Ms. Perkins asked that the new parking study consider the parking behind city hall on Jordan Street.

Mr. Platt asked that the committee consider having public comment at the beginning of committee meetings. Ms. Bentley indicated that she liked the idea of public comment at the beginning of committee meetings, as well as after topics were discussed.

I. Set Date for Next Meeting

The next meeting of the Committee was scheduled for October 8, 2025 at 4:00pm.

J. Adjourn

There being no further business, Mr. Daniel made the motion to adjourn, which was seconded by Mr. Platt, with all in favor. The meeting was adjourned at 5:52pm.

Minutes Approved: November 12, 2025
October 8, 2025

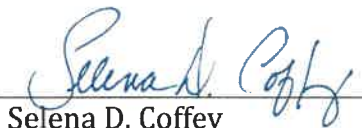
X



Gary Daniel, Committee Chair

Pamela Holder, Committee Vice Chair

X



Selena D. Coffey

Assistant to the City Manager

MINUTES

City Council Public Works & Utilities Committee

Wednesday, October 1, 2025 - 3:30pm
City Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Lauren Wise, Vice-Chair, Council Member
Owen Carson, Citizen Member

Staff Present: David Todd, Assistant City Manager
Wesley Shook, Public Works Director
Dennis Richardson, Water Treatment Plant Supervisor
Aaron Winans, Wastewater Treatment Plant Superintendent
Denise Hodsdon, City Clerk

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:34pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes – August 28, 2025 and September 3, 2025 Meetings

Mr. Carson moved, seconded by Mr. Wise to approve the minutes of the August 28, 2025 special meeting and the September 3, 2025 regular meeting as presented. The motion carried unanimously.

E. Project Updates – Mr. Todd presented updates for the following projects:

1. Stormwater Master Plan

McAdams has been contracted for the Citywide Stormwater Master Plan and is coordinating with subconsultants (S&ME) and City staff to develop a field data collection schedule. This coordination effort includes planning field walks to verify storm system connectivity and scheduling pipe cleaning / CCTV + traffic control needs. In addition, McAdams will coordinate a prioritization workshop with City of Brevard staff to establish a prioritization matrix identifying design criteria for the ten (10) scoped hotspot areas. These scoped hotspot areas are the Silversteen Community Garden, Oakdale Street between Caldwell and Broad Street, Varsity and Gaston Street, 44 Maple

Street, Grove and Dogwood Street, Batson Road Culvert Crossing, Cherry Street Neighborhood, Oakwood Drive Neighborhood, Ducks Drive Neighborhood, and Duckworth Avenue.

2. Hillview Street Culvert

Staff is continuing to work with FEMA to determine if this project will be funded through FEMA Public Assistance. Land of Sky who is helping us with our FEMA claim has also identified a grant, the NCDPS, Disaster Relief and Mitigation Fund 2025, that may be suitable to use for replacement of the culvert, but the grant requires the City to have sought funding elsewhere and been denied. So hopefully in either case we will identify the funding to replace the culvert.

Design work for replacement of the culvert continues in tandem with our funding exploration. The H&H study is nearing completion, and we are looking at a couple of possible temporary fixes to the road to allow us to reopen Mills Avenue. A temporary fix will be necessary in any case as at some point we will need to close Cashiers Valley Road to replace the section of culvert running under it.

TASK	PROGRESS	START	END
Existing Conditions Investigation			
Jurisdictional Delineation	0%	6/9/25	8/4/25
Survey & SUE	0%	7/1/25	7/15/25
Geotechnical Investigation	0%	6/9/25	7/7/25
Preliminary Design Phase			
Culvert Design	0%	7/17/25	7/24/25
Hydraulic Design Report	0%	7/19/25	7/24/25
Plan Set Preparation	0%	7/24/25	8/7/25
Opinion of Probable Construction Cost	0%	8/7/25	8/11/25
Final Design Phase			
Culvert Design	0%	8/11/25	8/18/25
Drainage Design Report	0%	8/18/25	8/24/25
Erosion Control Design	0%	8/11/25	8/18/25
Plan Set Preparation	0%	8/12/25	8/8/25
Contract Docs and Specifications	0%	8/11/25	8/17/25
Opinion of Probable Construction Cost	0%	8/8/25	8/13/25
Easement Plats	0%	8/8/25	8/13/25
Permitting Services			
Floodplain Development Permit	0%	8/17/25	8/31/25
401/404 Permitting	0%	8/17/25	11/19/25
Issue for Bid Document Submittal			
Submittal	0%	11/19/25	11/19/25
Bid and Construction Support Services			
Pre-bid Meeting	0%	11/22/25	11/22/25
Pre-con Meeting	0%	12/29/25	12/29/25
Construction	0%	12/29/25	2/28/26
Site Visits	0%	1/3/26	2/14/26
Close-out	0%	2/28/26	3/4/26

3. Norton Creek Restoration Phase 2

Current Status:

- Execute bid documents and obtain bonds
- Pre-Construction Meeting
- Project has been bid
- Bid is within budget

Next Steps:

- Construction to begin

Schedule of Remaining Tasks:

Task	Completion Date
Final review and sign bid documents	Completed
Advertise for bids	Completed
Pre-Bid Meeting	Completed
Open Bids July 1, 2025	Completed
Pre-Construction Meeting	September 1, 2025
Construction to begin	September 29, 2025
Construction to be completed	December 21, 2025

4. Water Treatment Plant Renovation

Existing clearwell repairs and painting are complete.

Foundation prep work for the new clearwell is complete and the concrete pours are expected to start the week of 9/29/25.

The drying beds have been emptied, and concrete work will begin in conjunction with the new clearwell work.

Pump sizes and measurements are being confirmed.

Actuators sizes and measurements are being confirmed.

Submittal reviews continue.

We are anticipating the first construction change order that will include replacement of the filter media.

City of Brevard - Water Treatment Plant Improvements :																								
NCDEQ SRP-D-ARP-0222																								
Brown PA - 20042																								
Task	2025												2026											
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Project Advertise																								
Bid March 25, 2025																								
RE-Bid April 15, 2025																								
4/29/2025 - NCDEQ BID package for Approval																								
May 29, 2025 NCDEQ ATA letter received																								
May 30, 2025 Notice of Award received																								
June 10, 2025 Execute Contract - Notice to Proceed																								
Construction 365 Days																								

5. Water and Sewer Asset Inventory Assessment

a. Water System Asset Inventory & Assessment

Field Work to Date:

- Completed with the exception of the missing items to be located by City Staff

Current Status:

- Model has been constructed and items identified
- Awaiting PRV information from the City
- Model has been partially calibrated based on flow tests provided by the City
- Have requested additional flow test from the City
- Performing assessments of the downtown area of the water system

Next Steps:

- Perform on-site inspection and assessment of the existing pump stations
- Perform assessment of the existing water system (based on materials, work orders, known problem areas)
- Demand projections based on information provided Planning Department and NCDOT TAZ
- Preparation of a proposed improvements program

Schedule of Remaining Tasks:

Task	Completion Date
Field Work (not including missing items)	completed
Initial Model (for calibration)	on-going
Flow Tests (by City of Brevard)	completed
Analysis of Ex. Water System	On-going
Update Demand Projections	October 15, 2025
Capital Improvements Program & Financial Impact	October 31, 2025
Project Close out	November 31, 2025

b. Sewer System Asset Inventory & Assessment

Current Status:

- Fieldwork is 95% complete
- Sewer mapping is 98% complete
- Brushy Creek Basin Smoke Tested
- Kings Creek Basin Smoked Tested
- Performing assessment of the existing sewer system
- Preparing capital improvements program based on failing infrastructure
- Preparing an infrastructure replacement program

Next Steps:

- Identify and rate critical infrastructure
- Demand projections based on information provided Planning Department and NCDOT TAZ
- Preparation of a proposed improvements program based on demand projections

Schedule of Remaining Tasks:

Task	Completion Date
Field Work (not including missing items)	July 1, 2025
Smoke Testing of Kings Creek Basin	completed
Identify and Rate Critical Infrastructure	October 15, 2025
Update Demand Projections	October 15, 2025
Identify Areas Needing Sewer with Planning Dept.	completed
Update Existing Infrastructure Assessment	September 26, 2025
Capital Improvements Program & Financial Impact	September 1, 2025
Present to City of Brevard	TBD
Project Close-out	October 31, 2025

6. Gallimore Sewer Rehab Update

- The lining along County Club Road and Caldwell Street have been completed
- The manholes along Country Club Road and Caldwell Street are complete
- BLD is preparing a schedule for lining the service laterals along Caldwell and Country Club Rd.
- The Contractor is still having a difficult time securing a sub to perform the point repairs along England St.
- The Contractor is currently negotiating with a Sub to perform point repairs along England St and install cleanouts
- Contractor shall present an updated schedule during the week of September 29, 2025

7. Sewer Lift Station Rehabilitation Project

The Pump Station Rehab and Replacement project Contract has been executed, and a preconstruction meeting was held on 6/30/25. Tentative mobilization date is November 17th.

