



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, May 18, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Ken Albright, Lutheran Church of the Good Shepherd

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. March 6, 2026 Priority Setting Retreat
2. May 4, 2026 Regular Meeting

G. Certificates / Awards / Recognition

1. Proclamation No. 2026-17 National Public Works Week

H. Public Comments

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed FY 2026-2027 Budget and Ordinance
2. Proposed Amendments to the City of Brevard Unified Development Ordinance Chapters 2, 5, 8, 10, 11, 12, 13, 14, 16 and 19 - Regulations for Nonconformities

K. Consent and Information

1. Tax Settlement Report - April 2026
2. Amendment to Roundabouts Capital Project Fund
3. Budget Amendment 2026-05 Lease Payments at 132 Commerce St.
4. Public Works and Utilities Committee Meeting Minutes - April 1, 2026 Meeting

5. Housing Committee Meeting Minutes - February 10, 2026 Meeting
6. Housing Committee Meeting Session Notes - March 10, 2026 Meeting

L. Unfinished Business

1. Proposed Amendment to the Official Zoning Map of the City of Brevard - The Hub
2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3 and 19 - Regulations for Data Centers

M. New Business

1. Proposed Amendment to City of Brevard Fee Schedule re Pool Fees
2. 2026 North Carolina General Assembly "Short Session" Legislative Requests
3. Resolution Requesting Increased Funding from Transylvania County to Support Enhanced Staffing for Brevard Fire Department

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (May 14, 2026)
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
Priority Setting Retreat
Mary C. Jenkins Community & Cultural Center
March 6, 2026 – 8:30 A.M.

The Brevard City Council met for a Priority Setting Retreat on Friday, March 6, 2026, at 8:30 a.m. at the Mary C. Jenkins Community & Cultural Center, with Mayor Maureen Copelof presiding.

Present - Mayor Maureen Copelof, Mayor Pro Tem Aaron Baker, Council Members Gary Daniel, Pamela Holder, Lauren Wise, and Dean Lytle.

Staff Present – City Manager Wilson Hooper, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, City Clerk Denise Hodsdon, Assistant to the City Manager Shawnee Cummings, HR Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Fire Chief Chase Owen, Police Chief Christy Wentzell, Public Works Director Wesley Shook, Community Center Director Tyree Griffin, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans.

Facilitators – Mike Brown, Silver Eagle LLC / UNC School of Government

Press – David Bradley, Transylvania Times

A. Welcome and Call to Order – Mayor Copelof called the meeting to order at 8:55 a.m. and welcomed those present.

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

C. Retreat Agenda

8:30	Breakfast
9:00	Mayor Copelof – Welcome & Introductions
9:05	Mayor Copelof – Recap of 2025 Priorities
10:00	Wilson Hooper – Financial Picture & Insurance Overview
10:30	Break
10:45	Mike Brown – Grading Ourselves on Our Priorities
11:15	Mike Brown – Thought Provoking Exercise
11:30	Mike Brown – What is the Role of Government in Brevard?
12:00	Lunch
12:45	Wilson/All – Determine Sacrosanct Priorities for 2026
1:15	All – Developing Our Strategic Plan for 2026
2:30	Break

2:45	All – Defining What Success Looks Like for Brevard 2026
3:15	Council & Staff – Build Action Plans for Success
4:30	Council & Staff – Report Action Plans for Success
5:00	Staff Departs & Break
5:30	All – Discussion & Editing of Proposed Priorities
6:30	All – Light Dinner
7:00	All – Discussion & Finalizing of 2026 Priorities
8:00	Mike Brown – Wrap Up & Next Steps
8:30	Mayor Copelof – Closing Remarks & Feedback
9:00	All – Depart

Retreat Materials – A complete copy of the retreat materials and information provided to Council is on file in the City Clerk’s office.

Following introductions, Mayor Copelof presented a recap of 2025 Strategic Priorities and Accomplishments.

Mr. Hooper reviewed his City Manager’s Report and noted it was intended to supplement the Mayor’s recap on the City’s *past* work with information about the current environment and how it may impact its *future* work. He identified the following list of strategic considerations for Council’s consideration:

- Trail-oriented development updates/UDO
- Heart of Brevard contract expiring. New approach to Municipal Service District?
- Short, medium and long-term facility needs
- Organizational enhancements needed in every department to “comply with the big buy”
- Lean into our efforts to improve our capital planning
- Funding for and execution of CIPs, new and existing

Council and Staff participated in a series of exercises throughout the day which were intended to identify priorities for the FY 2026-2027 Budget deliberations. Mr. Hooper prepared the following summary of the results of the retreat’s exercises:

**Summary of Outcomes
Brevard City Council Priority Setting Retreat
March 6, 2026**

SACROSANCT PRIORITIES

Sacrosanct priorities have traditionally been defined as priorities that we build our organization around and dedicate resources and organizational capacity to. For FY27 Council affirmed the following sacrosanct priorities and corresponding action steps

PRIORITY	FY27 ACTION(S)
Housing	--Progress Azalea Ave., coming up with and pivoting to Plan B if necessary --Create creative non-financial activities to maintain housing momentum
Infrastructure, w/focus on WWTP	Begin serious pursuit of funding for Phase 2

This year, Council agreed to an expanded definition of sacrosanct and directed “Economic Development” be viewed as sacrosanct in this new way. The new definition will be for staff and Council to use ED as an additional lens through which they view their actions, with the aim being to take actions that support commerce and the creation of high-quality jobs.

“CONCERNS” OF COUNCIL

Council also agreed to another new label: “concern”. These are areas where Council wishes to take a position and muster the non-budgetary, non-staff resources at its disposal.

CONCERN	FY27 ACTIONS
Support for the unhoused	--Muster current community resources into official task force or committee --Endorse task force/committee --Appoint CM to committee

COUNCIL-DIRECTED ACTIONS

The retreat also saw Councilmembers identify specific actions they wish to see in the year to come.

ACTION	“VOTES”	PRIMARY EXECUTOR	MONEY or ACTIVITY
Pursue WWTP phase 2 funding ¹	4	Council and staff	Activity
Create Azalea Ave. alternatives ¹	2	Staff	Activity
Create creative solutions to keep housing momentum ¹	2	Staff, then Council	Activity
Meet basic needs of the unhoused ²	2	Council	Activity
Enhance collaboration with TEA	2	Council	Activity
Ecusta Trail strategic planning	2	Staff, then Council	Activity
Enhanced maint. of roads and sidewalks	2	Staff, then Council, then staff	Money
Enhanced manpower for PW	2 ³	Staff, then Council	Money
Pursue grant funding for downtown master plan	1	Staff, then Council	Activity
Enhanced park maintenance	1	Staff	Money
Create a park enhancement trust fund	1	Council and staff	Money

¹ Related to sacrosanct priority

² Related to area of concern

³ Subsequent conversation during the session suggests this is a priority for more than two Council members.

Develop action for City Camper site	1	Staff, then Council	Activity
Calibrate strategic plans w/County	1	Council, then staff	Activity
Complete Estatoe and plan for inner city connectivity	1	Council and staff	Money

FOLLOW-UP

Council asked for staff to perform analysis on the topics below and bring the results to the budget workshop:

- How changes to solid waste collection service (i.e., dropping commercial collection, outsourcing recycling, etc.) might free up manhours in Public Works to catch up on deferred items and, eventually, become proactive in our upkeep.
- Research how each of the various fire dept. staffing options would help us meet a.) performance expectations, or b.) industry best practices for fire departments of this type.
- Check industry averages on sanitation turnover to see if it is a “sector” problem or if the City Sanitation Dept. is an outlier.
- Research whether there are grants for CIP plans and/or CIP software.

BUDGET PREPARATION REQUEST

- Any major changes to the budget should be spelled out so that Councilmembers know exactly what is being funded, what is being foregone, and what the major changes are to funding in prior years.

D. Next steps – Mr. Hooper noted that Staff will build the FY2026-2027 Budget proposal around the identified sacrosanct priorities and corresponding action steps.

E. Adjourn – There being no further business, Council adjourned the Retreat at 8:03 p.m.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: May 18, 2026

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 4, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, May 4, 2026, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Aaron Baker, and Council Members Gary Daniel and Dean Lytle

Absent – Council Members Pamela Holder and Lauren Wise

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager David Todd, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Shawnee Cummings, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Fire Chief Chase Owen, Public Works Supervisor Cliff Justus, Water Treatment Plant ORC Dennis Richardson, and Wastewater Treatment Plant ORC Aaron Winans

Press – Jonathan Rich, Brevard Beagle

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

B. Invocation – Rev. Dr. Sharad Creasman of Brevard College 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. Mr. Baker moved, seconded by Mr. Lytle to excuse Council Members Holder and Wise. The motion carried unanimously.

E. Approval of Agenda – Mr. Baker requested to move Item M-2. Appointment of Alternate Member to the Board of Adjustment to the Consent Agenda as Item K-11. Mr. Lytle moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. April 20, 2026 Regular Meeting – Mr. Baker moved, seconded by Mr. Daniel to approve the minutes of the April 20, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2026-09 Older Americans Month – Mayor Copelof read the proclamation aloud and presented it to NC AARP Volunteer Sara Knapp.

PROCLAMATION NO. 2026-09
OLDER AMERICANS MONTH

WHEREAS, May is Older Americans Month, a time for us to recognize and honor older Americans' contributions, highlight aging trends, and reaffirm commitments to serving older adults in our communities; and

WHEREAS, this year's theme, "Champion Your Health," focuses on prevention, wellness, and personal responsibility as cornerstones of healthy aging. It encourages older adults to take an active role

in their health—advocating for themselves, accessing preventive care, and making informed decisions that support independence; and

WHEREAS, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

WHEREAS, older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, we must ensure that older Americans have the resources and support needed to stay involved in our community—reflecting our commitment to inclusivity and connectedness.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim May 2026 as **Older Americans Month** in the City of Brevard. We call upon all residents to join us in recognizing the contributions of our older citizens and promoting programs and activities that foster connection, inclusion, and support for older adults.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

G-2. Proclamation No. 2026-10 Historic Preservation Month – Mayor Copelof read the proclamation aloud.

**PROCLAMATION NO. 2026-10
HISTORIC PRESERVATION MONTH**

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing the livability of a community; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, in the City of Brevard it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Brevard has two National Register Districts and 18 of 23 Locally Designated Local Landmarks for Transylvania County; and

WHEREAS, May has been celebrated as National Historic Preservation Month throughout the United States of America since 1973; and

WHEREAS, This May there will be a host of events that have been prepared by local historical organizations and co-sponsored by Transylvania County Joint Historic Preservation Commission, whose mission is to help preserve the historic identity of the City of Brevard and Transylvania County.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2026 as **Historic Preservation Month** in the City of Brevard.

IN WITNESS WHEREOF, I here unto set my hand and Seal of the City of Brevard to be affixed this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

G-3. Proclamation No. 2026-11 National Police Week & Peace Officer's Memorial Day – Mayor Copelof read the proclamation aloud and presented it to Police Chief Chrisy Wentzell and Officer Jordan Ryan.

**PROCLAMATION NO. 2026-11
National Police Week and
Peace Officer's Memorial Day 2026**

WHEREAS, the Congress and the President of the United States have designated that there be a national Law Enforcement Officers Week; and

WHEREAS, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Brevard Police Department and the Transylvania County Sheriff's Office; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 38th Annual Candlelight Vigil, on the evening of Tuesday, May 13, 2026; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement offices and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the citizens of Brevard recognize and appreciate the contributions made by law enforcement officers at all levels of government.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, call upon all citizens to observe Thursday, **May 15, 2026**, as "**PEACE OFFICERS MEMORIAL DAY**" and **May 10-16, 2026** as "**NATIONAL POLICE WEEK**" in Brevard, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

G-4. Proclamation No. 2026-12 Mental Health Awareness Month – Mayor Copelof read the proclamation aloud and presented it to Beth Ford and Leah Bush of TC Strong.

**PROCLAMATION NO. 2026-12
MENTAL HEALTH AWARENESS MONTH**

WHEREAS, mental health is essential to the overall well-being of individuals, families, and the community of the City of Brevard, influencing how people think, feel, act, and connect with one another; and

WHEREAS, the City of Brevard is known for its strong sense of community, natural beauty, and quality of life, all of which contribute to the mental and emotional well-being of its citizens; and

WHEREAS, one in five individuals will experience a mental health condition in their lifetime, and stigma, lack of access to care, and social isolation continue to present challenges in communities both large and small; and

WHEREAS, Mental Health Awareness Month provides an opportunity for the City of Brevard to promote understanding, reduce stigma, and encourage residents to seek help and support when needed; and

WHEREAS, the 2026 theme, "More Good Days, Together," highlights the importance of connection, compassion, and collective responsibility in fostering mental wellness and ensuring that all residents have the opportunity to thrive; and

WHEREAS, access to mental health resources, early intervention, and community-based support systems are vital to improving outcomes and strengthening the resilience of individuals and families throughout Brevard and Transylvania County; and

WHEREAS, local leaders, healthcare providers, educators, first responders, employers, and community organizations play a critical role in supporting mental health and creating a culture where individuals feel safe, supported, and valued; and

WHEREAS, by working together, the citizens of Brevard can continue to build a community that prioritizes well-being, encourages open conversations, and supports one another in achieving more good days;

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim May 2026 as **Mental Health Awareness Month** in the City of Brevard and encourage all residents to raise

awareness, support one another, and take meaningful steps toward improving mental health—so that together, we may experience **More Good Days, Together**.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

G-5. Proclamation No. 2026-13 Strive Not to Drive Week – Mayor Copelof read the proclamation aloud and presented it to Sandy Broadwill of Land of Sky Go Mountain Commuting and Brevard Bike Alliance member Nora Jane Montgomery.

**PROCLAMATION NO. 2026-13
STRIVE NOT TO DRIVE WEEK**

WHEREAS, bicycling and walking remain human-powered, energy-efficient, and environmentally sustainable forms of transportation that reduce traffic congestion, lower emissions, and promote public health through physical activity; and

WHEREAS, the City of Brevard’s Bicycle & Pedestrian Master Plan adopted in 2021 envisions a city that is a premier destination for biking and walking, with a safe and expansive network of bicycle and pedestrian facilities connecting the city to the surrounding outdoor recreation and cultural destinations; and

WHEREAS, communities across the United States, including the City of Brevard, are experiencing a growing demand for safe, accessible, and connected biking and walking infrastructure as more residents and visitors choose multimodal transportation and recreation; and

WHEREAS transportation is the second largest household expense in the United States; car-dependent households spend 50% more on transportation than households with more accessible land use and multimodal transportation options; and gas prices continue to be a concern; and

WHEREAS, Transylvania in Motion provides public transit throughout the City of Brevard and Transylvania County; and

WHEREAS, the City of Brevard has made significant investments to improve multimodal infrastructure across the city including the Estatoe Trail and soon-to-be Ecusta Trail; and

WHEREAS, Strive Not to Drive Week encourages residents and visitors to travel by walking, biking, and riding the bus when practicable; and

WHEREAS, Strive Not to Drive is a collaboration between local governments, non-profit groups, and advocates like the Brevard Bike Alliance throughout Western North Carolina.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, NC do hereby proclaim Friday, May 15, through Friday, May 22, 2026, as “**STRIVE NOT TO DRIVE WEEK**” and encourage the residents of our community, and communities throughout Western North Carolina, to use multimodal transportation options during Strive Not to Drive Week and throughout the year.

IN WITNESS WHEREOF, I here unto set my hand and Seal of the City of Brevard to be affixed this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

H. Public Comments

Rodney Locks commented that he attended the last Public Safety Committee meeting where Chief Wentzell presented her plan to address the issues expressed in the Berry Dunn report. The report found a host of serious organizational and operational issues with the Brevard Police Department. Chief Wentzell presented a path forward where the Council, the citizens of Brevard and visitors could see an accredited Brevard Police Department in one budget cycle. Brevard would join Hendersonville, Asheville and Buncombe County as the only accredited law enforcement departments in Western North Carolina. He said that can only happen if Council had her back, supported her, and moved public health and safety up on the priority list by funding in the budget the programs she recommends. Accreditation means Brevard has demonstrated a commitment to professionalism and higher standards. This is all predicated on Council’s next step. You knew there was a problem, you paid to find out the extent of the problem, you hired a person who could address the problem; you now know what

must be done to eliminate the problem. What are you going to do? Budget to solve and move forward or kick the can down the road? The ball is in your court.

Doug Powell used a Star Wars “May the 4th” reference to compare King George III’s rule and colonial-era “taxation without representation” to modern government policies. He noted that the Declaration of Independence listed 27 grievances against the King, highlighting one about creating “a multitude of New Offices” and sending officers to “harass our people and eat out their substance.” Mr. Powell argued that taxes and regulations may look good on paper but can burden citizens in practice, citing Brevard’s Unified Development Ordinance (UDO) as an example. He said the UDO added about \$1.14M to the new county courthouse project, including \$125,000 for required street trees, parking lot trees, and other vegetation, and warned that ongoing landscaping maintenance would continue to increase taxpayer costs. He criticized the timing given recent and proposed property tax increases and challenged Council to consider whether the costly effects of its policies align more with oppressive taxation or with limited-government ideals that support affordable living, especially for residents on fixed incomes.

Harvey Sankey commented that the City Manager’s recommended budget for FY26-27 shows a property tax increase of 7%, plus fee increases over last year. Last year’s increase was 8.3%. Part of the 7% increase includes a 4.4% increase in the General Fund for the operating departments. I agree with this increase, and it is necessary. It includes a 2.7% COLA increase for city employees, three new full-time positions in the Public Works Department, enhanced staffing levels for the Fire Department, and two new police cars for the Police Department. What about the other non-departmental funds that make up the balance of the 7%, which is an increase of 2.6%. Are these increases necessary? If you reduce these budgeted items by about \$200,000, you could bring the property tax rate increase to about 4.4%. The increases in the Housing Trust Fund, the Multi-Use Path Fund, the Downtown Master Plan Fund, and other fund increases in these non-departmental budgets—are they needs or are they wants? The impact of the 7% increase, plus last year’s increase of 8.3% on a house appraised at \$595,000 is a burden increase of 29.8% over a 2-year period; 20.5% on a house appraised at \$191,760 over that same 2-year period. This burden increase also includes the fee increases. You need to consider the budget of lower-income taxpayers to make their life more affordable.

I. Special Presentations

I-1. FY2027 Recommended Budget Presentation and Set Date for Public Hearing – City Manager Hooper presented his FY 2026-2027 Recommended Budget to Council, The Recommended Budget is \$27, 677,133 across all funds, which is approximately \$50,000 lower than last year. The proposal by and large maintains all major service levels and enhances service levels in certain areas. It includes resources for:

- A 2.7% cost of living increase for all eligible employees, however, asks employees to contribute more to the cost of health insurance coverage for dependents.
- Three new full-time positions in Public Works.
- A switch to 96-gallon tipper carts for residential and small commercial garbage collection.
- Enhanced staffing levels for Brevard Fire Department.

The proposal funds these expenses via:

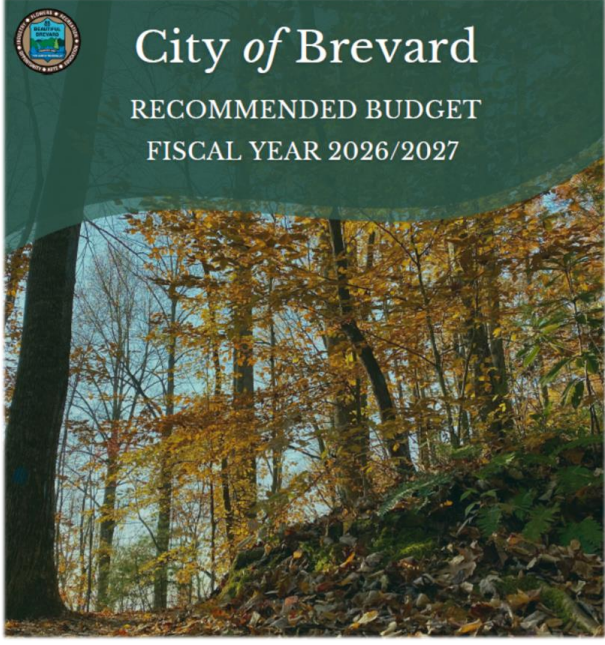
- A proposed 2.5-cent increase in Brevard's property tax rate.
- Increased sanitation collection fees for commercial and institutional properties.
- Continuation of the city's regular 4% increases to the city's "per/1000 gallon" utility fee, and 4% increases to other utility fees including the high strength waste surcharge.

A copy of the FY 2026-2027 Recommended Budget is on file in the Clerk’s Office and available for viewing on the City’s website.

Mr. Hooper’s shared the following PowerPoint presentation:

Presentation Summary

- Statutory and ordinance responsibilities
- Transparency and public hearing
- Budget building process
- Priorities
- Recommended budget
 - General Fund revenue
 - General Fund expenses
 - Fire Fund
 - Stormwater Fund
 - Water/Sewer Fund revenue
 - Water Sewer Fund expenses
- Reserve funds
- FY26 Supplemental Spending Plan
- Impact on taxpayers/ratepayers



Statutory and ordinance responsibilities

- Brevard Code of Ordinances Sec. 2-113(5)

City Manager must “prepare and submit the annual budget and capital program to Council.”

- NCGS 159-9

“Each local government...shall appoint a budget officer to serve at the will of the governing board. In cities...having the manager form of government, the city manager shall be the budget officer.”

The Local Government Budget and Fiscal Control Act.

Part 1. Budgets.

§ 159-7. Short title; definitions; local acts superseded.


(a) This Article may be cited as “The Local Government Budget and Fiscal Control Act.”

(b) The words and phrases defined in this section have the meanings indicated when used in this Article, unless the context clearly requires another meaning.

- (1) “Budget” is a proposed plan for raising and spending money for specified programs, functions, activities or objectives during a fiscal year.
- (2) “Budget ordinance” is the ordinance that levies taxes and appropriates revenues for specified purposes, functions, activities, or objectives during a fiscal year.
- (3) “Budget year” is the fiscal year for which a budget is proposed or a budget ordinance is adopted.
- (4) “Debt service” is the sum of money required to pay installments of principal and interest on bonds, notes, and other evidences of debt accruing within a fiscal year, to maintain sinking funds, and to pay installments on debt instruments issued pursuant to Article 7A of this Chapter or Chapter 159G of the General Statutes accruing within a fiscal year.
- (5), (6) Repealed by Session Laws 1975, c. 514, s. 2.
- (7) “Fiscal year” is the annual period for the compilation of fiscal operations, as prescribed in G.S. 159-8(b).
- (8) “Fund” is a fiscal and accounting entity with a self-balancing set of accounts recording cash and other resources, together with all related liabilities and residual equities or balances, and changes therein, for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.
- (9) Repealed by Session Laws 1975, c. 514, s. 2.
- (10) “Public authority” is a municipal corporation (other than a unit of local government) that is not subject to the State Budget Act (Chapter 143C of the General Statutes) or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation, (ii) is not subject to the State Budget Act, and (iii) operates on an area, regional, or multi-unit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
- (11) Repealed by Session Laws 1975, c. 514, s. 2.
- (12) “Sinking fund” means a fund held for the retirement of term bonds.
- (13) “Special district” is a unit of local government (other than a county, city, town, or incorporated village) that is created for the performance of limited governmental functions or for the operation of a particular utility or public service enterprises.
- (14) “Taxes” do not include special assessments.
- (15) “Unit,” “unit of local government,” or “local government” is a municipal corporation that is not subject to the State Budget Act (Chapter 143C of the General Statutes) and that has the power to levy taxes, including a consolidated city-county, as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

Transparency and public hearing

- The law merely requires that this presentation be filed with the City Clerk and be sent to all news media in the county.
- Brevard will also post prominently on its website, with links on all social media platforms. Hard copies will be sent to the Public Library for reference.
- If so directed by Council this evening, the Public Hearing will take place two weeks from tonight.
- Mayor/Council appreciate public input on this proposal.



Budget building process

- Staff begins work in December, collecting data on the base costs of providing services.
- Requests for “new money” submitted in January.
- Revenues come into focus in February.
- Council names priorities in February/ March. Staff filters requests through these.
- Council gets first look at numbers in April. Conducts straw votes on spending plan and revenues.
- Manager incorporates Council’s feedback into recommendation presented in May.

**ADDENDUM 2
FY27 BUDGET CALENDAR**
(dates subject to change)

December 9, 2025	Staff Budget Kick-Off
Before Christmas	Send funding letters to non-profits
January 5-16	Individual Department Kick-Off Meetings w/Wilson, Dean, David, and Shawnee (Operating AND capital will be discussed)
Jan. 5 – March 5	Retreat planning meeting(s) with facilitators and planning subcommittee (Maureen, Pamela, Wilson)
February 6	Base operating budget, capital needs, and Service Level Change requests (SLCs) due
February 9-28	Dean/Finance compile expenses and prepare revenue projection Evaluate corporate-wide resource demands (compensation, ins. etc) Wilson/Dean/David preliminarily review SLCs Prep for Priority Setting Retreat
March 5-6	Priority Setting Retreat
March 9-April 7	Craft first draft budget Take non-profit funding requests to HR/F committee
April 7	Distribute budget retreat materials
April 10	Budget retreat w/straw votes
April 13-April 30	Craft recommended budget/produce document
May 1	Distribute recommended budget document
May 4	Manager presents recommended budget Call for public hearing
May 18	Conduct public hearing
June 1	Approve budget
June 15	Relief date if not approved June 1.

Priorities

- Three top priorities identified by Council during the March Priority Setting Retreat.
- Informed April 10 Budget Workshop discussion
- The filter through which funding requests or proposals are considered
- Even if little fundings applied, the Priority Setting Retreat will guide staff’s activities in the year to come.

March 2026 Strategic Planning Retreat

Council has identified three priorities it sees as integral to the City’s mission and therefore deserving of dedicated resource allocations. Council also agreed upon corresponding action steps for those priorities to ensure concrete progress is made on each.

- **Housing**
 - Members of Council desire continued progress on the Azalea Avenue project and intend to develop a Plan B that can be implemented if necessary.
 - Council also aims to generate creative non-financial activities to maintain housing momentum.
- **Infrastructure (with an emphasis on the wastewater treatment plant)**
 - With Phase I of the WWTP renovations underway, staff should begin concentrated efforts to obtain funding for Phase II of the project.
- **Core Services**
 - Council seeks to maintain core services via the creation of a small number of new positions in the Fire and Public Works departments to ensure appropriate staffing levels.

Notables

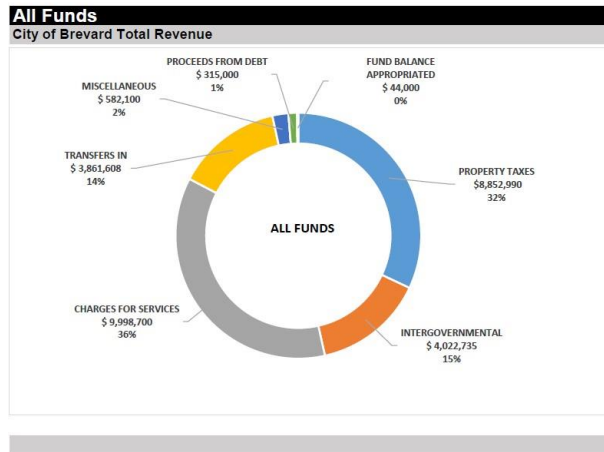
- Total budget is lower than FY26
- By and large maintains all major service levels; enhances select service levels
- Proposed budget focuses resources on providing fair compensation and benefits for our employees even during times of austerity.
- Increases employee compensation 2.7%
 - However, asks employees to contribute a bit more to the cost of health insurance
- Proposed budget socks away money for future water/sewer utility project
- Continues contributions to Housing Trust Fund, Multi-Use Path Fund, and Downtown Master Plan Fund though at a diminished level for the latter two.