Shop drawings and submittals have started rolling in and are being reviewed. The critical path for the project is likely the wet well, and possibly the grinder channel box, delivery.

Progress has been made on both the Fish Camp and Gallimore Road easements, terms have been reached, finalizing paperwork now.

Sewer Pump Station Rehab Project

Task	2025						2026											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gallimore Pump Station (11/15/25-7/3/26)																		
Fish Camp Pump Station (5/14/26-8/28/26)																		
Wilson Pump Station (8/14/26-10/2/26)																		
Punch Out & Cleanup (8/14/26-10/2/26)																		
Final Completion Date (11/19/26)																		★
ARPA Funding Deadline (December 31, 2026)																		★

8. WWTP Renovation and Upgrade Project

KCI is continuing to work on the Phase 1 design, and the Phase 2 & 3 PER. Holmes Geospatial has completed their survey work and it has been provided to KCI to incorporate into the design. At the last City Council meeting the City approved KCI to proceed with pursuing funding for the construction of Phase 1 through the NCDEQ Helene funding program for approximately \$7.5 million. KCI was also approved to pursue funding for the Phase 2 design through HMGP advanced assistance program. KCI has initiated the process of preparing the funding application for NCDEQ and plans to submit by no later than the November 3rd deadline. KCI anticipates meeting with Brevard staff in the coming weeks to review the Phase 1 design plans and funding application.

BREVARD WWTP PERPHASE 1 UPGRADE DESIGN - ESTIMATED PROJECT SCHEDULE



ITEM #	DESCRIPTION	Duration	2025					2026											
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1	Phase I - Headworks and Aque Phase	4 Mon																	
2	30% Design	3 Mon																	
3	60% Design	3 Mon																	
4	90% Design	3 Mon																	
5	Helene Funding Application and Results Posted	4 Mon																	
6	Engineering Report	3 Mon																	
7	Permitting	4 Mon																	
8	Building Thru NTP	3 Mon																	
9	Construction	12 Mon																	
10	Phase II - Initial Upgrade																		
11	PER (Full Plant Upgrade Deliverable)	3 Mon																	
12	Design & Permitting	12 Mon																	
13	Bidding & Construction	24 Mon																	
14	Phase III - Future Upgrade (FEC)																		
1	Funding Evaluation																		

			2025						2026												2027						
ITEM #	DESCRIPTION	Duration	Jul	Aug	Sept	Oct	Nov	Dec	Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
	Proposed Schedule																										
1	Phase I - Headworks and Aqua Pnme																										
2	30% Design	4 Mon																									
3	60% Design	3 Mon																									
4	90% Design	3 Mon																									
5	Helene Funding Application and Results Posted	4 Mon																									
6	Engineering Report	3 Mon																									
7	Permitting	4 Mon																									
8	Bidding Thru NTP	3 Mon																									
9	Construction	12 Mon																									
10	Phase II - Initial Upgrade																										
11	PER (Full Plant Upgrade Deliverable)	3 Mon																									
12	Design & Permitting	12 Mon																									
13	Bidding & Construction	24 Mon																									
14	Phase III - Future Upgrade (TBD)																										
1	Funding Evaluation																										

F. Public Comment – None.

G. Set Next Meeting

The next regular meeting of the committee will be November 5, 2025 at 3:30pm.

H. Adjourn

There being no further business, the meeting was adjourned at 4:50 p.m.

Minutes Approved: November 5, 2025



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



Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Proposed Amendments to City of Brevard Code of Ordinances Chapters 1 and 38 - Restrictions on Hemp-Derived Consumable Products

Speaker: Wilson Hooper, City Manager
Mack McKeller, City Attorney

Prepared by: Aaron Bland, Asst Planning Director, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

Last spring the Council's Public Safety Committee heard a presentation by Lani Carlson, at that time the Regional Tobacco Prevention and Cessation Manager with the NC Dept. of Health and Human Services, on the insidious effects of vaping and hemp on youth. Ms. Carlson asked the committee to consider amending the city's Code of Ordinances and Unified Development Ordinance to regulate the presence of vape/hemp shops and the trade of vape/hemp products. Initially, the committee chose to wait and see whether a proposed change to state law that would accomplish the group's goal would pass. But as the NCGA's Long Session wound down without passage, the committee agreed and instructed staff to craft a proposal.

The committee held several more sessions, working through the intricacies of state law and learning where the city can and can't exercise its regulatory authority. The committee also considered various staff proposals, weighing the trade-offs of each alternative.

At its October 28, 2025 meeting, the committee endorsed the alternative presented here, and forwarded it to full Council for consideration. A public hearing on the proposed additions to the Code of Ordinances was held on November 3, 2025.

Discussion

The proposed Code of Ordinances update is based on a similar regulatory approach recently implemented by the City of Hendersonville, though slightly different in two key ways.

The most notable provisions in the proposals are:

1. It shall be unlawful for any person or entity to knowingly sell or give hemp-derived consumable products to a person who is under 21 years of age within 2,000 feet of the property line of any public or private school, public park, or after school facility. Any seller or giver within said radius must demand proof of age from a prospective purchaser if the purchaser appears under 30 years of age.

2. It shall be unlawful for a person under the age of 21 to possess, purchase, or attempt to purchase any hemp-derived consumable product at any prohibited location.
3. It shall be unlawful for a person under the age of 21 to attempt to purchase hemp-derived products using fraudulent or altered identification.

Violation of the provisions shall be a civil penalty of \$100 for the first violation, \$250 for the second violation, and \$500 for each violation thereafter. The proposal also includes language that would permit the city to apply to a court for an injunction, abatement order, or other appropriate remedy for serial violators.

The full text of the proposal, including additions to the definitions section of the Code of Ordinances, is attached. Staff suggests an effective date of January 1, 2026 for the regulations if passed in order to provide sufficient time for notification.