All Funds
City of Brevard Total Expenditures By Fund

	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	PROJECTED TO 6-30-26	MANAGER RECOMMENDED FY26-27	CHANGE IN % FROM FY25-26 ORIGINAL
GENERAL	\$ 13,078,440	\$ 14,448,955	\$ 14,730,555	\$ 14,650,805	\$ 15,079,433	4.4%
STORMWATER	15,384	219,000	219,000	150,000	209,000	-4.6%
WATER AND SEWER	6,920,605	7,979,125	7,979,125	7,568,500	7,782,900	-2.5%
FIRE	2,334,245	2,489,800	2,639,800	2,564,300	1,899,200	-23.7%
CAPITAL RESERVE	-	80,000	80,000	-	105,000	31.3%
BIERG TRUST	-	2,400	2,400	-	2,100	-12.5%
HEALTH INSURANCE	1,898,845	2,066,200	2,066,200	2,090,900	2,136,000	3.4%
HEART OF BREVARD	152,155	166,000	166,000	152,500	177,000	6.6%
HOUSING TRUST	1,163,363	265,000	265,000	218,700	286,500	8.1%
TOTAL	\$ 25,563,937	\$ 27,716,480	\$ 28,148,080	\$ 27,985,705	\$ 27,677,133	-0.1%

Budget recommendation

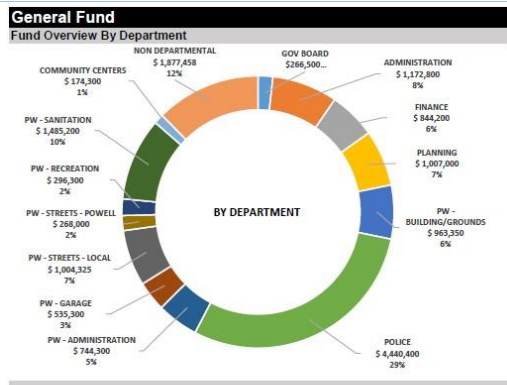
- Total across all fund - \$27,677,133
 - GF – \$15,079,433
 - Fire Fund – \$1,899,200
 - W/S Fund - \$7,782,900
 - Stormwater Fund - \$209,000
- Down <.1% overall compared to last year
- Funded via:
 - \$.025 increase to millage rate (to \$.3825) (yields about \$600,000)
 - Increased fees
 - A 4% increase to utility consumption fees



	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	PROJECTED TO 6-30-26	MANAGER RECOMMENDED FY26-27	CHANGE IN % FROM FY25-26 ORIGINAL
PROPERTY TAXES	\$ 7,162,730	\$ 8,036,432	\$ 8,036,432	\$ 8,063,124	\$ 8,852,990	10.2%
INTERGOVERNMENTAL	3,799,660	3,897,200	4,028,800	3,841,040	4,022,735	3.2%
CHARGES FOR SERVICES	9,230,444	9,476,925	9,476,925	9,532,300	9,998,700	5.5%
TRANSFERS IN	3,219,745	3,465,905	3,465,905	3,465,905	3,861,608	11.4%
MISCELLANEOUS	794,426	599,518	749,518	1,661,525	582,100	-2.9%
PROCEEDS FROM DEBT	925,000	815,000	965,000	965,000	315,000	-61.3%
FUND BALANCE APPROPRIATE	-	1,425,500	1,425,500	-	44,000	-96.9%
TOTAL	\$ 25,132,005	\$ 27,716,480	\$ 28,148,080	\$ 27,528,894	\$ 27,677,133	-0.1%

Budget recommendation

- General Fund
- Total - \$15,079,433
 - By function
 - Public safety (36.0%) - \$5,436,008
 - Public Works (33.1%) - \$4,998,475
 - General Govt. (21.8%) - \$3,290,500
 - Recreation/Culture (3.1%) – \$470,600
 - Debt (3.2%) - \$495,975
 - Housing (1.5%) - \$235,000
 - Non-Departmental (0.7%) - \$106,000



	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	PROJECTED TO 6-30-26	MANAGER RECOMMENDED FY26-27	CHANGE IN % FROM FY25-26 ORIGINAL
GOV BOARD	\$ 182,574	\$ 275,600	\$ 275,600	\$ 266,400	\$ 266,500	-3.3%
ADMINISTRATION	1,034,986	1,145,600	1,145,600	1,115,400	1,172,800	2.4%
FINANCE	914,245	813,200	813,200	836,700	844,200	3.8%
PLANNING	883,373	1,017,100	1,017,100	977,600	1,007,000	-1.0%
PW - BUILDING/GROUNDS	535,828	532,600	532,600	631,750	963,350	80.9%
POLICE	3,785,865	4,405,300	4,536,900	4,298,700	4,440,400	0.8%
PW - ADMINISTRATION	666,892	719,600	719,600	725,300	744,300	3.4%
PW - GARAGE	562,613	526,100	526,100	560,650	535,300	1.7%
PW - STREETS - LOCAL	897,048	907,400	1,057,400	1,100,300	1,004,325	10.7%
PW - STREETS - POWELL	262,116	268,000	268,000	264,000	268,000	0.0%
PW - RECREATION	260,341	306,500	306,500	283,500	296,300	-3.3%
PW - SANITATION	1,139,226	1,559,400	1,559,400	1,627,300	1,485,200	-4.8%
COMMUNITY CENTERS	169,643	193,200	193,200	179,900	174,300	-8.9%
NON DEPARTMENTAL	1,683,688	1,781,355	1,781,355	1,780,805	1,677,458	5.4%
TOTAL	\$ 13,078,448	\$ 14,448,955	\$ 14,730,555	\$ 14,650,805	\$ 15,079,433	4.4%

General Fund Service Level Changes

- Public Works
 - 2 additional full-time employees (FTEs) for Buildings & Grounds division.
 - 1 additional FTE for Streets division.
 - Purchase of 96-gallon tipper carts for residential and small commercial garbage collection that will enable us to switch to a faster, cleaner, and safer automated collection method.



General Fund Service Level Changes, cont.



- Brevard Fire Dept.
- Additional full-time staff to make progress towards department goal of having at least two full-time officers per shift.
- Exact number TBD; awaiting word on potential County contribution

Budget recommendation
Fire Fund

- Total - \$1,899,200
- Includes \$150,000 increase for enhanced staffing
- County contribution not yet finalized.

Fire Fund
Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
40-3350-0000	MISC REVENUE	\$ 5,305	\$ -	\$ -	\$ 1,765	\$ 4,000	\$ -
40-3350-0100	GRANT REVENUE	-	-	50,000	50,000	50,000	-
40-3530-0100	DONATIONS	310	-	-	3,100	2,500	-
40-3600-0000	INSURANCE PROCEEDS	18,082	-	-	-	-	-
40-3600-0100	STAND BY PAY	11,145	10,000	10,000	10,830	16,000	10,000
40-3830-0000	SALE OF FIXED ASSETS	42,500	-	100,000	100,000	100,000	-
40-3970-0000	FIRE DISTRICT TAX - CURRENT YEAR	536,359	770,895	770,895	581,719	775,624	893,592
40-3940-0200	FEMA HELENE	-	-	-	59,535	60,000	-
40-3970-0600	TRANSFER FROM GENERAL FUND	789,745	858,905	858,905	644,179	858,905	995,608
40-3990-0000	FUND BALANCE APPROPRIATED	-	850,000	850,000	-	-	-
TOTAL REVENUE		\$ 1,403,446	\$ 2,489,800	\$ 2,639,800	\$ 1,451,128	\$ 1,867,029	\$ 1,899,200

Fire Fund
Total Expenditures

	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	PROJECTED TO 6-30-26	MANAGER RECOMMENDED FY26-27	CHANGE IN % FROM FY25-26 ORIGINAL
SALARY & BENEFITS	\$ 832,989	\$ 810,800	\$ 810,800	\$ 856,000	\$ 1,130,700	39.5%
OPERATING	400,724	404,700	504,700	414,000	419,100	3.6%
CAPITAL	764,465	925,000	975,000	945,000	-	-100.0%
DEBT	336,067	349,300	349,300	349,300	349,400	0.0%
TOTAL	\$ 2,334,245	\$ 2,489,800	\$ 2,639,800	\$ 2,564,300	\$ 1,899,200	-23.7%

General Fund - Non Departmental
Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
10-6600-5800	BANKING FEES	49,376	40,000	40,000	37,975	45,000	45,000
TOTAL OPERATING		\$ 49,376	\$ 40,000	\$ 40,000	\$ 37,975	\$ 45,000	\$ 45,000

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
10-6600-9240	TO FIRE DEPT	\$ 789,745	\$ 858,905	\$ 858,905	\$ 644,179	\$ 858,905	\$ 995,608
10-6600-9249	TO HEART OF BREVARD	11,000	11,000	11,000	11,000	11,000	11,000
10-6600-9251	TO FUND 83 - DOWNTOWN	95,000	95,000	95,000	71,250	95,000	47,500
10-6600-9256	TO FUND 82 - ROSENWALD	-	-	-	-	-	-
10-6600-9259	TO FUND 78 - ESTATOE	95,000	95,000	95,000	71,250	95,000	47,500
10-6600-9262	TO FUND 70 - HOUSING	198,000	198,000	198,000	148,500	198,000	235,000
10-6600-9264	TO FUND 78 - BRACKEN	-	-	-	-	-	-
10-6600-9265	TO FUND 83 - TIMES ARCADE	-	-	-	-	-	-
10-6600-9266	TO FUND 83 - NORTON CREEK	-	-	-	-	-	-
10-6600-9267	TO FUND 32 - FACILITIES	-	-	-	-	-	-
10-6600-9270	TO FUND 75 - ROUNDABOUTS	75,000	75,000	75,000	56,250	75,000	-
TOTAL TRANSFER OUT		\$ 1,283,745	\$ 1,332,905	\$ 1,332,905	\$ 1,002,429	\$ 1,332,905	\$ 1,336,608

Debt

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
10-6600-9120	DEBT PRINC DUE - BBT004	\$ 21,932	\$ -	\$ -	\$ -	\$ -	\$ -
10-6600-9121	DEBT INT DUE - BBT004	227	-	-	-	-	-
10-6600-9130	DEBT PRINC DUE - FC9262	9,216	-	-	-	-	-
10-6600-9131	DEBT INTEREST DUE - FC9262	123	-	-	-	-	-
10-6600-9170	DEBT PRINCIPAL DUE - ST001	11,312	11,700	11,700	6,677	11,700	12,000
10-6600-9171	DEBT INTEREST DUE - ST001	1,458	1,200	1,200	900	1,200	900
10-6600-9180	DEBT PRINCIPAL DUE - MCJ	141,454	144,300	144,300	144,269	144,300	147,200
10-6600-9181	DEBT INTEREST DUE - MCJ	41,299	38,500	38,500	38,484	38,500	35,700
10-6600-9320	DEBT PRINC DUE - BBT005	25,554	26,000	26,000	19,437	26,000	26,400
10-6600-9321	DEBT INTEREST DUE - BBT005	1,498	1,100	1,100	852	1,100	700
10-6600-9330	DEBT PRINC DUE - UNIT1078	18,528	19,000	19,000	14,170	19,000	19,400
10-6600-9331	DEBT INTEREST DUE - UNIT1078	2,437	2,100	2,100	1,554	2,100	1,700
10-6600-9340	DEBT PRINC DUE - UNIT7431	19,683	20,300	20,300	15,173	20,300	21,000
10-6600-9341	DEBT INTEREST DUE - UNIT7431	2,213	1,700	1,700	1,249	1,700	1,000
10-6600-9350	DEBT PRINC DUE - FY23 CAPITAL	63,366	66,000	66,000	49,338	66,000	68,000
10-6600-9351	DEBT INT DUE - FY23 CAPITAL	10,267	7,800	7,800	5,886	7,800	4,900
10-6600-9370	DEBT PRINC DUE - FY26 CAPITAL	-	58,750	58,750	33,022	53,600	62,200
10-6600-9371	DEBT INT DUE - FY26 CAPITAL	-	10,000	10,000	6,521	9,600	12,700
10-6600-9380	DEBT PRINC DUE - FY7 CAPITAL	-	-	-	-	-	50,000
10-6600-9391	DEBT INT DUE - FY27 CAPITAL	-	-	-	-	-	11,375
TOTAL DEBT		\$ 370,567	\$ 408,450	\$ 408,450	\$ 339,532	\$ 402,900	\$ 485,975
TOTAL		\$ 1,683,688	\$ 1,781,355	\$ 1,781,355	\$ 1,379,936	\$ 1,780,805	\$ 1,877,583

Budget recommendation

Stormwater Fund

- Total - \$209,000
- Third year of fund designed to raise money to repair and enhance Brevard's stormwater conveyance system.
- No rate changes recommended
- Revenues and expenses slightly down to reflect actual collections, rather than projections like last year.
- Expenses anticipated to be completion of stormwater master plan.

Stormwater Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
21-3800-3000	TIER 1 REVENUE	141,696	145,000	145,000	140,976	142,000	140,000
21-3800-4000	TIER 2 REVENUE	58,680	62,000	62,000	58,860	60,000	60,000
21-3800-5000	TIER 3 REVENUE	9,000	12,000	12,000	5,400	6,000	9,000
TOTAL REVENUE		\$ 209,376	\$ 219,000	\$ 219,000	\$ 205,236	\$ 208,000	\$ 209,000

Stormwater Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
21-8500-0925	PROF SERVICES	\$ 150	\$ -	\$ -	\$ -	\$ -	\$ -
21-8500-4500	CONTRACTED SERVICES	15,234	219,000	219,000	111,075	150,000	209,000
TOTAL OPERATING		\$ 15,384	\$ 219,000	\$ 219,000	\$ 111,075	\$ 150,000	\$ 209,000

Budget recommendation

Water/Sewer Fund

- Total - \$7,782,900
- By function:
 - Water treatment - \$1,223,700
 - Wastewater treatment - \$1,496,900
 - Water/sewer maintenance - \$2,390,200
 - Non-department (e.g. capital expenses) - \$2,672,100
- Funded via:
 - Proposed 4% increase in per 1000/gallon rate
 - Corresponding 4% increase in other fees (HSWS, etc.)

Water and Sewer Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	ACTUAL 3-31-26	PROJECTED FY26	MANAGER RECOMMENDED FY27
30-3350-0100	MISC UTILITY FEES	\$ 2,375	\$ 1,000	\$ 1,000	\$ 225	\$ 1,000	\$ 1,000
30-3600-0000	INSURANCE PROCEEDS	-	-	-	92,773	92,800	-
30-3710-0100	WATER CHARGES	3,464,570	3,531,125	3,531,125	2,689,887	3,600,000	3,700,000
30-3710-0200	SEWER CHARGES	3,230,808	3,341,500	3,341,500	2,451,005	3,200,000	3,375,000
30-3710-0300	METER CHARGES	183,348	185,000	185,000	138,654	186,000	186,000
30-3710-0400	METER REACTIVATION	1,440	500	500	720	1,000	1,000
30-3710-0500	HIGH STRENGTH WASTE	118,997	150,000	150,000	161,862	216,000	224,700
30-3730-0100	WATER TAP & CONNECT FEE	32,041	60,000	60,000	57,050	80,000	80,000
30-3730-0200	SEWER TAP & CONNECT FEE	23,850	30,000	30,000	25,575	40,000	45,000
30-3750-0200	LATE - RECONNECT FEES	34,700	55,000	55,000	29,110	35,000	35,000
30-3760-0000	SEPTAGE PRETREATMENT	71,975	85,000	85,000	99,581	130,000	135,200
30-3940-0200	FEMA REIMB - HELENE	-	-	-	128,152	128,200	-
30-3970-0300	DEBT PROCEEDS	-	540,000	540,000	540,000	540,000	-
TOTAL REVENUE		\$ 7,164,104	\$ 7,979,125	\$ 7,979,125	\$ 6,414,594	\$ 8,250,000	\$ 7,782,900

	ACTUAL FY25	ORIGINAL BUDGET FY25-26	AMENDED BUDGET FY25-26	PROJECTED TO 6-30-2026	MANAGER RECOMMENDED FY26-27	CHANGE IN % FROM FY25-26 ORIGINAL
PERSONNEL	\$ 2,041,774	\$ 2,183,000	\$ 2,183,000	\$ 2,175,500	\$ 2,267,900	3.9%
OPERATING	2,165,212	2,604,500	2,604,500	2,288,600	2,457,900	-5.6%
CAPITAL	314,510	540,000	540,000	658,000	475,000	-12.0%
TRANSFER OUT	736,000	901,825	901,825	750,000	862,600	-4.3%
DEBT	1,663,109	1,749,800	1,749,800	1,696,400	1,719,500	-1.7%
TOTAL	\$ 6,920,605	\$ 7,979,125	\$ 7,979,125	\$ 7,568,500	\$ 7,782,900	-2.5%

Water/Sewer Fund Service Level Changes

- Water Treatment Plant
 - Funding for "Non-Revenue Water" measures
- Wastewater Treatment Plant
 - Fats, Oils, Greases (FOG) regulatory program
 - Mandated by state law; NCDEQ gave us an official reminder this year
 - Recommended changes to relevant ordinances and roll out strategy will come to Council this summer, but funding is included in this budget



Cumulative Impact of Potential Tax and Fee Increases (FY27)

Impact on household of \$191,760 appraised value, residential refuse collection, and 800 gallons/mo. utility consumption							
	Annual property taxes		Annual refuse fees	Annual Utility fees	Annual Stormwater fees	TOTAL ANNUAL BURDEN	DIFFERENCE
FY24	\$475.01		\$288	\$502.70		\$1,265.71	
FY25	\$475.01		\$300	\$509.62	\$48	\$1,332.63	\$66.92
FY26	\$.3575	\$685.54	\$300	\$516.91	\$48	\$1,550.45	\$217.82
FY27	\$.3825	\$733.48	\$300	\$524.40	\$48 (No Change)	\$1,605.88	\$55.43

Impact on household of \$595,000 appraised value, residential refuse collection, and 2,700 gallons/mo. utility consumption							
	Annual property taxes		Annual refuse fees	Annual Utility fees	Annual Stormwater fees	TOTAL ANNUAL BURDEN	DIFFERENCE
FY24	\$1,494.91		\$288	\$918.58		\$2,701.49	
FY25	\$1,494.91		\$300	\$941.90	\$48	\$2,784.81	\$83.32
FY26	\$.3575	\$2127.12	\$300	\$966.53	\$48	\$3,441.65	\$656.85
FY27	\$.3825	\$2275.87	\$300	\$991.80	\$48 (No Change)	\$3,615.67	\$174.03

Impact on household of \$1,181,620 appraised value, residential refuse collection, and 4,200 gallons/mo. utility consumption							
	Annual property taxes		Annual refuse fees	Annual Utility fees	Annual Stormwater fees	TOTAL ANNUAL BURDEN	DIFFERENCE
FY24	\$4,352.73		\$288	\$1,246.89		\$5,887.62	
FY25	\$4,352.73		\$300	\$1,283.18	\$180	\$6,115.97	\$228.29
FY26	\$.3575	\$4224.29	\$300	\$1,321.49	\$180	\$6,028.78	(\$87.18)
FY27	\$.3825	\$4518.28	\$300	\$1,360.80	\$180 (No Change)	\$6,359.09	\$330.30

Annual Impact of New Tax Rate and Fees on Various Commercial Entities									
	Prop Tax		Refuse Fees	Existing Utility Fees	HSWS	Stormwater Fee	TOTAL BURDEN	DIFFERENCE	
Ingles	FY25	\$49,343		\$189	\$58,442	\$6,072	\$1,800	\$115,846	-
	FY26 & 27	Based on valuation of \$11,065,990		Enrolled in commercial cardboard/recycling	Based on Avg. of 251,000 gal./mo. (Total includes annual 4% increase to consumpt fee)	Tier 3 rates Based on Avg. of 251,000 gal./mo. (Total incl. 4% fee increase)	>250,000 sq. ft. of impervious @ \$150/mo. (No Change)		
	FY26	\$.3575	\$39,560	\$189	\$59,940	\$6,072	\$1,800	\$107,561	(\$8,285)
	FY27	\$.3825	\$42,327	\$336	\$61,439	\$6,315	\$1,800	\$112,217	\$4,656

Belk	FY25	\$12,628		\$2,349	\$1,360	\$0	\$180	\$16,517	-
	FY26 & 27	Based on valuation of \$2,553,900		12 dumpster collection/mo., Comm. crdbrd (large user), Comm. recycl	Based on Avg. of 3,600 gal./mo. (Total includes annual 4% increase to consumpt fee)	Tier 2 rates Based on Avg. of 75,400 gal./mo. (No change)	>7,000 sq. ft. of impervious @ \$15/mo. (No change)		
	FY26	\$.3575	\$9,130	\$2,349	\$1,395	\$0	\$180	\$13,054	(\$3,463)
	FY27	\$.3825	\$9,769	\$4,116	\$1,429	\$0	\$180	\$15,494	\$2,440

Charlies Tire	FY25	\$5,000		\$1,389	\$1,832	\$89.52	N/A	\$8,310	-
	FY26 & 27	Based on valuation of \$1,191,970		8 dumpster collections per/mo., Comm. recycle Comm. crdbrd (large user)	Based on Avg. of 4,800 gal./mo. (Total includes annual 4% increase to consumpt fee)	Tier 3 rates Based on Avg. of 4,800 gal./mo. (Total incl. 4% fee increase)	>7,000 sq. ft. of impervious @ \$15/mo. (No change)		
	FY26	\$.3575	\$4,261	\$1,389	\$1,879	\$89.52	\$180	\$7,798	(\$512)
	FY27	\$.3825	\$4,559	\$3,156	\$1,926	\$93.10	\$180	\$9,914	\$2,116

THospital	FY25	\$114,965		\$189	\$129,773 ¹	\$12,347	\$1,800	\$259,074	-
	FY26 & 27	Based on valuation of \$21,915,080		Enrolled in commercial cardboard/recycling	Based on Avg. of 510,400 gal./mo. (Total includes annual 4% increase to consumpt fee)	Tier 3 rates Based on Avg. of 510,400 gal./mo. (Total incl. 4% fee increase)	>250,000 sq. ft. of impervious @ \$150/mo. (No change)		
	FY26	\$.3575	\$78,346	\$189	\$121,636	\$12,347	\$1,800	\$214,318	(\$44,756)
	FY27	\$.3825	\$83,825	\$336	\$124,677	\$12,841	\$1,800	\$223,479	\$9,161

Hunters and Gatherers	FY26 & 27	Based on valuation of \$662,540		Comm. garbage, Comm. recycling Comm. crdbrd (medium)	Based on Avg. of 1,900 gal./mo. (Total includes annual 4% increase to consumpt fee)	Tier 2 rates Based on Avg. of 12,200 gal./mo. (No change)	<7,000 sq. ft. of impervious @ \$4.00/mo. (No change)		
	FY26	\$.3575	\$2,368	\$441	\$807.12	\$0	\$48	\$4,826	-
		\$.1754	\$1,162						
		Total	\$3,530						
FY27	\$.3825	\$2,534	\$1,608	\$828.95	\$0	\$48	\$6,313	\$1,487	
	\$.1954	\$1,294							
	Total	\$3,828							

¹ Consumption numbers were higher in FY25.

IN CONCLUSION

- Budget preserves all services and maintains all major service levels.
 - Values employees by keeping them fairly compensated.
- Sets resources to sustain momentum on water/sewer capital projects.
 - Addl. burden on tax payers/ratepayers is modest.



Mr. Daniel moved, seconded by Mr. Baker to set May 18, 2026 as the required public hearing date for the FY 2026-2027 Budget. The motion carried unanimously.

~~At 6:51 p.m. Mayor Copelof called for a 5-minute break.~~

Following the break Council Members commented on the proposed budget and Mr. Hooper's presentation, and asked questions, which were answered by Staff. Mr. Baker noted that the proposed budget includes funding for an employee compensation study and requested that Staff investigate a system to establish annual employee reviews and merit-based pay in the future. He also commented that the Sports Complex is very heavily utilized and the issues with the parking lot need to be addressed. He noted that the City has received a proposal from an engineering group to reconfigure that parking lot and stressed that needs to be done in this budget. He said that is the most dire need in the City's park system and has shown itself to be a safety issue.

J. Public Hearing(s)

J-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – The Hub – Aaron Bland introduced this item explaining that Ogeechee Davidson LLC, owners of the Hub bike shop, has applied to rezone its two parcels located at 11 Mamas Place and 113 Mamas Place to the new Pisgah Gateway Mixed-Use (PGX) zoning district. The 1.7 acre parcel which contains the Hub bike shop is currently zoned Downtown Mixed Use and is located at 11 Mamas Place. The adjacent 113 Mamas Place is 7.1 acres and split zoned between Residential Mixed Use and General Residential-4. The Planning Board discussed the request at its April 8th meeting and unanimously recommended in favor.

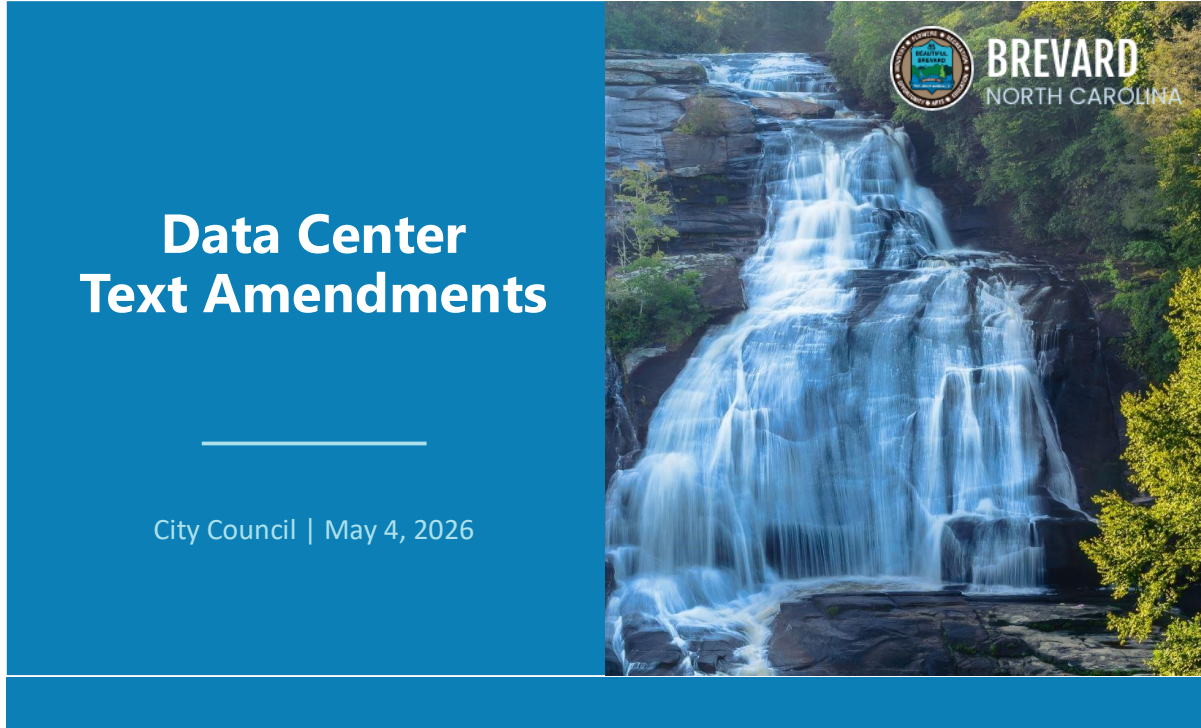
At 7:24 p.m. Mr. Baker moved, seconded by Mr. Daniel to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 7:24 p.m. Mr. Daniel moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

J-2. Proposed Amendments to the City of Brevard Unified Development Ordinance Chapters 2, 3 and 19 – Regulations for Data Centers – Aaron Bland explained that in response to Council's request, Staff has looked into the adequacy of the city's zoning regulations regarding data centers. In order to provide Staff time to make recommended updates to the UDO, Council adopted Ordinance No. 2026-11 on March 16, 2026, enacting a "temporary moratorium on the acceptance, processing, and approval of any application for data centers, cryptomining facilities, server farms, or other high-impact digital infrastructure facilities." The moratorium expires on July 2,

2026. This staff-initiated text amendment adds a new specific land use to the Brevard UDO for data centers and similar facilities, and the use would be allowed only in the General Industrial zoning district as a part of a conditional zoning district (CZD). Mr. Bland shared the following PowerPoint presentation:



Background

- **February 16, 2026**
 - Council asked Staff to study the adequacy of the city's zoning regulations regarding data centers
 - Investigate the legal steps necessary to impose a moratorium on data center development
- **March 16, 2026**
 - Planning Staff determines current text of the Unified Development Ordinance (UDO) is insufficient to properly regulate data centers and their potential negative impacts
 - Council adopts Ordinance No. 2026-11 enacting a temporary moratorium
 - Expires on July 2, 2026
- **April 8, 2028**
 - Planning Board discussed proposed amendments
 - Recommended in favor by a 4-1 vote, with one modification

Current Ordinance

- **Data centers do not appear at all**
 - No land use currently in the UDO adequately incorporates data centers or crypto-mining facilities
 - Must fit it into some land use in the UDO
- **“Best” fit is Heavy Manufacturing**
 - Their impactful operating characteristics are consistent with the UDO definition:
 - *“A facility that involves dangerous, noxious, or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, or any other likely cause. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.”*
 - Allowed with Special Use Permit in General Industrial zoning district

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

Current Ordinance

- **Special Use Permits**
 - Approved by the Board of Adjustment
 - Quasi-judicial evidentiary hearing
 - BOA can attach reasonable conditions
 - Runs with the land
 - Each case heard on its own
 - BOA must base their decision on “substantial, competent, and material evidence” that is presented at the hearing
- **Required Findings of Fact**
 - The use meets all requirements and specifications of the ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit
 - The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area
 - The proposed use or structure will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses



Current Ordinance

- **Staff believes SUPs are not the best zoning tool**
 - Provides *some* safeguards against the negative aspects of data centers
 - But SUPs do not offer the same level of oversight that we believe Council wants
 - May consider noise, environmental impacts, and the consumption of community resources such as water, wastewater capacity, and electrical demand, but only if presented at the hearing
 - BOA members cannot discuss a pending case with the applicant, neighbors, or city staff
 - A decision cannot be based on anything not presented at the hearing
 - SUP hearing is the application of the zoning ordinance, not a policy discussion
- **Current language has potential for confusion**
 - A potential applicant would not know where their project lands in the UDO
 - Future staff might interpret differently



Proposed Amendments

- **Add new land use to UDO**
 - New definition
 - [A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence \(AI\), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.](#)
 - Add to Use Matrix as allowed only with a Conditional Zoning District in General Industrial

Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Data centers	—	—	—	—	—	—	—	CZD
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P



Proposed Amendments

• Conditional Zoning Districts

- Site-specific zoning ordinance with specific standards and conditions
- Allows zoning to be tailored more carefully to a particular situation without the tight parameters of a quasi-judicial hearing/decision
- A negotiated approach that allows maximum flexibility to tailor regulations to a particular site and project
- Can impose conditions to address impacts reasonably expected to be generated by the use of the site
- Intended to provide an effective means for the city to manage the impacts of large-scale developments and to manage developments in sensitive contexts
- Good tool for when the conventional zoning standards are insufficient to protect neighbors or the public interest
- A quasi-judicial decision becomes a legislative decision



Proposed Amendments

• Add new land use to UDO

- New definition
 - [A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence \(AI\), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.](#)
- Add to Use Matrix as allowed only with a Conditional Zoning District in General Industrial

Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Data centers	—	—	—	—	—	—	—	CZD
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P

Proposed Amendments

• Add new land use to UDO

- Added to Chapter 3
- Still falls under the “Heavy Manufacturing” category

3.11.2. Heavy manufacturing use category.

A. Heavy manufacturing.

1. Definition: A facility that involves dangerous, noxious, or offensive uses or a facility that has external impacts such as smoke, odor, noise, glare, fumes, gas, or vibration that are detectible from outside the building, threat of fire or explosion, emission of particular matter, or any excessive utility usage ~~other likely cause~~. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.
2. Additional Standards:
 - a. For a Conditional Zoning District:
 - i. Primary access to heavy manufacturing uses shall be from a street that is classified no less than a minor thoroughfare.
 - ii. A traffic impact study in accordance with Section 17.13 shall accompany the application for a permit. The improvements recommended by the study shall be constructed by the applicant as a condition of approval.

B. Data centers.

1. Definition: A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence (AI), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.
2. As part of a conditional zoning district approval, Council shall consider the following potential negative impacts: lighting, noise, and city utility capacity.

Planning Board recommended removing →

Proposed Amendments

• Changes to other definitions of similar high-impact uses

- Heavy Manufacturing
 - A facility that involves dangerous, noxious, or offensive uses or a facility that has [external impacts such as](#) smoke, odor, noise, glare, fumes, gas, [or vibration that are detectible from outside the building](#), threat of fire or explosion, emission of particular matter, or any [excessive utility usage](#) ~~other likely cause~~. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.
- Utilities – Class 3
 - Generation, production, or treatment facilities such as power plants [\(including solar farms and wind farms\)](#), water and sewage plants, and landfills.

Proposed Amendments

• One other use matrix change

- Utilities – Class 3
 - Also make allowed by Conditional Zoning District in General Industrial

		Infrastructure									
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	—	—	PCZD

Moving Forward

• Next Steps

- Tonight: Public Hearing
- May 15: Possible vote

• Other Options

- Do nothing and maintain the Heavy Manufacturing interpretation (SUPs)
- Amend the Heavy Manufacturing definition to more explicitly reference large-scale operations characterized by extraordinary consumption of water, wastewater, and electrical resources, as well as substantial noise or other environmental impacts

At 7:41 p.m. Mr. Baker moved, seconded by Mr. Lytle to open the public hearing. The motion carried unanimously.

Public Participation:

Phillip Heath said I grew up here and I just don't want to see the resources go away—talking about the Davidson River. We're already in a drought.

Tammy Heath said in light of their not being legally able to say "no data centers" here, we have a unique town where tourists from miles away come to see us here in Brevard. I don't want to see our natural resources and beauty of our area go to a data center where it's taking more of the resources than it's giving to our community and our people.

Rebecca Nunneley said I am very encouraged to hear that you are addressing this situation before a request actually came before you and I am encouraged that you are putting in what sounds like the strongest guidelines that are available legally. I think it indicates that you share, possibly, my views that, as expressed by the two previous speakers, we do have a very special area. We are already in a severe drought; we are very dependent in our economy on tourism; and if we see the usage for electricity, for water, and its impact on the environment as far as increased temperatures even; and without providing a lot of additional jobs, we're going to have a very bad impact on the local economy if we do allow data centers to come in without giving due consideration to its impact.

Blaise McCall said the biggest thing for me is I'm an avid outdoorsman—I love hunting, fishing, and all that. Data centers raise the temperature of the water and trout get lethargic over 65-67 degree water temperature, which we are already reaching in the summertime here, so it's already an issue. Besides that, it would limit...we already have a limited for public use of rivers, besides just in the forest because of private property, which is understandable. I just don't like the idea of it. Clay County also put in some sort of ban, but they worded it the correct way. I think that would be in our best interest to preserve the beauty of our county.

Lane Herrlinger said I feel strongly about the subject and I think everybody is on the same page to support and do the best thing to phrase things the right way. We wish we could ban it, but if we can't, do the best thing to make them jump through so many hoops that they don't want to. I know that some of the crazy stats are it could increase the ambient temperature three degrees Celsius within 6.2 miles of a data center. That increase I'm sure could totally kill species that are endemic to this area; we are extremely special in a temperate rain forest and imagine how less it would be with a data center here. When you're supporting data centers, you're support businesses like Google, Facebook, mega-companies that to me are essentially useless in our...I guess they have some uses, but I don't necessarily support them. I have a small business and I answer my phone when people call. If you try to call Google or Facebook, there is no phone number, so you're supporting businesses that don't even have a face. Data centers to me are the driving force to those businesses. They rape the resources, they're terrible for health and within 6.2 miles they can affect you. Let's say they put one where the old Ecusta was, 6.2 miles away as the crow flies is pretty far. Imagine it gets here, it gets almost to Mills River, it gets all over the place. I don't know anybody that is in support of them; I don't know who the people are that want them. I heard a story about a brewery that was putting warmer water into the French Broad...it was using the water and then putting the water back into the French Board at a temperature that was higher than they were allowed to do. They received a fine from the EPA, and when they received the fine they said "that's it?". They just kept doing it until they decided that they actually had to change something. You think about a company like a data center where money is like an infinite thing, or a cryptocurrency mine or something like that, EPA fines or rules we put on them once established may or may not be a thing. Any kind of fines or regulations or things we may incur to them may not be even enough to stop them or change it. I appreciate you doing all you can to put those regulations in place.

At 7:51 p.m. Mr. Lytle moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

During questions and comments Mr. Daniel noted there have been rumors and comments regarding the Ecusta site and clarified that that site currently is under a Conditional Zoning District and a development agreement, which means it cannot have a data center.

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

K-1. Property Tax Releases – April 2026

RESOLUTION 2026-25 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 April 2026 property values from the tax scroll in the amount of:

TAX YEAR 2025: \$ 491.73

Adopted and approved this 4th day of May 2026.

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

s/ Maureen Copelof, Mayor

K-2. Resolutions Requesting Approval from NCDOT for Public Art in Ecusta Road and Pisgah Forest Roundabouts

RESOLUTION NO. 2026-26 A RESOLUTION REQUESTING APPROVAL FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PUBLIC ART WITHIN THE RIGHT-OF-WAY OF HIGHWAY 64/276 (PISGAH FOREST) SOUTHWEST CORNER (MONUMENT SIGN AND SIDEWALK ARCHWAY)

WHEREAS, the North Carolina Department of Transportation (NCDOT) is constructing the roundabout project (STIP Project #R-5799) at the intersection of U.S. Highway 64/276 and N.C. Highway 280 in Brevard, North Carolina; and

WHEREAS, the City of Brevard previously collaborated with NCDOT and its consultant, McAdams, to design and fund optional landscaping betterments within the project; and

WHEREAS, the City Council desires to install a “Welcome to Brevard” monument sign and a stone archway feature over the sidewalk within NCDOT right-of-way along U.S. Highway 276, located on the southwest corner of the intersection and outside of the roundabout circulatory roadway; and

WHEREAS, NCDOT’s Public Art in the Right-of-Way Policy requires that requests for artwork within the State highway right-of-way be formally initiated through a resolution of support adopted by the governing body; and

WHEREAS, in accordance with NCDOT requirements, the City shall provide an opportunity for the community to consider and comment on the proposed art project through a public meeting at a regularly scheduled City Council Meeting; and

WHEREAS, the City Council has duly considered all comments received and finds that the proposed installation will enhance the public realm and is consistent with community goals; and

WHEREAS, the City has engaged McAdams to assist in preparing necessary documentation, design, and coordination with NCDOT for the required encroachment review.

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

Section 1. The City of Brevard formally requests that the North Carolina Department of Transportation consider and approve the installation of a monument sign and stone archway within

NCDOT right-of-way along U.S. Highway 276, located on the southwest corner of the intersection of U.S. Highway 64/276 (Pisgah Forest), outside of the roundabout circulatory roadway; and in accordance with the Public Art in the Right-of-Way program.

Section 2. The City acknowledges and agrees that all costs associated with the design, installation, and long-term maintenance of the proposed improvements shall be the sole responsibility of the City of Brevard, and not NCDOT.

Section 3. The City further acknowledges that the proposed installation is subject to NCDOT encroachment agreement requirements and shall be designed, constructed, and maintained in a manner that does not interfere with the safe operation, maintenance, or function of the State highway system.

Section 4. The City authorizes its staff and consultants to coordinate with NCDOT Division 14 and the Art in the Right-of-Way Committee and to submit all necessary plans, analyses, and documentation required to complete the review and approval process.

ADOPTED AND APPROVED this, the 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

RESOLUTION NO. 2026-27

A RESOLUTION REQUESTING APPROVAL FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PUBLIC ART WITHIN THE RIGHT-OF-WAY OF ECUSTA ROAD (DAVIDSON RIVER CONNECTOR ROAD) – ROUNDABOUT CENTER (DIGESTER SCULPTURE)

WHEREAS, the North Carolina Department of Transportation (NCDOT) has completed STIP Project No. R-5605, known as the Davidson River Connector Road, including construction of a roundabout at Ecusta Road in Brevard, North Carolina; and

WHEREAS, the project was administered through NCDOT's central office, and the City of Brevard had limited opportunity to coordinate landscape or aesthetic enhancements during project development; and

WHEREAS, no landscaping or public art elements were included as part of the original construction of the roundabout; and

WHEREAS, a digester vessel from the former Ecusta Paper Mill has been donated to the City of Brevard to serve as a public art sculpture reflective of the community's industrial heritage; and

WHEREAS, the City Council desires to install the digester sculpture within the center island of the roundabout at Ecusta Road, within NCDOT right-of-way; and

WHEREAS, NCDOT's Public Art in the Right-of-Way Policy requires that requests for artwork within State-maintained right-of-way be formally initiated through a resolution of support adopted by the governing body; and

WHEREAS, in accordance with NCDOT requirements, the City has provided an opportunity for the community to consider and comment on the proposed art project at a regularly scheduled City Council meeting; and

WHEREAS, the City Council has duly considered all comments received and finds that the proposed installation will enhance the visual character of the corridor and is consistent with community goals; and

WHEREAS, the City has engaged McAdams to assist in preparing necessary documentation, design, and coordination with NCDOT for the required encroachment review.

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

Section 1. The City of Brevard formally requests that the North Carolina Department of Transportation consider and approve the installation of a digester sculpture within the center island of the roundabout at Ecusta Road (Davidson River Connector Road), within NCDOT right-of-way, in accordance with the Public Art in the Right-of-Way program.

Section 2. The City acknowledges and agrees that all costs associated with the design, installation, and long-term maintenance of the proposed sculpture shall be the sole responsibility of the City of Brevard, and not NCDOT.

Section 3. The City further acknowledges that the proposed installation is subject to NCDOT encroachment agreement requirements and shall be designed, constructed, and maintained in a manner

that does not interfere with the safe operation, maintenance, or function of the State highway system, including maintaining appropriate sight distance and safety clearances within the roundabout.

Section 4. The City authorizes its staff and consultants to coordinate with NCDOT Division 14 and the Art in the Right-of-Way Committee and to submit all necessary plans, analyses, and documentation required to complete the review and approval process.

ADOPTED AND APPROVED this, the 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

K-3. Proclamation No. 2026-14 Municipal Clerks Week

**PROCLAMATION NO. 2026-14
57th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 3 - May 9, 2026**

WHEREAS, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do recognize the week of May 3 through May 9, 2026, as the 57th Annual Professional **Municipal Clerks Week**, and further extend appreciation to our Professional Municipal Clerk, Denise Hodsdon, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

K-4. Proclamation No. 2026-15 Public Service Recognition Week

**PROCLAMATION NO. 2026-15
PUBLIC SERVICE RECOGNITION WEEK
May 3-9, 2026**

WHEREAS, Americans are served every single day by public servants at the federal, state, county and municipal levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, public employees take not only jobs, but oaths; and

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, public servants include teachers, doctors and nurses, scientists, social workers, train conductors and astronauts, safety inspectors, laborers, computer technicians, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby announce and proclaim to all citizens, that May 3-9, 2026 is **Public Service Recognition Week** in Brevard, North Carolina. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and municipal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

K-5. Proclamation No. 2026-16 National Bike Month

PROCLAMATION NO. 2026-16 NATIONAL BIKE MONTH

WHEREAS, the bicycle is an economical, healthy, convenient, viable, and environmentally sound form of transportation and an excellent form of recreation and enjoyment of Brevard and Transylvania County's scenic beauty; and

WHEREAS, Brevard and Transylvania County trails and roads attract bicyclists each year from across the country and the world; and

WHEREAS, Brevard hosts several major cycling races and events, including the Assault on the Carolinas, the WNC Flyer, and the Pisgah Stage Race; and

WHEREAS, these bicycling activities and attractions have great potential to have a positive impact on Brevard's economy and tourism industry, as well as to stimulate economic development by making the city attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, May has been declared National Bike Month since 1956 and is so again in 2026; and

WHEREAS, the League of American Bicyclists, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies, and civic groups throughout North Carolina will be promoting bicycling as a leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May 2026; and

WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, the City of Brevard Comprehensive Plan includes several objectives and policies aimed at improving cycling as both a form of recreation and transportation.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2026 as **National Bike Month** and **Bicycle Safety Month**.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

K-6. Parks, Trails & Recreation Committee Meeting Minutes – March 18, 2026

K-7. Finance, Human Services and Citizen Appointment Committee Meeting Minutes – February 23, 2026

K-8. Finance, Human Resources and Citizen Appointment Committee Meeting Minutes – March 31, 2026

K-9. Public Safety Committee Meeting Session Notes – February 23, 2026 Meeting

K-10. Public Safety Committee Meeting Minutes – March 23, 2026**K-11. (M-2) Appointment of Alternate Member to the Board of Adjustment**

**RESOLUTION NO. 2026-29
A RESOLUTION APPOINTING A MEMBER TO THE
BREVARD BOARD OF ADJUSTMENT**

WHEREAS, in Fall 2022 the Brevard City Council held a work retreat to reform its committee structure, and initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee was charged with reviewing applicants for the various committees/advisory groups and making appointment recommendations to the full Council; and

WHEREAS, the City of Brevard appoints five citizen members to the Board of Adjustment—three Regular Members and two Alternate Members—each to serve 3-year terms; and

WHEREAS, the two Alternate Member seats are currently vacant; and

WHEREAS, under the direction of the Finance, Human Resources and Citizen Appointment Committee, city staff conducted an open recruitment for citizens interested in serving the Board of Adjustment; and

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their April 27, 2026 meeting; and

WHEREAS, at that meeting the Committee recommended that Amy Kelton be appointed as an Alternate Member of the Brevard Board of Adjustment.

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

- 1) The Brevard City Council does hereby appoint Amy Kelton as an Alternate Member to the Board of Adjustment, for a term to be effective immediately and expiring in May 2029.

Adopted and approved this the 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

L. Unfinished Business

L-1. Proposed Amendments to City of Brevard Code of Ordinances Chapters 38, 42, and 66 – Special Event Regulations – Emily Brewer recalled that this is a staff-initiated text amendment to review the ordinance and procedures in order to clarify / streamline the approval process, update the requirements, and continue to improve large-scale events. Council received a briefing and held a public hearing on the draft amendments on April 20, 2026.

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

**ORDINANCE NO. 2026-15
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES
CHAPTERS 38, 42 AND 66 TO AMEND THE REGULATIONS FOR SPECIAL EVENTS**

WHEREAS, a special event is an organized gathering open to the public or with invited guests that use public spaces and public rights-of-way, such as roads, greenways, and plazas; and

WHEREAS, the City of Brevard is home to many annual and one-time special events, including White Squirrel Weekend and Juneteenth Family Fest, that play a crucial role in the vibrancy of our community by creating a place for economic opportunity, arts, culture, and community; and

WHEREAS, it is the responsibility of the City to administer regulations for special events in order to: protect public health, safety and welfare during special events; ensure adequate coordination of public services; minimize disruption to residents, traffic circulation, and public infrastructure; and balance community vibrancy and economic activity with neighborhood compatibility and welfare; and

WHEREAS, the City of Brevard Public Safety Committee considered revisions to the special event regulations on March 4, 2026, and unanimously recommended in favor of adoption; 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*, including:

- *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-25*: Create opportunities for arts and cultural programming, public art, sculptures, and mural throughout the City.

WHEREAS, a public hearing was conducted on Monday, April 20, 2026, 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 Code or Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. City Council hereby authorizes staff to implement policies and procedures for reviewing special event permit applications and ensuring public health, safety, and welfare are maintained.

SECTION 03. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 04. 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 4th day of May, 2026.

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

s/ Maureen Copelof, Mayor

M. New Business

M-1. Purchasing Policy Update – Dean Luebbe explained that Staff is requesting the following revisions to the City's Purchasing Policy that was adopted in June 2024:

- Section 2.10 (B) raises the limit from \$10,000 to \$25,000 for the review of recurring purchase agreements, which are scheduled every three years.
- Section 3.7 (C) (4) adds wording to include other national purchasing coop programs besides US Communities.
- Sections 3.4 (A) and 3.4 (B) related to Construction and Repair contracts:
 - For contracts under \$30,000, three quotes would be "encouraged, but not required."
 - Raises formal bidding limit from \$250,000 to \$500,000 and management is allowed discretion if three bids cannot be obtained. Council will receive a listing of all construction and repair contracts on a quarterly basis.

The Finance, Human Resources and Citizen Appointment Committee has reviewed the proposed amendments and at its meeting on April 27th referred them to Council with a recommendation to approve.

Mr. Lytle moved, seconded by Mr. Baker to approve the Finance, Human Resources and Citizen Appointment Committee's recommendation as presented. The motion carried unanimously.

RESOLUTION NO. 2026-28
A RESOLUTION AMENDING THE CITY OF BREVARD PURCHASING POLICY

WHEREAS, it is the policy of the City of Brevard to maintain a responsible procurement process that obtains the best apparatus, supplies, materials, equipment, and services at the best price and in compliance with all applicable laws; and

WHEREAS, City Council adopted the City of Brevard Purchasing Policy on June 17, 2024; and

WHEREAS, Staff has drafted amendments to the adopted Purchasing Policy establishing revised guidelines for the expenditure of funds used to procure goods and services by City departments; and

WHEREAS, the City Council Finance, Human Resources and Citizen Appointment Committee has reviewed the draft amendments to the Purchasing Policy and recommends approval.

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

Section 1. The attached City of Brevard Purchasing Policy, as amended is hereby adopted.

Section 2. This resolution shall become effective upon its adoption and approval on this 4th day of May, 2026.

Adopted and approved this the 4th day of May 2026.

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

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Daniel said I want to encourage people when they hear stories that excite them or enrage them to reach out to us, and we can help explain some of the misconceptions that you might be hearing, because I think there was a lot of energy that got blown up about data centers that was sort of wasted energy.

Mr. Lytle thanked Mr. Hooper and Staff for all the work on the budget. He said I want to call out that in the budget we do help fund non-profits and we recognize the importance of non-profits in the city. There are lots of them and where government may fall short or can't help, there's always a non-profit filling that gap, so I am glad we have some in the budget to support them. We did focus on those that provide essential needs like food and shelter.

Mr. Baker noted that this is Municipal Clerks Week and said I want to thank Denise for all the work she does for us.

Mr. Hooper noted that there is another honor we need to add to our recognitions this evening as today is National Fallen Firefighters Memorial Day.

Mayor Copelof thanked the Staff and said we couldn't do anything without the amazing staff that we have; they do an incredible job. It would be so great if we could just run the city and not have to deal with more taxes, but we have to balance the needs and what is happening in the economic environment that we live in, and we have to take care of the people that work for us with cost-of-living and making sure that the jobs are properly compensated. She reminded everyone that the public hearing on the budget is on May 18th.

O. Closed Sessions – None.

P. Adjourn – There being no further business, at 8:22 p.m. Mr. Baker moved, seconded by Mr. Lytle, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: May 18, 2026

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-17

NATIONAL PUBLIC WORKS WEEK

May 17-23, 2026

“Rooted in Service, Powered by Community”

WHEREAS, Public Works Professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Brevard; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Brevard to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2026 marks the 66th annual National Public Works Week sponsored by the American Public Works Association.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby designate the week May 17–23, 2026, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our Public Works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 18th day of May, 2026.

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk



Maureen Copelof
Maureen Copelof
Mayor

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Proposed FY 2026-2027 Budget and Ordinance

Speaker: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director

Prepared by: Shawnee Cummings, Assistant to the City Manager, Dean Luebbe, Assistant City Manager/Finance Director, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

NCGS 159-9 names city managers as his/her municipality's statutory "budget officer" and outlines his/her responsibilities regarding preparation and submission of proposed budgets. The statute requires that a document which "contain[s] a concise explanation of the governmental goals fixed by the budget for the budget year, explain[s] important features of the activities anticipated in the budget, set[s] forth the reasons for the state changes from the previous year in program goals, programs, and appropriate levels, and explain[s] any major changes in fiscal policy" be presented to the elected board no later than June 1. Brevard Code of Ordinances Sec.2-113(5) requires the city manager to "prepare and submit the annual budget and capital program to the Council."

The proposal presented is the culmination of months of work by both the Brevard staff and the city's elected officials. Staff began compiling information on the costs of providing services prior to the start of the calendar year, and submitted requests for funding for new initiatives soon after that. The City Council held its strategic planning retreat in early March, identifying priorities that staff used to create the budget proposal. Council held a Budget Workshop on April 10 to review options and give preliminary approval of a spending plan. The City Manager summarized the budget in a presentation to Council on May 4, 2026.

Discussion

The proposed FY27 budget endows each of the city's budgetary units with resources needed to provide services, and spells out a funding strategy for each of Council's priorities. It maintains major service levels across the City of Brevard enterprise, and enhances service levels in certain areas.

The proposal includes resources for:

- A 2.7% cost of living increase for all eligible employees, keeping their compensation above inflation.
- Three new full-time positions in Public Works that will enable that department to provide its core services more efficiently, but also make progress on a backlog of projects city leaders wish to see completed.

- A switch to 96 gallon tipper carts for residential garbage collection. This switch will allow the service to be performed quicker, cleaner, and safer than it is currently.
- Enhanced staffing levels for Brevard Fire Department.

The proposal funds these expenses via:

- A proposed 2.5-cent increase in Brevard's property tax rate. The new rate equates to approximately \$87.50 more for a property with an assessed value of \$350,000.
- Increased sanitation collection fees for commercial and institutional properties. Current collections only cover about 50% of the cost of the services.
- A continuation of the city's regular 4% increases to the city's "per/1000 gallon" utility fee, and 4% increases to other utility fees including the high strength waste surcharge.

The full proposal is available for review at the link below:

<https://www.cityofbrevard.com/DocumentCenter/View/6251/FY26-27-Recommended-Budget>

Action

No action requested at this time. Presentation is for information and Public Hearing.

Attachments:

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Proposed Amendments to the City of Brevard Unified Development Ordinance Chapters 2, 5, 8, 10, 11, 12, 13, 14, 16 and 19 - Regulations for Nonconformities

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

In North Carolina, nonconformities (often referred to as “nonconforming uses, structures, or lots”) are governed primarily by NCGS Chapter 160D, which establishes the framework for local land development regulation. Under this statute, nonconformities are generally allowed to continue even if they do not comply with current zoning regulations, recognizing vested property rights. However, local governments are authorized to adopt ordinances that limit the expansion, enlargement, or intensification of these nonconforming situations, and may require compliance when substantial improvements, reconstruction, or changes in use occur. This law intends to balance the protection of existing property rights with the public interest in gradually bringing development into conformity with adopted plans and regulations. As land becomes more scarce, redevelopment and densification of existing properties continues to occur more and more.

This is a staff-initiated text amendment to rewrite the City's requirements for nonconformities, specifically Chapter 14. The goals of these regulations are to:

- 1. Limit substantial investment in nonconformities
- 2. Bring about eventual elimination and/or lessen their impact on surroundings
- 3. Preserve the integrity of the ordinance and the character of the city

Staff held a workshop with the Planning Board at its March meeting, where Staff shared an overview of the current challenges with ordinance language and discussed proposed ideas prior to a review of ordinance language. At the next meeting in April, Planning Board reviewed the language and unanimously recommended in favor of its adoption.

Discussion

A nonconformity is defined as a lot, structure, use, sign, or site feature that was legally established but no longer complies with current development code requirements. Importantly, nonconformities are not violations; they result from code amendments, annexations, or zoning district changes. Common examples include nonconforming uses that are no longer permitted in a zoning district, nonconforming structures that fail to meet

dimensional standards such as setbacks or height limits, nonconforming lots that do not meet frontage requirements, and nonconforming site features such as parking layouts, landscaping, signs, or buffers that do not meet current standards.

Nonconformities create regulatory, economic, and planning challenges. From a regulatory standpoint, they create inconsistencies across sites, complicate ordinance administration, and limit the ability to require modern standards. Economically, they can discourage reinvestment, reduce property values, and create uncertainty for developers and neighbors. From a planning perspective, nonconformities can undermine long-term land use goals and perpetuate outdated development patterns. At the same time, reinvestment provides an opportunity to gradually improve compliance and modernize sites over time.

Legal considerations also play a key role because nonconformities sit at the intersection of vested property rights and municipal zoning authority. This creates a balancing act between protecting private property rights and advancing community planning goals. Regulations that are too strict may discourage reinvestment, while overly lenient regulations can perpetuate noncompliance. North Carolina law allows continuation of lawful nonconformities—often referred to as “grandfathering”—which permits lawfully established nonconforming uses, structures, and lots to continue operating, remain in their existing footprint, and maintain their location, provided they were established before the zoning change. Local governments can adopt regulations with regard to how or if a nonconformity may be expanded and when compliance is required for a project. Typically, the overarching goals of nonconformity regulations are to limit substantial investment in nonconformities, encourage eventual elimination or mitigation of impacts, and preserve the integrity of the ordinance and character of the community as expressed in the ordinance.

The current ordinance presents several challenges. It is often vague and confusing, making it difficult to administer fairly and challenging for developers to understand expectations. It uses ambiguous phrases such as “to the maximum extent possible” and “increasing the degree of nonconformity,” conflates nonconforming uses and structures, and contains contradictions. It also relies on investment thresholds tied to building value to determine compliance without clearly defining normal repairs versus improvements. This forces staff to estimate project costs and often prevents improvements to low-value buildings because full redevelopment becomes financially infeasible.

Nonconformity regulations typically address several components, including types of nonconformities (uses, structures, lots, and site features), authority to continue, authority to expand or alter, and thresholds for when compliance is required. Different expansion policy approaches exist. A strict elimination approach prohibits expansion entirely, which is simple to administer but discourages reinvestment. A controlled expansion approach allows limited expansion, often with percentage caps, offering moderate flexibility. A compliance-based approach allows expansion if improvements comply with current regulations, aligning new investment with policy goals.

The following reflects the proposed expansion policies for the different types of developments.

- **Nonconforming Uses:** In the proposed language for nonconforming uses, expansion is generally not permitted, though exceptions may be granted for low-density residential uses (e.g., single-family, duplex, triplex, or quadraplex dwellings). Increased intensity—such as longer hours, more employees, or higher trip generation—is typically prohibited. If a nonconforming use is abandoned for 180 days or more, it cannot be reestablished, and once converted to a conforming use, it cannot revert back.
- **Nonconforming Structures:** Nonconforming structures, on the other hand, may be enlarged as long as the expansion does not increase the degree of nonconformity and complies with current regulations. For example, a building encroaching into a front setback may expand elsewhere but not further into that setback. The proposed ordinance language details what is meant by "increasing the degree of nonconformity" to ensure consistent application and clear expectations. If a structure is damaged as the result of a natural disaster or accident, the permissions differ slightly. Structures damaged less than 50 percent of replacement value may be reconstructed as before, provided work begins within 180 days, while structures damaged 50 percent or more must be rebuilt in compliance.
- **Nonconforming Lots:** Nonconforming lots with inadequate frontage may be developed if legal access exists, but cannot be developed if they can be combined with adjacent lots under common ownership. Subdivision activity is allowed only if it improves the nonconformity.
- **Nonconforming Site Features:** Nonconforming site features—such as accessory structures, fences, signs, parking areas, landscaping, and lighting—must be brought into greater compliance when modified. The administrator also had the authority to require changes to address public health and safety concerns, like closure of extra driveways.

Compliance thresholds determine when redevelopment triggers upgrades. One approach requires full compliance when redevelopment occurs, such as construction of a new principal building or major expansions. Another approach, proportional compliance, requires investing a percentage of project cost into correcting nonconformities, though this can be difficult to administer. Incremental improvement compliance requires specific elements to be upgraded when related improvements are made, creating a rational nexus between impacts and required upgrades. This allows gradual compliance over time.

The proposed hybrid compliance approach combines these methods. Full compliance would be triggered by “new construction” of a principal building, defined as additions or improvements equal to or exceeding a specified percentage of floor area or building value.

In this proposal, the "new construction" threshold—currently 66 percent—is proposed to be higher at 75%. Incremental compliance would also apply based on the type and scale of improvements, rather than solely monetary investment. For example, landscaping buffers and screening requirements would apply during new construction but also expansions exceeding 25 percent of gross floor area, or parking expansions exceeding 50 percent or ten spaces. This approach aims to balance fairness, clarity, and gradual improvement while encouraging reinvestment and advancing community planning goals.

Policy Analysis

Nonconformities are not addressed in any of the City's adopted plan and policies, including the Building Brevard 2030 Comprehensive Plan. Therefore, this proposal is neither consistent nor inconsistent. However, addressing nonconformities in a way that leads to gradual compliance will maintain the integrity of the City's Unified Development Ordinance and further the planning goals and objectives outlined in the Comprehensive Land Use Plan.

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).

Action

This information is for public hearing purposes only; no action is requested at this meeting. At the next regular meeting, Staff will ask Council to take one of the following actions:

- Adopt the amendments as presented;
- Revise and adopt the amendments as revised;
- Reject the amendments; or
- Table the amendments for further consideration.

Attachments:

1. Proposed Amendments
2. Consistency Statement BPB
3. Draft Ordinance



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.3. Principal structures.

- A. No development shall contain more than one principal building per lot, unless:
 1. As part of an approved group development;
 2. As part of a conditional zoning district; or
 3. As part of an approved special use permit; ~~or~~
 4. ~~As part of a pre-existing nonconforming use.~~
- B. A multi-unit structure, such as duplexes, townhomes, and mixed-use buildings, within a single lot will be treated as a single primary structure for the purposes of compliance with the dimensional standards of this ordinance.
- C. For separate lots within a zero-lot line development, such as those for some types of townhomes and mixed-use buildings, the individual units will be considered a primary structure for each lot.
- D. The maximum ground floor area for principal structures varies by zoning district and shall be measured in accordance with the following table.

TABLE 2.3-A: GROUND FLOOR AREA

District	Maximum Ground Floor Area of Each Principal Structure
GR4	10,000 sq. ft.
GR8	8,000 sq. ft.
RMX - Single-family home and duplex	8,000 sq. ft.
RMX - Multi-family and nonresidential	25,000 sq. ft.
NMX	30,000 sq. ft.
PGX	40,000 sq. ft.
DMX	25,000 sq. ft.
CMX	75,000 sq. ft.
IC	100,000 sq. ft.
GI	100,000 sq. ft.