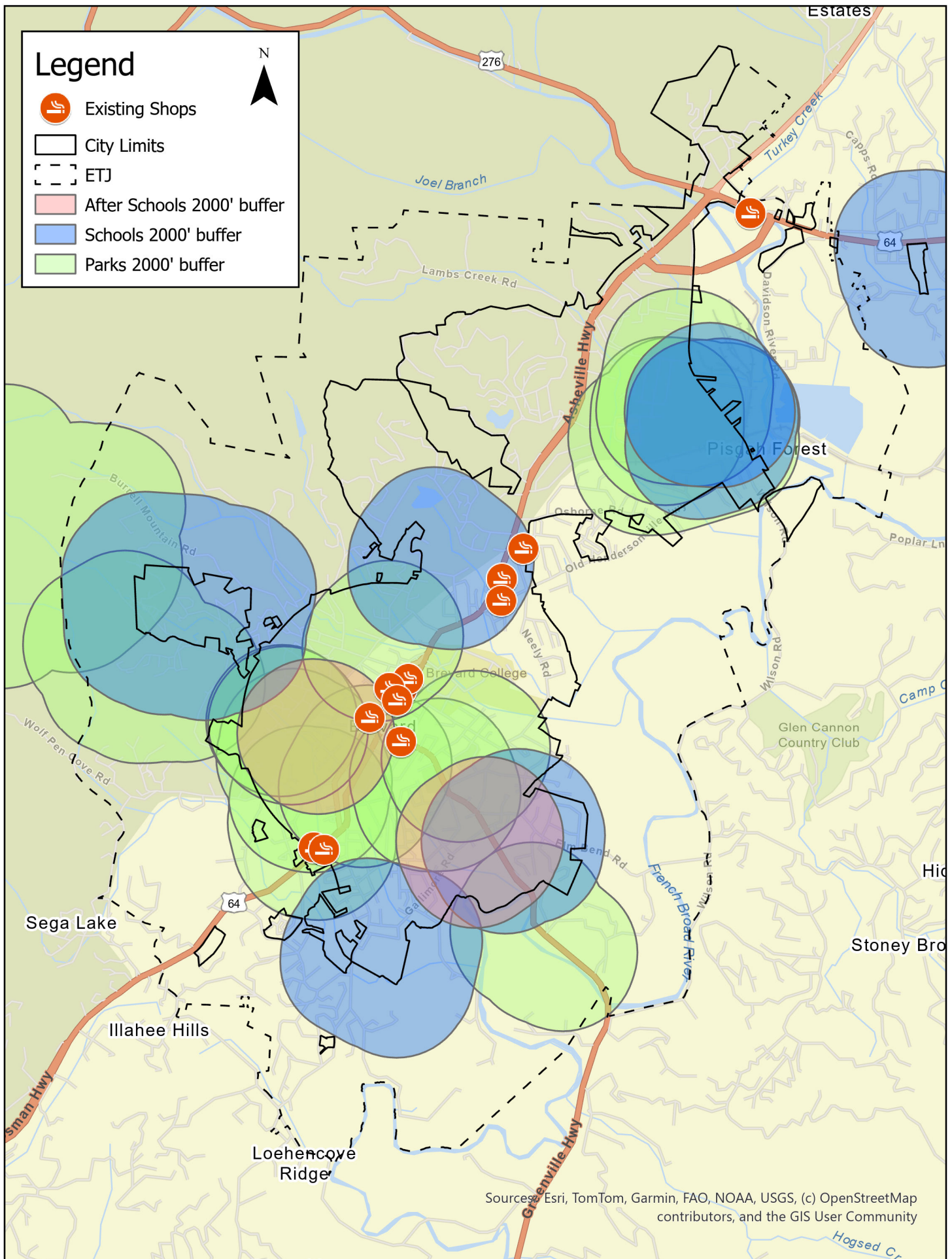
Action

Council is asked to take one of the following actions:

1. Approve the additions to the Code of Ordinances as presented
2. Amend the proposed updates and adopt the amended additions
3. Reject the proposed additions
4. Send the proposed additions back to Public Safety Committee for further refinement.

Attachments:

1. Schools, parks, after schools 2,000' buffer
2. Proposed Hemp-related Code Updates (11.3.25)
3. Ordinance Amending Code of Ordinances Ch 1 and 38 Restrictions on Hemp Products



CITY CODE OF ORDINANCES

PART II: CODE OF ORDINANCES

CHAPTER 1. GENERAL PROVISIONS

1-2. Definitions and rules of construction.

In the construction of this [Code](#) and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Hazardous recreational activity means skateboarding, inline skating, or freestyle bicycling, and, or, any other type(s) not listed.

Hemp has the same meaning as defined in G.S. 90-87 of the North Carolina Controlled Substances Act, as the same may be amended

Hemp-derived cannabinoid means any phytocannabinoid found in hemp, including but not limited to [delta-9 tetrahydrocannabinol \(delta-9 THC\)](#), [tetrahydrocannabinolic acid \(THCA\)](#), [cannabidiol \(CBP\)](#), [cannabidiolic acid \(CBPA\)](#), [cannabinol \(CBN\)](#), [cannabigerol \(CBG\)](#), [cannabichromene \(CBC\)](#), [cannabicyclol \(CBL\)](#), [9 cannabivarin \(CBV\)](#), [tetrahydrocannabivarin \(THCV\)](#), [cannabidivarin \(CBPV\)](#), [cannabicitran \(CBT\)](#), [delta-7 tetrahydrocannabinol \(delta-7 THC\)](#), [delta-8 tetrahydrocannibinol \(delta-8 THC\)](#), or [delta-10 tetrahydrocannibinol \(delta-10 THC\)](#). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp-derived consumable product.

Hemp-derived consumable products means a hemp product that is a finished good intended for human ingestion or inhalation that contains less than 0.3% of delta-9 THC concentration on a dry weight basis, but which contain concentrations of any other hemp-derived cannabinoid(s) in excess of that amount. This term does not include hemp products intended for topical application in which transdermal absorption does not occur, or seeds or seed derived ingredients that are generally recognized as safe by the United States Food and Drug Administration (FDA).

Hemp products has the same meaning as defined in G.S. 90-87 of the North Carolina Controlled Substances Act, as the same may be amended

Head of household means the person who maintains the household, or, if no one person maintains the household, the head of the household shall be the eldest person residing in the household.

Ingestion means the process of consuming a substance in any of the following manners:

1. [Through the mouth, by swallowing the substance into the gastrointestinal system](#)
2. [Through tissue absorption by transdermal delivery, or any other method of skin delivery in which the substance or any of its components is absorbed beneath the skin and into the body or into the blood stream](#)
3. [Subcutaneously through injection beneath the skin](#)
4. [By needed injection into the blood stream](#)

Inhalation means the process for consuming hemp in the respiratory system through the mouth or nasal passages

Inherent risk means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding.

Seller means [any person or entity who sells or gives a hemp-derived consumable product to the consumer of the product, or who sells a hemp-derived consumable product at retail](#)

Septage means the solid and liquid contents of privies, septic tanks or cesspools, industrial wastes, chemical compounds and sludges which are hauled by truck or other mobile conveyance.

CHAPTER 38. HEALTH AND SANITATION

(NEW) ARTICLE IV. RESTRICTIONS ON HEMP-DERIVED CONSUMABLE PRODUCTS

Contents:

- [38-195. Reserved.](#)
- [38-196. Restriction on hemp-derived consumable products for persons under the age of 21](#)
- [38-197. Enforcement](#)

38-195. Reserved.

38-196. Restrictions on hemp-derived consumable products for persons under the age of 21.

[It shall be unlawful of any person or entity to do any of the following](#)

1. [Knowingly, or having reason to know, sell or give a hemp-derived consumable product to a person who is under 21 years of age at any of the following prohibited locations:](#)
 - a. [Within 2,000 feet of the property line of any public or private school, public park, or after school facility](#)

b. In any public park

Any seller or giver of hemp-derived consumable products at any of these prohibited locations shall demand proof of age from a prospective purchaser or recipient of hemp-derived consumable products before the hemp-derived consumable product(s) are released to the purchaser or recipient if the seller or giver has reasonable grounds to believe that the prospective buyer or recipient is under 30 years of age.

2. Knowingly, or having reason to know, distribute samples of hemp-derived consumable products in any location where sales to a person under the age of 21 are prohibited
3. If a person is under the age of 21, to possess, purchase, or attempt to purchase any hemp-derived consumable product at any location where the sale of hemp-derived consumable products to persons under the age of 21 is prohibited.
4. If a person is under the age of 21, to use any type of fraudulent or altered identification or any identification belonging to another person, to attempt to possess or purchase a hemp-derived consumable product in violation of this section.

38-197. Enforcement.

- A. Any seller who violates or fails to comply with the provisions of this Chapter shall be subject to one or a combination of the following methods:
 1. Civil penalty. Any seller who violates any provision of this Chapter shall be subject to the following penalties:
 - a. For the first violation, a fine of \$100.00 shall be assessed
 - b. For the second violation, a fine of \$250.00 shall be assessed
 - c. For each violation thereafter, a fine of \$500.00 shall be assessed
 - d. Fines may be recovered by the City in a civil action in the nature of the debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the City as a civil penalty in a civil action.
 2. Equitable remedy. The City may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.
- B. Notice. The City of Brevard Police Department shall serve written notice of any violation of this Chapter to the offender.

ORDINANCE NO. 2025-XX

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES,
CHAPTER 1 - GENERAL PROVISIONS AND CHAPTER 38 – HEALTH AND SANITATION:
SPECIFICALLY ADDING RESTRICTIONS ON HEMP-DERIVED CONSUMABLE PRODUCTS**

WHEREAS, the City of Brevard wishes to strengthen its regulation and legal enforcement authorities governing the trade and use of hemp-derived consumable products by persons under the age of 21 within 2,000 feet of any public or private school, public park, or after school facility; and

WHEREAS, certain provisions of the Code of Ordinances must be updated to legally enable enhanced enforcement of the trade and use of hemp-derived consumable products by persons under the age of 21 at these locations; and

WHEREAS, a public hearing was conducted on November 3, 2025, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the Brevard City Council that the City Code of Ordinances be amended as outlined below.

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

SECTION 01. The City of Brevard Code of Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinances to reflect the changes as set forth in the aforementioned Exhibit A.

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

SECTION 04. This Ordinance shall be in full force and in effect on January 1, 2026.

Adopted and approved on the 17th day of November, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Resolution in Support of HB 328 - Regulation of Hemp-Derived Consumable Products

Speaker: Mack McKeller, City Attorney
Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background/Discussion

House Bill 328 (herein HB328) is entitled "An Act to Regulate the Sale, Distribution, and Possession of Hemp-Derived Consumable Products and to Add Kratom as a Schedule VI Controlled Substance" is legislation under consideration by the NC General Assembly that would place additional statewide regulations on the sale of hemp-derived consumable products to young people. A summary of the bill's most notable provisions is attached.