Note: Projects of developments that do not meet the above standards apply for conditional zoning in accordance with Section 2.1.C.



CHAPTER 5. ARCHITECTURAL STANDARDS

5.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
1. New construction of a building or buildings; and
 2. Any new changes to building facades, including but not limited to replacement of exterior building elements such as wall material/design, roof material/design, or other exterior remodeling. In this case, only the element and/or material of the building that is being changed or modified (including but not limited to the wall material/design, roof material/design, windows, or doors) will be subject to these regulations
- B. The following structures are exempt from the building design elements adopted under this Chapter:
1. Structures subject to regulation under the North Carolina Residential Code (see N.C.G.S. § Section 160D-702(b)).

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.3. Tree protection.

- A. **Applicability:**
1. The provisions of the tree protection section of this chapter shall be applicable to any tree that falls within one or more of the following categories:
 - a. Any tree which has a trunk six inches or more in diameter at one foot above the ground; or is of a horticultural variety or is highly ornamental (such as a dogwood, redbud, crab apple, sourwood, flowering cherry, holly or any like or similar such plant) and has a trunk diameter of three inches or more at one foot above the ground.
 - b. Any tree that is noted as part of a development plan or that is required as part of a special use permit, group development, planned development, Conditional Zoning District, or other development approval.
 - c. Any tree located within a historic district or any property containing a historically designated structure.
 - d. Any tree subject to D, below.
- B. **Exemptions:**
1. Trees located on properties subject to the North Carolina Residential Code that are not in a moderately steep or steep slope area shall be exempt from the tree protection provisions of this chapter, except for those trees subject to A.1.b.—c., above, and trees and other vegetation in protection areas set forth in [CHAPTER 6](#) and listed as Tier 1 trees in Section 8.3.D, below.
 2. The following trees are exempt from the provisions of this Chapter: Mimosa (*Albizia julibrissin*), Princess Tree (*Paulonia tomentosa*), Russian Olive (*Elaeagnus angustifolia*), Tree of Heaven (*Ailanthus altissima*), Bradford Pear (*Pyrus calleryana*), Japanese Privet (*Ligustrum japonicum*), Norway Maple (*Acer*



Code of Ordinances and UDO

platanoides), Paper Mulberry (*Broussonetia papyrifera*), Thorney Olive (*Elaeagnus pungens*), White Mulberry (*Morus alba*), White Poplar (*Populus alba*), Chinese Elm (*Ulmus parvifolia*), Silver Maple (*Acer saccharinum*), Lombardy Poplar (*Populus nigra*), Chinese Tallow (*Triadica sebiferum*), Chinaberry (*Melia azedarach*).

3. Pruning trees as normal maintenance provided such pruning does not result in the mutilation, death or destruction of the tree.
 4. All trees which are grown by a licensed plant or tree nursery or tree farm, provided such trees are planted and grown on the licensee's premises for the sale or intended sale to the general public in the ordinary course of the licensee's business.
 5. All trees which have been destroyed or harmed by a storm or similar act of nature or casualty loss; provided the administrator is notified of such intended removal, replacement or relocation at least two business days prior to removal, replacement or relocation of any tree. The administrator shall approve or deny the request within the two-day period, and may require replacement subject to the requirements of this ordinance. There shall be no fee for this inspection and review.
 6. Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes.
 7. Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes.
 8. Installation and maintenance activities conducted by public utility providers within utility easements, public lands, or public rights-of-way.
- C. **Permit required:** It shall be unlawful for any person to remove, replace or relocate any tree within the city until an application for a permit has been submitted to the administrator. In determining whether a permit should be issued, the administrator shall consider the following criteria:
1. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services.
 2. The necessity to remove trees in order to construct proposed improvements to allow economic enjoyment of the property.
 3. Topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface waters, and coordination with the city's drainage plans and recommendations on drainage patterns.
 4. Number of trees existing in the neighborhood on improved property. Administrator shall be guided by the effect of tree removal upon property, as well as aesthetic values, in the area.

In all cases, the administrator may require the relocation or replacement of the trees as a condition of issuing the permit, on a one-for-one basis, with replacement trees having a caliper of two-inches or more in diameter at one foot above the ground

- D. **Required tree protection areas:** Trees and existing vegetation shall be preserved in accordance with the table below. Exceptions to tree protection in Tier 2 and Tier 3 areas shall be reviewed by the board of adjustment on a case-by-case basis.



TABLE 8.3A: REQUIRED TREE PROTECTION AREAS

Tier	Priority Tree Protection Area	Required Protection
Tier 1	Special Flood Hazard Areas Required Surface Water Protection Area Required Buffer Yard Moderately Steep Slope Areas Steep Slope Areas Wetlands	All Vegetation and Soil to Remain Undisturbed In some cases, limited disturbance may occur within the areas to be protected provided all necessary approvals are obtained. Such activities include, but are not limited to the following: <ul style="list-style-type: none"> • Mitigation of development activities. • Restoration of previously disturb areas. • Stream restoration. • Utility installations and emergency public safety activities. • Construction of a trail or pedestrian walkway that will provide public access. • Required street or driveway connections.
Tier 2	Front Setback Areas Required Landscaping Areas Required Open Space	All Trees Greater than 12" DBH Replacement trees, if permitted, shall be planted at a rate of one tree per each 12" DBH
Tier 3	All Other Locations	All Trees Greater than 24" DBH Replacement trees, if permitted, shall be planted at a rate of 1 tree per each 12" DBH

E. Public tree care and protection:

1. *Responsibility for public tree care:*

- a. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the city or state-owned rights-of-way or bounds of all streets, alleys, lanes, squares, and city-owned public grounds, or any that extend into the public right-of-way, or that harbors disease or insects in order to ensure public safety or to preserve or enhance the beauty of such public places.
- b. The City of Brevard Public Works Department is hereby granted the responsibility of public tree care within the City of Brevard.
- c. The parks, trails, and recreation committee shall assist and provide guidance to the public works department regarding care and protection of public trees as necessary.

2. *Public tree care:*

- a. The city may remove or cause to be removed by the appropriate agency/contractor, any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is seriously affected with any injurious insect or disease.
- b. Trees, vines, shrubbery, flowers, or other ornamental vegetation standing in or upon any lot or land adjacent to any public street, sidewalk, greenway, or other public place shall be kept trimmed by the owner or occupant of the property on which the plants are growing so as not to interfere with the free and safe passage along the public way by pedestrians, bicyclists, and vehicular traffic.
- c. The public works department may, in the interest of public health and safety, prune any tree that overhangs into any street, sidewalk, greenway, or right-of-way within the city, so that such branches



shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the walkways, a clear space of 13½ feet above the surface of streets, and a clear space of at least 17 feet above highways. The public works department will notify, in writing or in person, any property owner whose trees will be pruned in accordance with this section, no later than 24 hours prior to pruning.

- d. Pruning of public trees shall be done in conformance with pruning standards published by the International Society of Arboriculture, or similar professional organization.
3. *Public tree protection:* All public trees shall be protected during construction activities in accordance with the following:
 - a. A tree on any street or other publicly owned property whose crown is within five feet of any excavation or construction of any building, structure, or street work, shall be guarded with a substantial fence, frame, or box. The construction tree guard shall be not less than four feet high and at a distance in feet from the trunk equal to the diameter of the trunk at breast height (DBH) in inches. All building material, dirt, or other debris shall be kept outside the construction tree guard.
 - b. Land-disturbing activities within five feet of a public tree shall incorporate protection for tree root areas in accordance with generally accepted best practices.
4. *Prohibited activities:*
 - a. Abuse of public trees:
 - i. No person shall intentionally damage, cut, carve, transplant, or remove any public tree.
 - ii. No person shall attach any rope, wire, nails, advertisements, posters, banners, or other contrivance to any public tree.
 - iii. No person shall knowingly allow any gaseous, liquid, or solid substance which is harmful to trees to contact public trees.
 - iv. No person shall set fire to public trees nor permit any fire to burn when such fire or the heat thereof will injure any portion of a public tree.
 - b. Tree topping of public trees, per Section 8.2.J of this ordinance.

8.4. Buffers and screening.

A. *Applicability:*

1. These regulations shall apply to the following:
 - i. New construction of a principal building or buildings; ~~All newly developed properties~~
 - ii. Expansion of an existing principal building resulting in an increase in the gross floor area of 25% or greater;
 - iii. Expansion of an existing principal building resulting in an increase in required off-street parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; and
 - iv. Change of use or expansion of an existing use resulting in an increase in required off-street parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; and
 - v. Any changes to existing buffers and screening. In this case, only the element that is being changed or modified will be subject to these regulations
 - 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.~~

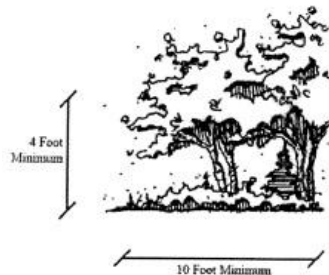
2. The administrator may modify landscaping requirements up to ten percent in situations where pre-existing conditions make it impossible to comply with subsections ii, ~~and iii,~~ and iv above.
3. Applicants are encouraged to design buffer and other landscape areas in such a way as to satisfy stormwater 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

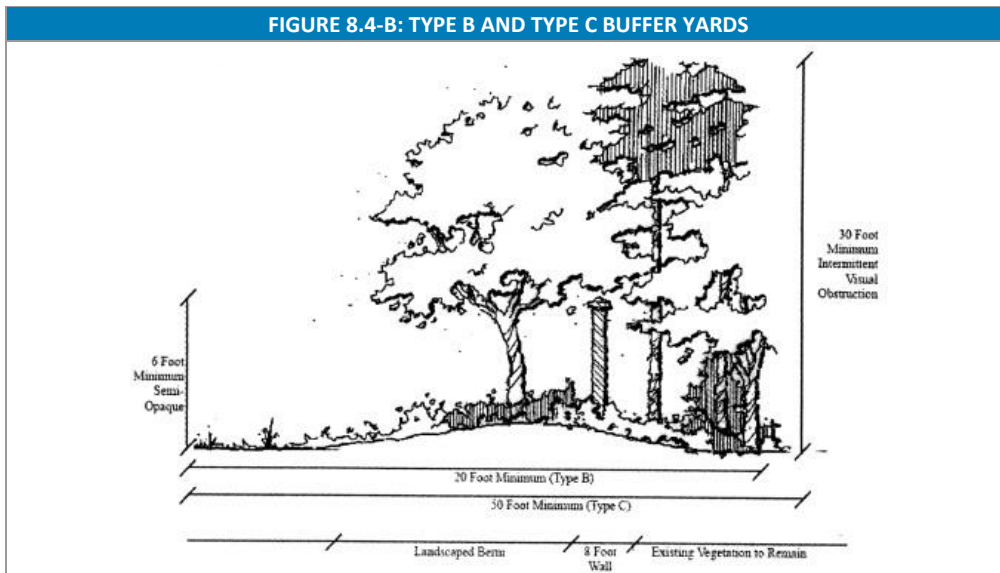


intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening materials within semi-opaque areas shall contain horizontal openings no greater than 15 feet in width upon the plants' maturity.

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



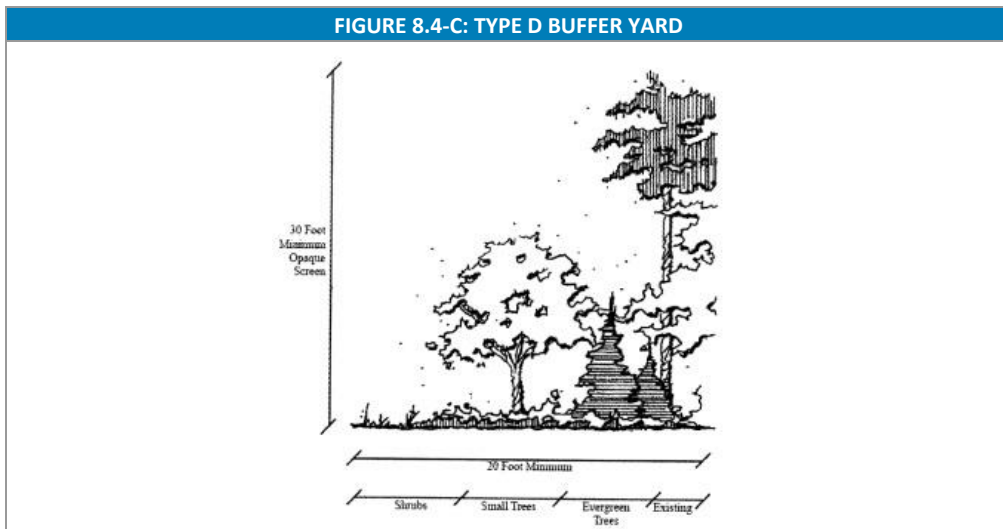
4. *Type D buffer yard:*

- 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	B	B	A	A	A	None	None	None
	CMX	D	D	D	D	D	None	None	None
	GI	E	E	E	E	E	E	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	B
	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



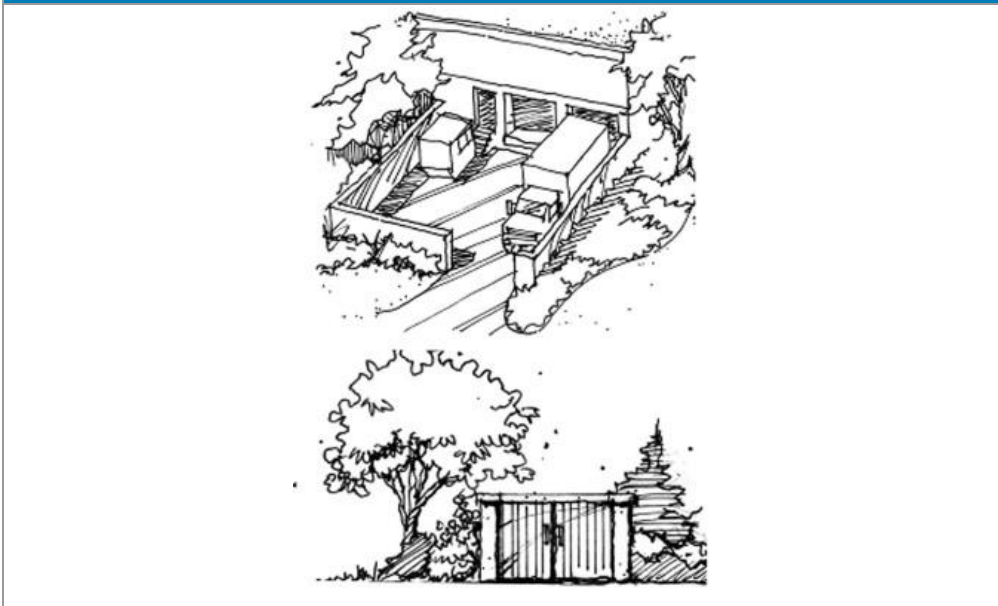
Code of Ordinances and UDO

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



8.5. Street tree plantings.

- A. **Applicability:** Street trees shall be required along all public and private streets for the following categories of development:
- [1. New construction of a principal building or buildings built under the North Carolina Commercial Building Code;](#)
 - [2. New construction of a residential group development with 8 or more dwellings; and](#)
 - [3. Improvements to street frontage requirements, as established by CHAPTER 13.](#)
 - [4. Any new changes to existing street trees. In this case, only the street trees that are being changed or modified will be subject to these regulations](#)
- ~~1. All non residential and mixed use development.~~
- ~~2. All projects approved as a conditional zoning district, special use permit, planned development, or group development.~~
- ~~3. All major subdivisions.~~
- B. Large canopy trees shall be installed at a minimum average distance of 40 feet on-center in a planting strip a minimum of six feet in width. Such trees shall be a minimum of 1½ inches in caliper at planting. Where overhead utilities exist prior to development, ornamental trees may be substituted.
- C. Street trees shall be placed at least eight feet from light poles and ten feet from electrical transformers in order to allow these utilities to be safely serviced (ornamental trees may be placed within five feet of such devices).



A minimum of 300 square feet of pervious ground area per canopy tree shall be provided unless they are planted in irrigated tree wells.

- D. Street trees shall be deciduous hardwoods and shall meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen as well all applicable standards of this ordinance.

8.6. Parking area screening.

A. *Applicability:* The provisions of this section shall apply to the perimeter yard of all parking areas visible from the street, except residential developments with six or less off-street vehicle parking spaces, when any of the following occurs

- a. New construction of a principal building or buildings;
- b. Expansion of an existing principal building resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater;
- c. Change of use or expansion of an existing use resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or
- d. Any new changes to parking area screening. In this case, only the element and/or material that is being changed or modified will be subject to these regulations.

~~A.~~B. *Minimum planting:* Semi-opaque screen from the ground to at least a height of three feet for screening of car lights and glare. (Minimum width: Ten feet).

~~B.~~C. *Performance standard:* This type functions as a semi-opaque screen around the perimeter of a parking area from the ground to at least three feet for the screening of car lights and glare. This shall only be required along the parking area that fronts the public right-of-way or any side of a parking area that is not protected by a required buffer yard. The location of such yards shall be determined by the administrator upon review. Effective screening devices may include solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the required height within two years of planting, or any combination of the above. Plantings which can achieve a mature height exceeding 30 inches shall not be planted in the sight triangle on each side of drives or streets.

~~C.~~D. *Screening of open storage, above ground utilities, and dumpsters:* Any open storage of merchandise, equipment, materials or goods other than those on display for retail sales, above ground utilities, and dumpsters areas shall be screened from view from any street right-of-way in accordance with the ratios (but not necessarily the minimum dimension) prescribed for type C buffer yards. Sub-grade dumpsters shall be exempt from the provisions of this section.

8.7. Parking area landscaping.

A. *Applicability:* The provisions of this section shall apply to:

- 1. Interiors of all parking areas with more than 16 parking spaces or more than one tenth (1/10) of an acre in size; -
- 2. Interiors of all new parking areas that bring the total to or exceed 16 spaces or more than one tenth (1/10) of an acre in size. In this case only the new parking area shall be subject to these regulations; and
- ~~1.~~3. Any new changes to existing parking area landscaping. In this case, only the elements that are being changed or modified will be subject to these regulations.



- B. *Stormwater management requirements:* 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.
- C. *Minimum plantings:*
 - 1. No parking space shall be more than 50 feet from the base of a canopy tree.
 - 2. One 15-to-18-inch minimum height evergreen or deciduous shrub shall be required per 250 square feet of required landscaped vehicular use area. This rate may be varied by the administrator considering alternate shrub heights, ground covers, or other factors.
- D. *Performance standard:* This type functions as a tree ceiling over a parking area providing shelter from sun and rain and minimizing the impact of runoff by providing "green" surface area on which to collect. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. All landscaped areas shall be separated from parking spaces. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.
- E. *Credits for preservation of existing trees in parking areas:* Trees that are saved in a parking area (other than those in Tier 1 or Tier 2 Tree Save Areas in Section 8.3) can be used towards the interior tree landscape requirement. Note that each tree preserved will require a minimum pervious area around it equal to its drip line.

8.8. General non-residential and mixed-use landscaping.

- A. In addition to the street tree and parking lot landscaping requirements of this chapter, non-residential and mixed-use projects shall meet the following requirements.
- B. No less than five percent of the lot or parcel or project area to which this chapter applies shall be landscaped. This requirement shall be met in addition to any street tree requirements.
- C. Landscaping consisting of trees, shrubs, and other plantings of a variety of sizes, shapes, and arrangements shall be located throughout the property, among buildings, and between the front façade of all structures and streets.
- D. Landscaping along major corridors:
 - 1. A type A buffer yard shall be maintained along the entire length of the street frontage of any parcel of land fronting the following streets:
 - a. US Highway 64/US 276/NC 280 (Asheville Highway), north from the intersection of Lambo Creek (beginning at the top of the northern bank) and Asheville Highway, to the intersection of the city's Extraterritorial Jurisdiction and NC 280.
 - b. US Highway 64 (Rosman Highway), south from the intersection of Rosman Highway and Caldwell Street to the intersection of city's Extraterritorial Jurisdiction and Rosman Highway.
 - 2. This requirement shall be in addition to any other requirement of this ordinance, including but not limited to street trees, infrastructure improvements, setbacks, and others. The required type A buffer yard shall not be located in the right-of-way and shall be unbroken except for ground signs, driveways and streets approved in accordance with this ordinance.
 - 3. This requirement shall apply to all properties irrespective of size or uses.
 - 4. Deviations from this requirement shall only be considered as variances by the BOA in accordance with the procedures set forth in Section 16.8.



CHAPTER 10. PARKING STANDARDS

10.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
1. New construction of a principal building or buildings;
 2. Expansion of an existing principal building resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; ~~or~~
 3. Change of use or expansion of an existing use resulting in an increase in required off-street vehicle parking spaces equivalent to 50% or 10 vehicle parking spaces, whichever is greater; or-
 - ~~3-4.~~ Any new changes to off-street parking areas, including but not limited to repaving, restriping, or circulation changes. In this case, only the element and/or material that is being changed or modified will be subject to these regulations.

CHAPTER 11. LIGHTING

11.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
1. New construction of a principal building or buildings;
 2. Any new changes to outdoor lighting, including but not limited to additional outdoor lighting being added or the replacement of lighting fixtures. In this case, only the element and/or material that is being changed or modified will be subject to these regulations.

11.23. Outdoor lighting standards.

All outdoor lighting shall conform to the following standards:

- A. Outdoor lighting shall not shine directly into the yard or into the windows of an adjacent residence.
- B. Outdoor lighting shall be designed, located, and mounted at heights no greater than 18 feet above grade for pedestrian lights, or 35 feet above grade for street or parking area lights.
- C. Light sources may be located within the perimeter landscaped area and along pedestrian walkways providing provision Subsection 11.2.E is met.
- D. All outdoor and parking lot lighting fixtures, including: metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium and color-improved high-pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
- E. All lighting must be located at least ten feet from property lines defining rear and side yards or required perimeter landscaped areas required by this Code.
- F. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed one foot candle. The average intensity illumination for outdoor lighting shall not exceed four foot candles in intensity (except where noted) as measured at grade. Fixtures



should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare. General parking lot lighting shall not exceed a maintained average of two and one-half foot-candles.

- G. Lighting fixtures scaled for pedestrian activities shall provide for uniform lighting distribution to produce minimal shadows.
- H. Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan. On site lighting may be used to accent architectural elements and not be used to illuminate entire portions of building(s). Floodlights or other type of lighting attached to light poles that illuminate the site and/or building(s) are prohibited.
- I. Outdoor illumination of building, landscaping and signs:
 - 1. Exterior lighting should be integrated with the architectural character of the building. To avoid light spillage, only full cutoff fixtures shall be used.
 - 2. The unshielded outdoor illumination of any building or landscaping is prohibited.
 - 3. Lighting fixtures used to illuminate an outdoor advertising sign either shall be by directed ground lighting sign or mounted on the top of the sign and shall point downward, and shall comply with shielding requirements.
 - 4. Illumination of signs shall be limited to ten lumens per square foot.
- J. No flickering, rotating, or flashing lights, or search lights shall be permitted.
- K. Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall Packs on the exterior of the building shall be fully shielded (true cut-off type-bulb or light source not visible from off-site) to direct the light downward and be of low wattage (preferably 100 watts or lower). Other accent lighting projected onto buildings may be allowed provided that it is approved through the development plan process.
- L. Gas station/convenience store aprons and canopies:
 - 1. The lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.
 - 2. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - 3. Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be externally illuminated.
 - 4. The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 foot-candle at grade and not exceed the average horizontal illumination cannot exceed 10 foot-candles at grade level. These standards are based on the IESNA (Illuminating Engineering Society of North America) RP-33, Lighting for Exterior Environments.
- M. Canopies used for building accents over doors, windows, etc. shall not be internally lit (i.e. from underneath or behind the canopy).

11.34. Design procedures.



The maximum permitted illumination shall be measured in average foot-candles from ground level in accordance to the standards expressed in this chapter. The following standards shall be required of all exterior lighting with the exception of public street lighting.

The quantity of fixtures to be provided shall be based upon the desired level of uniform illumination as established by the current standards of the IESNA. Fixture locations should be chosen to minimize the hazards of glare.

The level of illumination shall be based upon the primary activity in each area to be lighted. The standards for various activities prescribed by the following Illuminating Engineering Society chart represent a number of exterior lighting uses for general reference. Foot-candle designations represent measurements for the average intensity at grade.

TABLE 11.3A: REQUIRED LEVEL OF ILLUMINATION		
Use	Illumination (in Foot-Candles)	
	Maximum (Glare)	Minimum (Safety)
UTILITY LIGHTING		
Minimum Visibility	—	.5
Driving	1	.5
Pedestrian Ways	1	.5
General Landscaped Areas	2	1
AREA LIGHTING		
Gas Station and Convenience Store Canopies	10	1
Parking Lots	4	1
BUILDING EXTERIORS		
Entrances (frequent use)	6	2
Entrances (infrequent use)	1	.5
Vital Locations or Structures	6	2
Building Surroundings	2	1

11.45. Outdoor recreational lighting.

Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for ball fields and tennis courts are not considered in this chapter. However, lighting fixtures for such uses shall be mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site. Lights shall be turned off within of the end of any event.

11.56. Street lighting.

Street lighting shall be placed on all streets by the developer to ensure for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following minimum design standards:



- A. Minimum average street light spacing:
 - 1. *Single family homes and duplex lots (greater than 100 feet wide):* 500 feet.
 - 2. *Single family homes and duplex lots (less than 100 feet wide):* 300 feet.
 - 3. *Multi-family uses:* 150 feet.
 - 4. *All other uses:* 300 feet.
- B. Preference in placement shall be given to street intersections and street curves.
- C. Pedestrian lighting should be prioritized over automobile lighting. Lighting should be placed in a manner to limit the casting of shadows on sidewalks.
- D. All lighting shall utilize full-cut-off fixture.
- E. Alleys are excluded from the spacing and placing requirements of this chapter but are encouraged to be illuminated using private security lights, wall packs, or similar low level decorative lighting.
- F. The requirement that street lights be provided may be waived by the approving authority in mountainous areas where street lights would be visible from the valley floor.

11.67. Administration.

- A. *Measurement:* Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground and pointing upward. Lighting levels are to be measured in foot-candles with a direct reading, portable light meter. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position.

Light levels are specified, calculated and measured in foot-candles (FC).

- B. *Lighting plan:*
 - 1. A lighting plan shall be submitted with all land development permit applications proposing the establishment of outdoor lighting.
 - a. A site plan drawn to scale showing building(s), landscaping, parking areas, and proposed exterior lighting fixtures.
 - b. Location of all post, canopy, supports, and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas.
 - c. Specifications of the illuminating devices, lamps, supports, and other Devices, including designation as IESNA "cut-off" fixtures. This description may include but is not limited to manufacturers catalog cuts, enlarged or reduced to the correct scale of the site plan, and drawings including sections where required.
 - d. Locations of all pole mounted and building mounted fixtures and a numerical 25-foot by 25-foot grid of lighting levels, in foot-candles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum foot-candle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the foot-candle value of all the points in the grid and dividing by the total number of points. This information is available from the manufacturer of the specified fixture.



2. The above required plans and descriptions shall be sufficiently complete to enable the administrator to readily determine compliance with the requirements of this chapter.
3. An isolux lighting plan is also permitted in fulfillment of this section provided that it indicates the foot-candles at grade by contour diagram or grid points that cover the site as noted in Section 17.10 (Lighting Plan Requirements).

11.78. Exemptions.

- A. The following types of lighting are exempt from these requirements:
1. Lighting of the United States of America or State of North Carolina flags and other non-commercial flags expressing constitutionally protected speech.
 2. Circus, fair, carnival, or other similar civic/community events.
 3. Construction and emergency lighting are exempt from the provisions of this chapter provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
 4. Underwater lighting used for illumination of swimming pools and fountains is exempt from shielding standards.
 5. Religious/holiday decorations lighting (i.e. Christmas trees and lighting).

CHAPTER 12. SIGNS

12.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
1. A sign is constructed, erected, posted, or otherwise installed, regardless of whether a permit is required or not; and
 2. Any new changes to signs, including but not limited to replacement of sign materials or illumination. In this case, only the element that is being changed or modified will be subject to these regulations.
- ~~A. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, enlarged, moved or hung in any district except without first obtaining a permit from the Administrator in compliance with this ordinance.~~
- ~~B. All signs shall fully comply with the requirements of the State of North Carolina Building and Electrical Codes.~~



CHAPTER 13. INFRASTRUCTURE IMPROVEMENT REQUIREMENTS

13.2. Required improvements for all development plans.

Pursuant to G.S. 160D-702, the following improvements are required for all development plans within the city limits of the City of Brevard and its Extraterritorial Jurisdiction. Specific requirements for the following public improvement types are set forth in subsequent sections.

TABLE 13.2A: REQUIRED PUBLIC IMPROVEMENTS		
Public Improvement Types	Brevard City Limits	Extraterritorial Jurisdiction
Potable Water	City Water Required; Dedication to City Required	Private Water Required; City Water Optional with dedication to City required
Fire Suppression System	Hydrants Required; Dedication to City Required	Hydrants required if City Water Provided; Dry Hydrants may be required
Sanitary Sewer	City Sewer Required; Dedication to City Required	Adequate Septic Required; City Sewer Optional with dedication to City required. ¹
Public Streets	City Streets Required; Dedication to City Required	NCDOT Streets Required
Street Rights-of-Way	Required; Dedication to City Required	Required; Dedication to NCDOT Required
Utility and Access Easements	Required; Dedication to City Required	Required; Dedication to City Required
Sidewalks	Required; Dedication to City Required	Optional ²
Multi-Use Paths/Other Pedestrian Facilities	Required when identified upon adopted transportation plans, recreation plans, and similar plans and policies of the City of Brevard or Transylvania County; Dedication to City may be Required	Required when identified upon adopted transportation plans, recreation plans, and similar plans and policies of the City of Brevard or Transylvania County; Dedication to City may be Required
Pedestrian Easements or Right-of-Way	Dedication to City Required	Required Along Streets; Dedication to NCDOT Required
Curb and Gutter	Required; Dedication to City Required	As required by NCDOT



TABLE 13.2A: REQUIRED PUBLIC IMPROVEMENTS

Public Improvement Types	Brevard City Limits	Extraterritorial Jurisdiction
Street lights	Required; Dedication to City Required	Optional
Underground Wiring	Required	Optional
Dedicated Open Space	Required as per CHAPTER 7 of this ordinance; Dedication to City may be Required	Required as per CHAPTER 7 of this ordinance
Street Trees and Landscaping	Required; Dedication to City may be Required	Required

¹Annexation is required in order to provide sanitary sewer to properties lying outside the corporate limits of the City of Brevard, except in certain circumstances outlined in Brevard City Code Section 2-292.
² In accordance with NCGS §160D-804(c), sidewalks are not required in the extraterritorial jurisdiction.