The bill has followed a circuitous route through the NCGA's legislation process. Forms of the bill have passed both houses, but procedural nuances have caused the legislation to stall out in the Committee on Rules, Calendar, and Operations of the House.

Earlier in 2025, the Council and its Public Safety Committee confirmed that they considered the prevalence of hemp-derived consumable products to be a public health hazard and considered levying local regulations on their sale. Ultimately the Council held off in anticipation of the passage of statewide regulation. After the bill stalled, the bodies again took up the possibility of local regulations.

At the same time, the Public Safety Committee and City Council expressed a desire to memorialize their position on hemp-derived consumable products and officially express their support for the passage of this legislation.

Action

City Council is asked to consider the attached resolution supporting the passage of HB328

Attachments:

1. HB 328 bill summary
2. Res_2025-XX_Support the Passage of HB328

HB 328 Bill summary

Senate committee substitute to the 3rd edition makes the following changes. Makes conforming changes to act's titles and the effective date. Makes organizational changes.

Part III (was, Section 1).

Removes discretion for public school unit to permit hemp-derived consumable products to be included in instructional or research activities on school grounds, as described, in GS 115C-407.

Adds the following content.

Part I.

Enacts new GS Chapter 18D, pertaining to the regulation of hemp-derived consumable products, as follows.

Article 1.

Defines *Alcohol Law Enforcement (ALE) Division*, *batch*, *distributor*, *exit package*, *hemp*, *hemp-derived cannabinoid*, *hemp-derived consumable product*, *hemp product*, *independent testing laboratory*, *ingestion*, *inhalation*, *license*, *licensee*, *manufacture*, *manufacturer*, *producer*, *prohibited hemp-derived consumable product*, *retail dealer*, and *serving*.

Enacts GS 18D-101, which sets forth eight offenses involving the sale of hemp-derived consumable products, as follows:

1. Selling a product containing a hemp-derived consumable product to a person who is under 21 years of age. Requires any retail dealer of hemp-derived consumable products to demand proof of age from a prospective purchaser of hemp-derived consumable products before the products are released to the purchaser if the retail dealer has reasonable grounds to believe that the prospective purchaser is under 30 years of age. Also requires a retail dealer that sells a hemp-derived consumable product on an internet website to verify the age of any prospective purchaser and use a method of delivery that requires the signature of a person at least 21 years of age before the product is released.
2. Knowingly, or having reason to know, distribute samples of hemp-derived consumable products in or on a public street, sidewalk, park, or public building.
3. Engage in the business of selling a hemp-derived consumable product without a valid license. (Designates second violations of this prong as a Class A1 misdemeanor with subsequent violations as a Class H felony.)
4. Knowingly, or having reason to know, sell a hemp-derived consumable product that has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis. (Class H felony, unless another provision of law provides greater punishment.)
5. Knowingly, or having reason to know, sell a hemp-derived consumable product that is not contained in an exit package or a child proof package.

6. Knowingly, or having reason to know, sell at retail or on an internet website offering delivery in this State, a hemp-derived consumable product that is not in compliance with GS 18D-105.
7. Knowingly, or having reason to know, sell at retail hemp flower or a product containing hemp flower that is not accompanied by a certificate of analysis issued within the previous 6-month period demonstrating that the hemp flower or product containing hemp flower has delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.
8. Knowingly, or having reason to know, sell or distribute a prohibited hemp-derived consumable product. (Class G felony).

Provides for three defenses to the violation described as 1 above, including (1) proof that the buyer produced an official State or federal identification showing their age to be at least 21 years old; (2) evidence of other facts that reasonably indicated at the time of sale that the purchaser was at least the required age; and (3) evidence that at the time of sale the purchaser utilized a biometric identification system that demonstrated their age to be at least 21 and that they had registered an official federal or State ID with the retail dealer or the retail dealer's agent showing them to be the legal age for purchase.

Provides for civil penalties ranging from \$500 to \$2,000 and for a one-year suspension of the retail dealer's licenses for third violations, and revocation of that license for subsequent violations. Provides for payment of a testing fee conducted as part of sample testing in investigating alleged violations of the offense listed as 4 above, to be remitted to the ALE Division. Directs that the clear proceeds of any civil penalty be remitted to the Civil Penalty and Forfeiture Fund (Fund).

Enacts GS 18D-101A, preventing a producer from knowingly selling or in any way transferring hemp that has been processed or prepared with the intent to be used in a hemp-derived consumable product to any person or entity other than a manufacturer licensed under GS Chapter 18D. Designates second violations as a Class A1 misdemeanor with third or subsequent violations a Class H felony. Makes it a Class G felony for a producer to knowingly selling or in any way transferring hemp that has been processed or prepared with the intent to be used in a prohibited hemp-derived consumable product to any person or entity. Provides for civil penalties ranging from \$500 to \$2,000. Directs that the clear proceeds of any civil penalty be remitted to the Fund. Clarifies that the statute cannot be construed as preventing a producer from selling or transferring hemp intended to be used in a lawful product.

Enacts GS 18D-102, preventing persons less than 21 years of age from purchasing, attempting to purchase or possessing hemp-derived consumable products and to use fraudulent or altered identification or documentation, identification or documents issued to another, or any other form or means of identification that indicates or symbolizes that the person is not prohibited from purchasing or possessing a hemp-derived consumable product under the statute. Further makes it unlawful for a person to permit use of their identification to allow an underage person to purchase a hemp-derived consumable product. Also prohibits a person from giving a hemp-derived consumable product to anyone younger than age 21. Makes it a Class 2 misdemeanor for persons who violate the statute who are less than 21 years of age and a Class 1 misdemeanor for

persons 21 and over who violate the statute. Provides for aiding and abetting liability. Exempts an underage person from liability for selling, transporting, or possessing hemp-derived consumable products in the course of employment if the employment of the person for that purpose is lawful under applicable youth employment.

Enacts GS 18D-102.5, making it a Class A1 misdemeanor for any person to possess a prohibited hemp-derived consumable product.

Enacts GS 18D-103, which makes it unlawful for a manufacturer or distributor to do any of the following four offenses:

1. Knowingly, or having reason to know, distribute samples of a hemp-derived consumable product in or on a public street, sidewalk, park, or public building.
2. Engage in the business of manufacturing or distributing a hemp-derived consumable product without a valid license.
3. Knowingly, or having reason to know, manufacture or distribute a hemp-derived consumable product that has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.
4. Knowingly, or having reason to know, manufacturing or distributing a prohibited hemp-derived consumable product. (Class G felony.)

Provides a defense to the violation listed as 3 above if the manufacturer (1) recalls all hemp-derived consumable products from the same batch as the product on which the violation is based; (2) has samples of the batch tested by an independent testing laboratory as described; and (3) provides certified results from the independent testing laboratory indicating that the sample tested does not contain a total combined delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.

Classifies violations of prongs 1-3 as a Class A1 misdemeanor and provides for civil penalties ranging for all 4 violations from \$1,000 to \$7,500. Authorizes suspension, revocation, or conditions placed upon manufacturer or distributor licenses. Provides for payment of a testing fee conducted as part of sample testing in investigating alleged violations of the offense listed as 3 above, to be remitted to the ALE Division. Directs that the clear proceeds of any civil penalty be remitted to the Fund. Permits for forfeiture of products manufactured, distributed, or sold in violation of the offense listed as 3 above.

Requires in new GS 18D-104, that a manufacturer have a hemp-derived consumable product tested by an independent testing laboratory prior to distribution to a distributor or before distributing the product to a retail dealer as described and for the substances listed in the statute. Requires a hemp-derived consumable product to be labeled with an expiration date that conforms with applicable federal law. Provides for civil penalties ranging from \$1,000 to \$7,500. Directs that the clear proceeds of any civil penalty be remitted to the Fund. Authorizes suspension, revocation, or conditions placed on the operating hours of the licensee's business placed upon the licensee's licenses in addition to any civil penalty. Requires the ALE Division to (1) maintain and post on its website a list of independent testing labs that meet the qualifications required to conduct the testing required by the section and (2) develop an application and process to

determine qualifying independent laboratories listed on its website, including a sample certificate of analysis indicating that the lab is capable of detecting the substances listed in the act.