13.5. Streets and frontages design.

Commented [EB1]: Note: the following sections (13.5.1 and 13.5.2) were together in one section. We are proposing to split them up to accurately apply the applicability section for the street frontage improvements.

13.5.1. Street standards.

A. Streets required:

1. New development without frontages upon a public street shall, in all cases, extend and connect to a public street. Public street extensions and improvements required for new development, including those beyond the development boundary, are the sole responsibility of the developer. Such improvements must be provided in accordance with the requirements of the CHAPTER 62 of Brevard City Code and this ordinance. This section shall apply to all subdivisions, the development of which is subject to the control of the city, both inside and outside the city limits.
2. Streets shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with City Code, this ordinance, and procedures established by the administrator. Streets shall be installed by the developer and dedicated to the city prior to the issuance of any certificates of occupancy for any building within that phase or on that street, as applicable to the particular development.
3. City streets shall be built to the minimum specifications of this chapter and CHAPTER 62 of Brevard City Code, and shall comply with all standards and specifications of the public works director. New streets in the ETJ shall meet all standards and requirements of the North Carolina Department of Transportation.

B. Streets to connect: Streets shall interconnect within a development and with adjoining development in accordance with CHAPTER 9 and CHAPTER 10 of this ordinance. Culs-de-sac are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs shall be provided with development adjacent to open land to provide for future connections at the discretion of the administrator. Streets shall be planned with due regard to the designated corridors shown on adopted plans and policies of the city or Transylvania County.

C. Topographic considerations:



Code of Ordinances and UDO

1. Wherever possible, street locations should account for difficult topographical conditions, paralleling excessive contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street-rights-of way on adjacent lands.

C.D. Infrastructure in steep slope areas: Infrastructure shall be installed in steep slope areas in accordance with the provisions of this chapter and any other applicable provisions in [CHAPTER 6](#).

D.E. On-street parking:

1. On-street parking may be required by the administrator.
2. When required, all on-street parking provided shall be parallel. Curb or angle parking is permitted upon approval of the administrator when the fronting buildings are more than 22 feet in height to provide spatial definition and when the posted speed limit is less than 25 mph.
3. When required, minimum right-of-way widths shall be modified to account for on street parking.

E.F. Traffic calming devices: The use of approved traffic calming measures is encouraged as alternatives to conventional traffic control measures on Neighborhood Streets and within circulation areas of commercial and mixed-use developments.

F.G. Flood elevations: No street in an area subject to flooding shall be approved if it is more than one foot below the elevation of the 100-year flood. The administrator may require, where necessary, profiles and elevations of streets for areas subject to flooding. Fill may be used for streets in accordance with [CHAPTER 34](#) of Brevard City Code. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights.

G.H. Storm drainage: Stormwater shall not be discharged into any stream and shall be retained and treated accordance with [CHAPTER 6](#) of this ordinance, except that streets and related retention/treatment infrastructure shall be designed to accommodate a 25-year, 24-hour storm drainage standard.

H.I. Street names: Streets shall be named and property addressing assigned in accordance with Brevard City Code, Chapter 62, Streets, Sidewalks and Other Public Ways, Article VII, Property Addressing and Road Naming. The administrator shall require evidence that road names and property addresses have been approved and assigned by the Transylvania County Property Addressing Coordinator prior to approving any development.

I.J. Blocks:

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - a. The provision of adequate building sites suitable to the special needs of the type of use contemplated, and adequate public open spaces accessible and visible to residents.
 - b. District requirements and design criteria.
 - c. Needs of non-vehicular and vehicular traffic circulation and traffic control and safety.
 - d. Opportunities and constraints of topography, with convenient access to important physical and topographical features such as lakes and rivers, significant areas of trees and other natural features, and areas of high ground offering scenic views.
2. Blocks shall not be less than 200 feet nor more than 660 feet (1/2-mile), as measured from edge of right-of-way, unless site and topography or other special circumstances are present as determined by the administrator. Where deemed necessary by the administrator, a pedestrian crosswalk of at least ten feet in width may be required.
3. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.



K.L. *Street markers and traffic control signs:* Street markers and traffic control signs shall be required and posted in accordance with city standards and the Manual of Uniform Traffic Control Devices. Such infrastructure shall be installed by the developer prior to the issuance of any Certificates of Occupancy for any building on that street.

K.L. *Culs-de-sac and closes.* Where practical, a close (see graphic, below) shall be used in place of a cul-de-sac. Culs-de-sac and closes shall be designed to facilitate the turning radius of emergency vehicles.

FIGURE 13.5A: ILLISTRATION OF CLOSE

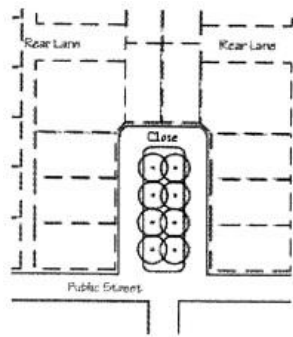
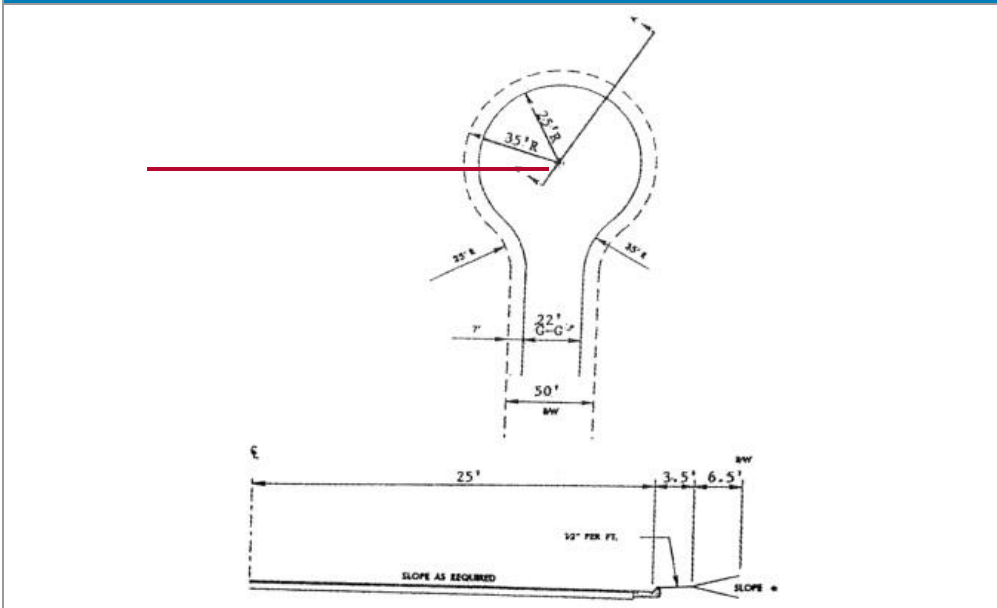




FIGURE 13-5B: ILLUSTRATION OF CUL-DE-SAC WITH CURB AND GUTTER SECTION



L.M. Intersections:

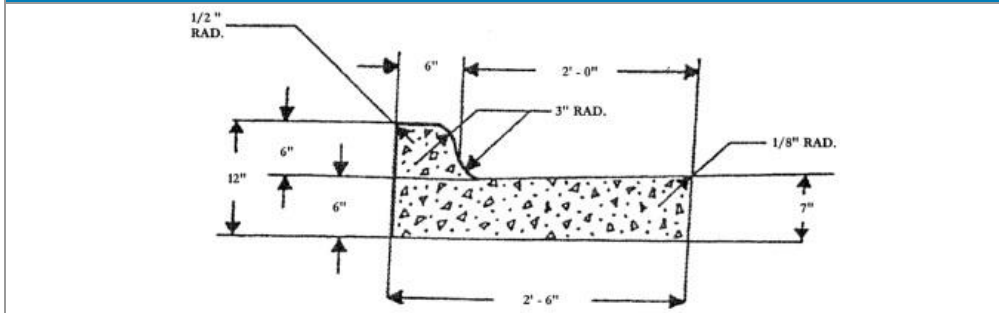
1. All streets shall intersect at right angles as nearly as possible and no street shall intersect at less than 60 degrees.
2. Where practical, intersections should be aligned to create four-way intersections.
3. Off-set intersections for local streets and neighborhood collectors should be at least 125 feet apart measured from centerline to centerline. A larger spacing in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards may be required for all other streets.
4. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
5. Proper sight lines shall be maintained at all intersections of streets to permit adequate sight distance. Where the posted speed limit is less than 20 mph, the intersection sight distance may be reduced to 105 feet.
6. Bulb-outs are discouraged on narrow streets (less than 30 feet face-of-curb to face-of-curb) but encouraged on wider streets.
7. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. Where a street intersects a state highway, the design standards of the state department of transportation shall apply.

M.N. Curb radii: Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet except along NCDOT-maintained roads.



N.O. Curbs and drainage for city streets: The following requirements shall apply to streets within the city. Streets within the ETJ shall meet all applicable requirements of the North Carolina Department of Transportation.

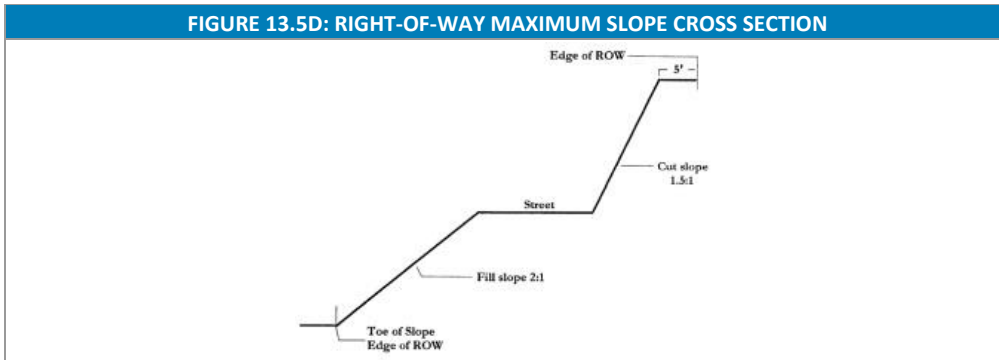
FIGURE 13.5C: STANDARD VERTICAL FACE CURB AND GUTTER



1. Curb and gutter shall be required on all new residential and commercial streets constructed within the city.
2. Standard vertical face curb and gutter within the city shall be two-foot, six-inch concrete with a height of six inches (see graphic, above). All curbing shall be properly backfilled.
 - a. Exceptions to this requirement may be made by the administrator subject to circumstances in the area under study. Such circumstances shall relate to the topography of the area, future maintainability of the streets, or other factors deemed relevant by the administrator.
 - b. This shall not limit, or prohibit the use of, curb and gutter design standards adopted by the North Carolina Department of Transportation for subdivision roads adjacent to, and serving dwellings subject to North Carolina Residential Code.
3. Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots.
4. All drainage gates must be safe for bicyclists. Bicycle-safe drainage gates are types E, F, and G as approved by the NCDOT.
5. City street culvert dimensions shall be subject to the requirements of the public works director.
6. The right-of-way shall extend from a point five feet outward from the top of the bank of any cut slope to the toe of any fill slope. Maximum slope of any cut slope shall be at a ratio of no greater than 1.5 feet of horizontal run to one foot of vertical rise (1.5:1 slope), and the maximum slope of any fill slope shall be at a ratio of no greater than two feet of horizontal run to one foot of vertical rise (2:1 slope).



FIGURE 13.5D: RIGHT-OF-WAY MAXIMUM SLOPE CROSS SECTION



- P.** *Centerline radius:* A 90-foot minimum centerline radius shall be used for local streets, parkside drives, and minor streets between reverse curves though they may be reduced to 45 feet for design speeds less than 20 mph. All other streets shall be in accordance with AASHTO standards.
- Q.** *Posted speed limits:* All streets shall be posted in accordance with the Manual of Uniform Traffic Control Devices and the City of Brevard Traffic Schedule.
- R.** *Street grades:* The maximum permissible street grade shall be 18 percent.
- S.** *Design standards:* Design standards not specifically addressed in this ordinance must comply with the minimum design and construction criteria of the N.C. Department of Transportation.
- T.** *Minimum right-of-way:* The administrator shall determine right-of-way widths based upon the characteristics of the proposed development. However, unless otherwise specified, the minimum right-of-way for all new streets within the city shall be 50 feet, and shall satisfy minimum requirements of the North Carolina Department of Transportation in the ETJ.

13.5.2. Street frontage standards.

A. Applicability

1. [New construction of principal building or buildings built under the NC Commercial Building Code;](#)
2. [New construction of a residential group development with 8 or more dwellings;](#)
3. [Expansion of an existing principal building or buildings built under the NC Building Commercial Code by 50% or greater; and](#)
4. [Any new changes to existing street frontages, including but not limited to replacement of the street trees or other change to a street frontage. In this case, only the element that is being changed or modified will be subject to these regulations.](#)

~~A. New development and substantial improvements to existing development with frontages on existing public streets shall be required to upgrade all their frontages to meet the standards of this chapter.~~

~~B. Pedestrian and bicycle infrastructure: Pedestrian and bicycle infrastructure shall be required as set forth within this chapter and conformance with adopted plans and policies of the city or Transylvania County.~~

~~C.B. Landscaping:~~



Code of Ordinances and UDO

1. Streets shall be landscaped with street trees. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.
2. All street trees shall be installed in accordance with [CHAPTER 8](#) of this ordinance. Large canopy trees shall be planted in a planting strip at a minimum average distance of 40 feet on-center.
3. The minimum width of all planting strips shall be six feet. For large canopy trees such as Willow Oaks and Red Maples, a minimum of eight foot planting strip is suggested. Refer to [CHAPTER 8](#) of this ordinance for additional information on landscaping.

D.C. Pedestrian and bicycle infrastructure: Sidewalks, multi-use paths, or other pedestrian/bicycle infrastructure shall be constructed in accordance with the following requirements:

1. In determining the type of pedestrian/bicycle infrastructure that shall be required the Administrator shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
2. Sidewalks, multi-use paths, and other pedestrian and bicycle improvements shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat, or issuance of final zoning approval or certificate of occupancy for any development plan. Pedestrian and/or bicycle infrastructure shall be constructed within the street right-of-way. The approving authority shall require the dedication of additional street right-of-way or a pedestrian easement when sufficient right-of-way does not exist to comply with this requirement. The approving authority may accept the dedication of additional right-of-way or a pedestrian easement in order to accommodate alternative routes and designs that do not follow streets.
3. Streets shall be bordered by pedestrian/bicycle infrastructure on both sides. Exceptions to this requirement and modifications to the design of pedestrian/bicycle infrastructure may be granted by the TRC for developments in steep slope areas and where warranted by environmental or topographic conditions, or where this requirement would serve no useful purpose.
- ~~4. Without exception, pedestrian/bicycle infrastructure shall be required along all new public and private streets within new subdivisions or developments, and within new phases of existing subdivisions and any other form of development.~~
- ~~5. Without exception, pedestrian/bicycle infrastructure shall be required along existing streets within or abutting new subdivisions and any other form of development (except subdivisions in GR districts establishing less than eight dwelling units); or along existing streets within or abutting any form of existing development undergoing substantial improvement (except single family and duplex residential structures in GR districts).~~
- ~~6.4.~~ Pedestrian/bicycle infrastructure shall be required along the same side of the street upon which the development fronts, except that when a development project is located on both sides of the same street the approving authority may require that infrastructure be installed on both sides of the street.
- ~~7.5.~~ When site characteristics and/or traffic patterns are such that the construction of pedestrian/bicycle infrastructure in accordance with this section would be a hardship and would not result in useful pedestrian walkways, the administrator, upon recommendation from the TRC may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of



infrastructure, the administrator shall refer to any adopted plan or policy of the City for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.

~~8-6.~~ The administrator may accept a performance guarantee for the construction of sidewalks on behalf of the city in situations where no other public infrastructure is proposed in accordance with [CHAPTER 16](#) of this ordinance.

~~9-7.~~ Multi-use paths and other infrastructure:

- a. Multi-use paths, and other pedestrian and bicycle infrastructure shall be provided instead of or in addition to sidewalks wherever called for on an adopted plan or policy of the city. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
- b. When a multi-use path is required in an area not adjacent to a public or private street, then such facility shall be credited towards the satisfaction of the open space requirements as set forth in [CHAPTER 7](#) of this ordinance.
- c. All required multi-use paths shall be dedicated to the City of Brevard by means of right-of-way or pedestrian easement.
- d. On-street bicycle lanes shall be required when called for upon an adopted plan or policy of the city.

~~10-8.~~ Pedestrian and bicycle improvements shall be as follows:

TABLE 13.5A: PEDESTRIAN AND BICYCLE IMPROVEMENT WIDTHS		
Zoning District	Facility Width	
	City Streets	NCDOT Streets*
GR	5 feet	5 feet
RMX, NMX, PGX, CMX, DMX, GI, IC	5 feet	8 feet
Public Streets	City Streets Required; Dedication to City Required	NCDOT Streets Required
Street Rights-of-Way	Required; Dedication to City Required	Required; Dedication to NCDOT Required
Multi-Use Path (where required)	10 feet	10 feet
On-Street Bike Lane (where required)	5 feet	5 feet

*Sidewalks are not required along alleys and commercial service streets except when required as a condition of a Conditional Zoning District, Group Development, or special use permit.

11. All pedestrian/bicycle infrastructure shall comply with the minimum requirements for handicapped accessibility in compliance with the North Carolina Accessibility Code or other federal, state, or local regulations. During the construction of pedestrian/bicycle infrastructure, whether new or replacement,



handicapped ramps shall be placed in the sidewalk where it intersects with streets and other pedestrian and vehicular travel ways.

- ~~12.~~ All sidewalks shall be made of 4,000 PSI concrete with a minimum depth of four inches, except that street and driveway crossings shall be a minimum of six inches in depth. Bike lanes and multi-use paths shall be made of asphalt, designed according to the North Carolina Bicycle Planning and Design Guidelines published by the NCDOT and shall include all appropriate signage and pavement markings. Alternative materials and designs may be approved by the TRC in consultation with the public works director.

E.D. Street lights: Street lights shall be installed by the developer on all streets in accordance with CHAPTER 12 of this ordinance.

CHAPTER 14. NONCONFORMITIES

14.1. Purpose and applicability.

A. Purpose

1. The purpose of this chapter is to regulate and limit the continued existence of uses, structures, lots, site elements or signs that do not conform to these regulations but were lawfully established prior to the effective date of this ordinance and any subsequent amendments. ~~The purpose of this section is to regulate and limit the continued existence of uses and structures established prior to the effective date of this ordinance (or any subsequent amendment) that do not conform to this ordinance.~~ Any nonconformity created by a change in the classification of property or the text of these regulations shall also be regulated by the provisions of this ~~section~~ chapter.
2. Many nonconformities may continue, but the provisions of this ~~section~~ chapter are intended and designed to limit substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity ~~of this ordinance and the character of Brevard and its extraterritorial jurisdiction~~ of the area in which it is located.

B. Applicability:

1. This chapter shall apply to any lot, structure, use of land, or other development conditions, which existed lawfully and was created in good faith prior to the adoption, revision, or amendment to this ordinance, but which now fails to conform to the requirements of this ordinance as a result.
2. This chapter shall not apply, however, to any development condition that is the subject of a variance or modification granted by the Board of Adjustment or City Council. Where a variance or modification has been granted for a development standard that does not otherwise conform to the requirements of this Ordinance, that development standard shall be deemed conforming.
3. Nothing in this chapter shall be construed as to deny the City the authority to take action on or require the removal of development conditions that were not legally established and/or did not meet the requirements of the ordinance when it was established. Those shall not be considered nonconformities with regards to this section.

14.2. General provisions.

A. Continuation of Nonconformities



1. Legal nonconformities may continue subject to the limitations of this chapter and any amortization provision. Continuation, reconstruction, alteration, and/or expansion of such nonconformities shall but subject to the requirements of this chapter.

B. Determination of Legal Nonconforming Status

1. The administrator may verify whether a nonconforming condition was legally established by reviewing information submitted by the property owner, City records and other readily available information to reach a determination.
2. The administrator may request evidence to be considered in its determination, and it shall be the responsibility of the property owner to prove a nonconforming condition is legally established, unless otherwise required by state law.

C. Ordinary Repair and Maintenance

1. Incidental repairs and ordinary maintenance of nonconformities are permitted unless otherwise expressly prohibited by this ordinance. This may include but is not limited to the repair and maintenance of walls, roofs, fixtures, wiring, plumbing, and ventilation.
2. This allowance also includes activities that increase building/structural integrity, Americans with Disability Act (ADA) accessibility, or other health and safety improvements.
3. Incidental repairs and ordinary maintenance of nonconformities in the special flood hazard area are subject to the applicable provisions of Chapter 34 of the Brevard City Code.

D. Change of Ownership or Tenancy

1. Changes in ownership, tenancy, or management of an existing nonconformity are permitted but such nonconformities shall continue to be subject to the provisions of this chapter.

14.23. Nonconforming uses.

A. Authority to Continue

1. Subject to the provisions of this chapter or any amortization provision, any nonconforming use may continue in operation on the same land area and on the same floor area of the structure that was occupied by the nonconforming use on the date the use first became a nonconforming use.
~~Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this section, but this section shall only apply to the extent these or such nonconformities fully and clearly meet the definition of "nonconforming use" in CHAPTER 19 of this ordinance.~~

B. Expansion

1. Except as provided herein, a nonconforming use shall not be expanded, enlarged or otherwise increased in intensity of the activity.
 - a. For the purposes of this provision, an increased intensity of activity means the change generates more traffic, people, hours of operation, noise or impacts than before. This may include, but is not limited to, larger floor area, larger parking area, more employees, longer hours, higher daily visits, increased truck deliveries, and greater demand on utilities.
2. The following uses may be expanded, provided any such expansion complies with all other ordinance provisions.
 - a. Dwelling—Single-Family
 - b. Dwelling—Duplex
 - c. Dwelling—Multifamily 3—4 units/bldg.



~~1. A nonconforming *non-residential* use shall not be expanded, changed to another non-conforming use, or enlarged, nor shall such a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached). However, if a nonconforming non-residential use can expand within the existing structure, it may do so as long as the administrator determines that the interior expansion will not have a negative impact upon surrounding conforming uses. Any occupation of additional lands beyond the boundaries of the lot on which the nonconforming use is located is prohibited.~~

~~2.1. An existing nonconforming *residential* use may be enlarged or altered. Any such enlargement or alteration shall be in compliance with all yard requirements and other regulations of such structures as required in the specific district.~~

C. Abandonment or Cessation of Use

1. If a nonconforming use is abandoned for 180 consecutive calendar days or more, the use shall not be ~~allowed to be~~ re-established. All new uses subsequently established shall be conforming.

D. Change of Use

1. Once a nonconforming use has been changed to a conforming use, it shall not revert or be used for any nonconforming use.

E. Damage or Destruction

1. In the event that a structure that is wholly or partially occupied by a nonconforming use is damaged and/or destroyed by exercise of eminent domain, fire, accident, flood, or other event resulting from natural causes or an accident, the nonconforming use may be reestablished, provided:
 - a. The repair or reconstruction of the structure commences with a valid permit within 180 days of the date of such damage or destruction.
 - b. The nonconforming use complies with the provisions of subsection 14.3(B) above.

14.34. Nonconforming principal structures.

A. Authority to Continue

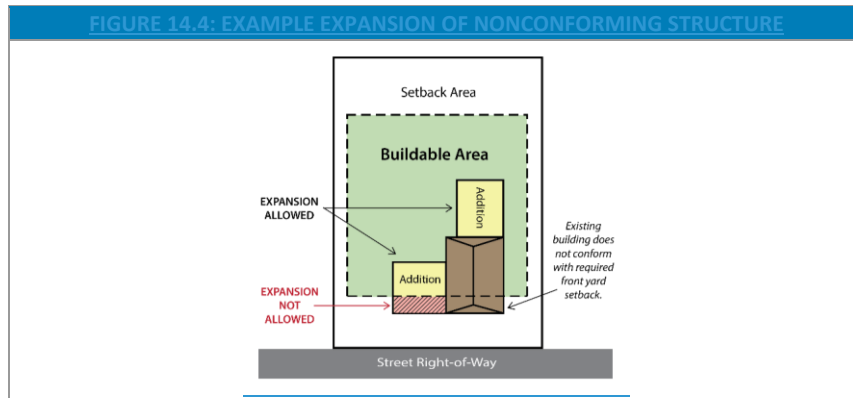
1. Subject to the provisions of this chapter or any amortization provision, any nonconforming principal structure may continue to occupy the same land area within the existing configuration and size of the structure which existed on the date the structure first became a nonconforming structure.
- ~~1. A nonconforming principal structure containing a use permitted in the district may continue only in accordance with the provisions of this chapter.~~
- ~~2. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures and any nonconforming use contained therein.~~

B. Enlargement or Alteration

- ~~3.1. A nonconforming principal structure may be enlarged, provided the enlargement does not have the effect of increasing the degree or extent of a nonconforming feature and the enlargement complies with all requirements and regulations of this ordinance. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.~~
 - a. For the purposes of this provision, increasing the degree or extent of a nonconformity includes, but is not limited to:
 - i. An addition that extends beyond the required yard setbacks.
 - ii. An addition that adds a story on a portion of the structure that encroaches into the required yard setbacks.



- iii. [An enclosure or covering of a nonconforming deck, uncovered porch, stoop or other similar element.](#)



- b. [If the expansion does not exceed 25% of the size of the building at the time it became nonconforming, the structure may continue the existing architectural style of the building \(e.g., building materials, roof type, color\). If the expansion, or any combination of expansions since the time the structure became nonconforming, exceeds 25% the addition shall comply with the requirements of CHAPTER 5.](#)

- 2. [The expansion of a structure does not require compliance with the provisions of Section 2.7.8, if applicable.](#)

C. Relocation

- 1. [No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure conforms to the regulations of the district to which such structure is relocated.](#)
- 4. ~~Subject to the provisions of Section 14.3(E) and 14.3(F), when a nonconforming structure is moved on lot upon which it is located, it shall, if possible, be moved so as to make the structure conforming. Otherwise, the moved structure shall be placed on the lot in as conforming a manner as possible.~~

D. Damage or Destruction:

- 1. [In the event that a nonconforming principal structure is damaged and/or destroyed by exercise of eminent domain, fire, accident, flood, or other event resulting from natural causes or an accident, the following provisions apply.](#)
 - a. [If the extent of the damage is equivalent to 50% or less of the replacement value of the structure immediately prior to such damage, the structure may be repaired and reconstructed, provided that such repair or reconstruction is commenced with a valid permit within 180 days of the date of such damage or destruction.](#)
 - b. [If the extent of the damage is equivalent to more than 50% of the replacement value of the structure immediately prior to such damage, or if the extent of the damage is equal to 50% or less and the repair does not commence within 180 days of the date of such damage, the structure shall](#)



not be restored unless the structure conforms to all regulations of the district in which the structure is located.

c. The percentage of damage shall be calculated by using the replacement value of the entire structure as the denominator and by using the replacement value of the damaged portion of the structure as the numerator. The same method must be used to determine the numerator and denominator.

~~5. If a nonconforming structure is significantly damaged or significantly improved, the following requirements shall apply in the issuance of any permit:~~

~~a. Where modifications are proposed to repair damages to a structure, a permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction.~~

~~b. If the structure can be rebuilt on the same lot and meet all district and building type requirements, it shall be.~~

~~c. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located or building type, then it shall be placed on the lot in as conforming a manner as possible.~~

~~d. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.~~

~~e. Significant damage and/or significant improvement to any non-conforming structure that is located within a lot containing any other non-conforming condition shall, to the maximum extent possible, require the satisfaction all other requirements of this ordinance and the elimination of all non-conforming conditions. Examples include, but are not limited to, the provision of sufficient parking, landscaping and buffering, and public improvements (i.e., sidewalks and other), and full compliance with all applicable signage, flood hazard reduction, surface water protection, and stormwater management provisions.~~

~~f. In no case shall significantly damaged structure be rebuilt so as to encroach upon any public right of way, easement, regulatory floodway, surface water protection area or except as allowed by CHAPTER 6 of this ordinance or Chapter 34 of Brevard City Code.~~

~~g. A non-conforming use which existed within the structure to which modifications are made may reoccupy such structure upon issuance of certificate of occupancy provided that:~~

~~1. Modifications do not result in an expansion of the nonconforming use.~~

~~2. The nonconforming use is reestablished within the structure within 60 days of the issuance of a certificate of occupancy.~~

~~3. Any use requiring the issuance of a special use permit shall not be reestablished in a district within which such special use is not permitted.~~

~~6. If a nonconforming structure is substantially damaged or substantially improved, the structure, all nonconforming uses contained therein, and all non-conforming conditions within the same property (i.e., parking, landscaping, signage, flood hazard issues, and etc.) shall be brought into full compliance with the requirements of this ordinance.~~

~~a. This provision shall not necessitate full compliance with CHAPTER 5 unless the applicability standards of Section 5.2 are met.~~

E. Historic Structures:

1. Nonconforming historic structures may be altered or enlarged provided:



- a. The enlargement, expansion, or alteration does not exceed the density and dimensional requirements (Section 2.6) or the yard and setback requirements (Section 2.7) of this ordinance; and,
- b. The enlargement, expansion, or alteration shall, to the greatest extent practical, preserve historic materials, features, and/or spatial relationships that characterize the structure as certified by a historic preservation specialist or licensed architect and approved by the Transylvania County Joint Historic Preservation Commission; and,
- c. The enlargement, expansion, or alteration shall be constructed to be compatible with the historic building material, features, size, scale, proportion, and massing to protect the historical integrity of the subject structure, as certified by a historic preservation specialist or licensed architect and approved by the Transylvania County Joint Historic Preservation Commission.