Enacts new GS 18D-105, which concerns additional requirements and restrictions for hemp-derived consumable products including packaging requirements, advertising restrictions, ingestible product restrictions for products containing hemp-derived consumable products (both in non-liquid and liquid form), inhalable product restrictions for vaporization restrictions for products containing hemp-derived consumable products. Provides for civil penalties ranging from \$1,000 to \$7,500. Directs that the clear proceeds of any civil penalty be remitted to the Fund. Authorizes suspension, revocation, or conditions placed on the operating hours of the licensee's business placed upon the licensee's licenses.

Prevents a licensee or its agent or employee from knowingly allowing (1) violations of GS Chapter 18D or (2) any violations of the controlled substances act, gambling, or other unlawful acts to occur on its premises. Makes it unlawful for a permittee to fail to superintend in person or through a manager the business for which a license is issued. Enacts GS 18D-106, which sets forth eight things that continue to not be prohibited by GS Chapter 18D.

Article 2.

Requires manufacturers, retail dealers, and distributors of hemp-derived consumable products in the State to obtain the appropriate license(s) from the ALE Division either prior to commencing business or by July 1, 2026, whichever is later. Specifies that a person or entity engaged in more than one of the businesses listed is required to obtain a separate license for each business. Lists five qualifications for licensure including that the licensee be at least 21 years of age and have not been convicted of a felony related to a controlled substance within 10 years in any state or federal jurisdiction. Requires annual renewal of licenses. Provides, in new GS 18D-202, for application fees ranging from \$500 per location for retail dealer licensees, to \$25,000 for manufacturers. Sets renewal fees at \$10,000 for manufacturers, \$1,500 for distributors, and for retail dealers, the same amount as the initial licensing fee.

Allows the ALE Division to revoke or refuse to issue any license for: (1) failure to comply with or meet any of the licensure qualifications; (2) submission of false or misleading information in an application for licensure or renewal; (3) submission of false or misleading information in any report or information required by this Chapter to be submitted to the ALE Division; and (4) failure to comply with civil penalties. Requires that proceedings for the assessment of civil penalties authorized in Article 1 be governed by GS Chapter 150B. Upon failure to pay a penalty, allows the ALE Division to institute an action in the superior court of the county in which the person resides or has their principal place of business to recover the unpaid amount; specifies that this recovery does not relieve any party from any other penalty prescribed by law.

Requires the ALE Division to develop and make available online an application for the license required by this Article. Instructs the ALE Division to establish, maintain, and control a computer software tracking system that traces hemp from seed to sale as a hemp-derived consumable product and allows real-time, 24-hour access by the ALE Division and any State or local law enforcement agency in North Carolina to data from all production facilities and testing

laboratories. Authorizes the ALE Division to adopt rules, amend, and repeal rules to implement GS Chapter 18D. Provides for monthly distribution of fee revenue to the ALE Division to cover enforcement costs.

Article 3.

Enacts new GS 18D-300 describing the enforcement authority of the ALE Division over GS Chapter 18D, including the ability to conduct random, unannounced inspections or general investigative inspections as described at locations where hemp-derived consumable products are sold or distributed to ensure compliance with the Chapter. Authorizes the ALE Division to take samples for testing, if upon reasonable inspection, it determines a licensee's inventory may consist of products not in compliance with the packaging, labeling, and testing requirements discussed above. Makes it a Class 2 misdemeanor for any person to resist or obstruct an ALE Division agent attempting to make a lawful inspection. Specifies that refusal by a licensee or by any employee of a licensee to permit ALE Division agents to enter the premises to inspect is cause for suspension, revocation, or other action against the licensee. Starting January 1, 2027, requires the ALE Division to submit an annual report to the General Assembly on its enforcement efforts under GS Chapter 18D and to post such reports on its website. Enacts GS 18D-301 authorizing a law enforcement officer to seize any hemp-derived consumable product that is subject to forfeiture, and to provide for its safe storage until trial. Allows for an owner of seized property to apply for return of the products if no criminal charge has been made or no action for civil forfeiture has been commenced in connection with that product within a reasonable time after seizure. Prevents return if doing so would be unlawful.

Section 1.(b).

Makes conforming changes to GS 18B-500 (subject matter jurisdiction for investigation and enforcement by ALE Division agents).

Section 1.(c).

Specifies that as part of the costs in criminal actions in GS 7A-304, \$600 should be ordered to be remitted to the ALE Division or agency that paid for laboratory services in cases where (1) defendant is convicted of a violation of GS 18D-103(a)(3) or GS 18D-103(a)(4) and (2) as part of the investigation leading to the defendant's conviction, testing was conducted at a laboratory on products regulated under GS Chapter 18D.

Applies to all hemp-derived consumable products possessed, sold, distributed, or manufactured on or after July 1, 2026, and to all offenses committed on or after that date.

Part II.

Repeals GS 90-94.1 (exemption under the NC Controlled Substances Act for use or possession of hemp extract), effective December 1, 2025. Applies to offenses committed on or after that date.

Part IV.

Adds Kratom (defined) to the list of Schedule VI controlled substances in GS 90-94.

RESOLUTION NO. 2025-XX

**RESOLUTION SUPPORTING THE PASSAGE OF HOUSE BILL 328 REGULATING THE
SALE OF HEMP-DERIVED CONSUMABLE PRODUCTS**

WHEREAS, the Brevard City Council believes the prevalence of hemp-derived consumable products poses a public health hazard; and

WHEREAS, in response the Brevard City Council has taken action to create reasonable local rules designed to regulate the sale of hemp-derived consumable products to people under the age of 21; and

WHEREAS, the Brevard City Council is aware of House Bill 328 entitled "An Act to Regulate the Sale, Distribution, and Possession of Hemp-Derived Consumable Products and to Add Kratom as a Schedule VI Controlled Substance" under consideration in the North Carolina General Assembly; and

WHEREAS, the Brevard City Council reviewed the provisions of the proposed legislation at its November 17, 2025 meeting.

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

Section 1. The Brevard City Council does hereby endorse the passage of House Bill 328

Section 2. City Staff are directed to convey this resolution to Representative Mike Clampitt, Senator Kevin Corbin, and other legislators as it sees fit.

Adopted and approved this 17th day of November, 2025

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, November 17, 2025

Title: R-5799 Sidewalk Betterments

Speaker: Paul Ray

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

NCDOT is advancing Project R-5799, which includes the construction of two new roundabouts to improve traffic flow and safety at, NC 280 (Asheville Highway) at Deaver Road, and US 64/US 276 (Asheville Highway) at the entrance to Pisgah National Forest and the primary gateway to Brevard. City Council previously authorized the City Manager to approve pedestrian infrastructure “betterments” as part of this project to align with the City’s Pedestrian & Bicycle Plan and NCDOT Complete Streets Policy (Attachment 1). At the City’s request, NCDOT has now provided additional options for sidewalk/Multiuse Path width enhancements beyond the base design, to improve safety and connectivity for pedestrians and cyclists in this heavily visited area.

Discussion

On June 8, 2023, the City entered into a cost-sharing agreement with NCDOT for the inclusion of approximately 4,490 square yards of new sidewalk within the R-5799 project area.

- Total cost: \$202,050
- NCDOT share (80%): \$161,640
- City share (20%): \$40,410

This agreement ensures that pedestrian facilities will be included along US 64/276 where they do not currently exist, in support of the City’s Pedestrian & Bicycle Plan and safe streets goals.

The US 276 corridor at the Pisgah National Forest experiences significant pedestrian and bicycle activity, particularly around Dolly’s Ice Cream, The Hub & Pisgah Tavern and this activity is expected to grow with the opening of the Ecusta Trail in 2027.

Existing NCDOT Design

North side of US 276: A 10-foot multi-use path shrinks to a 5-foot sidewalk from Pizza Hut to Dolly’s Ice Cream. There is a 6-foot bicycle lane along the roadway.

South side of US 276: A 10-foot multi-use path at the Pisgah Plaza shopping center and Davidson River Outfitters shrinks to a 5-foot-wide sidewalk and continues in front of Hawg Wild Restaurant to the connector path leading to the boardwalk of the new pedestrian

bridge.

Sidewalk Width Options for Council Consideration:

Option 1 – North Side (5’ to 8’):

Widen the sidewalk from 5 feet to 8 feet along the north side of US 276 between Pizza Hut, The Hub and Dolly’s, providing additional space for shared pedestrian and bicycle movement in front of these high-traffic destinations.

Option 2 – South Side (5’ to 8’):

Widen the sidewalk from 5 feet to 8 feet on the south side of US 276 between Pisgah Plaza and Pisgah National Forest, improving comfort and safety for pedestrians and cyclists exiting the Forest and connecting to the 10-foot multi-use path at the US 64/276 intersection.

Option 3 – South Side (5’ to 10’):

Widen the sidewalk from 5 feet to 10 feet along the same south-side segment described in Option 2, creating a continuous 10-foot multi-use facility from the intersection to the Forest, consistent with the City’s Pedestrian & Bicycle Plan recommendation for shared-use paths in gateway corridors.

Option 4 – No Additional Betterments:

Proceed with no changes to the current NCDOT plans. Under this option, sidewalks and multi-use paths would be constructed exactly as designed by NCDOT, with no additional City-funded enhancements.

Policy Analysis

The City’s Pedestrian & Bicycle Plan calls for a 10-foot-wide multi-use path on US 276 into Pisgah National Forest. The Parks, Trails and Recreation Committee served as the steering committee for this plan and endorsed this concept. “The plan outlines the City’s efforts to build and maintain a robust network of non-automotive transportation infrastructure throughout Brevard.” Additionally, Section 13.5.N.10 of the Brevard Unified Development Ordinance calls for 8-foot wide sidewalk on NCDOT streets.

Summary of NCDOT’s Complete Streets Policy (as it applies to pedestrian facilities for the R-5799 Project):

- If a sidewalk already exists: NCDOT will replace it at no cost to the City.
- If no sidewalk exists: NCDOT will install a standard 5-foot sidewalk, with the City paying 20% of the cost and NCDOT paying 80%.
- If the City wants a sidewalk wider than 5 feet: The City must pay its 20% share of the standard 5-foot sidewalk cost plus 100% of the additional cost for the extra width.

Fiscal Impact

Option 1: \$8,000

Option 2: \$10,000
Option 3: \$19,000
Option 4: No additional cost

Staff seeks Council direction on which special fund to use for these expenses. Fund 75 (Roundabouts) has an available balance of (\$117,738.73). Fund 78 (Multi-Use Path) has an available balance of \$344,000.63. The Roundabouts Fund will receive an additional \$56,250 from the General Fund in FY26, and the Multi-Use Path Fund will receive an additional \$71,250.

Action

Staff recommend Option 1 and Option 3 combined, that is an 8-foot sidewalk on the north side of US 276 between The Hub and Dolly's, and a 10-foot multi-use path on the south side between Pisgah National Forest and the US 64/276 intersection (\$27,000)

This configuration provides the most balanced approach to improving pedestrian and bicycle circulation on both sides of the corridor while maintaining consistency with the City's Pedestrian and Bicycle Plan and the long-term goal of creating a safe and welcoming gateway to Pisgah National Forest and the City's trail system.

Attachments:

1. Resolution 2023-32 Authorizing City Manager to Execute Agreements with NCDOT - R-5799

RESOLUTION NO. 2023-32

**AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH NCDOT
REGARDING SIDEWALK AND LANDSCAPING BETTERMENTS ON PROJECT R-5799**

WHEREAS, on June 5, 2023 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the need to designate funds for sidewalk and landscape betterments on NCDOT's Project R-5799;

WHEREAS, attractive landscaping on Brevard's transportation gateways and wide bicycle/pedestrian paths align with City Council's priorities.

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

The City Manager (or his designee) is hereby authorized to execute necessary agreements with the North Carolina Department of Transportation for the purposes described in the above referenced staff report.

Approved and adopted this 5th day of June, 2023.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, November 17, 2025

Title: Proposed Utility Connection Requirements for Properties in the Azalea / Rhododendron Neighborhood

Speaker: Emily Brewer, AICP, Senior Planner
Wilson Hooper, City Manager

Prepared by: Emily Brewer, Senior Planner

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

Background

For years, the City has pursued funding to extend sewer utilities to the Azalea / Rhododendron neighborhood, located just outside of the City's corporate limits within Transylvania County. This predominately low-income neighborhood is plagued with failing septic systems that are costly, or in some cases impossible, to repair. Extending sewer utilities to the 125 residential parcels in this area will address a major public health concern, preserve the naturally occurring affordable housing found in the neighborhood, and create a favorable environment for developers to create new housing opportunities on the vacant parcels.

In addition, extending sewer along the main trunkline would connect critical infrastructure to the City-owned property that was acquired for a 40 to 50-unit affordable housing development. Sewer connection is imperative for the development of this parcel and is a vital first step in securing funding to do so, as most funding sources (like the Low-Income Housing Tax Credit program) consider it a prerequisite in the application.

The City has requested funding from the Transylvania County Commissioners to complete this infrastructure project. At their September 26, 2025 meeting, the Commissioners considered the request and elected to fund the engineering and design for the project with funding from a Dogwood Health Trust grant to support housing. The Commissioners discussed funding the construction but asked for additional information on what the City will require of property owners in exchange for the annexation waiver.

Per Section 2-292 of Brevard City Code, sewer service is only available to properties within the corporate limits of the City of Brevard. However, this section outlines two specific circumstances where this requirement may be waived – economic development and public health and safety. When the exception is granted to resolve an immediate danger to public health and safety, the City Council can exempt a property or an entire neighborhood upon recommendation by the Transylvania County Health Department. Council is also authorized to establish provisions and conditions by which to grant this exemption.

In the past, Council considered granting this exception to the Azalea / Rhododendron neighborhood in exchange for a guarantee that the property remains affordable for low- to moderate-income households. It was discussed that this would be through deed

restrictions that stipulate a maximum resale value for the property.

Staff have done additional research on this idea and discussed the alternatives at the Housing Committee meeting on October 14, 2025. The Housing Committee unanimously recommended the following proposal to resolve the immediate public health crisis and support the City's affordable housing goals:

Properties in the Azalea / Rhododendron neighborhood with failing septic systems and other critical health and safety septic issues would be allowed to connect to the new City sewer service without annexing into the corporate limits. These customers would be required to sign a utility service agreement that outlines the terms and conditions associated with the connection. Existing residents without critical health and safety issues and all new development would be required to annex into the City's corporate limits prior to connection.

The details and rationale of this proposal are described in detail below. This proposal has been shared informally with County Commissioners, but staff feel formal Council endorsement of this approach is needed before staff can submit a formal response to Transylvania County.

Discussion

Utility Service Agreements

When a city extends sewer service to a property outside city limits without requiring annexation, they typically enter into formal agreements with the property owner. These agreements outline the terms under which the city will provide service while preserving the property's location outside the municipal boundary. This would allow property owners to *voluntarily agree* to the utility service agreement in exchange for not annexing.

Staff proposes utilizing this type of agreement instead of deed restrictions. The agreement would include the terms for connecting, specifically:

- Utility rates: Connection outside of city limits would be subject to higher rates (established in the adopted fee schedule.) These rates are intended to offset the costs of infrastructure service and maintenance. Without requiring annexation, the property owners would not be paying City taxes. However, they also would not be receiving City services.
- Annexation: Annexation would not be required for *residential* customers on the property, provided they do not violate any of the terms of the agreements. Property owners would be able to voluntarily annex if they want to receive other City services or pay the inside-City utility rates.
- Infrastructure costs: The project cost estimates for the sewer extension project include the tap fees and extension to the existing homes. The property owner would be responsible for paying the system development fee. (Please note that Council would need to consider if connection to the City's water system would be required as well and who would bear those costs.)

- Access and easements: The City would retain the ability to access the infrastructure for repairs and maintenance where the sewer line extends beyond the public rights-of-way. Given the topographic challenges of the neighborhood, there will likely be several easements throughout the neighborhood. Property owners would be responsible for the connection from the public line to their homes.
- Property use: The property would be required to remain residential. This is in line with the current zoning district of (General Residential – 8) in the Azalea / Rhododendron neighborhood and Section 2-292 of the City Code of Ordinances that states the exemption may only be granted for residential customers.
- Noncompliance: Lastly, the agreement would outline penalties if the terms were violated. This would likely include loss of service or fines. If the noncompliance was unable to be remedied, the property would need to annex into the City limits to regain access to the sewer service.

Property owners would be given a set of choices once sewer is available.

1. Do not connect to the sewer system
2. Connect to the sewer system through annexation
3. If the septic system has failed or is failing, connect to sewer without annexing by signing the utility service agreement

Staff will work closely with the Transylvania County Department of Public Health to ensure residents are aware of their specific circumstances (e.g., the viability of their existing septic system).