F. Replacement of Nonconforming Manufactured Homes

1. The replacement of a nonconforming manufactured home that fails to meet one or more of the requirements of this ordinance and/or the construction standards promulgated by US Department of Housing and Urban Development, may not be replaced. This includes, but is not limited to, manufactured homes located outside of the Manufactured Home Overlay District and manufactured homes that do not meet setback requirements.

14.4. Nonconforming manufactured homes/mobile homes, and mobile home parks.

- ~~A. A nonconforming manufactured home may only be replaced in accordance with the standards set forth in Section 3.5.1.~~
- ~~B. A manufactured home may continue to be placed or replaced within a non-conforming manufactured home subdivision or park on previously platted lots or previously approved spaces, as well as make any necessary improvements to the subdivision or park infrastructure, but shall not be permitted to expand the area or number of units contained within the boundary of the subdivision or park, except as otherwise provided in CHAPTER 2 of this ordinance.~~
- ~~C. A nonconforming manufactured home may be replaced with another manufactured home only if the manufactured home meets all regulating district requirements.~~

~~(Ord. No. 2020-23, 5-1(Exh. A), 10-19-20)~~

14.5. Nonconforming accessory uses and structures.

- ~~A. A nonconforming accessory use may not be expanded.~~
- ~~B. A nonconforming accessory structure may be expanded only if the expansion does not increase the nonconforming condition of the structure.~~
- ~~C. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is substantially or significantly damaged or improved, or if the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure is made to conform to the standards for the zoning district in which it is located. No nonconforming accessory use or structure shall become or replace any terminated principal nonconforming use or structure.~~

14.65. Nonconforming lots.



A. Authority to Develop:

1. ~~Subject to the provisions of this chapter or any amortization provision, a nonconforming vacant lot may be developed in accordance with the requirements of this ordinance. Except as provided herein, a nonconforming vacant lot may be developed for any of the uses permitted by these regulations in the district in which it is located, provided that the use meets all applicable yard and setback requirements for the district in which the lot is located.~~
 - ~~b. In such cases, the administrator shall require evidence of the presence of a deeded right-of-way or other access easement prior to the issuance of any permit.~~
2. ~~However, a nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot owned by the same in order to create a single lot. A nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot owned by the same entity on or after the effective date of these regulations in order to create a single lot.~~
 - ~~a. For the purposes of this section provision, "adjoining" shall be deemed to mean the sharing of one or more common lot lines and access to both lots can be provided by the same street without crossing that street.~~

B. A nonconforming lot may be developed if, at the effective date of this ordinance, the lot is located in:

1. A subdivision in which the lot is located has received preliminary plat approval; or
2. A subdivision in which the lot is located has received final plat approval.

B. Inadequate Street Frontage:

1. ~~Where a record lot does not comply with the street frontage requirements as provided in Section 4.2.3, the administrator shall require evidence of the presence of a deeded right-of-way or access easement prior to the issuance of any permit.~~
2. ~~The administrator may permit the establishment of a private right of way or access easement in order to facilitate access to pre-existing land locked parcels. However, the provision of such private access right-of-way or access easement shall not be considered satisfactory of the street frontage requirement unless it fully complies with the requirements of Section 4.2.3.~~

C. Subsequent Subdivision Activity

1. ~~No subdivision activity shall be permitted on nonconforming parcels of land unless it remedies or improves the parcel's nonconformance with this ordinance. No subdivision activity shall be permitted on parcels of land that do not meet the street frontage requirements of this ordinance.~~ This requirement shall apply regardless of the size of the ~~landlocked or otherwise~~ non-compliant parcel.

14.6. Nonconforming site features.

A. Authority to Continue:

1. Subject to the provisions of this chapter or any amortization provision, any nonconforming site feature may continue in operation on the same land area within the existing configuration which existed on the date the site feature became nonconforming. This includes, but is not limited to, nonconforming accessory structures, fences, walls, signs, off-street parking, vehicular surface areas, landscaping, buffers, and lighting.

B. Enlargement or Alteration:



1. Additions or changes to nonconforming site features shall not be made unless the addition or alteration brings the land improvements or the development of which it is a part into greater conformity with this ordinance.
2. Resurfacing, restriping, or reconfiguring of an existing nonconforming off-street parking area shall be permitted without requiring compliance with all parking lot design and landscaping requirements, provided:
 - a. The new surface materials and parking dimensions comply with the provisions of Section 10.7; and
 - b. There is no increase in the amount of impervious surface coverage.

C. Required Conformance:

1. Unless otherwise stated, all nonconforming site elements must be brought into conformance when there is new construction of a principal building or when otherwise required by this ordinance.

D. Public Health and Safety

1. Nothing in this chapter shall prohibit the administrator from requiring changes to site characteristics that endanger public health and safety. This includes but is not limited to improvements or changes to existing driveways, curbing, and sidewalks.

E. Damage or Destruction

1. In the event that a nonconforming site feature is damaged and/or destroyed by exercise of eminent domain, fire, accident, flood, or other event resulting from natural causes or an accident, such site feature shall not be restored unless it will conform to all regulations of the district in which it is located.

14.7. Nonconforming signs.

- ~~A. Nonconforming signs shall be removed in accordance with the amortization provisions set forth in CHAPTER 12.~~
- ~~B. Any nonconforming sign that is located upon the same property as any structure, use, or activity that is the subject of any land development permit application shall be brought into compliance with the provisions of this ordinance prior to the issuance of such land development permit application.~~

14.8. Nonconforming landscaping, screening, buffering, and lighting.

- ~~A. Any property shall fully comply with all landscaping, buffering, screening, and lighting requirements if any of the following activities occurs within the same lot or project:~~
- ~~1. An expansion of the heated square footage of an existing primary structure.~~
 - ~~2. The construction of a new primary structure.~~
 - ~~3. Significant or substantial damage or improvement to a principal structure.~~
 - ~~4. A change to a more intensive use of an existing structure.~~
 - ~~5. The establishment of additional primary uses.~~
 - ~~6. Approval of any application for the establishment of a special use, conditional zoning district, group development.~~
 - ~~7. Expansions to the parking area or loading areas which increase the total area more than 40 percent shall be required to comply with all applicable parking and loading area landscaping and screening.~~



~~B. Outdoor light fixtures installed prior to the effective date of this ordinance are exempt from the provisions of CHAPTER 11, provided that no change in use, replacement, and structural alteration of outdoor light fixtures shall be made unless it conforms to the provisions of this ordinance.~~

14.9. Nonconforming street improvements.

~~A. A lot (excluding those containing one pre-existing single family structure), group development, or planned development shall fully comply with all street improvement requirements of CHAPTER 13 along the fronting streets including, but not limited to, turning and traffic storage lanes, sidewalks, multi-use paths, bike lanes, and curb and gutter, if any of the following activities occurs within the same lot or project:~~

- ~~1. An expansion of the heated square footage of an existing primary structure.~~
- ~~2. The construction of a new primary structure.~~
- ~~3. Significant or substantial damage or improvement to a principal structure.~~
- ~~4. A change to a more intensive use of an existing structure.~~
- ~~5. The establishment of additional primary uses.~~
- ~~6. Approval of any application for the establishment of a special use, conditional zoning district, or group development.~~
- ~~7. Expansions to the parking area or loading areas which increase the total area more than 40 percent shall be required to comply with all applicable parking and loading area landscaping and screening.~~

14.10. Nonconforming plans.

~~A. Any site-specific plan for the development of property and/or construction of a building which has received final approval by the City of Brevard for development and/or construction, but does not conform to this ordinance, may be developed and/or constructed in accordance with the ordinance, rules, and regulations in effect at the time that it was approved, including any conditions imposed upon approval.~~

~~B. A property owner with an approved site-specific plan as identified above may elect to develop such property and/or construct such building in accordance with the terms and provisions of this ordinance and the rules and regulations upon which the plan was approved. The property owner shall notify the administrator assigned to approve such plan. A property owner shall be notified in writing of additional required approvals or modifications which may be necessary in order for the plan to conform to the ordinance.~~

~~C. Any amendment or modification to an approved site-specific plan, which would have required approval pursuant to the ordinance, rule or regulation by which the plan was originally approved, shall be reviewed and considered in accordance with the terms and provisions of this ordinance as if it were an amendment or modification to a plan originally approved under this ordinance.~~

~~D. This section does not prohibit the exercise of any vested right established by common law, ordinance or statute.~~

14.11. Phasing for the purposes of evasion of the provisions of this chapter.

~~In no case shall the development of property or the modification of a structure, lot, sign, use, or other matters addressed by this chapter be phased so as to circumvent the provisions of this ordinance.~~

Commented [EB2]: Not necessary - vested rights and modification procedures

Commented [EB3]: Moved to Section 16.3



CHAPTER 16. ADMINISTRATION

16.3. General applicability.

- A. In accordance with G.S. 160D Article 7, the provisions of this chapter shall be applicable to all development activity under the jurisdiction of the City of Brevard. An application for development approval may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property. No building, sign or other structure (except as otherwise provided for in this ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall the use conducted within any building change, nor shall any land disturbance activity, grading, excavation or filling of any property be commenced, nor shall any vegetation be disturbed, nor shall any new use or change in the use of a property be commenced, nor shall any modification or installation of streets or other infrastructure be commenced until the administrator has issued a land development permit for such work.
- B. The issuance of a land development permit is subject to the required development review process as applicable for the development petition.
- C. Phasing for the Purpose of Evasion: In no case shall development activity be phased so as to circumvent the provisions of this ordinance.
- ~~C.D.~~ Properties located within 1,500 feet of each other, under the same ownership and/or developed by the same developer over a period of three years or less shall be considered to be one development and reviewed as such under the applicable development procedure.
- ~~D.E.~~ Notwithstanding any other provisions of this ordinance, the administrator may waive the required development review process only in the following cases when the administrator determines that the submission of a development plan in accordance with CHAPTER 17 would serve no useful purpose. For such projects a certificate of compliance shall be provided to the property owner or their representative, in accordance with G.S. 160D-403(g).
1. Street construction or repair.
 2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
 3. Mailboxes, newspaper boxes, retaining walls, garden structures, play structures, recreation equipment, birdhouses, flag poles, pump covers, and doghouses.
 4. Interior alterations and renovations requiring a county building permit which do not alter the footprint or height of an otherwise conforming use and/or structure such as AC/HVAC, re-roofing, steps, siding (except in a designated historic district), etc.
 5. Accessory structures for all building types.
 6. Incidental repairs and ordinary maintenance of structures (including but not limited to the repair and maintenance of walls, roofs, fixtures, wiring, and plumbing) outside of the special flood hazard area that would not necessitate additional review in accordance with this ordinance.
 - ~~6. Minor improvements to a principal structure that would not equal "substantial improvement" or "significant improvement" as defined in CHAPTER 19 of this ordinance, and that would not necessitate~~



~~additional review under the procedures for special use permits, conditional zoning districts, planned development districts, or other special procedures.~~

~~7. A change in principal use or occupancy where such change would not result in a change in lot coverage, off-street parking access or other external site characteristics, or other significant or substantial improvement.~~

~~8.7. Incidental land disturbance related to minor landscape modifications, utility repair, or other property improvements listed above, and that would not generate sedimentation or erosion, that would not cause an increase in off-site stormwater discharge, and that would not affect landscaping or vegetation that is otherwise regulated by this ordinance.~~

Commented [EB4]: We require a change of use permit in these cases.

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:

Abandon: To intentionally discontinue from actively using land, structures, or any premises for the intended or previous use for a specified period of time, but excluding temporary periods of inactivity due to remodeling, maintaining, restoring, or otherwise improving a facility.

~~**Assessed and appraised value:** The value of a structure prior to being damaged or, in the absence of damage, prior to any proposed modification or improvement. Assessed value is determined by the most recent tax evaluation of the structure by the Transylvania County Tax Assessor, prior to damage or improvement. Appraised or market value is determined by an appraisal submitted by a qualified appraiser. The administrator shall utilize the assessed value of any structure in the administration of this ordinance unless a more accurate appraisal is provided by the property owner. The administrator shall have the authority to request that the property owner provide additional independent appraisals if the administrator feels that a submitted appraisal may be in error or otherwise questionable.~~

~~**Market value:** The value of a building, not including the land value or the value of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal, by replacement cost depreciated for age of building and cost of construction (actual cash value), or by adjusted tax assessed values.~~

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

- Additions to existing structures that equal or exceed ~~66%~~ 75% of the gross floor area of the existing structure.
- Substantial improvements to existing structures that equal or exceed ~~66%~~ 75% of the replacement value of the existing structure and require the issuance of at least two trade permits from the Transylvania County Building and Inspections Department.

Nonconformity: A development condition which existed lawfully and was created in good faith prior to the adoption, revision, or amendment to this ordinance, but which now fails to conform to the requirements of this ordinance as a result. See also nonconforming use, nonconforming structure, nonconforming lot, and nonconforming site feature.



Code of Ordinances and UDO

Nonconforming use: A use that was legal when established but is no longer permitted in the zoning district.

Nonconforming structure: A building that was legally created but does not meet current development standards (setbacks, height, size, architectural elements, etc.)

Nonconforming lot: A lot that was legally created but does not meet current requirements for street frontage.

Nonconforming site feature: A site element that does not meet the current requirements. This includes, but is not limited to, parking lots, landscaping, signs, buffers, and accessory structures.

Nonconformities: A lot, structure, use of land, or condition, which existed lawfully and was created in good faith prior to the adoption, revision, or amendment to this ordinance, and which conformed to applicable regulations in effect prior to the adoption, revision, or amendment to this ordinance in terms of size, area, dimension, location, intensity of use, or other condition, but which now fails to conform to the requirements of this ordinance by reason of such adoption, revision, or amendment. Nonconformities include, but are not limited to, the following:

- A. ~~Non-conforming lots:~~ lots of non-standard shape or lots with insufficient frontage, in accordance with CHAPTER 4.
- B. ~~Non-conforming structures:~~ structures located within a right-of-way, or that exceed height or setback limitations, or that are located within setback areas, floodways, or streamside protection areas.
- C. ~~Non-conforming uses of land:~~ industrial activity within residentially zoned areas, hazardous chemical storage in flood-prone areas, open storage in a improperly zoned area.
- D. ~~Non-conforming conditions:~~ insufficient parking, landscaping, or buffering for an otherwise conforming use or structure; cleared vegetation in a streamside protection area; inadequate stormwater control measures.

Non-substantial or non-significant improvement: Any improvement that does not meet the definition of substantial or significant improvement, as defined in this section.

Replacement value: The estimated value or cost to reconstruct a structure of similar size, quality, design and function, excluding land, as determined by a licensed appraiser, independent construction cost estimator, or other qualified professional using nationally recognized cost data. Replacement value shall be determined by one of the following methods:

- The market value of the structure as established by an independent certified appraisal;
- The replacement cost depreciated for age of building and cost of construction (actual cash value); or
- The most recent tax value for the building or buildings as reported in the Transylvania County tax office.

The administrator shall have the authority to request that the property owner provide additional independent appraisals or cost estimates if the administrator feels that submitted materials may be in error or otherwise questionable.

Significant damage: Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 25 percent of the market value of the structure before the damage occurred. In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. See definition of significant improvement.



~~**Significant improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure, taking place during any one-year period, for which the cost equals or exceeds 25 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, as of the date of start of construction of the improvement). In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. This term includes structures which have incurred significant damage regardless of the actual repair work performed. The term does not, however, include either of the following:~~

- ~~A. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or~~
- ~~B. Any alteration of a historic structure provided that: such alteration is necessary to maintain retain or restore historically significant characteristic; the alteration will not preclude the structure's continued designation as a historic structure; and the alteration does not result in the expansion of a non-conforming condition.~~

Start of construction: The start of construction shall be the earlier of:

- A. The first placement of permanent improvements on a site, such as piles, footings, slab, gravel or other foundation work for buildings (including manufactured homes), public streets or walkways;
- B. The beginning of installation of public utilities;
- C. The beginning of installation of a private line which will connect to existing public utilities;
- D. The beginning of installation of improvements for surface water drainage or erosion control;
- E. Any other work beyond the stage of excavation.

For purposes of this ordinance, the start of construction does not include any of the following: land preparation, such as clearing, grading and filling; excavation for a basement, footings, piers or foundations; the erection of temporary forms; the installation of accessory buildings, such as garages or sheds, when a principal building is included in the permitted work.

For ~~a substantial~~ improvements to existing structures (as distinguished from new construction), the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

~~**Substantial damage:** Any damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to the before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. Single family residential structures not located in the special flood hazard area and not otherwise subject to the flood hazard prevention requirements of this ordinance shall only be considered substantially damaged if the cost of restoring the structure to its before damaged condition would equal or exceed 75 percent of the market value of the structure before the damage occurred. In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure.~~

~~**Substantial improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, before the date of start of construction of the improvement). In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either of the following:~~



Code of Ordinances and UDO

- ~~A. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or~~
- ~~B. Any alteration of a historic structure provided it meets the following criteria: such alteration is necessary to maintain, retain or restore historically significant characteristics; the alteration will not preclude the structure's continued designation as a historic structure; and the alteration does not result in the expansion of a non-conforming condition.~~

~~Single family residential structures shall only be considered substantially improved if the cost of such improvement(s) equals or exceeds 75 percent of the market value of the structure as of the date the improvement was permitted or, in the absence of a permit, as of the date construction commenced. In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure.~~

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-26-0003**

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 ordinance amendment is **neither consistent nor inconsistent** with the following elements of the City's adopted plans and policies.

ORDINANCE NO. 2026-____

AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO CODIFY NEW DEVELOPMENT REGULATIONS FOR NONCONFORMITIES

WHEREAS, a nonconformity in development regulations is defined as a lot, structure, use, sign, or site feature that was legally established but no longer complies with current development code requirements; and

WHEREAS, under North Carolina General Statutes, local governments can adopt regulations with regard to how or if a nonconformity may be expanded and when compliance is required for a project; and,

WHEREAS, the goal of these regulations are to limit substantial investment in nonconformities, encourage eventual elimination or mitigation of impacts, and preserve the integrity and character of the ordinance and community; and,

WHEREAS, the Brevard Planning Board considered revisions to Chapter 2 – Districts and General Provisions; Chapter 5 – Architectural Standards; Chapter 8 – Tree Protection and Landscaping; Chapter 10 – Parking Standards; Chapter 11 – Lighting; Chapter 12 – Signs; Chapter 13 – Infrastructure Improvement Requirements; Chapter 14 – Nonconformities; Chapter 16 – Administration; and Chapter 19 – Definitions on April 8, 2026, and unanimously recommended in favor; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is neither consistent nor inconsistent with the elements of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*; and,

WHEREAS, a public hearing was conducted on Monday, May 18, 2026, by the Brevard City Council.

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

SECTION 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 1st day of June 2026.

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 APRIL 30, 2026

Tina Tanner
Certified Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
 MONTH ENDING APRIL 30, 2026

UPDATED: 05.06.2026

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER		
2025	\$ -	\$ 4,581,126.39	\$ 427,280.33	\$ 195,358.15	\$ 164,976.55	\$ 707,473.79		
2024-2014	\$ 11,986.29	\$ 6,246.25	\$ 3,664.91	\$ 9,827.00	\$ 451.75	\$ 326.18		
2013- PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
TOTAL:	\$ 11,986.29	\$ 4,587,372.64	\$ 430,945.24	\$ 205,185.15	\$ 165,428.30	\$ 707,799.97		
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL	
2025	\$ 368,774.87	\$ 50,506.58	\$ 50,094.31	\$ 112,226.42			\$	6,657,817.39
2024-2014	\$ 2,962.61	\$ 303.69	\$ 5,145.32	\$ 9,243.59			\$	50,157.59
2013-PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	-
TOTAL:	\$ 371,737.48	\$ 50,810.27	\$ 55,239.63	\$ 121,470.01	\$ -	\$ -	\$	6,707,974.98

HEART OF BREVARD TAX SETTLEMENT REPORT
 MONTH ENDING APRIL 30, 2026

UPDATED: 05.06.2026

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER				
2025	\$ -	\$ 78,787.77	\$ 14,235.31	\$ 7,200.76	\$ 1,907.35	\$ 20,757.82				
2024-2014	\$ -	\$ 62.00	\$ 1.48	\$ -		\$ 5.45				
2013-PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
TOTAL:	\$ -	\$ 78,849.77	\$ 14,236.79	\$ 7,200.76	\$ 1,907.35	\$ 20,763.27				
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL			
2025	\$ 7,653.10	\$ 2,591.55	\$ 4,786.92	\$ 3,599.02			\$ 141,519.60			
2024-2014	\$ 106.50			\$ 1,421.81			\$ 1,597.24			
2013-PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
TOTAL:	\$ 7,759.60	\$ 2,591.55	\$ 4,786.92	\$ 5,020.83	\$ -	\$ -	\$ 143,116.84			

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Amendment to Roundabouts Capital Project Fund

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

The Roundabouts Capital Projects Fund is in need of a project amendment to increase revenues and expenditures by \$49,000. In January of 2026, the City contracted with McAdams Company in the amount of \$19,660.00 for engineering and design related to the Bear Statue, which is anticipated to be located in the Roundabout at US276 and US64. The City has received \$9,613.00 from TDA and \$9,387.00 from the Community Focus Foundation to cover this contract.

The City also received \$30,000 from NCDOT related to the relocation of art at Brevard College, and these funds are also being recorded in the Roundabouts Fund and will be available for general use.

Action

Staff asks Council to approve Roundabouts Capital Project Budget Amendment as presented.

Attachments:

- 1. CPO Amendment - Roundabouts \$49,000
- 2. Roundabouts Fund at 5-6-2026

ORDINANCE NO. 2026-XX

**CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2024-05, ROUNABOUTS PROJECT**

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1: The budgeted expenditures and revenues listed under the ordinance 2024-05 will be increased from \$300,000 to \$349,000. The Roundabouts Capital Project was established in August of 2022 to account for the City portion of landscaping and other cost costs associated with the roundabouts planned for the City that are not covered by NCDOT. NCDOT allows up to 1.5% of total project costs for approved landscaping.

Prior to this project amendment, all revenues in this fund originated from General Fund transfers. Recently, the City has received a contribution of \$9,613 from TDA and \$9,387 from the Community Focus Foundation to cover the cost of a contract of \$19,660 for engineering and design of the Bear Statue at the Roundabout at the entrance to Pisgah National Forest.

Additionally, in April of 2025, the City received \$30,000 from NCDOT related to the relocation of art at Brevard College.

Section 2: City Council has already authorized several contracts to help improve the appearance of the City’s major transportation corridors with betterments to future NCDOT roundabouts. This began with project R-5799, the two roundabouts on US 64/276 at the gateway to Brevard and Pisgah National Forest approved on August 14, 2019, which led to an Asheville Highway Corridor Visioning Initiative, approved by Council on October 21, 2019. Council has been steadfast in its vision for creating a more welcoming corridor into Brevard by leveraging local funds and working with NCDOT and other partners such as the Transylvania County Tourism Authority, to achieve this goal.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
75-6600-4550	Roundabouts Project	\$300,000
75-6600-4550	Roundabouts Project	\$49,000
TOTAL PROJECT APPROPRIATION		\$349,000

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
78-3750-0220	Transfer from General Fund	\$300,000
75-3755-0300	NCDOT-Brevard College Art	\$30,000
75-3755-0400	Contr from TDA – Bear Statue	\$9,613
75-3755-0500	Contr from CFF – Bear Statue	\$9,387
TOTAL PROJECT REVENUE		\$349,000

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 18th day of May, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

REVENUE & EXPENDITURE STATEMENT
07/01/2025 To 05/31/2026

CITY OF BREVARD
FY 2025-2026

*100 in the % Used column indicates that no budget exists

Account	Budget (\$)	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
75 Roundabouts Fund						
Revenue						
75 Roundabouts Fund						
75-3750-0220 TRANSFER FROM GF - ROUNDABC	300,000.00	75,000.00	300,000.00	0.00	0.00	100
75-3755-0300 NCDOT - BREVARD COLLEGE ART	0.00	0.00	30,000.00	0.00	-30,000.00	*100
75-3755-0400 CONTRIB FROM TDA - BEAR STAT	0.00	9,613.00	9,613.00	0.00	-9,613.00	*100
75-3755-0500 CONT FROM CFF - BEAR STATUE	0.00	9,387.00	9,387.00	0.00	-9,387.00	*100
75 Roundabouts Fund Subtotal	\$300,000.00	\$94,000.00	\$349,000.00	\$0.00	-\$49,000.00	116
Revenue Subtotal	\$300,000.00	\$94,000.00	\$349,000.00	\$0.00	-\$49,000.00	116
Expenditure						
75 Roundabouts Fund						
6600 Non Departmental						
75-6600-4550 ROUNDABOUTS BETTERMENTS	300,000.00	3,602.50	187,771.23	250,377.50	-138,148.73	146
6600 Non Departmental Subtotal	\$300,000.00	\$3,602.50	\$187,771.23	\$250,377.50	-\$138,148.73	146
75 Roundabouts Fund Subtotal	\$300,000.00	\$3,602.50	\$187,771.23	\$250,377.50	-\$138,148.73	146
Expenditure Subtotal	\$300,000.00	\$3,602.50	\$187,771.23	\$250,377.50	-\$138,148.73	146
Before Transfers	Excess Of Revenue Subtotal	\$0.00	\$90,397.50	\$161,228.77	-\$250,377.50	*100
After Transfers	Excess Of Revenue Subtotal	\$0.00	\$90,397.50	\$161,228.77	-\$250,377.50	*100

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Budget Amendment 2026-05 Lease Payments at 132 Commerce St.

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

In June of 2024, the City entered into a lease agreement at 132 Commerce Street to house the Police Department. At that time, the Finance Director budgeted and paid the lease payments from the Police Department operating budget (line 5100). In December of 2025, the Finance Director was reminded by the auditors (Gould Killian) that according to GASB87, capital leases should be treated as debt financed capital assets, and lease payments should be paid from Non Departmental (6600) along with other debt. At that time, a budget amendment was approved by City Council which corrected budgeted and actual amounts for the period ending June 30, 2025. This proposed budget amendment transfers the budgeted and actual amounts related to monthly lease payments at 132 Commerce Street in FY26 from the Police Department to Non Departmental per GASB87 standards.

The entry has no effect on fund balance.

Action

Council is asked to approve budget amendment 2026-05 as presented.

Attachments:

- 1. Budget Amendment Lease at 132 Commerce \$96,000
- 2. Ord 2025-57 Amending the FY2024-2025 Budget Amendment No. 25-17 - Police Dept Lease

ORDINANCE NO. 2026-XX
AN ORDINANCE AMENDING THE FY2025-2026 BUDGET.
BUDGET AMENDMENT NUMBER 26-05

SUBJECT: Budget Amendment to properly record lease payment under Non Departmental.

AGENDA INFORMATION

Agenda Location **Consent**
Department: **Finance**
Contact: **Dean Luebbe, Assistant City Manager and Finance Director**

BRIEF SUMMARY: Capital lease payment should be recorded under Non Departmental (6600) instead of an individual department. Lease payment associated with the Police facility at 132 Commerce Street were originally budgeted under Police (5100), and this entry will transfer the budget and actual amounts to Non Departmental. This entry has no effect on fund balance.

MOTION FOR CONSIDERATION: To approve Budget Amendment 26-05, as submitted, increasing the budget in expenditure accounts:

10-6600-9380 (Lease Principal Due – 132 Commerce)	\$65,000
10-6600-9381 (Lease Interest Due – 132 Commerce)	\$31,000
TOTAL	\$96,000

And decreasing the budget in the expenditure account:

10-5100-4200 (Commerce Street Lease)	\$96,000
TOTAL	\$96,000

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 18th day of May, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

ORDINANCE NO. 2025-57
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-17

SUBJECT: Budget Amendment to increase General Fund budget by \$668,700 to comply with GASB 87 regulations concerning the Police department lease at 132 Commerce Street.

AGENDA INFORMATION

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

BRIEF SUMMARY: The Governmental Accounting Standards Board (GASB) implemented GASB 87 in June of 2021, in an effort to better reflect financial activity involving leases. Since that time, the City has recognized a lease receivable involving a cell tower at the Fire Department, but has not needed to record a lease payable. In July of 2024, the City finalized a five year lease for the Police Department at 132 Commerce Street. Because GASB 87 requires that a right to use asset and lease liability to be recorded, a budget entry is needed to prevent the Police Department FY25 budget from showing a budget violation. Additionally, the monthly lease payments should have been recorded under "Non-Departmental", alongside other City debt. More information concerning this lease will be available in the FY25 financial statements, Note 8. This budget entry has no effect on fund balance.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-17, as submitted, increasing (decreasing) the budget in expenditure account:

10-5100-7400 (Capital Outlay)	\$668,700
10-6600-9380 (Lease Principal - Police)	\$52,500
10-6600-9381 (Lease Interest - Police)	\$27,600
10-5100-4200 (Commerce St Lease)	(\$80,100)
TOTAL	\$668,700

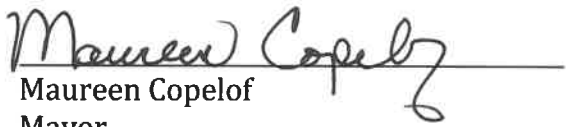
And increasing the budget in the revenue account:

10-3920-0040 (Debt Proceeds)	\$668,700
TOTAL	\$668,700

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 15th day of December 2025.


Maureen Copelof
Mayor



ATTEST:

A handwritten signature in cursive script, appearing to read "Denise Hodsdon".

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Mack McKeller".