Deed Restrictions

Previously, Council expressed an interest in applying deed restrictions to properties in the neighborhood that want to connect to sewer service without annexing in to preserve housing for low- to moderate-income households. Deed restrictions are legally binding covenants on the property title that set restrictions and conditions for its use and resale. When used for affordable housing, the deed restrictions limit the resale prices using a set formula (e.g., indexed to CPI, AMI, or a fixed percent appreciation cap). Deed restrictions or other types of restrictive covenants with resale requirements are complicated to administer, difficult (if even possible) with federal dollars, and can have long-term implications for the development of the neighborhood.

- Funding: Some funding sources (federal and state) do not allow for deed restrictions or other types of permanent restrictions on properties. Funds that typically allow for deed restrictions are housing-specific grants that want to guarantee long-term affordability. Infrastructure funding sources do not have the same allowances. It is not clear whether the infrastructure funding sources available to the County would allow for these types of restrictions. Applying deed restrictions to properties as part of this project without clarity on this issue could create legal and financial ramifications in the future.

- Administration: Administering deed restriction programs can be labor-intensive to manage eligibility, track properties, and monitor compliance. Typically, this would require dedicated staff to secure annual income recertifications, monitor occupancy, coordinate resales, and educate homeowners and prospective homebuyers. Without this, the risk of non-compliance increases and undermines the program's effectiveness.
- Home Financing: Deed restrictions or any other types of agreements or restrictions that limit value appreciation can hinder a property owner's ability to secure a mortgage or could constitute a violation of existing mortgage terms. These restrictions impact financing because they affect marketability, value appreciation, and lender risk, and, as a result, properties with resale deed restrictions are not eligible for many traditional mortgage types. Mortgages commonly not available for resale-restricted properties include conventional loans (Fannie Mae / Freddie Mac), VA loans, and USDA loans. Existing residents with mortgages could violate their loan agreements or could be unable to secure additional financing, if necessary; and deed restrictions on vacant land could prohibit the property from being able to develop or be purchased with a mortgage. Ultimately, deed restrictions make sense on a smaller scale with individual properties securing funds for down-payment assistance or home repair loans where the property owner can thoroughly vet their financing options and agree to specific terms that make sense for them.

Accomplishment of Affordable Housing Goals

The *creation* and *preservation* of housing are critical elements of any affordable housing strategy, and both are included in the City's Comprehensive Land Use Plan. This proposal accomplishes both objectives by:

1. creating a favorable environment for developers to create new housing opportunities on vacant parcels (including the City-owned property on Azalea Ave), and
2. supporting low-to-moderate income households in naturally occurring affordable housing by improving the quality of their home and creating wealth-building opportunities.

The Azalea / Rhododendron neighborhood consists of naturally occurring affordable housing (NOAH), market-rate, unsubsidized homes that cost lower due to other factors, such as their size, age, condition, or location. Virtually all the developed properties in the Azalea / Rhododendron neighborhood are appraised below \$500,000. According to the 2025 Bowen Housing Study, the median sales price for homes in Transylvania County from January 2021 through March 2025 was \$470,000. The median list price for homes in Transylvania County in 2024 is \$675,000.

While the creation of affordable housing is important, the creation of housing at any income level helps improve a community's overall affordability by increasing the total supply of homes, which reduces competition and pressure on existing housing stock. When

new units are added (at any price), they help absorb demand, allowing more households to find housing that fits their needs. This can ease upward price pressure across the market, helping to stabilize or lower rents even for lower-income residents.

There are 126 residential parcels in the neighborhood with approximately 15 being vacant and potentially another 20 that could be subdivided with sewer connection. With those lots being smaller, the new homes are more likely to Brevard's workforce, potentially serving more households of moderate income that cannot be supported with government subsidies (households earning 80-120% of AMI). In essence, additional housing in this neighborhood at any level helps balance supply and demand, which is critical to keeping Brevard more accessible and affordable.

Regardless, the sewer extension to this neighborhood will create new housing for low- to moderate-income households because the City will be able to move forward with the affordable housing development on the Azalea property. This alternative proposal, however, prevents the neighborhood from being disproportionately low-income with housing to be developed at a range of income levels. Applying deed restrictions for the entire neighborhood could create a concentration of low-income households and be construed as a form of socioeconomic segregation. One of the considerations in the NCHFA Qualified Allocation Plan (QAP) for LIHTC awards is whether the project perpetuates a concentration of minority or low-income households. By allowing connection without affordability restrictions, the neighborhood development will likely organically develop as lower-priced housing and establish a mixed-income community for Brevard's workforce.

Housing Committee Discussion

The Housing Committee discussed this matter at their October 14, 2025 meeting. The Housing Committee agreed that the utility service agreements were the best method of granting connection to the City's wastewater system for those properties that would not be required to annex because of the factors discussed above. There was much discussion around which properties would be exempted from the annexation requirement. The scenarios discussed were:

- Exempting the entire neighborhood (approximately 125 parcels)
- Exempting all existing residences (approximately 115 residential structures)
- Exempting only properties with failing or inadequate septic systems (approximately 30, as of 2020 survey)

Staff initially proposed exempting the entire neighborhood, but the Committee ultimately recommended exempting the properties with failing or inadequate septic systems from annexation. The Committee's recommendation is reflected in this staff report and the proposed resolution.

Policy Analysis

Sewer extension to the Azalea / Rhododendron neighborhood has been considered an important project for public health and safety for many years. With the City's acquisition of

the property on Azalea for housing, this project has become vital for the creation and preservation of safe, affordable housing and for the improved resiliency of our community.

Specifically, this proposal furthers many of the City's adopted goals in the 2030 Building Brevard Comprehensive Land Use Plan:

- **GOAL 1:** *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*
- **GOAL 2:** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
- **GOAL 3:** *Ensure fairness and equity in providing for the health, safety, and welfare of all citizens and groups.*
- **GOAL 4:** *Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.*
- **GOAL 5:** *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.*
- **GOAL 8:** *Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.*

Next Steps

Staff have prepared a resolution to memorialize the decision. The resolution also charges Staff with:

- continuing to pursue funding for this project,
- working with the Transylvania County Department of Public Health to identify properties that would qualify for this exemption, and
- preparing a utility service agreement for Council's future consideration.

When funding is secured and the properties are identified, Staff will bring another resolution to City Council that specifically identifies properties that would be allowed this exemption and the terms of the utility service agreements that accompany it.

At their September 26, 2025 meeting, the County Commissioners requested additional information on the conditions placed on property owners wishing to connect to sewer before considering funding the construction of the project. Staff will send the adopted resolution to the County Commissioners for consideration.

Action

Staff is requesting City Council take action on this matter tonight, so it can be forward to the County Commissioners as quickly as possible. Council can take one of the following actions.

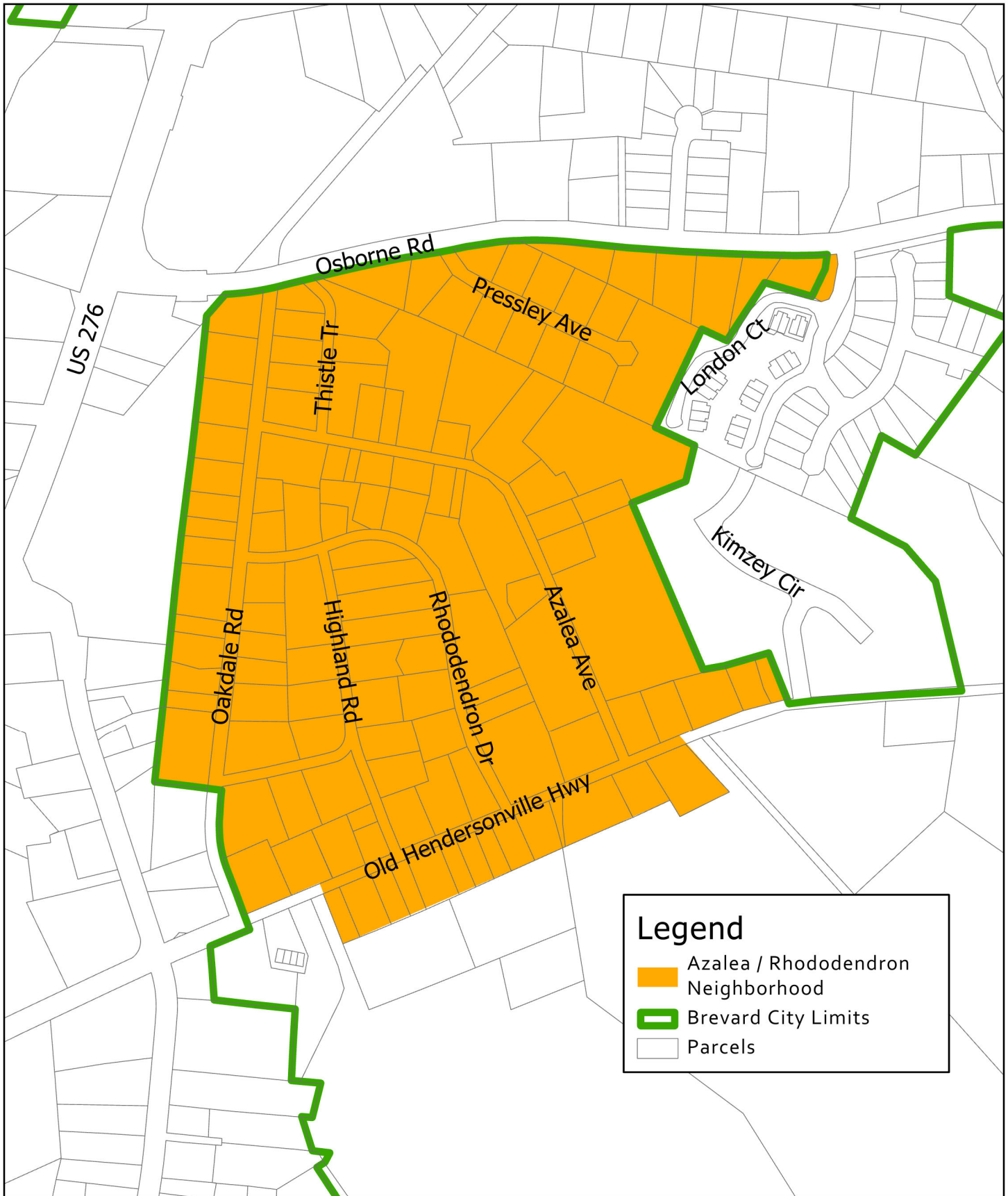
- Adopt the resolution as presented;

- Adopt the resolution as revised by Council;
- Reject the resolution; or
- Table the resolution for further consideration.

Attachments:

1. Azalea / Rhododendron Neighborhood Map
2. Draft Resolution

Azalea / Rhododendron Neighborhood



0 100 200 400 600 Feet

This map was prepared by the City of Brevard Planning Department, October 2025. Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

RESOLUTION NO. 2025-XX

A RESOLUTION MEMORIALIZING CITY COUNCIL'S INTENT TO ALLOW SEWER CONNECTION TO CERTAIN PROPERTIES IN THE AZALEA / RHODODENDRON NEIGHBORHOOD TO RESOLVE IMMEDIATE DANGER TO PUBLIC HEALTH AND SAFETY

WHEREAS, the City of Brevard owns and operates a municipal sewer system designed to protect public health, safety, and the environment by providing adequate wastewater collection and treatment; and

WHEREAS, the Azalea / Rhododendron neighborhood is identified as the properties located outside of the City of Brevard corporate limits generally bound by Osbourne Road to the north, Oakdale Road to the west, Old Hendersonville Highway to the south and London Court and Kimzey Circle to the east and further identified by Exhibit A; and,

WHEREAS, certain properties located outside the corporate limits of the City in the Azalea / Rhododendron neighborhood have been identified as posing an urgent threat to public health and safety due to failing or inadequate on-site septic systems; and

WHEREAS, the Transylvania County Department of Public Health has determined that the continued use of said systems presents a clear and present danger to the health of residents and the protection of surface and groundwater resources; and

WHEREAS, Section 2-292 of Brevard City Code authorizes City Council to grant permanent utility connection to certain residential customers outside of the corporate limits to resolve a danger to health and safety pursuant to provisions as set by City Council; and

WHEREAS, the City Council finds that authorizing limited sewer connections outside the corporate limits, under specific conditions and agreements, is in the best interest of public health, safety, and welfare; and

WHEREAS, the City Council further finds it appropriate to require that property owners benefiting from such connection enter into utility service agreements to ensure the orderly provision and protection of municipal services.

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

Section 01. City staff are hereby authorized to pursue funding for extension of wastewater collection systems to serve the Azalea / Rhododendron neighborhood with the intention of allowing sewer connection to certain properties in the neighborhood without annexation to resolve immediate dangers to public health and safety; and

Section 02. City staff, in consultation with the Transylvania County Department of Public Health, are hereby authorized to identify properties with failed or failing septic systems in the Azalea / Rhododendron neighborhood that would qualify for connection without annexation in accordance with this resolution; and

Section 03. City staff are hereby authorized to prepare utility service agreements terms for Council's consideration.

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

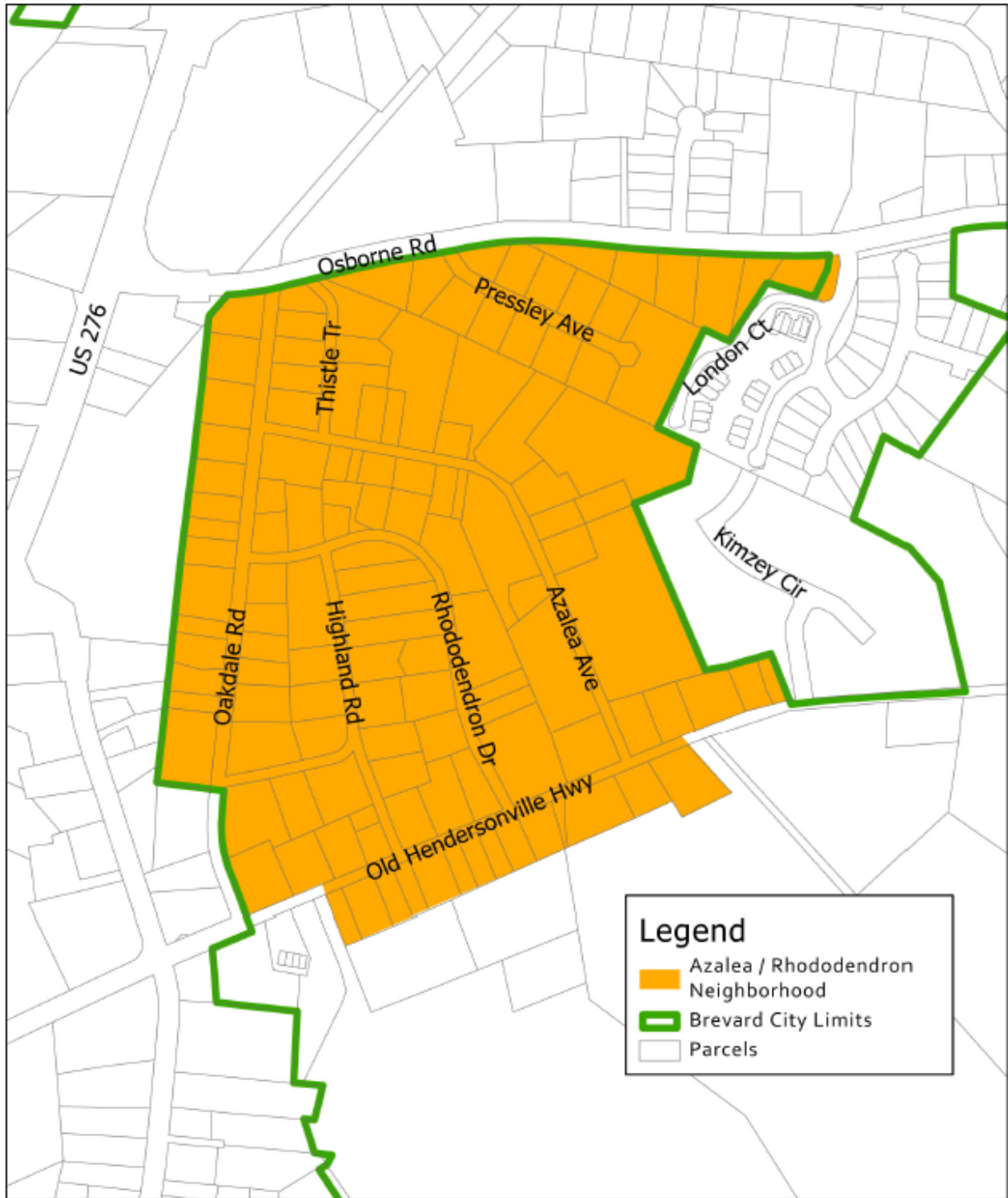
Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

EXHIBIT A

Azalea / Rhododendron Neighborhood



This map was prepared by the City of Brevard Planning Department, October 2025.
Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.