Mack McKeller
City Attorney

MINUTES
City Council Public Works & Utilities Committee

Wednesday, April 1, 2026 – 3:30 p.m.
City Council Chambers

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

Members Absent: Gary Daniel, Vice Chair, Council Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Dennis Richardson, Water Treatment Plant Supervisor
Aaron Winans, Wastewater Treatment Plant Superintendent
Shawnee Cummings, Assistant to the City Manager

Guests: Harvey Sankey

Media: David Bradley

A. Welcome and Call to Order

Committee Chair Lauren Wise called the meeting to order at 3:33 p.m.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes – March 4, 2026 Meeting

Mr. Carson moved, seconded by Mr. Wise to approve the minutes of the March 4, 2026 meeting as presented. The motion carried unanimously.

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

1. Public Works Update

Mr. Todd compiled a list of updates on work performed by Public Works employees in the past 30 days, outside of their normal scope of work and day-to-day responsibilities.

Water

3 locates for water line replacement, 1 hydrant repairs, 3 DOT meetings, 4 leak checks, 2 leak repairs, 6 tap verifications, 1 automatic flush hydrant installations, 2 meter installations, 5 taps
Assists: 8 Sanitation & Streets

Sewer

Weekly Lift Station Maintenance.

Cleaned 5,216 feet of sewer mains; Video inspected 320 feet of sewer.

Checked and/or repaired 6 sewer blockages.

9 Sewer Line Repairs, 5 Tap installations, 7 tap verifications, 162 locates, 10 sewer blockages, unstopped 669 feet of sewer line.

Assisted NC DOT Contractor at Bi-Lo; pumped out Manhole #TC-016 every day.

Assists: 1 Sanitation, 3 Water, 4 Streets, 1 County, 1 B&G

Streets & Sanitation

Collected: Garbage – 243.66 tons, Recycling – 46.51 tons, Cardboard – 16.23 tons

Paid Special Pickups & bagged yard debris – 20

Sign Repair/Replacement – 4, Banner up/down - 2

Recycle Cart/Dumpster Delivery/Pick Ups – 6

Sidewalk/Curb Repair – 15

Collected 30 small dump truckloads of brush, Collected 20 large brush truckloads of brush.

Utility strip mowing – 1, Storm clean-up – 4, Clean/repair storm drain – 5

Assists: 1 Water, 1 Sewer

Garage

Completed 262 fleet maintenance work orders.

Building & Grounds

Built new steps & handrails to get into top of concession stand at Sports Complex.

Cleaned up cut trees at North Tannery that were cut for new bike path at skate park only.

Mulched & cleaned out flower beds at Sports Complex, Depot & Franklin Park.

Removed 3 dirt mounds from ballfield for new portable mounds.

Helped form & pour curb on Railroad Ave.

Completed 18 non-routine work orders.

2. Stormwater Master Plan

McAdams is contracted for the Citywide Stormwater Master Plan and is currently advancing Phase 1 of the project, mainly focusing on Existing Conditions Analysis. This effort is supported by desktop analysis, geodatabase development and management, analysis of existing stormwater systems, preliminary CIP prioritization planning, and UDO updates.

CCTV services began on February 16, 2026 and will conclude in early April. CCTV field crews will work from March 30th to April 8th to complete their collection. McAdams

held a UDO Workshop with City of Brevard staff and will revisit discussions with staff on April 14, 2026 to finalize UDO recommendations. Hydraulic modeling is ongoing and will be finalized in June.

Below is the overall schedule:

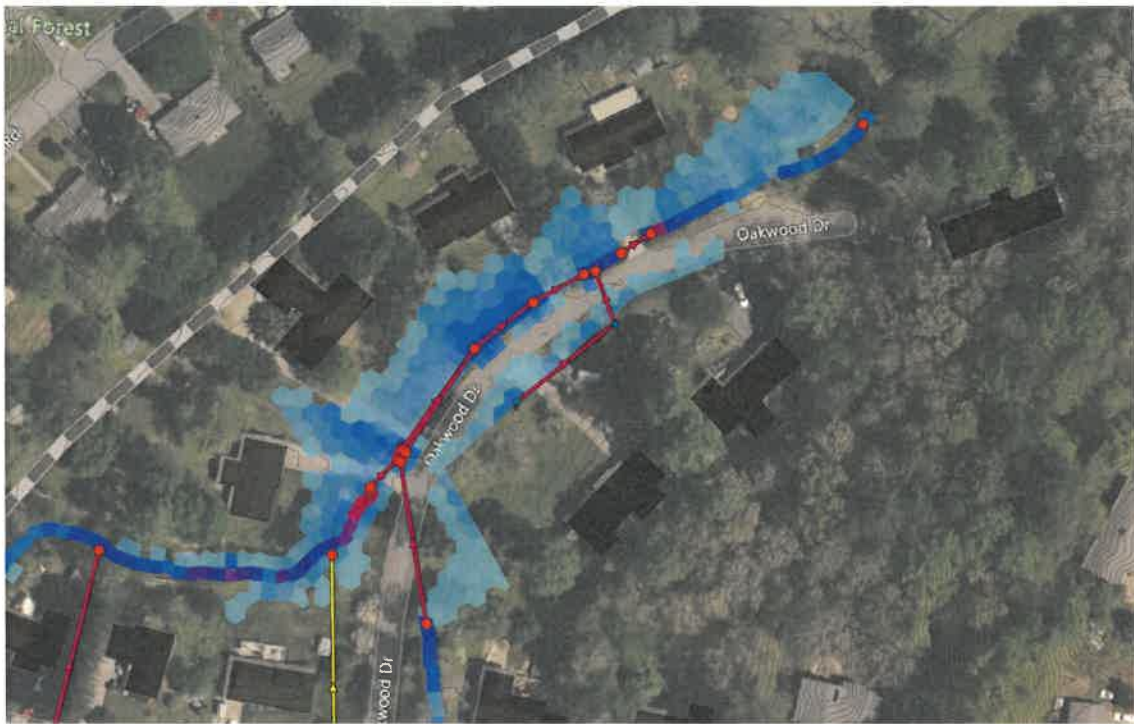
1. Overall Project Schedule and Scope:

- a. Phase 1 completed in fiscal year 2026 (June 2025 – June 2026)
 - i. Identification of Projects and Capital Improvement Planning
 1. **March:** Stormwater UDO discussion held on 2/17
 - a. Next scheduled meeting on 04/14 to discuss action items.
 2. **March – April:** CCTV crews mobilized the week of 02/16
 - a. CCTV crew to complete work on weeks of 03/30 + 04/06
 3. **March - April:** Finalizing existing conditions models + Prioritization
 4. **April:** Final field visits for any missing data
 5. **April – June:** Report writing + finalizing deliverables
 6. **July:** Submittal to City of Brevard for review and approval
 - b. Phase 2 completed in fiscal year 2027 (July 2026 – June 2027)
 - i. Schematic Design and Identification of Funding

This Master Plan identifies and focuses on 10 “hot spot” priority areas. The hot spot areas are as follows; 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.

For hydrology and calculating peak runoff, we had the option to use 1) City Zoning and assign a percent of impervious cover for each type of zoning based on density requirements or 2) spatially trace the actual existing impervious cover as it exists today. It was decided that City Zoning is to be used as it assumes full buildout conditions and accounts for potential future development. This methodology will be used for both Existing Conditions Analysis and Proposed Project Analysis.

The Zoning Density Analysis, similar to how future flow projections for the Wastewater Plant were determined, does the best job of predicting future stormwater due to build out, but it also inflates current storm water conditions in the model, which can be misleading as the flooding shown from the model will only occur once the land is fully developed. However, this approach does allow for the culverts and other stormwater assets to be properly sized for future flow.



Please see the attached Brevard Model Areas-reduced.pdf for modeling diagrams of the 10 hot spot areas. For clarification — the PDF attached with the model areas only shows 7 models but does encompass all 10 project locations.

The Cherry Street and Ducks Drive Neighborhoods are in the same model due to their proximity and hydraulic connectivity.



City of Brevard - Water Treatment Plant Improvements :

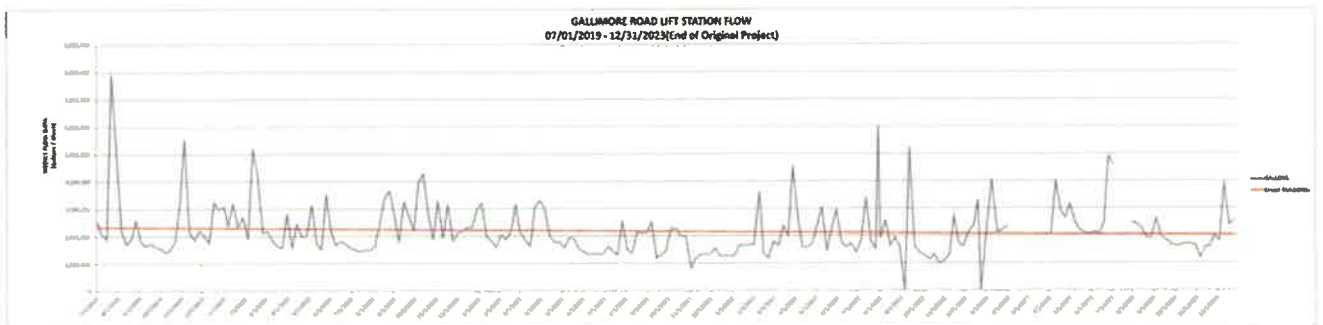
NCDEQ SRP-D-ARP-0222
Brown PA - 20042

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. Gallimore Sewer Rehab Update

Gallimore Basin Sewer Rehab Change Order #2

- The pipe lining along County Club Road and Caldwell Street is complete.
- The manholes along Country Club Road and Caldwell Street are complete.
- BLD has lined the service laterals along Caldwell and Country Club Rd.
- The Contractor is currently negotiating with a Sub to perform point repairs along England St and install cleanouts.
- Contractor is overdue in providing an updated schedule.
- **England Street Gravity Sewer has been lined**
- 3 sewer services along Caldwell St remain to be lined after point repairs.
- 3 services along England Street to be lined.
- 10 cleanouts to be installed.
- Contractor waiting on Sub to schedule excavation and repair of existing services and installation of cleanouts.
- **Contractor stated it will be a couple of months before Sub can get to the services.**
- **Holding Payment Application**



6. Sewer Pump Station Rehabilitation Project

TP Howard is currently mobilized at the Gallimore Pump Station and construction continues.

- The contractor has installed the pump station wet well, grinder vault, meter and valve vaults, and piping between most of the vaults.
- The contractor has started the installation of the gravity sewer and manholes between the new pump station and the existing pump station.
 - SSMH #1, 2 and 3 have been installed.
 - 36" gravity sewer has been installed from station 10+00± to station 10+51± between the wet well and SSMH #2
 - 24" gravity sewer has been installed from station 10+51± to station 11+87± between SSMH #2 and 3 and has begun being installed from station 11+87± at SSMH#3 towards SSMH #4.

TP Howard is currently mobilizing to the Wilson Pump Station, and the Electrical Sub is pulling the electrical permits to begin the work on the generator at the site.

Shop drawings and submittals are continuing to be reviewed.

Both the Fish Camp and Gallimore Road easements have been finalized, and the paperwork is now complete.

Sewer Pump Station Rehab Project

Task	2025						2026						2027									
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Gallimore Pump Station (12/5/25-7/3/26)																						
Fish Camp Pump Station (5/14/26-8/31/26)																						
Wilson Pump Station (3/26 - 5/26)																						
Punch Out & Cleanup (9/14/26-11/19/26)																						
ARPA Funding Deadline (December 31, 2026)																						★
CO#1 - Final Completion Date (2/2/27)																						★

7. WWTP Renovation and Upgrade Project

In March, KCI met with City staff and reviewed the plans for Phase 1. Following feedback on the plans, final revisions will be made and over the next several weeks, KCI will work with their sub-consultants to finalize the plans and specifications, while simultaneously beginning the permitting and funding approval process necessary for the bidding for the Phase 1 design.

KCI will continue to work with the City staff on pursuing Phase 2 funding.

Harvey Sankey thanked Mr. Winans for the tour of the WWTP.

Mr. Carson mentioned the ongoing drought and with rain expected in the next few days, we are likely to see substantial runoff. Mr. Hooper asked if any municipalities have moved into drought restrictions, to which Mr. Carson stated that he did not think so.

Mr. Carson stated that he has adopted an area near the boardwalk closures, adjacent to the Deerlake neighborhood, and recently performed some invasive plant clearing along the footpath or "goat path". While he was out clearing plants, a woman who lives in the Deerlake neighborhood approached him and asked what he was doing, to which he explained. The woman mentioned that there has been increased interaction with unhoused individuals crossing the ditch that adjoins the neighborhood and asked what could be done about it. She also stated that the HOA has alluded to a longstanding agreement between the City and Deerlake about clearing the ditch out on a routine basis. Mr. Carson also mentioned that he has looked at the area with Mr. Winans before, as there are supposed to be several manholes in the ditch that they were unable to find. Mr. Winans said he also conducted some fecal and coliform sampling that came back positive, as well as dye testing. It is unclear if the ditch is on City property or if there is an agreement, but Mr. Carson said it may be worth looking into. Further along the boundary line, there are also some trees in bad shape and one that recently fell on a car.

10. Set Next Meeting – May 6, 2026 at 3:30pm

The next regular meeting of the committee will be on May 6, 2026 at 3:30pm.

11. Adjourn

There being no further business, the meeting was adjourned at 4:30 p.m.

Minutes Approved: May 6, 2026



Lauren Wise, Chair, Council Member
Gary Daniel, Vice Chair, Council Member



Shawnee Cummings
Assistant to the City Manager

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, February 10, 2026 - 3:45 PM

City Hall Council Chambers

Members Present: Pamela Holder, Chair, City Council Member (arrived at 4:03 pm)
Aaron Baker, Vice Chair, City Council Member
Victor Foster, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Emily Brewer, Senior Planner
Shawnee Cummings, Assistant to the City Manager

Media: David Bradley

A. Welcome and Call to Order

Committee Chair Pamela Holder welcomed everyone and called the meeting to order at 3:45pm.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Mr. Baker moved, seconded by Mr. Foster to approve the agenda. The motion carried unanimously.

D. Approval of Minutes - December 9, 2025

Mr. Foster moved, seconded by Mr. Baker to approve the minutes of the December 9, 2025 meeting as presented. The motion carried unanimously.

E. Habitat for Humanity Tap Fee Reimbursement Request

Ms. Brewer explained that one of the eligible expenditures from the Housing Trust Fund is a tap fee reimbursement. Habitat for Humanity has requested \$12,375.00 for water and sewer tap fee reimbursements. Habitat for Humanity built a single-family home at 465 West Main Street with one sewer tap and one water tap. Habitat for Humanity is also constructing a 6-home community, the City's first cluster home development, located at Curlee Street and Kings Mill Road. The development required one sewer tap for all six homes and six water taps.

Mr. Hooper explained the budgetary considerations when evaluating the tap fee reimbursement request, including that most of the City's money in the Housing Trust Fund is allocated to debt service payments on the Azaela Avenue property. The Trust Fund balance for things other than the Azaela property is approximately \$24,000.

Mayor Copelof stated that Habitat for Humanity has been an exceptional partner in creating more affordable housing in Brevard and given that the City does not have any other commitments for the remaining funds, the reimbursement would serve as an acknowledgement of Habitat for Humanity's work. Mr. Hooper confirmed that he does not know of any other similar requests on the horizon.

Mr. Foster moved, seconded by Mr. Baker to refer Habitat for Humanity's tap fee reimbursement request to the full Council on February 16th with a recommendation to approve. The motion carried unanimously.

F. Public Comment

Mr. Hooper stated that he believes the City's work on affordable housing has motivated some private sector entities to get involved, noting examples including Mountain Glen and Fairhaven Meadows.

Mayor Copelof added that we can expect the next County Commissioner Meeting in February, at which the Commission is expected to discuss the City's request for infrastructure funding related to the Azaela Avenue sewer extension.

G. Next Meeting Date

The next meeting was scheduled for Tuesday, March 10, 2026 at 3:45pm.

H. Adjourn

There being no further business, the meeting adjourned at 4:14 pm.

Minutes Approved: May 12, 2026



Pamela Holder, Chair, Council Member
Aaron Baker, Vice Chair, Council Member



Shawnee Cummings
Assistant to the City Manager

**SESSION NOTES – FOR INFORMATION ONLY
(No Quorum Present, Listening Session Only)**

**City Council Housing Committee
Tuesday, March 10, 2026 – 3:45 PM
City Hall, Council Chambers**

Members Present: Pamela Holder, Chair, City Council Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Paul Ray, Planning Director
Emily Brewer, Senior Planner
Shawnee Cummings, Assistant to the City Manager

Guests: Tommy Lowmon, Senior Vice President of Development at Woda
Cooper Companies; Garrett LeDonne, Senior Vice President of
Development at Woda Cooper Companies; Harvey Sankey

Media: David Bradley

A. Welcome and Call to Order

Committee Chair Pamela Holder welcomed everyone and called the meeting to order at 3:46pm.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings did not certify a quorum, as there was only one voting member present.

C. Cascade Ridge 4% LIHTC Application - Bond Inducement Resolution

Ms. Brewer introduced the low- to moderate-income housing developer Woda Cooper, represented by Tommy Lowmon and Garrett LeDonne, who are working on a project to create affordable housing units at 373 Morris Road. This item was brought to the Committee for briefing and will require action from the full Council on March 16, 2026, so that Woda Cooper can move forward with their 4% LIHTC application.

Tommy Lowmon gave background on Woda Cooper, their developments in North Carolina, and their proposed housing project. Cascade Ridge will have 84 affordable housing units, options for 1-, 2-, and 3-bedroom apartments, and affordable rent rates ranging from \$305 to \$1,025 depending on apartment size and income of applicants. The design plans do not currently reflect it, but balconies will also be incorporated.

Woda Cooper's LIHTC application is due to the North Carolina Housing Finance Agency (NCHFA) in May 2026, and they will be notified of the award in September 2026. If Woda Cooper receives a LIHTC award, pre-construction will follow for 8-10 months, and then construction for 14 months. Cascade Ridge would be placed in service in 2028.

Garrett LeDonne explained the proposed capital stack for Cascade Ridge, including LIHTC equity, a 1st mortgage, CDBG-Disaster Recovery Funds, and a deferred developer fee. Mr. LeDonne said that they will need a Bond Inducement Resolution from the City for \$6.5 million in tax-exempt bonds, which is required for the 4% LIHTC application.

Ms. Brewer added that the City has engaged bond counsel, paid for by the developer, to help navigate the process. The bond counsel will present at the March 16th City Council meeting to discuss financial implications, provide details, and answer questions. To move forward, City Council will need to pass the Bond Inducement Resolution, stating that if Woda Cooper is awarded 4% LIHTC, the City agrees to enter into the bond inducement with them. The resolution is necessary so that Woda Cooper can draft their 4% LIHTC application before the May deadline. If Woda Cooper is awarded 4% LIHTC, the bond inducement will be brought back to Council in August to hold a public hearing.

For bond inducements, the developer is solely responsible and the City acts as a conduit for the debt issuance. Ms. Brewer added that bond inducements are a way to use the tax-exempt status of the City to bring in more affordable housing developments.

Mayor Copelof asked if the bonds have any impact on the City's future ability to issue bonds. Mr. Hooper stated that it would not. He further stated that the City would not be liable if the developer defaulted on the debt and the bond inducement does not count towards the City's overall debt capacity. The only risk is if the developer defaulted, it would be a minor reputational risk to the City on the bond market.

Ms. Holder asked how the bonds will be paid back. Mr. Hooper stated that the bonds will be repaid using the rents collected by Woda Cooper. Ms. Holder asked if the bond inducement will need to be put on the ballot. Mr. Hooper stated that it does not.

Mayor Copelof asked why the public hearing is after the fact. Mr. Hooper stated that the public hearing is after the LIHTC award, but before bonds are issued because the City could still back out. Ms. Brewer added that the public hearing is a requirement to be able to issue the bonds and Mr. Lowmon stated that the public hearing also notifies investors that the bonds are going on the market.

Mayor Copelof asked if Staff is looking for a decision from Council on March 16th. Mr. Hooper stated that Staff will ask for a decision from Council so that Woda Cooper can begin compiling their LIHTC application, but since the application is not due until May, Staff can postpone the decision until the next meeting if they are uncomfortable passing the resolution. Mayor Copelof stated that she does not feel comfortable being asked to decide the same night of the briefing on a complex topic. Mayor Copelof added that the City is excited about an affordable housing development, but they are a little hesitant because it is a new concept and something the City has never done before.

D. Follow-up to County Commission Discussion

The County pledged \$3.55 million to the Azaela Avenue project and Mr. Hooper stated that Staff will bring this item to Council for approval on March 16th. There are some variables that Council needs to be made aware of, the first of which is the exact amount of the City's contribution. The project exceeds \$3.55 million, but the amount that it exceeds by is dependent on whether the City funds the taps and cleanouts for eligible properties with failing septic systems. If the City does not fund taps and cleanouts, the cost of the project decreases but so does resident participation in the sewer extension. If the City does fund the taps and cleanouts, how many? The current project budget included 125. Grant funding identified by the County, CDBG Disaster Recovery funds, likely have income restrictions, reducing the number of eligible properties.

Mayor Copelof stated that we told people that they could connect onto the City's sewer without becoming City residents if the Health Department determined that their septic system was failing and that that would only be a handful of properties. Ms. Brewer confirmed that the number of properties would be somewhere between 30 to 50. Mr. Hooper stated that that is the first option and the second option is to consider his funding recommendation and decide whether it is worth it to pull the funding from that account. The funding options are either the City's water and sewer capital reserve fund, the water/sewer surplus expected in the current year, or a combination of both.

The City's out-of-pocket contribution will be \$532,000 at minimum and at maximum \$925,000, but Mr. Hooper said that he anticipates it being close to the \$600,000 range. Mr. Hooper stated that we need to decide by May because our 9% LIHTC application will be due. Mayor Copelof stated that she does not see why a decision needs to be made now and suggested looking for grant funding. Mr. Hooper explained that the decision is needed because the County committed funding for the sewer extension, but the LIHTC application is due in May and is dependent on the City's contribution. Further, if the City does not commit to funding its portion, the County may withdraw their funding.

Mayor Copelof stated that the water and sewer capital reserve fund is largely funded by City residents and residents would be underwriting the tap fees of County residents, who are not planning on becoming City residents. She further stated that she understands that it benefits the community, but that it seems we should be going after grant funding. Mr. Hooper clarified that the tap fees could be funded with grant money, and the County is going to help connect Staff with a potential funding source, but the City still has to make a \$532,000 contribution for construction costs. Mayor Copelof asked where the \$925,000 number came from. Mr. Hooper stated it would include the cost of construction and funding for the tap fees.

Mayor Copelof clarified that Council needs to decide on March 16th about the \$532,000 and that the decision on tap fees can come later, to which Mr. Hooper confirmed and stated that \$532,000 is what is needed to get the project started. He added that the decision on tap fees will need to be made in about 6 months because if we do include tap fees, we will want to include them in the construction plans to get bid out. Ms. Brewer stated that it would also give time to talk to the residents about their options.

Ms. Holder noted that the County's fees are restricted to this development and asked if there are any other restrictions. Mr. Hooper stated that the County funds are restricted to utility costs only, which is why the County did not fund the tap fees. Mr. Hooper also said that the County contribution is dependent on the State giving permission for the County to use their earmarked funds in this way.

E. Public Comment

Harvey Sankey asked clarifying questions regarding Cascade Ridge, construction of the associated roads for the development, ongoing maintenance of the roads, and the acreage. Mr. Sankey also stated that he does not like the idea of taking the funds for Azaela Avenue out of the water and sewer reserves.

F. Next Meeting Date

The next meeting was scheduled for Tuesday, April 14, 2026 at 3:45pm.

G. Adjourn

There being no further business, the meeting adjourned at 4:36 pm.

Notes Approved: May 12, 2026



Pamela Holder, Chair, Council Member
Aaron Baker, Vice Chair, Council Member



Shawnee Cummings
Assistant to the City Manager

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Proposed Amendment to the Official Zoning Map of the City of Brevard - The Hub

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

In November of 2025 the Board discussed and recommended favorably the rezoning of multiple parcels to the new Pisgah Gateway Mixed-Use zoning district (PGX). City Council enacted the rezoning on January 5, 2026. The Board and Council both indicated a desire for Staff to continue soliciting property owners to voluntarily rezone to PGX. Since that time, the owners of the Hub bike shop have expressed a desire to also be rezoned to PGX.

Council held a public hearing regarding this request at the May 4, 2026 meeting; no members of the public spoke.

Discussion

The applicant, Ogeechee Davidson LLC, owns two parcels and has applied to rezone both to the PGX district. The 1.7 acre parcel which contains the Hub bike shop is currently zoned Downtown Mixed Use and is located at 11 Mamas Place. The adjacent 113 Mamas Place is 7.1 acres and split zoned between Residential Mixed Use and General Residential - 4; there is an old house on this property, but it is largely undeveloped. The applicant wishes to rezone the entirety of both parcels to PGX.

Policy Analysis

Due to the limitations on city-initiated downzonings found in Session Law 2024-57, the City can only move forward with applying the PGX district with explicit consent from property owners. The PGX district is supported by LUH-10 of the Building Brevard 2030 Comprehensive Land Use Plan. This rezoning is also consistent with the Future Land Use Map as these two parcels are within the Pisgah Gateway character area.

Recommendation

The Planning Board discussed this request at their April 8th meeting and unanimously recommended approval. In accordance with state law, the Planning Board also forwards the attached statement of consistency and reasonableness.

Action

Action is requested at this time. Council's options for a decision concerning a petition for a zoning map amendment are:

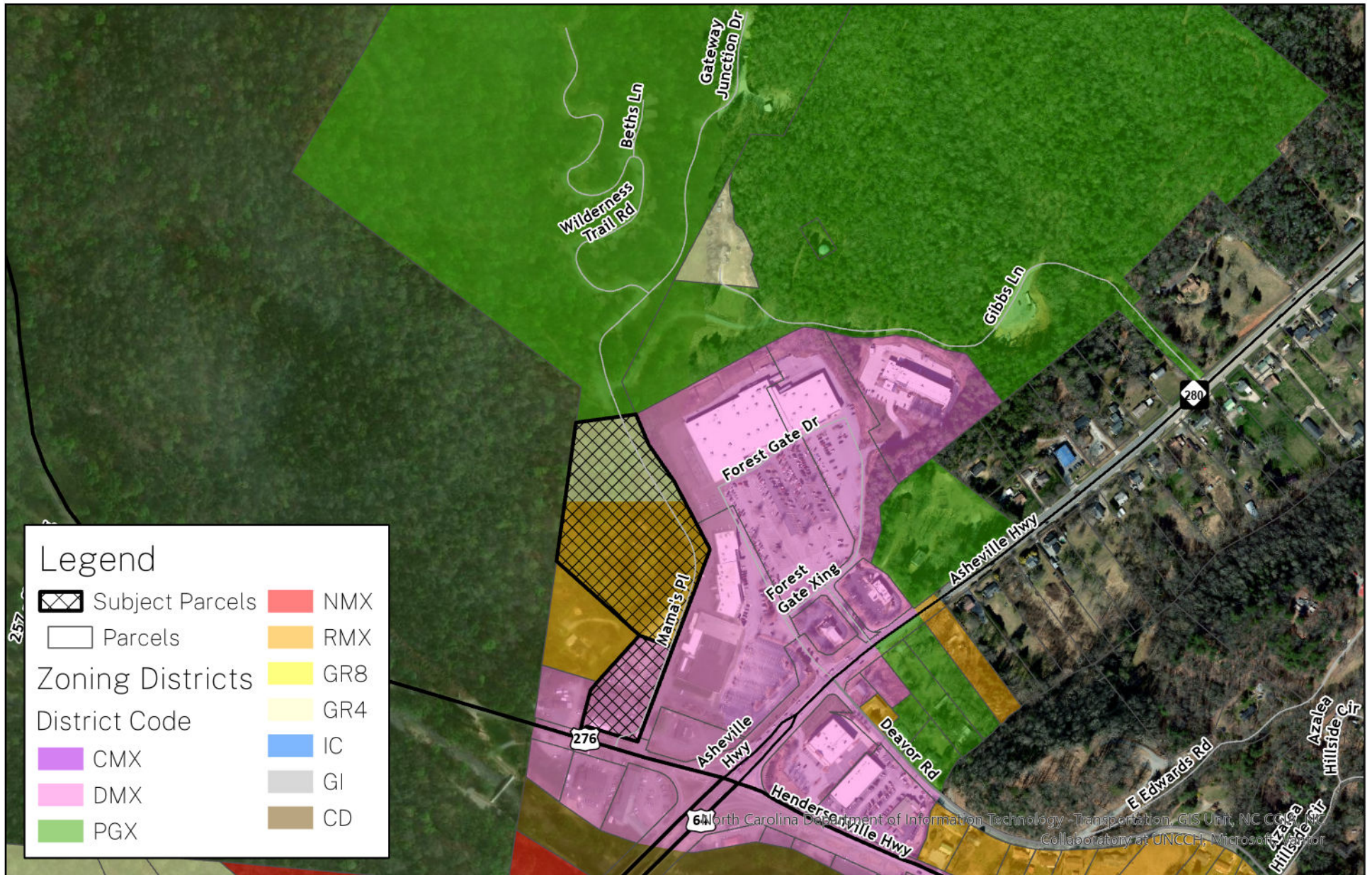
- 1. Grant the zoning map amendment as requested;

2. Grant the zoning map amendment with a reduction in the area requested;
3. Grant the zoning map amendment to a more restrictive general zoning district;
4. Grant the zoning map amendment with a combination of (ii) and (iii) above;
5. Deny the application;
6. Send the application back to the Planning Board for further study and consideration; or
7. Call for additional legislative hearings on petitions brought before them.

Attachments:

1. Site Map
2. Consistency and Reasonableness Statement
3. Enacting Ordinance

Rezoning Request REZ-26-0002



1 inch = 500 feet

This map was prepared by the City of Brevard Planning Department.

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.

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
FOR MAP AMENDMENT #REZ-26-0002**

NCGS 160D-604 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:

Comprehensive Land Use Plan

Recommendation Land Use & Housing – 10: Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing multiple inappropriate districts with a more context-sensitive district.
- The rezoning will eliminate the confusion of split zoning.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCODT R-5799 intersection improvement project.
- The rezoning is consistent with the above element of the Comprehensive Land Use Plan.
- The rezoning is consistent with the Future Land Use Map, as amended by Ordinance 2025-04.

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING THE CITY OF
BREVARD OFFICIAL ZONING MAP TO REZONE
11 MAMAS PLACE AND 113 MAMAS PLACE**

WHEREAS, the City has received a request from representatives of Ogeechee Davidson LLC that the Official Zoning Map of the City of Brevard be amended by rezoning two (2) parcels of land, identified by PINs 8597-45-3585-000 & 8597-46-3093-000, and hereafter referred to as the “Subject Properties,” from the Residential Mixed Use (RMX), General Residential – 4 (GR4), and Downtown Mixed Use (DMX) districts to the Pisgah Gateway Mixed Use (PGX) district; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on April 8, 2026, and 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:

Recommendation Land Use & Housing – 10: Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.
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:

- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
 - There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
 - The new district benefits landowners by replacing multiple inappropriate districts with a more context-sensitive district.
 - The rezoning will eliminate the confusion of split zoning.
 - Conditions at the US64/US276/NC280 intersection will be changing due to the NCODT R-5799 intersection improvement project.
 - The rezoning is consistent with the above element of the Comprehensive Land Use Plan.
 - The rezoning is consistent with the Future Land Use Map, as amended by Ordinance 2025-04.
- and,

WHEREAS, a public hearing was conducted on May 4, 2026, 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 8597-45-3585-000 & 8597-46-3093-000 is hereby rezoned to Pisgah Gateway 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 if needed, 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 18th day of May 2026.

Maureen Copelof
Mayor

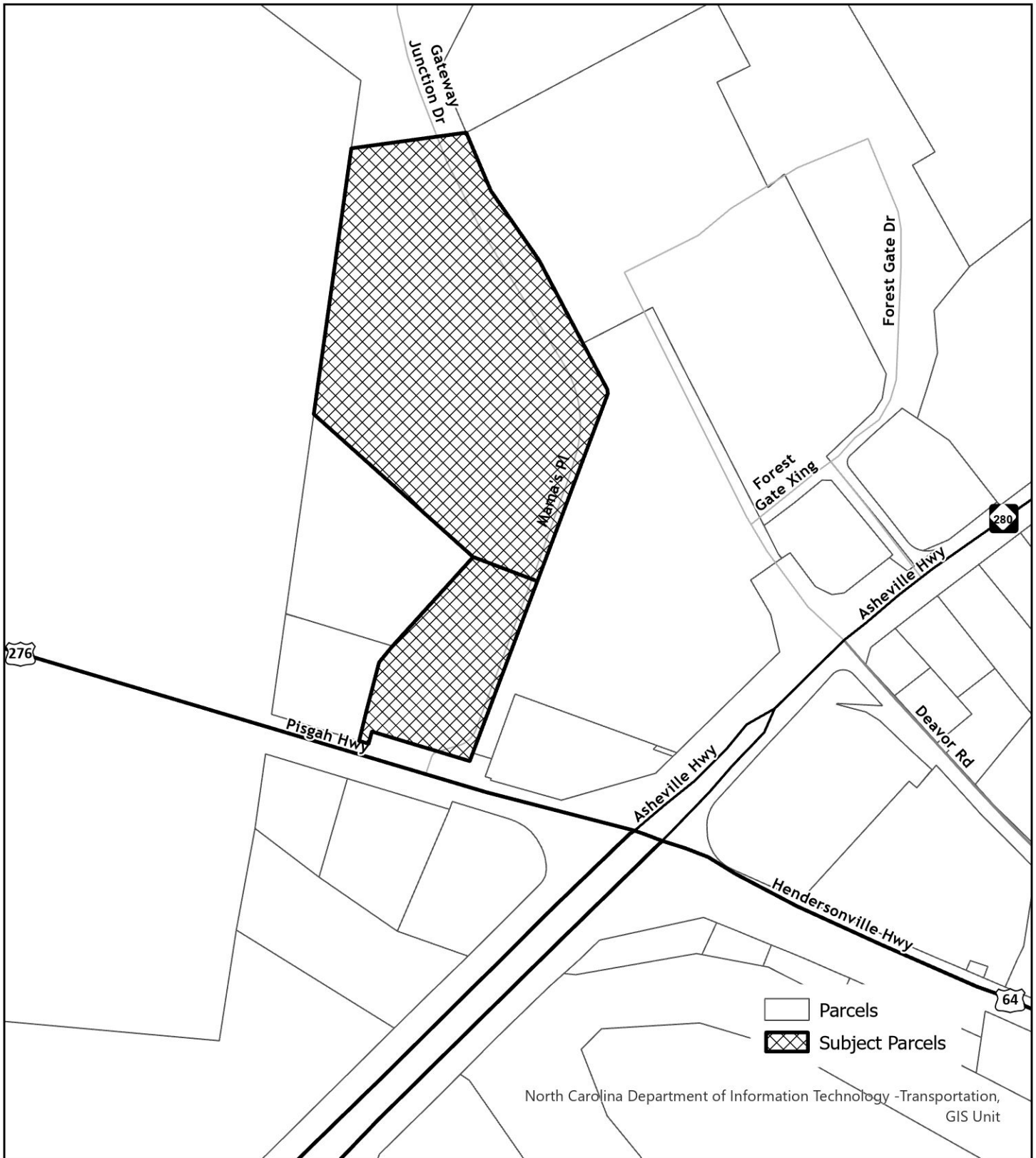
ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

Rezoning #REZ-26-0002 Exhibit A



0 100 200 300 Feet

This map was prepared by the City of Brevard Planning Department.

The information depicted 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.

STAFF REPORT

City Council, Monday, May 18, 2026

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3 and 19 - Regulations for Data Centers

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

At the February 16, 2026 City Council meeting, Council asked Staff to look into the adequacy of the city's zoning regulations regarding data centers. If inadequate, they also asked Staff to look into the legal steps necessary to impose a moratorium on data center development.

After considering the current text of the Unified Development Ordinance (UDO), Staff recommended updates to the code to more specifically govern the presence of data centers and similar high-intensity land uses. To provide Staff time to make these changes, City Council adopted Ordinance No. 2026-11 on March 16, 2026, enacting a "temporary moratorium on the acceptance, processing, and approval of any application for data centers, cryptomining facilities, server farms, or other high-impact digital infrastructure facilities." The moratorium expires on July 2, 2026.

This is a staff-initiated text amendment that adds a new specific land use to the Brevard UDO for data centers and similar facilities.

Council held a public hearing on these amendments at their May 4th meeting, where several members of the public spoke in opposition to data centers.

Discussion

Data centers are physical facilities or buildings that house critical computing and networking infrastructure, including servers, storage systems, and related equipment, to store, process, and manage data and applications. They are typically large square footage and involve significant demands on electrical and water infrastructure. They are a relatively new type of land use.

Under the current UDO language, data centers would be considered a "Heavy Manufacturing" facility and subject to the rules governing such uses. Heavy Manufacturing is permitted only in General Industrial and requires a Special Use Permit granted by the Board of Adjustment. Staff believe that the UDO as written provides some safeguards against the negative aspects of data centers via the BOA's ability to impose conditions to SUPs. However, data centers are not mentioned specifically in the UDO, and they are not "manufacturing" in the traditional sense, creating confusion and potential shortfalls in

ensuring community compatibility of these facilities. For these reasons, Staff feels that relying on the existing language is inadequate.

By adding these uses as a specific land use, the UDO will be more clear in addressing this high-impact use, and the City will have greater control in regulating them and ensuring minimal negative impacts on surrounding properties and City utilities. In the amendments, Staff is proposing a new land use definition and allowing the use only in the General Industrial zoning district as a part of a conditional zoning district (CZD). By limiting the use to a CZD, the City will have full flexibility to adequately regulate and mitigate impacts to surrounding properties on a case-by-case basis, without the potential limitations of "one size fits all" regulations.

Staff is also proposing the same treatment for the existing Utilities - Class 3 land use, which includes generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills, as they are similarly high-impact and should also be carefully considered on a case-by-case basis. Further, these amendments also tweak the definition of "heavy manufacturing" to include uses that have "excessive utility usage" in order to capture any use that puts a major strain on the City's water or wastewater treatment plants.

Policy Analysis

Any data center developments that are proposed in Brevard are likely to be large in size and impact to utilities, especially the City's water system. These amendments aim to ensure that such developments are carefully considered to balance economic development benefits with community character and resilient infrastructure concerns. These are highlighted in the following goals of the Building Brevard Comprehensive Land Use Plan:

- 7. Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- 8. Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.

Recommendation

The Planning Board discussed these amendments at their April 8, 2026, meeting. After lengthy discussion, the Board recommended in favor by a 4-1 vote, with one modification by the Board: the removal of one line in Staff's recommended amendments, which read "As part of a conditional zoning district approval, Council shall consider the following potential negative impacts: lighting, noise, and city utility capacity."

Action

Council is asked to take one of the following actions:

- 1.) Accept and approve the Planning Board's recommendation
- 2.) Amend the recommendation and adopt the amended proposal
- 3.) Table the item for further discussion
- 4.) Send the amendments back to the Planning Board

5.) Reject all recommended changes

Attachments:

1. Draft Amendments - BPB Approved
2. Consistency Statement
3. Enacting Ordinance



CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.2. Use categories and tables of permitted uses.

- 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.
 - 5-6. "CZD" denotes those uses that are permitted within a Conditional Zoning District in accordance with CHAPTER 2 and CHAPTER 16 of this ordinance.

TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
<i>Residential</i>										
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	—



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P
Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS		



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		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
<i>Civic/Institutional</i>										
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	—
<i>Entertainment/Recreation</i>										
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



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		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
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		<u>Data centers</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>CZD</u>
		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	—	—	—	—	—	—	—	—
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	Aviation Facilities	—	—	—	—	—	—	—	SUP



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		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	PS	PS	PS	PS	PS	—
		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										
Temporary	3.14.1	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
		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
		One-Day Event	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Event	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
		Outdoor Seasonal Sale	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Storage Container	PS	PS	PS	PS	PS	PS	PS	PS

(a) This column refers to the section of this ordinance that contains the use definition and additional standards.

(Ord. No. 13-07, § 1, 9-17-07; Ord. No. 3-08, § 1, 3-17-08; Ord. No. 14-08, § 1, 11-17-08; Ord. No. 15-08, § 3, 12-5-08; Ord. No. 07-10, § 1(Exh. A, D), 4-5-10; Ord. No. 03-2011, § 1, 3-21-11; Ord. No. 19-2011, § 1(Exh. A), 8-1-11; Ord. No. 24-11, § 3(Exh. A), 9-19-11; Ord. No. 2012-25, § 1(Exh. A), 11-5-12; Ord. No. 2013-13, § 01.b)(Exh. A), 10-21-13; Ord. No. 2014-24, § 01(Exh. A), 11-17-14; Ord. No. 2017-08, § 1(Exh. A), 3-20-17; Ord. No. 2018-17, § 1(Att. B), 8-20-18; Ord. No. 2019-01, § 1(Exh. A), 2-18-19; Ord. No. 2020-17, § 1(Exh. A), 9-21-20; Ord. No. 2020-23, § 1(Exh. A), 10-19-20; Ord. No. 2020-24, § 1(Exh. A), 10-19-20; Ord. No. 2020-32, § 1(Exh. A), 12-7-20; Ord. No. 2021-16, § 1(Exh. A), 4-19-21; Ord. No. 2021-28, § 1(Exh. A), 6-21-21; Ord. No. 2022-40, § 1(Exh. A), 6-20-22; Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-17, § 1(Exh. A), 5-1-23; Ord. No. 2023-37, § 1(Exh. A), 8-21-23; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2023-60, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-14, § 1(Exh. A), 4-7-25; Ord. No. 2025-19, § 1(Exh. A & B), 5-5-25; Ord. No. 2025-52, § 1(Exh. A), 11-3-25; Ord. No. 2025-59, § 1(Exh. A), 12-15-25)



CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.11.2. Heavy manufacturing use category.

A. *Heavy manufacturing.*

1. Definition: A facility that involves dangerous, noxious, or offensive uses or a facility that has external impacts such as smoke, odor, noise, glare, fumes, gas, or vibration that are detectible from outside the building, threat of fire or explosion, emission of particular matter, or any excessive utility usage~~other likely cause~~. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.
2. Additional Standards:
 - a. For a Conditional Zoning District:
 - i. Primary access to heavy manufacturing uses shall be from a street that is classified no less than a minor thoroughfare.
 - ii. A traffic impact study in accordance with Section 17.13 shall accompany the application for a permit. The improvements recommended by the study shall be constructed by the applicant as a condition of approval.

B. Data centers.

1. Definition: A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence (AI), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

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



3.12.1. Utilities use category.

A. *Utilities.*

1. Definition: Publicly- or privately-owned facilities or systems for the provision of public services, including, without limitation, the following: the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; and the transmission of communications.
2. Additional Standards:
 - a. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceeds 180 feet in height

B. *Utilities – class 1.*

1. Definition: Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines, pumping stations, lift stations, and telephone switching facilities (up to 200 square feet in area).

C. *Utilities – class 2.*

1. Definition: Elevated water storage tanks, package treatment plants, telephone switching facilities (over 200 square feet in area), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

D. *Utilities – class 3.*

1. Definition: Generation, production, or treatment facilities such as power plants (including solar farms and wind farms), water and sewage plants, and landfills.

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



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:

Data center: A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence (AI), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

Heavy manufacturing: A facility that involves dangerous, noxious, or offensive uses or a facility that has external impacts such as smoke, odor, noise, glare, fumes, gas, or vibration that are detectible from outside the building, threat of fire or explosion, emission of particular matter, or any excessive utility usage~~other likely cause~~. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Utilities: Publicly- or privately-owned facilities or systems for the provision of public services, including, without limitation, the following: the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; and the transmission of communications. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceeds 180 feet in height. Utilities are divided into the following classes:

- A. Class 1. Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines, pumping stations, lift stations, and telephone switching facilities (up to 200 square feet in area).
- B. Class 2. Elevated water storage tanks, package treatment plants, telephone switching facilities (over 200 square feet in area), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.
- C. Class 3. Generation, production, or treatment facilities such as power plants (including solar farms and wind farms), water and sewage plants, and landfills.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-26-0002**

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 City's adopted plans and policies.

Building Brevard Comprehensive Land Use Plan:

- **Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **Goal 8:** Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.

ORDINANCE NO. 2026-____

AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A DATA CENTER LAND USE DEFINITION AND RELATED REGULATIONS

WHEREAS, the City of Brevard Planning Board has 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 following goals and objectives 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.
 - **Goal 8:** Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.
- and,

WHEREAS, a public hearing was conducted on Monday, May 4, 2026, 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 18th day of May 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Proposed Amendment to City of Brevard Fee Schedule re Pool Fees

Speaker: Dean Luebbe, Assistant City Manager/Finance Director

Prepared by: Shawnee Cummings, Assistant to the City Manager, Dean Luebbe, Assistant City Manager/Finance Director

Approved by: Wilson Hooper, City Manager

Background

The City of Brevard contracts with Swim Club Pool Management (Swim Club) to operate and manage the Franklin Pool each year. In FY26, the City paid Swim Club approximately \$72,000 to manage the Franklin Pool from Memorial Day to Labor Day. Swim Club retains the Franklin Pool entrance fees collected during the season, which are set at \$2 per person per day. The entrance fees have remained unchanged for over 10 years.

Discussion

Staff propose a \$1 increase in the entrance fee to the Franklin Pool, making the entrance fee \$3 per person per day. Swim Club will retain the increased fees, but by increasing the fee, it will reduce the City’s Swim Club contract price. The City’s annual contract will be reduced from \$72,000 to \$60,000, resulting in a \$12,000 savings for the City.

Fiscal Impact

A \$3 entrance fee to the Franklin Pool will result in a \$12,000 savings for the City. If the Franklin Pool entrance fee is left as-is, the City will need to pay an additional \$12,000 on its Swim Club contract that is not currently included in the FY27 Recommended Budget.

Action

Staff requests Council take action on the proposed increase to the Franklin Pool entrance fee tonight, as Staff will need to finalize the pool fee prior to the opening of the pool on Memorial Day weekend and prior to finalizing the FY27 budget. Council can approve the increase to \$3 per person, propose an alternative, or leave the pool fee as-is at \$2 per person.

Attachments:

- 1. Ordinance Amending FY2026 Fee Schedule - Increasing Daily Pool Fee

ORDINANCE NO. 2026-XX

**AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2025-2026 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2025-2026 budget on June 2, 2025, including a schedule of fees; and

WHEREAS, the Franklin Pool operates seasonally from Memorial Day weekend through Labor Day weekend and will open this year on May 23, 2026; and

WHEREAS, the City Council wishes to increase the daily admission fee per individual by one dollar; and

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2025-2026 budget fee schedule 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 FY 2025-2026 fee schedule is hereby amended as described below:

SECTION 02. The Admission Fee is increased from \$2.00 to \$3.00 per day per individual.

SECTION 03. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2025-2026 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 18th day of May 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, May 18, 2026

Title: 2026 North Carolina General Assembly "Short Session"
Legislative Requests

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

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The North Carolina General Assembly's (NCGA) "short session" began in April. The short session is typically used to make tweaks to the biennial budget passed in the previous year's "long session" and consider policy proposals introduced during that session. However, in recent cycles that NCGA has taken to considering significant policy changes during the short session, and that appears to be the case in 2026 as well.

Brevard has submitted a list of legislative requests using a similar format in previous years. The Council also endorsed the North Carolina League of Municipalities' legislative goals prior to the beginning of last year's Long Session. Periodically, the city has submitted mid-cycle letters supporting or opposing specific pieces of legislation.

This year, Brevard is represented by a new legislator, Anna Ferguson, who was appointed to fill the seat made vacant by the death of Rep. Mike Clampitt.

Discussion

Attached to this report is staff's proposed list of legislative requests. The document is divided into financial requests and policy requests.

The earmark list requests financial support for notable city projects. Additional financial support for the WWTP project tops the list.

The policy list re-requests two significant updates that were in last year's request: permit public support of "workforce housing" and permit tourism revenue to be used to support housing creation. The remainder of the policy list represents staff's best guess as to impactful legislative issues that may be considered this session.

Action

Council is asked to discuss which requests it would like to include in the "City of Brevard's 2026 Legislative Request" document, and pass a resolution confirming that document as its official legislative request.

Attachments:

- 1. LEGISLATIVE REQUESTS 2026

2. Legislative Request Resolution



City of Brevard 2026 Legislative Requests

Direct Allocation Requests		
Project	Amount	Description
Brevard Wastewater Treatment Plan Upgrade Phase 2 Design and Engineering	\$2,600,000	This is Brevard’s top priority both in this request and in its long-term list of capital improvements. The city appreciates the \$13M allocated in the 2023 state budget that was earmarked for general “water and wastewater infrastructure projects”. The city applied those funds to completing Phase 1 of this project. Brevard requests \$2.6M to begin design, engineering, and permitting for Phase 2 which, when constructed, will replace the city’s antiquated and inefficient biological treatment process with modern technology.
Stormwater Master Plan: Jumping Branch Watershed Improvements	\$18,000,000	Brevard conducted a stormwater masterplan study in 2007 and in the intervening years has constructed some of its proposed improvements. However, the plan’s most significant project has been out of reach. The proposed six-phase improvements for Brevard’s Jumping Creek Watershed total \$9.2M in 2007 dollars. The project will improve stormwater conveyance and minimize nuisance flooding in downtown Brevard and near Transylvania County’s library, daycare center, and park on Broad Street.
Brevard Recreation Complex Restrooms and Paving	\$400,000	In 2023 a generous private donation funded the construction of a competition-grade lighted turf soccer field at the city’s recreation complex, making the facility eligible to host region-wide tournaments. The park’s existing restroom facilities are on the opposite end of the property across a gravel parking lot, thus making access challenging for those with mobility limitations. The City of Brevard requests funds to construct new restroom facilities on the soccer side of the property and pave/restripe the gravel parking lot, thus improving the safety and accessibility of the entire facility.
Inflow and Infiltration Improvements in upper Brushy Creek Watershed	\$2,000,000	Infiltration of rainwater into Brevard’s sanitary sewer system taxes the capacity of our WWTP. City crews have been making slow but steady progress using city fund, but a direct allocation would

		accelerate repairs and protect the new WWTP into the future.
Brevard Fire Depart Engine Replacement	\$1,200,000	Brevard Fire Dept. has two sister Engines that were purchased in 2005 that are next on the department's Apparatus Replacement Schedule. Most manufactures are currently quoting a 3 year build time, and current pricing for a custom Engine is around \$1.2M.
City of Brevard Facility Study	\$100,000	The City of Brevard municipal building is aging, and its square footage inadequate for efficient operations. The city has relocated Brevard Police Department from city hall to leased space. We request state assistance to study our overall facility needs.

Policy Requests	
Local government revenue	<p>Brevard requests support for legislation that:</p> <ul style="list-style-type: none"> • Preserves local government's ability to set its property tax rate at levels commensurate with their residents' service level expectations without State government restrictions. • If a referendum must be used, revises ballot language to make clear to voters what the text of the constitutional amendment would be, and how and when the limits would be imposed.
Housing	<p>Brevard requests support for legislation that:</p> <ul style="list-style-type: none"> • Permits public entities to financially support workforce housing serving residents with incomes up to 120% of AMI • Amends NCHFA's Low Income Housing Tax Credit (LIHTC) formula to make small, rural communities more competitive • Names housing as an economic development tool, making housing eligible for funding/programs that support ED. • Amends SL 2005-88 to name housing as an eligible "tourism-related" expense so that occupancy tax proceeds can be used to support housing. The lack of housing for tourism-industry workers is inhibiting the growth of the tourism sector in the area. • Permits municipalities to adopt inclusionary zoning.
Local control of planning/zoning	<p>Brevard requests support for legislation that:</p> <ul style="list-style-type: none"> • Preserves its Extraterritorial Jurisdiction (ETJ). Brevard's irregular corporate boundaries mean that built-up areas exist in unincorporated areas immediately adjacent to incorporated ones. Extraterritorial jurisdiction gives us the ability to ensure that incompatible land uses are not placed next to each other, and that property values, health, and safety are protected. • Replaces or amends previous legislation that limits local governments' authority to initiate, implement, and enforce zoning changes and make decisions about land use within their

	<p>jurisdiction as long as they don't conflict with state or federal laws. If no statewide legislation accomplishes this, the City of Brevard requests a local bill.</p> <ul style="list-style-type: none"> • Maintains local control over planning/zoning decisions where local conditions are better understood and local voices can be considered. Over the past four years Brevard has exercised great regulatory sensitivity when it comes to land use regulation. The city removed outdated zoning restrictions and adopted a future land use map informed by public engagement.
Storm recovery/resilience	<p>Brevard requests support for legislation that:</p> <ul style="list-style-type: none"> • Provides grants to businesses and individuals to help recovery from storm-related loss • Supplements Federal programs like Hazard Mitigation Grant Program with State dollars • Provides local governments with authority to flexibly apply their local regulations to support recovery.
Transportation	<p>Brevard requests support for legislation that:</p> <ul style="list-style-type: none"> • Permits State funds to be used for standalone bicycle/pedestrian projects • Protects or enhances Powell Bill levels.

DRAFT

RESOLUTION NO. 2026-XX

**A RESOLUTION IDENTIFYING THE CITY OF BREVARD'S REQUESTS FOR
THE 2026 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

WHEREAS, the biennial "short session" of the North Carolina General Assembly convened in April 2026; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concern; and

WHEREAS, for those reasons and others it is in municipalities best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on May 18, 2026 the Brevard City Council discussed in open session a list of legislative requests that they feel will enable them to better serve the people of Brevard and Transylvania County

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

The "City of Brevard's 2026 Legislative Request" document, incorporated by reference, is hereby respectfully submitted to the North Carolina General Assembly for their consideration; and

The City Manager is instructed to submit, in a form acceptable to its recipients, its contents to Rep. Anna Ferguson (NC-119), Sen. Kevin Corbin (NC-50), and other appropriate parties.

Approved and adopted this 18th day of May, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

STAFF REPORT
City Council, Monday, May 18, 2026

Title: Resolution Requesting Increased Funding from Transylvania County to Support Enhanced Staffing for Brevard Fire Department

Speaker: Chase Owen, Fire Chief
Dean Luebbe, Assistant City Manager/Finance Director

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

Approved by: Wilson Hooper, City Manager

Background

Earlier in budget season, Transylvania County Manager Jamie Laughter sent a letter to all of the county's outside partner agencies sharing information on the county's upcoming budget process, and stating her and the Board of County Commissioners' (BoCC) expectation that the county's budget grow by no more than two percent. According to the letter, any outside funding request that's greater than 2% more than the previous year's allocation should be accompanied by a resolution from the requesting agency's governing board which states "[the governing board] believe[s] the increase is necessary enough to warrant a tax increase, and that they support the commissioners in doing so to fund the increase."

As the Council is strongly considering a property tax increase of its own for this purpose, staff are now bringing this procedural step to the Council for action. The requested resolution from Brevard City Council would formally express the City's support for Transylvania County to consider a targeted property tax increase to provide its share of funding for three additional full-time firefighter positions for the Brevard Fire Department. These positions would significantly enhance the department's ability to safely and effectively respond to simultaneous incidents, maintain adequate staffing levels, improve operational readiness, and continue providing high-quality emergency services to the citizens and visitors of Brevard and Transylvania County.

Discussion

Currently, the Brevard Fire Department responds to approximately 2,800 emergency incidents annually, making it the busiest fire department in Transylvania County by a significant margin. In comparison, the next closest department in annual call volume responds to fewer than 1,000 incidents per year while maintaining the same level of county-funded staffing. Despite the substantially higher operational demand placed upon the Brevard Fire Department, the department currently operates with only three full-time engineer positions and a paid Fire Chief with supplemental part-time employees.

In Fiscal Year 2025, Transylvania County provided funding assistance to establish equal

minimum staffing levels for county fire departments, with the exception of one department. The minimum staffing benchmark established by the county was four full-time positions per department. Because the Brevard Fire Department already maintained four funded positions at that time, the department did not receive additional staffing assistance, despite operating at a significantly higher call volume and service demand than any other department in the county.

The City of Brevard and the Sylvan Valley II Fire District represent the urban hub of Transylvania County and continue to experience increased emergency call volume, increased population density, increased traffic, increased tourism activity, and growing service demands. As these demands continue to rise, additional staffing is necessary to provide adequate emergency response coverage twenty-four hours per day, seven days per week, and 365 days per year.

One of the most pressing operational concerns facing the department is the increasing number of overlapping incidents. During the previous year alone, the Brevard Fire Department experienced approximately 830 overlapping incidents in which multiple emergency calls occurred simultaneously. These overlapping calls place a substantial strain on available staffing and apparatus resources and directly impact the department's ability to effectively manage concurrent emergencies within the city and surrounding district.

Additionally, there has been a notable increase in requests for Brevard Fire Department personnel to provide apparatus drivers for Transylvania County Emergency Medical Services during periods when EMS transport units are committed to other calls and supervisory personnel are required to respond. These incidents require additional personnel commitment and frequently result in extended scene times and longer overall call durations, further limiting the department's ability to respond to multiple incidents at the same time.

Fiscal Impact

City Council is considering the city's FY27 budget which includes a 2.5 cent property tax increase of its own, .75 cents of which would be dedicated to enhancing Fire Department staffing.

Action

City Council is asked to approve the attached resolution supporting a countywide tax increase to fund the provision of three new full time positions at Brevard Fire Department, the county's busiest department.

Attachments:

1. Res_2026_XX_Request for TC Fire Dept. Funding

RESOLUTION NO. 2026-26

A RESOLUTION SUPPORTING A TRANSYLVANIA COUNTY PROPERTY TAX INCREASE DEDICATED TO FUNDING THREE ADDITIONAL FULL-TIME FIREFIGHTER POSITIONS FOR THE BREVARD FIRE DEPARTMENT

WHEREAS, the Brevard Fire Department responds to approximately 2,800 incidents annually, making it the busiest fire department in Transylvania County by a significant margin; and

WHEREAS, the County's next closest fire department responds to fewer than 1,000 incidents per year while maintaining the same level of county-funded staffing; and

WHEREAS, despite substantially higher operational demand, the Brevard Fire Department currently operates with only three full-time engineers and a paid Fire Chief supplemented by part-time personnel; and

WHEREAS, during Fiscal Year 2025, Transylvania County established a minimum staffing benchmark of four full-time positions for County fire departments and provided funding assistance to departments below that threshold; and

WHEREAS, the Brevard Fire Department did not receive additional staffing assistance from Transylvania County because it already maintained four funded positions; and

WHEREAS, the Brevard Fire Department continues to experience increased call volumes and growing service demands, including overlapping incidents that increase response times and impact the department's ability to effectively manage concurrent emergencies; and

WHEREAS, the City of Brevard and the Sylvan Valley II Fire District serve as the urban hub of Transylvania County, and additional staffing is necessary to provide adequate emergency response coverage; and

WHEREAS, the Brevard Fire Department has experienced an increase in requests for personnel to provide apparatus drivers for Transylvania County Emergency Medical Services during periods when EMS transport units are committed to other calls and supervisory personnel are required to respond; and

WHEREAS, under North Carolina law, county commissioners possess limited mechanisms for increasing revenue, with property taxes serving as the primary method for funding county operations and public safety services.

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

Section 1. The City of Brevard formally supports Transylvania County’s consideration of a targeted property tax increase for the purpose of funding approximately 47% of the cost of three additional full-time firefighter positions for the Brevard Fire Department, per the current city/county cost-sharing arrangement.

Section 2. The Brevard City Council finds that the requested staffing increase is necessary to maintain adequate emergency response capability and public safety services within the City of Brevard and the Sylvan Valley II Fire District.

Section 3. The Brevard City Council further supports continued partnership efforts between the City of Brevard and Transylvania County to ensure appropriate staffing resources are available to meet increased operational demands and the growing need for emergency services.

Section 4. The City’s adoption of this resolution shall serve as formal expression of support for Transylvania County’s consideration of additional public safety funding through a targeted property tax increase and shall not obligate the City of Brevard to independently fund the requested positions in full.

Adopted and approved this the 18th day of May 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk