



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, June 1, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Dr. Pamela Holder, Bethel "A" Baptist Church

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 18, 2026 Regular Meeting

G. Certificates / Awards / Recognition

1. Proclamation No. 2026-18 Pride Month

H. Public Comments

I. Special Presentation(s)

J. Public Hearing(s)

K. Consent and Information

1. Ordinance Declaring Street Closures for July 4th Festival
2. Ordinance Declaring Road Closures for National Night Out
3. Parks, Trails, and Recreation Committee Meeting Minutes - April 15, 2026 Meeting
4. Rosenwald Community Advisory Board Meeting Minutes - January 15, 2026 Meeting
5. Rosenwald Community Advisory Board Meeting Session Notes - March 19, 2026 Meeting

L. Unfinished Business

1. 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

M. New Business

1. Tannery North Remediation/Smokestack Removal Funding Recommendation
2. FY26 Supplemental Spending Plan

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (May 28, 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 guy”
- 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: June 1, 2026

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 18, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, May 18, 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, Pamela Holder, Lauren Wise and Dean Lytle

Staff Present – 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, Planning Director Paul Ray, Senior Planner Emily Brewer, Planner Stephanie Holland, Police Chief Christy Wentzell, Fire Chief Chase Owen, Public Works Director Wesley Shook, 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 – Pastor Ken Albright of Lutheran Church of the Good Shepherd offered an invocation.

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

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

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

F. Approval of Minutes

F-1. March 6, 2026 Priority Setting Retreat – Mr. Daniel challenged the section in the “Summary of Outcomes” that stated that “Council has also agreed to a new label: ‘concern’. These are areas where Council wishes to make a position and muster the non-budgetary, non-staff resources at its disposal.” He said my recollection is that we did not create a new label; I said yes, I am concerned, I have a concern about that, but I have a lot of concerns and if we were to start labeling all of my concerns, it would get to be an unmanageable list. I object to this being in here because our decision was, and this was concerning the unhoused, is that we have extensive, and we actually support, our local community resources to the tune of \$73,000. And Mr. Lytle offered to be an intermediary on his own, without being appointed to a committee, because there is no committee at this time. I feel like again, and I have said this many times in the last few years, it’s overworking something. We did not say that we would create a new label, and I would appreciate it if that was not how it was presented.

Mr. Baker moved, seconded by Ms. Holder to table the approval of these minutes. The motion carried unanimously.

F-2. May 4, 2026 Regular Meeting – Mr. Baker moved, seconded by Mr. Lytle to approve the minutes of the May 4, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2026-17 National Public Works Week – Mayor Copelof read the proclamation aloud and presented it to Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and David Todd, Assistant City Manager for Infrastructure, Utilities and Public Works.

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

s/ Maureen Copelof, Mayor

H. Public Comments

Doug Powell commented that 250 years ago on May 17, 1776 the Second Continental Congress issued a call to the 13 colonies for humiliation, fasting and prayer in anticipation of some very difficult decisions regarding independence. He said prayer, the Bible, our churches and pastors have always been an essential part of America’s history and tradition since the very beginning. I appreciate the invocations from local pastors and ministers that carry on this tradition at the start of these meetings. Founding Fathers John Jay and John Rutledge knew as judges and political leaders that civil laws rest their authority upon God’s laws. That is why our national motto is “In God We Trust”. In Congress, they were concerned that there were so many Christian denominations represented that they could not join together in a similar act of worship and prayer. Samuel Adams, the “Father of the American Revolution” solved the problem when he announced to his contemporaries that he would be led in prayer by any pastor of good character and virtue as long as he loved his country, no matter what denomination. On September 7th, their first day of addressing the tyranny of King George, III these men didn’t partake in a brief invocation, but spent the first two hours of their meeting being led in prayer and bible study. Now we all know the real history and tradition of America’s founding; we know that the first official act of the first congress was bible study and prayer decided by the very men who would go on to sign the Declaration and the Constitution. So, as we celebrate our nation’s founding in a mere 47 days, if you are tempted to believe the Founding Fathers wanted a godless and a secular constitution, you may want to remember this scene of our political leaders gathered on their knees in prayer.

I. Special Presentations – None.**J. Public Hearing(s)**

J-1. Proposed FY 2026-2027 Budget and Ordinance – Mr. Hooper gave a brief recap of his presentation at the May 4th meeting. He explained that the proposed FY27 budget is essentially flat compared to the FY26 budget, but whereas last year's budget reached that level because of a series of large capital expenses and their offsetting revenues, like loan proceeds, this year's expenses tilt toward operational needs, and the revenues needed to pay for them need to come from natural normal revenue sources. The proposed budget would by and large maintain all service levels and enhance them in the public works and fire areas. The proposal includes:

- Three new full-time positions in Public Works, and a change in the residential garbage collection model that should free up additional man hours from existing staff.
- Enhanced staffing levels for Brevard Fire Department. The amount included will either fund one new full-time position and enough additional part-time hours to fund staff on shifts where most needed, or the City's 53% portion of three new full-time firefighters. Which option gets implemented depends on whether the County grants the City's request for additional funding.
- A 2.7% cost of living increase for all eligible employees.

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.
- Proposed 2-cent increase in the Heart of Brevard tax, which would yield approximately \$16,300 in new revenue.
- Small increase in the employee contribution to the cost of health insurance coverage for dependents.
- Continuation of the city's regular 4% increases to the "per/1000 gallon" utility fee, and 4% increases to other utility fees including the high strength waste surcharge, and the fee septage haulers pay to dump their trucks at the Wastewater Treatment Plant.

This budget, when coupled with the millions of dollars of outside funds the City has leveraged over the last few years, will enable us to keep the capital maintenance program active and initiate two new efforts that will help preserve the system—a non-revenue water mitigation program, and a fats, oils, and grease (FOG) regulatory program.

At 5:56 p.m. Mr. Baker moved, seconded by Mr. Daniel to open the public hearing. The motion carried unanimously.

Public Participation:

Carl Mooney said I am here to talk about the budget proposal to remove \$98,000 from the budget that was earmarked for the Rosenwald Community. My concern is that in the Rosenwald Community our roads need to be repaired, we need sidewalks. On many mornings I watch the kids get on the school bus but they're having to stand in the road to wait on the bus. My main concern is that in my lifetime, I've been a lifelong resident of the city, I've never heard of you putting money into the Rosenwald Community. This has never happened, so I would like to see these funds stay so they can be helpful to our community.

Jonalyn Crite said I am also here because I've heard about the budget proposal to take the \$98,000 that was proposed for the Rosenwald Community and fold it back into the General Fund. My main concern, like Mr. Mooney's, is that I was raised in the Rosenwald Community and I am also a co-heir of property that is in the Rosenwald Community, and I have concerns about how the infrastructure has been neglected and

needs to be addressed. As he said, streets need to be repaved, sidewalks need to be repaired, sidewalks need to be installed in some areas, and my particular concern for property that I'm a co-heir of is the city drainage. I appreciate that the Public Works supervisors are here this evening, but I realize that they have to get their work orders from someone. Where our property is on Oakdale St. the floodwater is a problem because there is not enough drainage there. So, my main concern is that if this funding is taken away from the Rosenwald Community that our community will not get the services that are needed and it may be deprioritized. I ask you respectfully to please keep this in the budget. There are many other concerns around the community that I know other people will speak on, but I kindly ask that you keep this in the budget for the improvement of the Rosenwald Community.

Sheila Mooney said I really appreciate the reverend's opening prayer about integrity. Also, I'm very pleased with this plan for the meeting in the Mary C. Jenkins Community Center about the Rosenwald Community. Because of that, and obviously you have goals and plans for our community, I'm just here to strongly encourage you to maintain that \$98,000 for our community. Carl and Jonalyn have spoken about the needs, and there are many more, and the fact that our community seems to be shrinking, we are still here and we still take pride in our community, and we want it to be one of the best communities. We want our children to understand the vast and great history of our people, and living in a safe, clean, beautiful community will definitely impact that. So, I do not envy your task of balancing a budget, but while you're making plans, please remember the importance of the Rosenwald Community, not just to the members of Rosenwald, but to the whole county and city of Brevard.

Adam Perkins spoke on behalf of the Heart of Brevard. He said I would like to thank the Mayor, Council and City staff for your continued partnership and collaboration with the Heart of Brevard. As you know, downtown Brevard is much more than a collection of storefronts; it's the heart of our community. Downtown serves as one of the city's most powerful economic engines through property taxes, sales tax, tourism spending, job creation, and ongoing private investment. Downtown businesses and property owners contribute substantially to the city's financial health. If you were to take downtown Brevard and put a roof on it, it would stand out as one of the community's largest and most productive economic assets. Within just a few walkable city blocks downtown generates millions in taxable sales, supports hundreds of jobs, sustains some of the highest property values in the city, and attracts substantial private investment. On a per-acre basis downtown produces more tax revenue and economic activity than almost any other area in Brevard. These revenues help fund essential services such as police, fire, public works, infrastructure improvements, and benefit residents throughout the community, because when downtown thrives, it strengthens the entire city. Heart of Brevard exists to strengthen and sustain that economic engine. As Brevard's nationally accredited Main Street Program, we use the National Main Street Center's four-point approach to economic vitality, historic preservation, design improvements, and community engagement. With a staff of only two full-time employees and the support of more than 300 volunteers contributing more than 2,000 hours annually we leverage a relatively modest public investment into significant returns for the community. In recent years our work has helped facilitate more than \$30M in public and private investment in downtown Brevard. We administer façade improvements, business improvement grants, coordinate beautification and strategic planning efforts, advocate for infrastructure improvements, and produce free events that drive substantial foot traffic for local businesses. Heart of Brevard works closely with the City through the year on initiatives that enhance the downtown experience and support long-term economic development. These collaborative efforts include the walkability assessment, the employee parking program, downtown wayfinding and signage, and implementation of the Downtown Master Plan. Our signature events, including White Squirrel Weekend, Halloweenfest, Light Up the Night, and the Brevard Plein Air Festival attract tens of thousands of residents and visitors downtown each year. The White Squirrel Weekend alone is expected to draw more than 30,000 attendees this coming weekend. These visitors shop in our stores, they dine in our restaurants, they stay in local accommodations, and they contribute directly to the local economy. Heart of Brevard remains committed to

creating a vibrant downtown that is welcoming, inclusive and economically successful. Our board is committed to keeping these events free and open to the public, but they're not free to produce. The cost for staging, sound, lighting, bathrooms, permits, safety accessibility, insurance and contract labor continue to rise at an alarming rate. We recognize that this is a particularly challenging budget year for the City, and we appreciate the difficult decisions that must be made to balance in competing priorities. The current proposed budget includes both a reduction in the Heart of Brevard's non-profit funding and a proposed increase to the MSD tax. As you consider the proposed budget, I want to emphasize that the Heart of Brevard is not advocating for an increase in the MSD tax at this time. We understand that downtown property owners and small businesses are already facing significant economic pressures, and we believe it's important to avoid placing additional strain on the various stakeholders who invest so much into making downtown Brevard so successful. We believe there are creative alternatives worth exploring before considering an MSD tax increase. One option would be to amend the existing community development contract so that the Heart of Brevard retains the full \$19,000 allocation rather than redirecting \$11,000 to the Downtown Master Plan Fund. This adjustment would reduce our projected budget shortfall by approximately \$5,000 and provide a short-term stability while broader funding discussions continue. More broadly, we encourage the City to continue viewing downtown as a high-return investment. Investments in downtown improvements, wayfinding, planting, and placemaking are not simply expenses, they are economic development strategies that strengthen property tax values, increase tax revenue, attract visitors, and enhance the quality of life for residents. Heart of Brevard stands ready to collaborate with the City and identify solutions that reserve this momentum that we've built together over the last 30 years. Downtown Brevard is one of the community's greatest assets and again, when downtown thrives the entire city benefits.

Hannah Bowers said I am here in my capacity with Transylvania NAACP. At the previous city council meeting amidst discussions of budget, it was suggested that the \$98,000 in the Rosenwald Fund might be reallocated for the upcoming budget. It is not the burden of the Rosenwald Community to alleviate strain elsewhere in the City budget. While we understand the impulse to exercise every option to avoid raising taxes, reallocation of these funds would be inappropriate and must not be considered a viable option. Those dollars have been allocated to the Rosenwald Community and should remain as such. There will be no other source of funding for critical and long-overdue projects like having real restrooms at Silversteen Park. You must look elsewhere to balance your budget or implement the necessary tax increase across the city, instead of defunding one neighborhood to make up the deficit. Thank you, the Transylvania NAACP.

Rodney Locks shared what he doesn't like about the proposed FY 2026-2027 Budget. He said I don't see anything Council is doing to make it affordable to live in Brevard, take care of the homeless, and much less improve our quality of life. Most of us don't have high-paying jobs that will allow us to afford another property tax increase or pay higher water and sewer rates. Council needs to look at its own internal health. When you need money, merging funds into the General Fund is like robbing Peter to pay Paul. So, don't take the money from the Rosenwald Fund and leave the community with outhouses on the playground so you can renovate bathrooms elsewhere. You need to find ways of getting more new revenue, or you too, will be living pay check to pay check like the rest of us. I don't like that you are raising property taxes 2.5 cents and water/sewer rates 4.5 cents. I don't like the fact that more than one-half of the tax increase is to maintain the operation of the government. 57% of the General Fund is for personnel and 28% is for operations. I will say I approve of paying staff a livable wage, but the Council will decrease its share of the healthcare premiums for employees' dependent plans from 86% to 83%. Increasing employee dependent share premiums will make it almost impossible for Council to provide COLA and salary increase to compensate for this increase in premiums and make it hard for employees to maintain a living wage. Premiums for employee-only plan coverage will not be affected yet. What do you think these employees will do when they need to cover their dependents? That doesn't leave much for non-profits, multi-use plans, Downtown Master Plan projects, renovating City Hall, fixing facilities at the Sports Complex, removing outhouses at

Silversteen Playground, and other projects you might have. I see also you propose to increase the commercial recycling and cardboard collection fee from \$13 to \$15 a month to cover 100% of the cost of the services for business. I don't know how you can calculate costs, but that means that sanitation workers pick up cardboard 20 times a month for 5 days a week; that works out to 75 cents a day. The amount of cardboard they pick up is unlimited. You say this is a better deal than the competitive private-sector options—how do we get that deal? We residents pay \$15 to \$75 for one single special collection pickup for televisions, cardboard, furniture, and any of the other stuff. I am against the tipper carts program. I see this program as the city appearance program. You add the architectural study to change the corridor, you're beautifying roundabouts, and now you want to buy 2500 60-gallon tipper carts and give all residential customers a new rollout bin for household trash. You say this will create a cleaner community appearance on collection day, as a uniform system of bins will replace the hodgepodge system we currently utilize. I suggest you repair our streets and Council can brag about how we have the best looking streets in Brevard. You can keep my tipper cart, and you can use the money to help pay for increasing the Public Works Staff. I wish I had could give this to somebody else because I've got plenty more that I don't like about it.

Rebecca Wynn said everybody has said what I wanted to say, so I am going to take over where Rodney left off. Speaking of Public Works, they are seriously understaffed and overworked in sanitation—asked for seven people to talk them down to four. At the end of the day, you are offering two Buildings and Grounds and one Streets, zero Sanitation. Maybe with this increase we can fix facilities, landscapes and repair the sidewalks. With the tipper carts, sanitation workers may still be short-handed and overworked, but Council thinks they will eventually become healthier. Next, you budget the City's share for three additional fire workers and hope to get the other 47% from the County Commissioners. The City Fire Department really needs to maintain a level of service expected to save lives. I favor including the community's share in the budget first and hire the three firefighters. You do trust the County will reimburse you. How the County gets the money is of no concern as long as they repay you. Let me not forget the 4.5% water/sewer rate increase. If you live in the city you will pay \$27.30 basic charge for service of water, sewer, garbage, recycle, meter plus city water service and \$20.52 for the first 1000 gallons, and if you live outside the city the basic charge is \$41.00 and then \$30.88 for the first 1000 gallons. That is a hit to our pocket every month. Since garbage collection is based on a 32-gallon container, does that mean when you give residents a 96-gallon container, will this cost us more or is it free of charge? I suspect Council will do a budget amendment sometime this fiscal year and start implementing the Chief of Police recommendation.

Kellyn Haight said two years ago last fall I requested placement of two stop signs on Carolina Ave., used as a cut-through to Rosman Hwy. and a drag strip. Traffic studies conducted last year found 30% of drivers committing ticketable offenses, 3000 vehicles per day passing through, and a top speed of 57 mph. The City then created a plan to install four speed cushions at a cost of \$14,000. You all have deleted this item from the 2027 budget consideration. Just last year 13 speed cushions were installed on Probart St. at a cost greater than \$50,000. By deleting our project from budget consideration, not only are you not representing or advocating for us, you are perpetuating an insidious inequity that has been experienced by our neighborhood for decades. Physical safety is a basic human need. My neighbors and I do not feel safe; we do not feel safe pulling our cars out of our driveways, walking down the street, checking the mail or letting our children play. This project is important and necessary and should not be classified as voluntary. I implore you to reconsider and vote to include this modest project in this coming year's budget, and if there is truly no money to be found, please consider the following: redistribute two or three speed cushions from the Probart installation, or better yet and cheaper still, give us the 3-way stop that was requested two years ago.

Anthony Gardin said I am here with the same concerns that many of my neighbors have had about the budget money for the Rosenwald Community. I have lived there all of my life, and I can tell you now that not one time have I seen there been

considered anything in the budget since 2008. My concern is about the property...the city drainage in my yard. I was told it wasn't in the budget; I was told it was going to be put in the budget. Now that this Rosenwald budget is...grant is out there...wherever the money come from, I wish it would be provided. Once again, you are asking the least to give the most to those who don't need it. Our community is hurting. I just called the City about patching some holes in our road. They patched one hole at the scene. I called the next day and asked what happened...we had an emergency and had to leave that one patch, and we will call you back whenever we are going to come out there. And that's it, so now we've got one little patch in the road and it's hard. We can't get any help. We call and I think you all just dismiss us. How do you all just dismiss us? We've been here a long time, and you act like we don't even exist until a contractor decides he wants to build a house in our neighborhood. You dig up the road, remove out all of the dirt, put in a pipe, and leave the gravel there until the rain washes it away, and then we have to call and complain about the road with holes in it. It doesn't make sense to me that I was told that these contractors, when they do ask to get permits to build these homes, money is provided to repair these roads, but they have not been repaired. If the money was provided, why haven't they been repaired? What else can we say? We come up here and we ask and we talk, we never get any answers; nobody seems to have an answer for a thing...nobody.

Patrick Whiteside had signed up to speak but said everything he was going to say had already been said, so he did not speak.

Harvey Sankey said it is hard to follow Rodney and the others who spoke before me. They spoke with integrity; they spoke the truth. They have issues that you should all pay attention to. Property tax increases, they don't stay contained; they hit homeowners directly and then ripple out to maybe renters, families, and anyone trying to get ahead. You can have a stable payment one year and then suddenly your escrow jumps for property taxes, if you have a mortgage, and you're paying significantly more each month. For a lot of people that's not a small adjustment. It's the difference between feeling secure and feeling stretched, and yet these increases keep happening like they don't have real consequences. They do. They affect how people live, how they save and how they plan for the future. The recommended fiscal year budget for 2026-2027 by the city manager shows a property tax increase of 7% over last year, plus additional fees over last year. And, that comes after we had an 8.3% tax increase the prior year. So, you've got an 8.3% tax increase, now you have a 7% tax increase. Part of the 7% increase includes a 4.4% increase in the General Fund for operating departments. I agree that this increase is necessary—it includes 2.7% COLA for the 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. Well, what about the other 2.6%? Are these increases necessary? These are in the non-departmental funds that I'm talking about—are they necessary? 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 city manager prepared an accumulated impact of potential tax and fee increases. I looked at the last two years...on the burden increase, which includes the property tax increase of last year and this year, plus additional fees, that's a 20.5% burden increase on a household that is appraised at \$191,760. On a household of \$595,000, it's a 29.8% burden increase over the last two years on those households. The other item I'd like to talk about is the Fire Department. I know we are looking for money from Transylvania County, but if we don't get that money are we going to spend 100% of the payroll for these three Fire Department people or what are we going to do? The recommended budget includes a city share of 53% of those wages. We're looking for 47% from Transylvania. Property tax rebates for the lower income taxpayers...why can't we have something...and I brought this up last year when we had this problem...a rebate for the taxpayers who are lower income or age-related. I brought this up last year. You started, it stopped, now you're doing something, you're going to mention this later on, to help these people out. But, you started too late; you should have started this six months ago.

William Bell said mostly I want to speak on the drainage system and I think we do need to keep this budget at Rosenwald. I have been here since 1982, and I have a very bad drainage system over in our area. The City has come out twice and looked at it and they walked away. The streets when they dig up to put in new pipes for the new homes that they put in our area, they just patched it. Well, we've got holes now because the holes where they dug up have not been refinished or fixed over. So, my thing is flooding in my area and the playground. When it rains, I go down to the playground because I know it's going to flood. It's worse than my yard because we have no drainage system. I think this \$98,000 that they are talking about taking from the Rosenwald Community needs to be left alone. We need some help in that area. If we move out then you're going to put another home there and they're going to have the same problem. My request is, and I think you are doing a good job, but please don't make promises that you're not going to keep.

Serena Sackett said I have two statements of concern to me tonight. The first is the removal of funding for the road speed bumps on Carolina Ave. I am afraid to walk on the street at night because people literally floor it through that road. There are currently two tire marks on the road; one of which I witnessed someone speeding so quickly and was so surprised by the stop sign that they had to brake really hard to make it. I have to put on my hazards to pull out of my driveway and really even during the daytime I'm afraid to walk my dog or for my partner's daughter to bike around the area. So, I'd really appreciate it if the funds stayed for that purpose. It feels like the area isn't being considered as much as other areas in the city. Secondly, I would also like to state my support for the funding staying for the Rosenwald Community as well, but I feel that those concerns have already been really sufficiently stated.

Jeremy Whitworth said I live on Carolina Ave. and every night between about 9:30 and 10:00 I walk out the door with the intention to walk my dogs 50 yards to my left down the road to this little grassy area on the corner of Silversteen and Carolina Ave. I walk out the door, I go left on the road, I'm at the head of Beth and Steven's driveway, and thankfully they pull forward quite a bit, so there's a lot of room there. When I get to Miss Sylvia's yard, she parks just off of the road, and I have to be in the road to keep going in that direction. So, I get around her car hopefully, go a little further, and then I eventually look both ways and scramble across the road to the little grassy section on the corner. When I turn around after the dogs have done their business, I then begin to make a new plan of how I'm going to get back to my house. I'm telling you this because every single night, I have to make a bailout plan so I don't get hit by a car. Last week three times myself or my dogs almost got hit by cars going too fast down that road. It's \$14,000. I'm a small business owner, I have two employees, one of them is myself, and I spend more than \$14,000 a year on workers' comp insurance alone. So, \$14,000 potentially allows my daughter to actually go get the mail without me being scared about the fact that she's ten yards up the road, but she's on the side of the road. \$14,000 means that maybe myself or my dogs don't get hit by a car trying to take them to go to the bathroom at 9:30 or 10:00 at night; and I don't have to walk up and down that road always having a bailout plan because people drive like bats out of hell, thinking that there's a time race somewhere that I'm not aware of that goes from one end of Carolina Ave. to the other end of it. It sure seems that way if you look there. So, my ask is that you look around, and you find \$14,000 and get us some speed bumps so that I'm not in here in a wheelchair next time saying hey, can we have it now because I got hit by a car.

Ella Jones said I don't want to be redundant, but some of the same things that have been spoken already, I'd like to bring them up again. When we start talking about the budget for the Rosenwald Community, if it's not remaining the same, can it be increased for these reasons? And here we are again talking about the rise of taxes in the community, and I proposed one time before, and I will again, most of the people in the Rosenwald Community are retirees and are on a strict budget. If we talk about raising taxes again we may be putting these people in some kind of financial harm, which we don't want to do. We've also heard about water problems on Oakdale, on North Lane, a lot of other places, and these areas, if you look at them, could be considered a water plain; even on McMinn. If we continue to put structures or not put structures or

improve the road situations in these areas, that's what it will become. We also need speed breakers in our community for our kids. People just fly through Cashiers Valley Rd., whether it's large vehicles or what. But we have children that play on the playground and when people...we thought that once we got the area fixed for the water was coming in and everything was sinking in, we got that covered up, thought we had worked out, but it seems to be a speedway through there. We need either...I don't even know if a stop sign would do it, but we need something where people are coming across that bridge...we don't have to worry about our kids being killed. We also need to...I've talked about the repairing of the streets in the community and on Oakdale when it rains, it's just about a water situation there. We've had people complain about so much water in their yards, and there has been help that has come, but it seemed like it's to no avail. We just need help there. And, before we talk about increasing taxes again, please consider that there are people who are really struggling. The other thing is there has been a proposal to help with the playground in reference to having a shed, I hope that that is still in the budget and that it will be materialized soon. And as Rodney, Rebecca, and many others have talked about our concerns, the concerns are universal. We all feel the same way. I love my community; I want it to be taken care of just like everywhere else.

At 6:40 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

Questions/Comments by Council: Council members thanked everyone for speaking. Mr. Wise said this helps us weigh priorities and Ms. Holder said it has made an impact and has enlightened her in many ways. She also said we need restrooms at Silversteen, and the \$98,000 won't pay for it, but perhaps it could be seed money and perhaps we can get other people to come in and help.

Mr. Baker said when I was listening to a lot of the comments, I think the City has failed to communicate about so many of the things that are in the budget – the Rosenwald Fund in particular. I think that is the reason why we have that listening session coming up. I live on the outskirts of that community on McMinn Ave. and there are a lot of changes happening, some that have to do with the City and some have nothing to do with the City, but we owe it to that community in particular to fully communicate the things that we have control of and hear from them what their priorities are and where they would like to see additional funding. He asked the City Manager to explain where that \$98,000 came from and track that for us so we know where that funding is from.

Mr. Hooper explained that a budget amendment ordinance was done on June 16, 2025 to make a \$100,000 General Fund contribution to the Norton Creek Streambank Restoration Project in anticipation of overages in the construction contract. That money was put in Fund 82, also known as the Rosenwald Fund, because that is where the money to fund that project was parked. It turns out we didn't need that \$100,000 extra because the project came in on budget. But, it was never redirected after it was parked there and we realized we didn't need it anymore, so there it sits to this day. The budget amendment was clear what the council's intention for that money was.

Mr. Baker continued to say that to the public, and this is where the City failed, what the public sees is \$100,000 in the Rosenwald Fund, and whether we like it or not, that is perceived as a promise. I can look at this paper and track it and say it was overages from this project that got completed and that money is now not assigned to anything. We did not communicate well enough about where it was coming from, and that represents a promise that now I don't know how we do anything with that money other than assign it to the Rosenwald Fund. We have a lot of serious needs all over the city, and \$100,000 is a half-cent on the tax rate, so that is a substantial amount of money, but to me we have now represented something to the community that we have to follow through on. Unfortunately, that money is still unassigned and now we've got to do the hard work of figuring out where that money goes. It was great to hear things tonight from the community on sidewalks and streets, but the truth is we can't necessarily spend that exact money on a particular project in a particular spot as of

now. We've got to do that work as a group and maybe the listening session can be a part of that. I maintain that this budget has to, in my mind, we've got to do some work at the Sports Complex and have to figure out that parking lot. That is a dire need and a safety issue, and that is why I proposed using the Alternate 2 of the commercial cardboard fee to add funding for the redesign of that parking area, and that does not include construction funds, which we are going to have to find as well once we have the design work.

Mr. Baker suggested that Council consider taking the Heart of Brevard suggestion to reduce the amount they are currently paying back to the Downtown Master Plan, which doesn't get us all the way there on the two cent increase, so we may still have to see an MSD tax increase of a half-cent, or whatever that calculation is.

Mr. Daniel said the comments have given me some food for thought, but I would like to address one thing. I served on the Mary C. Jenkins Community Center Task Force that the City joined in with members of the Rosenwald Community and the Mary C. Jenkins Board, and when I hear respected members of the community say that the City hasn't done anything for the Rosenwald Community, I don't get it. A lot of people worked hard on that, and we've put a lot of money into the Mary C. Jenkins Community Center. We've put in the Silversteen Playground, and we concentrated on that community over the last five years probably more than any other area of the city. Mr. Daniel added that to Mr. Baker's point about promises made, we made a lot of promises that we're not going to be able to keep. We promised the Downtown Master Plan that we'd be putting \$100,000 into their account several years back. We're putting 11% of that into that account, a serious decrease, not an increase. So is the Parks, Trails and Recreation; most every service of that type across the board is getting cut. These other plans share the same pain that the Rosenwald Community is sharing. I don't want to dismiss that pain, but I don't want to deny that others are feeling the same pain. I would like to know what the cost of a grant writer for the Downtown Master Plan would be before we make the decision to take the Heart of Brevard's suggestion regarding the \$11,000 back to the Downtown Master Plan Fund. That grant writer funding is not included in the budget, and I would like to make sure that we have the money to do that.

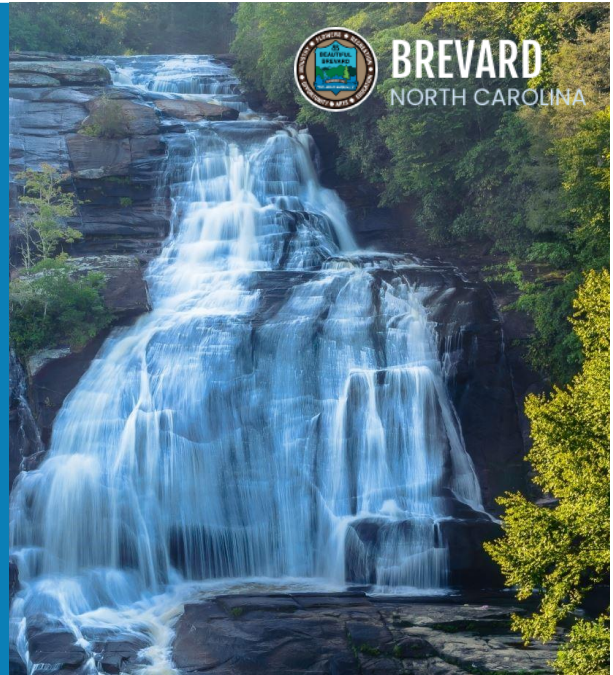
Mr. Lytle said as I was listening everybody give their opinion, one of the things that is positive is that you gave an opinion because if you felt that your voices wouldn't be heard at all, that it didn't make a difference, you would not be here to say your peace. I take that as you're entrusting in us to make those right decisions and they are very, very tough. As a philosophy, I understand some of the real issues of budget and finances, and it's not going to get any better any time soon, so I look at what is essential in everyday life. When we talk about investing in community, I agree with that, but also we look at what is absolutely essential. Roads and sidewalks are very essential, they're also very expensive, and I think it's also important to see the connection between some of the decisions that are being contemplated—adding additional manpower for Public Works leads to projects like that actually getting done. I don't know quite what my conclusion is. I know I've got to contemplate and take back some of the comments and really think about the budget. I think in the end there will be someone unhappy, but I hope that we can come to a budget that at least takes care of our essentials and makes sure that everyone is safe and has a safe place to live in.

~~ At 7:03 p.m. Mayor Copelof called for a ten-minute break. ~~

J-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 – Emily Brewer gave a PowerPoint presentation that provided an overview of how nonconformities are regulated and outlined how the proposed amendments will improve the clarity, fairness and redevelopment outcomes of the City's Unified Development Ordinance.

Nonconformities Public Hearing

City Council | May 18, 2026



What is a Nonconformity?

- **Nonconformity:** A lot, structure, use, sign or site feature that was *legally-established* but that no longer complies with the code
 - **Nonconformities ≠ Violations**
 - Typically, the result of development code amendments, annexations, and zoning district changes
- **Types / Examples:**
 - **Nonconforming uses:** a use that is no longer permitted in the zoning district
 - **Nonconforming structures:** a building that does not meet dimensional standards (setbacks, height, size, etc.)
 - **Nonconforming lots:** a lot that does not meet current requirements for street frontage
 - **Nonconforming site features:** a site element that does not meet the current requirements (parking layouts, landscaping, signs, buffers, etc.)



BREVARD
NORTH CAROLINA

PLANNING DEPARTMENT | 2

Regulations for Nonconformities

- **Continuation of Lawful Nonconformities (aka “Grandfathering”)**
 - Allow for lawfully established nonconforming uses, structures, and lots to continue even if they no longer comply with current zoning regulations.
 - Typical ordinance language:
 - May **continue in operation**
 - May **remain in its existing location and footprint**
 - Must have been **lawfully established before the zoning change**
 - Cities adopt ordinances to manage them over time
 - Nonconformities sit at the intersection of **vested rights** (what property owners can continue to do) and **municipal zoning authority** (City’s authority to regulate land use and development)



BREVARD
NORTH CAROLINA

PLANNING DEPARTMENT | 3

Regulations for Nonconformities

- **Diverging Ideas:**
 - Protecting existing property rights
 - Advancing community planning goals
- **Development Balancing Act:**
 - Too strict → discourages reinvestment
 - Too lenient → perpetuates noncompliance
- **Goals of Regulations**
 - Limit substantial investment in nonconformities
 - Bring about eventual elimination and/or lessen their impact on surroundings
 - Preserve the integrity of the ordinance and the character of the city

Current Ordinance Challenges

- **Vague and confusing**
 - Difficult to administer fairly or objectively
 - Difficult for developers to understand expectations
 - Uses language like “to the maximum extent possible” or “increasing the degree of nonconformity”
- **Conflates nonconforming uses and structures**
 - Regulated differently but included together
 - Contradictory in many cases
- **Relies on investment as a percentage of building value to determine compliance**
 - Doesn’t define normal repairs / maintenance versus building improvements
 - Requires staff to parse out project costs to our best ability
 - In practice, many low-value buildings are unable to make any improvements because they cannot afford full site redevelopment

Nonconformity Regulation Components

Types of Nonconformities

- Uses
- Structures
- Lots
- Site Features

Policy Considerations

- Authority to Continue
- Authority to Expand / Alter
- When Compliance is Required

Expansion Policy Approaches

- **Strict Elimination**
 - No expansion allowed
 - Simple to administer
 - Discourages reinvestment but requires full compliance when it does redevelop
- **Controlled Expansion**
 - Allows expansion with caps (e.g., percentage increase)
 - Moderately flexible
 - May still limit meaningful improvements
- **Compliance-Based Approach**
 - Expansion allowed if complies with regulations
 - New investment aligned with policy goals



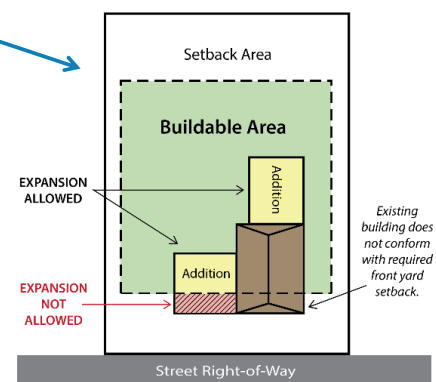
Nonconforming Uses

- Expansion not permitted
 - Exception: single-family, duplex, triplex and quadraplex uses
 - Example: single-family residential is not permitted in DMX, but we would allow house with a single-family residential use to be expanded
- Increased intensity not permitted
 - Example: the use now has longer, hours, more employees, more trips generated per day, etc.
- If use is abandoned for 180 days or more, it cannot be reestablished
- Once a nonconforming use is changed to a conforming use, it cannot revert back



Nonconforming Structures

- May be enlarged if it doesn't increase the extent of its nonconformity and it complies with current regulations
- Damaged or destroyed by natural disaster or accident varies based on amount of damage compared to the replacement cost of the structure
 - Damage >50% → Can be replaced or reconstructed as pre-damaged but must begin work within 180 days
 - Damage 50%+ → Cannot be replaced or reconstructed as pre-damaged, must be built back conforming
- Notable distinctions
 - Historic structures can be altered or expanded if meets setback requirements and is approved by JHPC
 - Manufactured home cannot be replaced if they don't meet ordinance requirements (e.g., setbacks, located outside of MHD)



Other Nonconformities

- **Nonconforming Lots**
 - Inadequate street frontage
 - May be developed have evidence of a deeded right-of-way or access easement
 - Cannot be developed if can be combined with an adjoining lot owned by the same person
 - No subdivision activity allowed unless it remedies or improves the nonconformance
- **Nonconforming Site Features**
 - Accessory structures, fences, signs, off-street parking areas, landscaping, buffers, lighting, etc.
 - Changes need to bring feature into greater compliance
 - The administrator can always require changes to site characteristics that endanger public health and safety (e.g. driveways, curbing, sidewalks)

Compliance Thresholds

- **Redevelopment Trigger Compliance**
 - Properties required to meet current zoning and site design standards when redevelopment occurs
 - Example: construction of a new principal building and major structural expansions
 - Avoids forcing full compliance during minor repairs but challenging for low-value structures
- **Proportional Compliance Investment**
 - Applicant must invest a percentage of project value into correcting nonconformities
 - Example: 5% of project cost must be spent improving nonconforming landscaping and sidewalks
 - Moves projects closer to compliance but hard to administer or to fairly / objectively apply
- **Incremental Improvement Compliance**
 - Certain elements required to be brought into compliance as improvements are made
 - Example: expanding parking lot requires compliance with parking area design, buffers, and sidewalks
 - Limited investment in nonconforming elements, gradual compliance based on “rational nexus”

Proposed Hybrid Compliance Approach

- **Full compliance triggered by “new construction” of a principal building:**
 - New construction is “any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:
 - Additions to existing structures that equal or exceed 75% of the gross floor area of the existing structure.
 - Substantial improvements to existing structures that equal or exceed 75% of the value of the existing structure and require the issuance of at least two trade permits from the Transylvania County Building and Inspections Department.”
- **Incremental compliance based on what improvements are being done**
 - Applicability is derived from impact not necessarily monetary investment
 - Example: Compliance with landscaping buffers and screening (Section 8.4) when:
 - New construction of principal building
 - Expansion of existing principal building (gross floor area increase 25%+)
 - Expansion of a parking area by 50% or 10+ spaces (whichever is greater)

Adoption Process

- ✓ **January – March:** Staff reviewed ordinance language for other municipalities and “tested” potential options here in Brevard based on previous development
- ✓ **March 24th:** Staff held a workshop with Planning Board to discuss nonconformities and proposed ideas
- ✓ **April 8th:** Planning Board reviewed draft language and unanimously recommended in favor
- ✓ **May 18th:** City Council holds public hearing
- **June 1st:** City Council votes on proposed amendments



At 7:35 p.m. Mr. Daniel moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 7:35 p.m. Mr. Daniel moved, seconded by Mr. Lytle to close the public hearing. The motion carried unanimously.

During questions and comments Mr. Daniel noted that in the nonconforming lot, a subdivision can occur only if it improves a nonconformity and said in the interest of being understandable by the public, I would like a definition of how you improve a nonconformity. Ms. Brewer will include some additional language to the proposed amendment before Council takes action at the next meeting.

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

K-1. Tax Settlement Report – April 2026

K-2. Amendment to Roundabouts Capital Project Fund

ORDINANCE NO. 2026-16 CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2024-05, ROUNDABOUTS 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.

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

s/ Maureen Copelof, Mayor

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

K-3. Budget Amendment 2026-05 Lease Payments at 132 Commerce St.

ORDINANCE NO. 2026-17

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.

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

s/ Maureen Copelof, Mayor

K-4. Public Works and Utilities Committee Meeting Minutes – April 1, 2026

K-5. Housing Committee Meeting Minutes – February 10, 2026

K-6. Housing Committee Meeting Session Notes – March 10, 2026

L. Unfinished Business

L-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – The Hub – Paul Ray recalled that Council held a public hearing at its May 4th meeting. This proposed amendment would rezone two properties owned by Ogeechee Davidson LLC located at 11 Mamas Place, which contains the Hub bike shop, and at 113 Mamas Place to the Pisgah Gateway Mixed Use (PGX) zoning district.

Mr. Wise moved, seconded by Mr. Baker to grant the zoning map amendment as presented. The motion carried unanimously.

ORDINANCE NO. 2026-18
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.

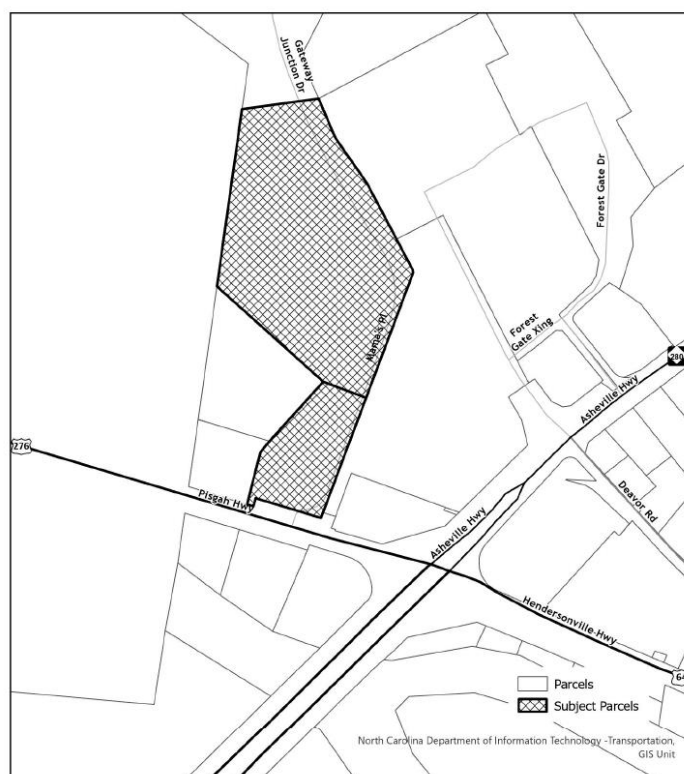
SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

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

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

s/ Maureen Copelof, Mayor

Rezoning #REZ-26-0002 Exhibit A



L-2. Proposed Amendments to the City of Brevard Unified Development Ordinance Chapters 2, 3 and 19 – Regulations for Data Centers – Paul Ray recalled that Council held a public hearing on the proposed amendments at its May 4th meeting. This staff-initiated text amendment will add a new specific land use for data centers and similar facilities. By adding these uses as a specific land use, the UDO will be clearer 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. 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. The Planning Board reviewed the amendments and recommended approval with one modification removing a line that lists specific impacts Council should consider during a conditional zoning review.

Mr. Baker moved, seconded by Mr. Daniel to accept and approve the Planning Board's recommendation. The motion carried unanimously.

ORDINANCE NO. 2026-19
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.

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. Proposed Amendment to City of Brevard Fee Schedule re Pool Fees – Dean Luebbe explained that Staff is requesting an amendment to the Fee Schedule to increase the admission fee at Franklin Pool from \$2 per person per day to \$3. This increase would result in a \$12,000 savings for the City by reducing the contract with Swim Club Pool Management from \$72,000 to \$60,000.

Ms. Holder moved, seconded by Mr. Wise to approve the ordinance amending the Fee Schedule as presented. The motion carried unanimously.

**ORDINANCE NO. 2026-20
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.

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

s/ Maureen Copelof, Mayor

M-2. 2026 North Carolina General Assembly “Short Session” Legislative Requests – Mr. Hooper noted that Staff’s proposed list of legislative requests is divided into financial requests and policy requests. It does not include any support or opposition of a particular bill, but instead support or opposition to outcomes, including support of legislation that preserves the City’s ability to set our local tax rate without restrictions imposed by the State, support for housing-related initiatives, preservation of local control of planning/zoning regulations, support of legislation regarding storm recovery/resilience, and support of transportation legislation that would permit state funding for standalone bicycle/pedestrian projects. Funding requests include \$2.6M for design and engineering of Phase 2 of the Wastewater Treatment Plant Upgrade project, \$18M for Stormwater Master Plan Jumping Branch Watershed improvements, \$400,000 for restrooms and paving at the Sports Complex, \$2M for inflow and infiltration improvements in upper Brushy Creek watershed, \$1.2M for a fire engine replacement, and \$100,000 for a study of the City’s overall facility needs.

Mr. Hooper noted that an alternative to Staff’s proposal has been proffered by Mr. Baker (Alternative 1) that includes support for specific legislation—HB 369 regarding parking and runoff requirements for developments; and HB 1063 repealing existing sales tax exemptions for data centers—and adds a request for support of legislation that addresses valuation laws which systemically undervalue higher valued properties and create a disparity in revaluation increases between lower value

properties and higher value properties. Mr. Baker said for consistency he would be open to striking the specific bills but leaving the language.

During Council comments there was discussion about adding a provision advocating for allowing local governments to set variable tax rates for second homes similar to the position that the North Carolina Association of County Commissioners has been discussing.

Mr. Baker moved, seconded by Mr. Daniel to adopt Alternative 1 with the addition of language regarding variable tax rates referencing the North Carolina Association of County Commissioners under Local government revenue/property tax fairness, and where possible reference specific bills having to do with these policy requests. The motion carried unanimously.

Mr. Baker moved, seconded by Mr. Daniel to adopt the resolution memorializing the request. The motion carried unanimously.

RESOLUTION NO. 2026-30
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:

Section 1. 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.

Section 2. 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.

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

s/ Maureen Copelof, Mayor

M-3. Resolution Requesting Increased Funding from Transylvania County to Support Enhanced Staffing for Brevard Fire Department – Mr. Hooper explained that this is a procedural request from Transylvania County asking all partner agencies who make a budget request of them that is greater than 2% more than the previous year's allocation to submit a resolution to accompany the request. He noted that in addition to the resolution in the packet, Staff has presented an alternative resolution for Council's consideration.

Mr. Baker moved, seconded by Mr. Wise to adopt the Alternative 1 resolution. The motion carried unanimously.

RESOLUTION NO. 2026-31**A RESOLUTION SUPPORTING FUNDING FROM TRANSYLVANIA COUNTY FOR ITS SHARE OF THREE FULL-TIME FIREFIGHTER POSITIONS TO ENHANCE BREVARD FIRE DEPARTMENT'S ABILITY TO PROVIDE ADEQUATE SERVICES TO BREVARD AND SYLVAN VALLEY II FIRE DISTRICTS**

WHEREAS, the Brevard Fire Department responds to approximately 2,800 incidents annually while serving both the City of Brevard Fire District and Transylvania County's Sylvan Valley II Fire District, 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 serving each fire district 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 while serving two Fire Districts; 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 Fire District 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, a mandated service of Transylvania County, 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 and fire 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 requests Transylvania County's consideration of increased revenue, if necessary, for the purpose of funding three additional full-time firefighter positions for the Brevard Fire Department.

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 increased revenue, if required, 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.

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

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Lytle commented that it was a good and difficult meeting with lots to reflect on. I think it's going to be a case where there will be some unhappy folks, but at the end of the day hopefully we can come up with a budget that is good for the city.

Mr. Daniel agreed with Mr. Lytle.

Mr. Wise said Dean brought up an interesting word earlier “connection”, and that and “integrity” sort of resonated with me. We just declared this as Public Works week and what we heard from a lot of people today, and what we’re dealing with in almost every capacity, deals with Public Works. The connection between what we hear people say and what we’re actually doing in funding in our budget for Public Works can be lost. We hear things about stormwater, drainage, trash pickup and other issues, and they all are at the top of our priorities, and that is why we are spending so much time this year on Public Works with new personnel, new methodologies, and new strategies. I think it is important to look at those connections to understand that none of these things that individuals deal with live in isolation; they’re all part of a larger matrix that we are well aware of and trying to deal with.

Ms. Holder asked what the budget was for the Norton Creek Streambank project. Mr. Hooper will follow up with that information.

Mr. Baker called back to what he said earlier regarding communication. He said the City certainly has an obligation to communicate clearly, but communication is a two-way street, and there were a lot of things said which, with a little bit of knowledge and paying attention to some of our meetings over the last six months I think would have cleared up a lot of misconception. I was struck by a lot of the comments referencing things like stormwater, and two years ago we established a stormwater fund and are working on a stormwater master plan to address those issues and things like sidewalks and streets that are a direct result of our Public Works department being understaffed. I encourage people to reach out and ask questions if you are concerned about a specific thing. We heard a lot from the public tonight and some of it was pointed and directed, maybe in a negative way towards the budget as it sits, but I think if you zoom out and really look at the budget and the priorities that we put in there, I feel like we addressed many of those concerns, and I’m proud of that. I think it is good that the things we’re hearing from the public are things that we are already addressing. He added there are a couple of lingering things that we still need to nail down, and I am hopeful that when we are passing the budget we can clearly lay those out so that Council knows how to take action on the full budget, but then maybe some supplemental actions on individual things we have talked about over the last couple of meetings, so that we can make those small adjustments on the final document.

Mr. Hooper said I think I know one of those that Council Member Baker is talking about and we had planned on having the smokestack discussion tonight, but there is still one critical piece of information that we don’t have. But, there has been some development in that area. There is a possibility that we can retain a remnant of the stack, and I am waiting to hear back from one of underwriters as to what information they need from us to make that decision, and how much it will cost us to provide that type of information. That is going to be important for Council to decide whether to demolish the smokestack all together or keep a remnant of it. It will be on the next agenda.

Mayor Copelof commented that when you first get elected to public office, they tell you that the most important thing you will do as an elected official is the budget, but they don’t tell you that it’s also the most difficult thing that you will do, because there is never enough money to do everything that everybody wants. It’s identifying the needs versus the things we want and really concentrating on the things we need to do to make sure that Brevard is a safe healthy community where everybody can thrive across our demographic. This is the most feedback we have ever had on a budget, and I appreciate the honesty people expressed tonight. We listened and heard you, and we will be discussing with the manager how to incorporate what we heard into a final product to the best of our ability. Making sure that we are doing right by our employees is also another high priority as we look at the budget. She encouraged everyone to attend the Rosenwald Community information and listening session that will be on June 11th at 6:00 pm at the Mary C. Jenkins Center.

O. Closed Sessions – None.

P. Adjourn – There being no further business, at 8:42 p.m. Ms. Holder moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof

Mayor

Denise Hodsdon, CMC

City Clerk

Minutes Approved: June 1, 2026

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-18
LGBTQ+ Pride Month

WHEREAS, the City of Brevard is committed to promoting a welcoming and accepting environment for all its residents; and

WHEREAS, the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) culture and community has made significant contributions to the social, cultural, and economic fabric of the City; and

WHEREAS, June is widely recognized as LGBTQ+ Pride Month, commemorating the Stonewall Uprising in 1969, which marked a pivotal moment in the fight for LGBTQ+ rights and liberation; and

WHEREAS, Pride Month serves as an opportunity to honor the LGBTQ+ community, celebrate their achievements, and raise awareness about the challenges they continue to face; and

WHEREAS, the City of Brevard acknowledges the importance of fostering an environment of understanding, acceptance, and support for all individuals, regardless of sexual orientation or gender identity; and

WHEREAS, the City of Brevard embraces and values the principles of equality, justice, and respect for all its residents.

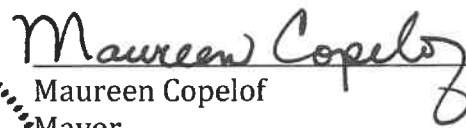
NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim the month of June as **LGBTQ+ Pride Month**. I encourage all residents to engage in educational opportunities and events that promote understanding, respect, and acceptance of the LGBTQ+ community, and express support for LGBTQ+ individuals, their families, and allies, and acknowledge the ongoing work needed to achieve full equality and justice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 1st day of June, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Monday, June 1, 2026

Title: Ordinance Declaring Street Closures for July 4th Festival

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

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

Discussion

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

Policy Analysis

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

Action

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

Attachments:

1. Closure Ordinance

ORDINANCE NO. 2026-XX

**AN ORDINANCE DECLARING STREET CLOSURES
FOR THE 2026 FOURTH OF JULY FESTIVAL AND
AMERICA SEMIQUINCENTENNIAL CELEBRATION**

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

WHEREAS, July 4, 2026, marks the 250th anniversary, or semiquincentennial, of the adoption of the Declaration of Independence by the Second Continental Congress in Philadelphia in 1776, signifying the founding of the United States of America; and

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

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

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closures on the following described portions of the State Highway System:

Date:	Thursday, July 2 – Saturday, July 4, 2026
Time:	11:00 PM – 11:00 PM
Description:	Main Street (U.S. 276) from Caldwell Street to Rice Street Broad Street (U.S. 64) from Appletree Street to Morgan Street

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

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

STAFF REPORT

City Council, Monday, June 1, 2026

Title: Ordinance Declaring Road Closures for National Night Out

Speaker: Christy Wentzell, Police Chief

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

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

Discussion

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

Policy Analysis

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

Action

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

Attachments:

1. Closure Ordinance

ORDINANCE NO. 2026-XX

**AN ORDINANCE DECLARING STREET CLOSURES
FOR THE 2026 NATIONAL NIGHT OUT EVENT**

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

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

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

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closures on the following described portions of the State Highway System:

Date:	Tuesday, August 4, 2026
Time:	4:00 PM – 10:00 PM
Description:	E. Main Street (U.S. 276) from Broad Street to Johnson Street

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

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

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

MINUTES
City Council Parks, Trails & Recreation Committee

Wednesday, April 15, 2026, at 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Lauren Wise, Vice Chair, Council Member
Daniel Jessee, Citizen Member
Jackson Tate, Citizen Member
Reba Osborne, Citizen Member
JD Powers, Citizen Member
Howie Granat, Citizen Member
Maureen Copelof, Mayor, Ex-Officio

Staff Present: David Todd, Assistant City Manager
Wesley Shook, Public Works Director
Aaron Bland, Assistant Planning Director
Shawnee Cummings, Assistant to the City Manager

Guests: Rebekah Robinson (Conserving Carolina), Leila Husain (Conserving Carolina), Drake McNeary, Patrick Looney, Sherry Downing, Barb Christing, Charlie Miller, Randy Collette, Randy Burgess, David Thomas, Trish Davis

A. Welcome and Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:30 PM.

B. Certification of Quorum

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

C. Approval of Agenda

A. Baker stated that there was one requested change to the agenda, which is that Item E., Design Options for Main Street to MCJ + Rosman Highway to High School segments, be moved to the May meeting. L. Wise motioned to approve the agenda as amended. D. Jessee seconded, and the motion carried unanimously.

D. Approval of Minutes – March 18, 2026

H. Granat motioned to approve the minutes, seconded by D. Jessee. The motion carried unanimously.

E. Estatoe Trail Lamb's Creek Property Discussion

Conserving Carolina acquired a property from Pisgah Health Foundation and wanted to start the conversation about the vision for the property. Rebekah Robinson said Conserving Carolina has ideas for things to do during their ownership and then they intend to transfer the property to the City. Conserving Carolina visited the property near Lamb's Creek and Allison Creek, and determined both creeks require restoration work (Attachment A). Restoration will include minimal grading, removal of riprap, adding larger stones, creating stair steps for creek access, removal of invasive species, and planting native species. They plan to add crushed gravel on the low-lying, single-track areas, making it accessible to the retirement community and people at the hospital.

The Committee asked clarifying questions about the specific location of the land and plans to transfer the land to the City. L. Husain said the timeline is flexible, but they are looking to transfer the land in 3-5 years. A. Baker stated that from a City perspective, the main concern will be to plan for and pay for maintenance. D. Todd stated that with less improvements made, it will be easier to maintain.

L. Husain said Conserving Carolina still needs to fundraise but they wanted to bring the plan to the Committee to get a sense of how the Committee feels about it. The Committee approved of the plans and thanked R. Robinson and L. Husain for attending.

F. Tannery North Trail Construction Update

D. Todd stated the trail will be built by NCDOT, acting as the City's contractor, and they notified us that there have been delays in working with Duke Energy to get utility relocation work done. Construction is set to start in mid-July. Staff are focused on the tannery smokestack demolition and ideally will complete the demolition before trail construction begins, so the delays do not have a negative impact.

NCDOT asked the City to take down any trees that needed to come down prior to the Federal and State Bat Eviction Moratoria. D. Todd said Staff were able to take down all of the marked trees and clean up some debris, but there is still more debris to clean up.

D. Todd hopes to get bids on the smokestack demolition in late April or early May. One outstanding issue related to the demolition is that NCDEQ will need to approve the associated environmental management plan (EMP). D. Todd is hopeful that EMP approval will come before trail construction begins in July. If it does not, construction can begin on portions of the trail while the demolition takes place.

There is still discussion about whether a portion of the stack can remain as a monument and/or whether the crushed brick can be used as the trail bed. D. Todd said potential contractors will propose different demolition methods and the method used will affect how much brick can be repurposed. R. Osborne asked about engaging the art community to create a memorial. Mayor Copelof said the City intends to put out a call to artists if the entire stack comes down. If a remnant is left, that will be the memorial.

A. Baker asked after Staff receives the bids on the demolition, will that be brought to a Committee or straight to Council? D. Todd said it will likely be brought to Council because Staff will be asking for approval to award the contract, but it will be a slightly different process. After awarding the contract, Staff will work with the contractor to craft the EMP and if it comes back with changes, the contractor may have to revise their bid to address the changes. As a result, it may take longer to come to Council.

G. Follow-Up Discussion on E-Bikes in Bracken Preserve

L. Wise introduced the discussion by covering what was discussed about e-bikes at the last meeting, including the positions of State and Federal agencies, impacts to Pisgah National Forest and Dupont State Recreational Forest, liability concerns, and other municipalities' actions. He advised the public that the Committee just started the discussion and does not anticipate a decision anytime soon.

A. Baker shared his thoughts since he was not at the last Committee meeting and acknowledged that the Committee and Staff received a lot of public input. He stated first, he believes there has been some conflation of what e-bikes mean for the Estatoe and Ecusta trails and what they mean for Bracken Preserve, as he sees them as very different things. E-bikes help create safe transportation networks, but there are not many commuters traveling through Bracken. Second, he stated that the City needs to look to the public lands around us for comparison to what the City is doing, particularly in Bracken, as it is adjacent and connected to Pisgah. He added we need to be cautious about opening a public land when no other public lands around us are doing the same.

R. Osborne asked if there is an urgency to this decision. A. Baker said there is not, as there is already a rule against e-bikes in Bracken, but with e-bikes proliferating, this conversation will be ongoing as rules and regulations change. He added that it is nearly impossible to enforce the "no e-bike" rule for people riding e-bikes in Bracken, Dupont, and Pisgah, and if Class 1 e-bikes were allowed, it would be equally difficult to enforce.

H. Granat was not present at the last meeting and shared the following thoughts:

- He is not against e-bikes, but he is against e-bikes at Bracken. He felt the recent Transylvania Times article and this discussion has clouded the progress made by new trail construction in Bracken. Instead of making it easier by allowing motorized vehicles, the community created newer, easier trails opening in July.
- Bracken has many passionate supporters, including mountain bikers, hikers, trail runners, and dog walkers. He added that the community is the reason behind Brackenfest, and the loan from Conserving Carolina to purchase the land. Even though increased usage is a concern, he wants to see more users as a result of more accessibility, rather than e-bikes.
- He is concerned that the push from local bike shops to increase e-bike access is because they want to sell more. He stated the bike shop owners have not provided any support of trail expansion at Bracken, which he sees as disingenuous.

- He does not think e-bike users are beginner mountain bikers. His fear is the typical downhill rider, who will do downhill laps through Bracken, creating safety concerns and requiring one-way trails that limit hikers and bikers.
- He understands there are many studies on e-bikes' trail impact, but those studies were out West and do not account for the rain and tree coverage in this area.
- He is in favor of permits that allows e-bikes for people with disabilities, injuries, or medical conditions, but recognizes that more research is needed on rules and regulations for a permit system. Criteria would be more specific and require a higher bar than ageing and e-bikes making it easier.

D. Jessee stated he is worried about repercussions, such as e-bikes making their way into Pisgah. He explained that it is the wrong time to put any more pressure on the Forest Service, as they have had to deal with Hurricane Helene, cuts to the sector by the current administration, and organizational restructuring. He is hesitant to do anything that would cause additional burdens, including enforcement and increased traffic.

A. Baker said while the Transylvania Times is not here, he felt the headline of the recent article was inaccurate and gave the public an expectation that there would be a change to the rules. H. Granat said the Committee may need to reaffirm the rules and increase signage, as it could be confusing to visitors or make it seem like e-bikes are inevitable.

JD Powers added that he has ridden on trails all over the country that allow e-bikes, but none of the trails were as small as Bracken or 100% single track. He further said that allowing e-bikes in a small trail system is asking for trouble, to which H. Granat added that if someone gets hurt in Bracken, that opens the city up to risk and liability.

R. Osborne stated she does not see any reason to allow e-bikes and asked if the Committee should think about tabling the issue given how controversial it has been. A. Baker said the Committee may have to table the discussion, at least until the issue is raised again, but it will not be today since so many people attended for public comment.

L. Wise said he will play devil's advocate. He has ridden mountain bikes since 1986, and at that time, a lot of hikers and birdwatchers said that mountain bikes on trails would destroy the forest and be unsafe. He sees us talking about the same things here. He said that those people were not entirely wrong because you can go to certain areas, like Sycamore Flats, and see what mountain bikes have done to our trails. Now, mountain biking is one of the community's most important economic drivers. While he is still on the fence and thinks that a lot of things still need to be considered, he wants to be very careful when discussing the safety and speed of e-bikes. According to the research, e-bikes are not more dangerous, faster, or more harmful to trails than acoustic mountain bikes. L. Wise said the City is spending a lot of time and money to make Bracken easier to access, and there will be an uptick in users. He does not think e-bikes will increase danger or change the impact on trails, but he believes more users will – it just so happens that more users are moving toward e-bikes. L. Wise said the real issues are increased usage and preconceived notions about e-bikes.

Mayor Copelof stated that she thinks it is essential to hear from the Forest Service, as they are a key partner, and their voice needs to be heard before any change in policy.

A. Baker stated that this item will be on next month's agenda for action. Mayor Copelof suggested inviting the Forest Service to the next meeting as well.

A. Bland added that he is waiting to hear from the NC Land and Water Fund (NCLWF), who has the conservation easement on the property and changed their rules regarding e-bikes. He said the rule change was for properties with easements after 2017, but the easement for Bracken is from 2007. The document capturing the rule change had minimal information about pre-2017 easements and it does not apply to Bracken, so A. Bland reached out for clarification on what that rule change means for Bracken.

H. Public Comment

Patrick Looney, who works for Squatch Bikes, asked how many Committee members have ridden e-bikes. Approximately half of the Committee raised their hands. He clarified he is only asking about Class 1 and asked if anyone would like to experience an e-bike, free of charge, at Kanuga Bike Park. A. Baker stated that there is not usually a back-and-forth during public comment but anyone interested can follow up with him.

Sherry Downing said H. Granat and A. Baker hit most of the points she was going to cover. She stated that she used to be a competitive mountain biker, worked in trail education, and fought for access in mountain biking. She now has a disease that slowly deteriorates her ability to move. Yesterday, she was in Bracken on a regular bike and if she had been on an e-bike, she would have been going faster and approached other bikers quickly. She disagrees with a permit for individuals with disabilities because they will likely have physical limitations like her that limit the ability to handle a heavy e-bike. She wanted the Committee to hear it from someone on that "slippery slope."

Barb Christing said she liked most of what she heard from the Committee. She stated she feels bad for people who are injured or aging, but when you get to a certain age, you have to understand there are things you cannot do anymore. She said if someone sees another person on an e-bike, they may assume that e-bikes are allowed. She advised you will have the same damage and same safety issues that come with e-bikes, whether the rider is injured or ageing or not. She encouraged the Committee to write an article to the Transylvania Times to counter the expectation of a major decision. She said there is limited parking at Bracken and if opened to e-bikes, it would eliminate more parking.

Charlie Miller stated that the main reason he does not want e-bikes at Bracken is because it is steep and there are a lot of blind corners. He has been riding for 30 years, knows all of the turns in Bracken, knows where he can speed up and slow down, and he still scares hikers. He cannot believe statistics that say that e-bikes are not faster because of the increased wattage. He encouraged the Committee not to allow e-bikes.

Randy Collette stated that with the Forest Service, he put “no e-biking” stickers throughout Pisgah and he is passionate about keeping e-bikes out of the forest. He stated there are Class 1 e-bikes where you can disengage the speed-limiting device, and go up to 28 mph. When you turn the bike off and back on, it clears the speed history so you cannot check a user’s speed. He remembers 10 years ago when bike shops worked with the forest service to limit bikes on trails that were showing signs of wear. Now, he feels that bike shops are being dishonest to the community and Committee to get motorized vehicles in the forests so they can sell more bikes. He said if we work harder to educate users and take care of the forest, we wouldn’t be having these conversations.

Randy Burgess said he retired from the Forest Service after 33 years and is proud to say he walked the Bracken Preserve with Mac Morrow when he was district ranger. He said he was part of the decision to allow the connecting trail to Pisgah National Forest and that trail was not intended for motorized vehicles, only for foot and bike traffic. He felt that the Transylvania Times article was misleading because it made it seem like we are in a bubble that does not allow e-bikes and everywhere else is allowing them. He said that most national forests do not allow e-bikes on non-motorized, single-track trails and individual forests can decide to change that, but few have. He appreciates the recognition of needing to work with the forest service, given the additional burdens.

Drake McNeary said he is not the manager of a bike shop, he is not representing Sycamore Cycles, and he is here on his own volition. He is not necessarily pro-e-bike, but the topic came up for him because he does commute to work through Bracken Preserve. If he could e-bike it, it would save him a lot of time. He reached out to NCLWF and they advised that they changed their rules and are leaving the decision to allow e-bikes up to the landowner. He brought it to the Committee as an honest question because he does have a bike shop perspective and thinks it would be good for the local bike shops. What he does not like is at Dupont, there is a flashing sign that says no e-bikes, making it clear they are not welcome. So, if we choose not to allow e-bikes, he wonders what our sell is as a community, and as a bike destination. He asked how we can frame it. He said no one wants anyone to do laps in Bracken, so there would need to be education and regulation. He said it is our choice to make and reiterated he does not represent Sycamore Cycles.

David Thomas thanked the Committee and said they have done a great job getting greenways in the community. He would like to see preservation, and not exploitation, of our parks and resources for the people that live here. He appreciated H. Granat’s comments and felt heard, as a resident trying to protect and enjoy the community. He said allowing e-bikes would be a burden on the forest service and forests. He stated that he broke his ankle and he pushes his bike a lot more than he rides it, but that is part of the experience. He added that allowing e-bikes would be taking on a lot of liability.

Trish Davis stated that she appreciates H. Granat’s and the Committee’s efforts to take care of Bracken. Bracken is a preserve so we should preserve it. She asked if there are rules against e-bikes at Bracken, why aren’t they enforced? She is not saying we should hand out fines, but it should be discussed because there should be consequences if people break the rules, there should be consequences.

I. Set Date for Next Meeting – May 20, 2026, at 3:30 PM

Committee members set the date for the next meeting on May 20, 2026, at 3:30 PM.

J. Adjourn

There being no further business, L. Wise motioned to adjourn, R. Osborne seconded, the motion passed unanimously, and the meeting was adjourned at 5:09 PM.

Approved: May 20, 2026



Aaron Baker, Chair, Council Member, or
Lauren Wise, Vice Chair, Council Member



Shawnee Cummings
Assistant to the City Manager

Lambs Creek Site Plans

Brevard Parks and Recreation Committee

April 15, 2026

1. Stream Restoration

- Minimal Grading
 - Due to the constraints of sewer lines and the existing greenway, grading the stream banks back to the preferred 4:1 ratio will not be possible in most areas
- Stream Bank Stabilization
 - Existing small riprap will be removed and replaced by larger stones that will better stabilize the banks
 - Adding stepped banks and stone steps will facilitate access to the creek in dedicated areas and increase water storage capabilities during flood events
 - Additionally, these larger stones will create a more natural look along the stream
 - Planting native grasses, shrubs, and trees along the streambank. The roots of these plants help to hold the soil in place, absorb excess water, and reduce erosion. Streams with well-established vegetation on their banks provide for better water quality and wildlife habitats.

2. Native Planting and invasive removal

- The currently mowed field and existing greenspace is a crucial area for wildlife in Brevard
- Removing nonnative species from the field and stream banks is an important step towards restoration
- Ideally, a habitat space should consist of 100% native plants that support birds, pollinators and other wildlife that are under increasing stress from climate change. Native plants provide the best possible habitat for native wildlife.
- Conserving Carolina may have the capacity to host volunteer workdays to get the community involved in nonnative species removal and concurrently native plantings

3. Crushed Gravel “Pocket Park” Trail

- The low-lying nature of the eastern part of the parcel may not be conducive to building singletrack
- A crushed gravel ADA accessible path that meanders through the eastern and forested side of the park may be a better option
 - This path could provide a nice way allow members of the community from the retirement home and hospital to recreate along the Estatoe Trail

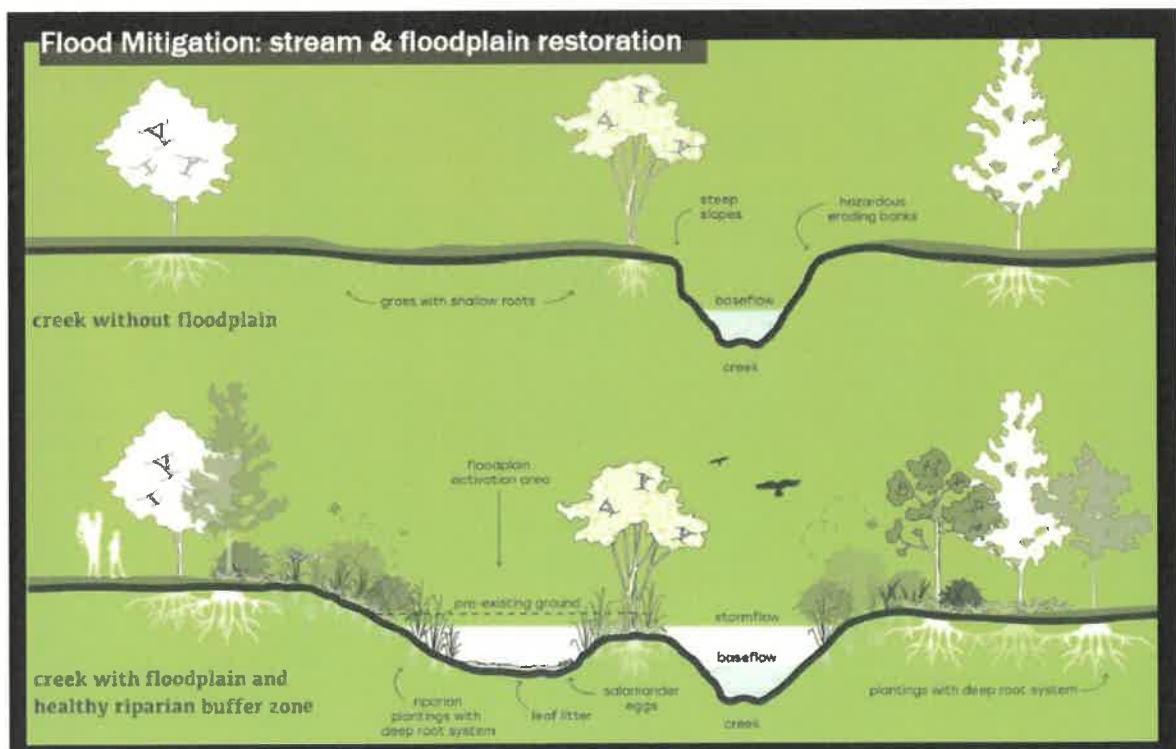
Example of a Conserving Carolina Restoration Project

The Laurel Creek Stream Restoration in Hendersonville at Laurel Park



To left:
Anchored stream banks with large rocks and native plants

Below:
Graphic shows how a restored flood plain serves as an area to reduce the harm done during extreme flood events



Lambs Creek Project Proposal

- Proposed Native Planting Sites
- Proposed Stream Restoration Sites
- Estate Trail
- Streams
- Parcel Boundary



Map Data: NC Collaboratory, Esri, Microsoft, Mapbox

MINUTES
Rosenwald Community Advisory Board

Thursday, January 15, 2026 – 6:00pm
Mary C. Jenkins Community Center

Members Present: Randy Lytle, Co-Chair, MCJCC Board Member
Gary Daniel, Council Member
Edith Darity, MCJCC Board Member
Karen Darity, MCJCC Board Appointment
Ella Jones, Citizen Member

Members Absent: Pamela Holder, Co-Chair, Council Member
Victor Foster, MCJCC Board Appointment
Morgan Monshaugen, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Shawnee Cummings, Assistant to the City Manager

Guests: David White, Anna Williams, Robert Hooper, Khaled Khiyar, Hannah Bowers

A. Welcome & Call to Order

Board Co-Chair Randy Lytle called the meeting to order at 6:07pm.

B. Invocation

Ms. Jones offered an invocation.

C. Certification of Quorum

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

D. Approval of Agenda

Mr. Daniel moved, seconded by Ms. Jones to approve the agenda as presented.

E. Approval of Minutes – November 20, 2025

Mr. Daniel moved, seconded by Ms. Karen Darity to approve the minutes of the November 20, 2025 meeting as presented. The motion carried unanimously.

F. WNC Source Update

Anna Williams spoke about the importance of early childhood education and the Hillview Children's Center's programs, including Head Start for ages 3-5 years old and Early Head Start for ages 6 weeks-3 years old. As the recruiter for WNC Source, Ms. Williams spoke about the center's staffing difficulties since COVID-19 and the various employment opportunities available, including paid internships, part-time, and full-time positions. The Hillview Children's Center is seeking multiple pre-school teachers, teacher's assistants, and interns for all the age groups they serve. Ms. Williams further discussed educational requirements, in-house training, support to employees pursuing further education, advancement opportunities, and the various benefits. Khaled Khiyar noted that with one of Hillview Children's Center's classrooms closed due to staffing difficulties, there is an urgency to spread the word, expand the search, and support the needs of the community.

Robert Hooper, Housing Director for WNC Source, discussed their plans to build up to 128 units, with 26 units proposed as an expansion upon the English Hills neighborhood and 102 units in the Hillview neighborhood. The apartments are planned to be traditional 2- to 3-story apartment buildings, with a percentage of the units being income-based and the remaining being mixed income. R. Hooper explained that they are looking at the option of having retail businesses on the ground floor of the apartment complex, such as coffee shops, stores, or a small gym, that would be open to all members of the community. R. Hooper stated that WNC Source wanted to get the Committee's opinion on the concept and whether it would be desired. David White also added that any profit made from the market-rate apartments will be reinvested into the community to allow for more subsidized housing. There were questions and comments related to workforce housing, opportunities for local businesses, security concerns with high foot traffic around retail spaces, conditional zoning, and additional opportunities for community input.

G. Introduction of Police Chief Christy Wentzell

City Manager Wilson Hooper introduced the City of Brevard's new Police Chief, Christy Wentzell, and gave background on her experience and qualifications. Chief Wentzell shared her community-centered approach to law enforcement and the focus she places on working with communities to ensure their needs and expectations are met. Chief Wentzell further discussed how she plans to work in conjunction with the Sheriff's Office, expand the programs that the police department currently offers, and ensure consistent and open communication to build relationships with the community. In response to questions and comments, Chief Wentzell highlighted the need for intentional programming to engage and educate youth, such as cadet programs, summer camps, self-defense classes, and courses that inform youth about law enforcement.

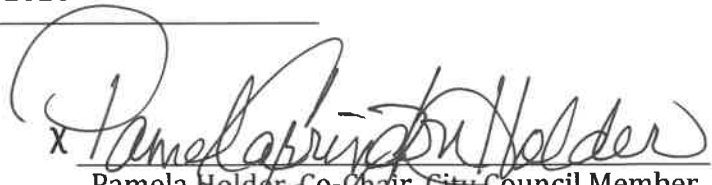
H. Set Date for Next Meeting

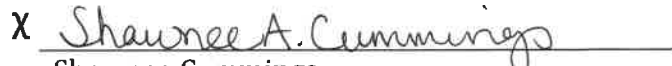
The next meeting was scheduled for Thursday, February 19, 2026 at 6:00pm at the Mary C. Jenkins Community Center.

I. Adjourn

There being no further business, the meeting was adjourned at 7:07 pm.

Minutes Approved: May 21, 2026

X 
Pamela Holder, Co-Chair, City Council Member
Randy Lytle, Co-Chair, MCJCC Member

X 
Shawnee Cummings
Assistant to the City Manager

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

Thursday, March 19, 2026 – 6:00pm
Mary C. Jenkins Community Center

Members Present: Randy Lytle, Co-Chair, MCJCC Board Member
Gary Daniel, Council Member (arrived at 6:45pm)
Pamela Holder, Co-Chair, Council Member (Zoom; arrived at 6:15pm)
Edith Darity, MCJCC Board Member
Karen Darity, MCJCC Board Appointment
Victor Foster, MCJCC Board Appointment
Ella Jones, Citizen Member
Morgan Monshaugen, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Tyree Griffin, Community Center Director
Paul Ray, Planning Director
Shawnee Cummings, Assistant to the City Manager

Guests: Darlene Norman, Sarah Knox, Linda Mackey, Letitia Robinson, Kim Howell, Rodney Locks, Anthony Darden, Chris Norman

A. Welcome & Call to Order

Board Co-Chair Randy Lytle called the meeting to order at 6:00pm.

B. Certification of Quorum

Assistant to the City Manager, Shawnee Cummings, did not certify a quorum, as there were no City Council members present at the start of the meeting.

C. Silversteen Picnic Pavillion Update

Mayor Copelof explained that she obtained \$45,000 from a donor to pay for the engineering and design of the picnic pavilion at Silversteen Park. It is now under contract with an architectural firm, who will provide schematics and cost estimates needed to pursue grant funding. Mayor Copelof stated that we do not yet have funding for construction.

Mayor Copelof said that she and Mr. Ray have discussed potential grants that are geared specifically toward parks. She added that the grants often look for strong community support, which can be shown through the community's donation of the land and over \$10,000. The engineering designs are expected in the next couple

months. She highlighted that most grants require a match and there is no money in the City's budget for next year. If a grant is awarded, the City will need to find a funding source for the match.

Mayor Copelof suggested that the Committee members write thank you letters and mail them to the donor to show their appreciation for the donation and express how important this project is to the community. She added that she wants to invite the donor and his wife to the events in the Rosenwald community, as the donor had never visited until recently. Mayor Copelof also suggested having the donor attend the Juneteenth celebration as a special guest and welcomed suggestions from the Committee on how to show appreciation for the donation.

Mayor Copelof explained that obtaining the engineering design will account for water and sewer lines, floodplain considerations, ADA accessibility standards, and other technical details. She added that visually, it will look very similar to the rendering created by Councilmember Lauren Wise.

Mr. Ray suggested having a community engagement event to host the donor in the community, unveil the shelter design, and serve food at the Mary C. Jenkins Community Center. It would be a recent community event that would also strengthen a grant application. Mr. Griffin said that he thinks the Juneteenth celebration will be the perfect opportunity to immerse the donor in the community.

D. Community Concerns

Mr. Lytle introduced the community's concerns in relation to the Norton Creek Stream Restoration project and Mr. Ray gave a brief presentation on the current state of the stream, project objectives, cost and funding opportunities, and status of conservation easements (Attachment A). Mr. Ray stated that the project is in the early stages of design and the funding thus far has been provided by the NC Land and Water Fund (NCLWF). He added that part of the creek runs through the tannery site, which is a brownfield, making work involving soil disturbance more difficult.

Mr. Ray said for any work required as a result of the project, such as moving fence lines or small storage structures, there would be no cost to the property owner if they are willing to participate. He added that the design incorporated shifting the project more onto the tannery site and rerouting the stream so that it would not affect the properties of those who do not wish to participate in the project.

Mr. Ray explained that the conservation easement limits building, grading, and vegetation removal to allow the streambank restoration to remain protected. He stated that walking, fishing, and other forms of passive recreation will still be permitted, as it is still the property owner's land to use.

Mr. Lytle asked about invasive plants that will encroach over time and whether upkeep will be the property owners' responsibility. Mr. Ray said that the City would

try to get Conserving Carolina, with the property owners' permission, to remove invasive species once a year.

Mr. Lytle stated that he was looking at the letters sent to residents and that the initial letters mentioned a 20-foot conservation easement from the center of the creek, but that a letter received later mentioned 30-foot easements. Mr. Ray said that there are variances in the easements requested because the creek curves and gets closer to some properties than others.

Mr. Lytle said that he did not want to speak on behalf of everyone, but he believes the concern is that people feel like something is being taken from them. Mr. Lytle opened the floor for public comment so that residents could voice their concerns.

E. Public Comments

Ms. Norman spoke on behalf of her and her neighbors, Sarah and Letitia, on Hemphill Circle, stating that her letter specified a 50-foot easement and stated that she would not be able to touch it after the vegetation is planted. She added that she has talked to the Planning Committee and the City about portions of her lot that are eroding badly, and when she has tried to add river rock or dirt to stop the erosion, she has been told she cannot do so. She added she will not have any property in the future due to the erosion and that she needs help. She is paying taxes on her land and she feels that the City is trying to take her property. Mr. Ray said that it might feel that way and he understands that, but that that is not the purpose of a conservation easement. He added that the purpose is to leave the vegetation alone and undisturbed so that it has a chance to grow and stabilize the stream bank.

Mr. Ray added that he heard her when she came to his office and they have moved the project away from her property. Ms. Norman said she appreciated that and asked if she can now place rock on the bank to help stop the erosion, to which Mr. Ray explained that FEMA controls a lot of the regulations in the floodway, but that FEMA has eased up on individual restoration restrictions due to the damage caused by Hurricane Helene. Mr. Ray said if he knows what she wants to do, he can contact FEMA and find out if they will allow it without requiring permits. Ms. Norman stated that she was also told that once the property has eroded, she would not be allowed to add any rock or dirt to build it back up and that it is gone. Mr. Ray confirmed that that is correct because any added materials have downstream effects on the neighbors and other parts of the stream. After further discussion and questions, Ms. Norman stated that she did not want the project on her property but that she would talk to Mr. Ray about individual methods to stop the erosion.

Ms. Mackey said that the conservation easement affects her property value if she ever wants to sell the property. She is also concerned about people coming onto her property if there is fishing, bird-watching, and other things along the creek.

Ms. Robinson and multiple other residents voiced concerns about people being on their property without permission and despite private property signs. Ms. Karen Darity asked if there is a path by the creek, to which Ms. Robinson stated that there is not. Mr. Ray asked if the people on their property were surveyors because the City sent letters about surveyors. Ms. Robinson said that some of them have not been surveyors. Mayor Copelof said that if there are people on their property who are not surveyors, City employees, or someone the City notified them about, they are trespassing and residents need to call the police. Mr. Ray added that if the project ever happens, it will not open the stream to public use. Ms. Robinson said that she is worried that when people hear about the project, it will attract more people.

Mr. Lytle asked if City employees are required to be identifiable or have identification. Mayor Copelof said that Public Works employees are required to have their City shirts on and drive City vehicles. Mayor Copelof said that if any City employee has been on their property without notifying them, it was a mistake and that she apologizes for that.

Mr. Locks added that the area next to the properties is all brownfield and no one is allowed to go through there, but people still do. Mr. Locks said that once you make it clean, how are you going to stop people from going through the brownfield? Mr. Ray said that there will be 'No Trespassing' signs that are closer together and Mayor Copelof added that there will be a fence along the trail, on both sides, so that people cannot go off trail. Mayor Copelof said people are not allowed to enter the brownfield for their own safety, so part of this will be education.

Mr. Foster said people are trying to buy property in the neighborhood and residents feel that they are being forced, or cheated, out of their property. He added that he sees people taking photos on his property and receives offers to buy his property.

Mr. Daniel said maybe we need to talk to the Chief of Police and see if we can get bike patrols in the area so that they would be able to see if people are trespassing.

Ms. Norman mentioned that the new condos have a brick wall and asked why the whole stream bank cannot do that to keep the bank from eroding away. Mr. Ray said the brick wall is outside of the floodway, a very short section of the creek, and it required expensive permitting and engineering. He added that if they put a wall next to the creek, it would create a channel and speed up the flow of water.

After additional discussion related to the brownfield, contaminant testing, and the tannery smokestack, the Committee members thanked the residents for coming to the meeting, voicing their concerns, and making the Committee aware of the issues they are facing in relation to their property. The Committee members reiterated that if there are people on their property, they did not authorize people to be on their property, the people have not identified themselves as City employees, surveyors, etc., and they have 'No Trespassing' signs up, they need to call the police.

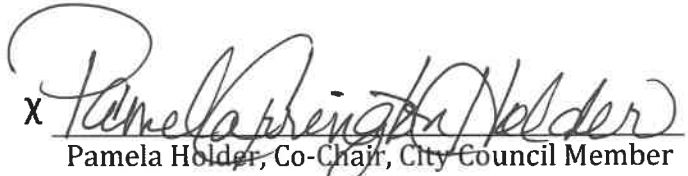
F. Set Date for Next Meeting

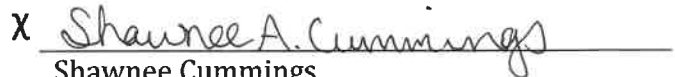
The next meeting was scheduled for Thursday, April 16, 2026 at 6:00pm at the Mary C. Jenkins Community Center.

G. Adjourn

There being no further business, the meeting was adjourned at 7:11 pm.

Notes Approved: May 21, 2026

X 
Pamela Holder, Co-Chair, City Council Member
Randy Lytle, Co-Chair, MCJCC Member

X 
Shawnee Cummings
Assistant to the City Manager

STAFF REPORT

City Council, Monday, June 1, 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: Wilson Hooper, City Manager, Paul Ray, Planning Director

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.

City Council held a public hearing on these amendments on May 18, 2026. No members of the public spoke, but Council requested minor tweaks to the language for nonconforming lots (14.5.C). Specifically, Councilmember Daniel asked to provide examples for one of the provisions in the ordinance language. This is included in the attached amendments.

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 quadruplex 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

Council is asked 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. Public Hearing Presentation
4. 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.
<i>Note: Projects of developments that do not meet the above standards apply for conditional zoning in accordance with Section 2.1.C.</i>	

CHAPTER 8. TREE PROTECTION AND LANDSCAPING

8.4. Buffers and screening.

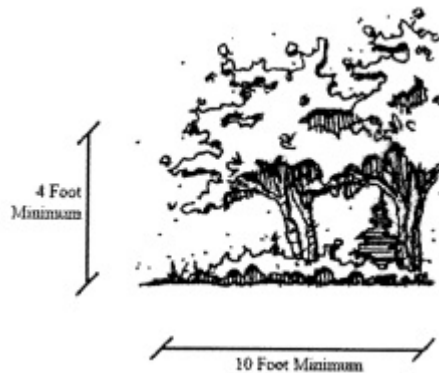
A. *Applicability:*

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
 - ~~i.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:*

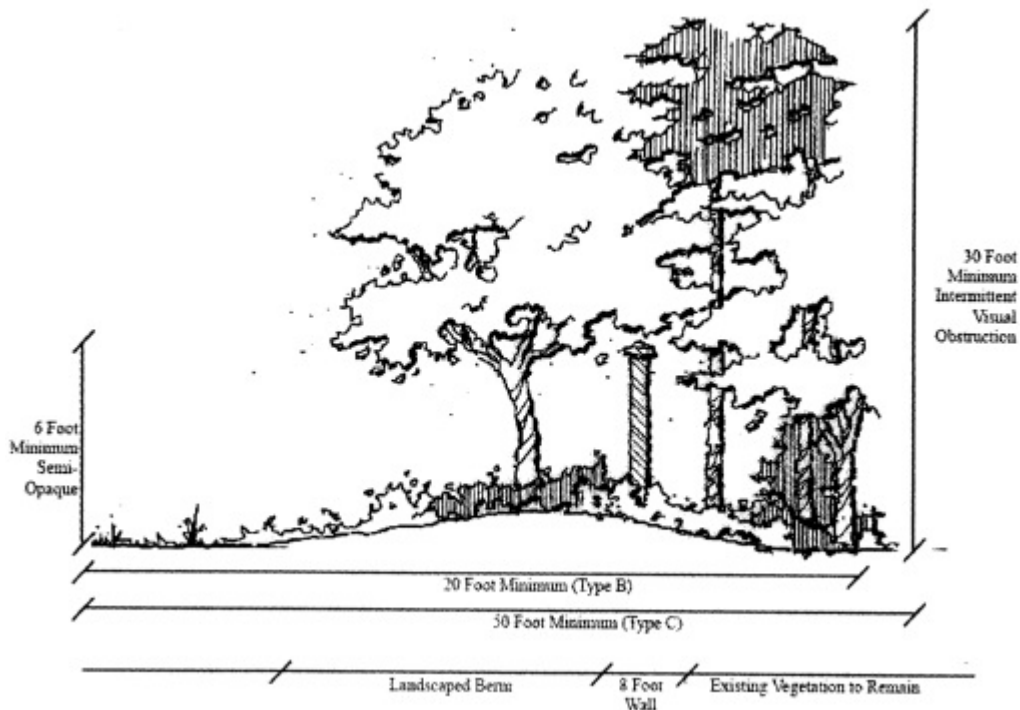
1. *Type A buffer yard:*
 - a. Minimum width: 10 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen.
 - c. Maximum horizontal openings: 20 feet.
 - d. Performance standard: A buffer which is ten feet in width and contains screening materials which at maturity provide intermittent 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



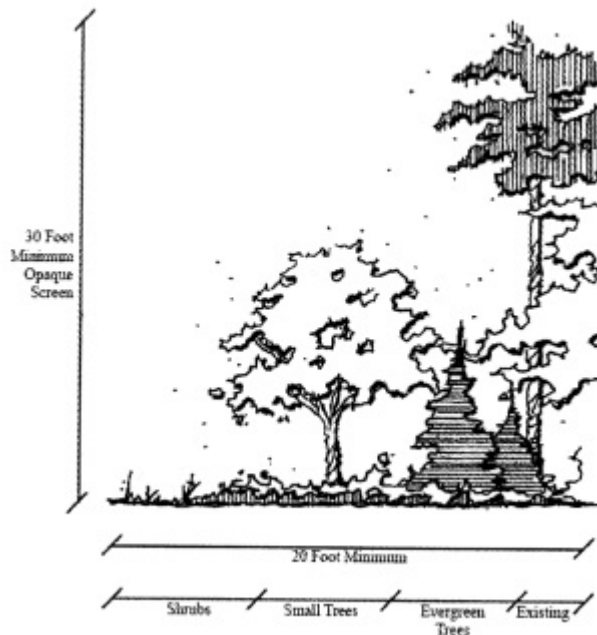
2. *Type B buffer yard:*
 - a. Minimum width: 20 feet.
 - b. Minimum height and opacity: Ground to 6 feet—Semi-Opaque Screen; 6—30 feet—Intermittent Visual Obstruction.
 - c. Maximum horizontal openings: 15 feet—Semi-Opaque Screen Areas; 20 feet—Intermittent Visual Obstruction Areas.
 - d. Performance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

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



4. *Type D buffer yard:*
- Minimum width: 30 feet.
 - Minimum height and opacity: Ground to 30 feet—Opaque.
 - Maximum horizontal openings: None permitted.
 - 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.

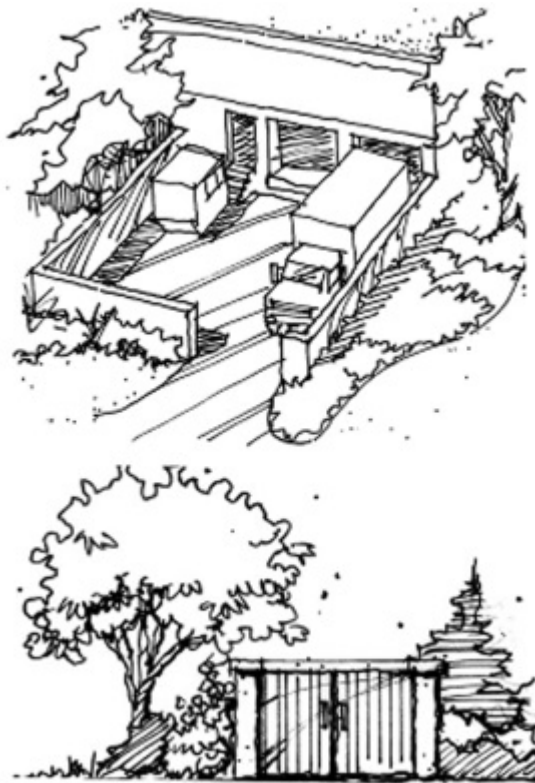
TABLE 8.4-B: REQUIRED BUFFER YARDS BY TYPE OF PROPOSED DEVELOPMENT

		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 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
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.

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

TABLE 11.3A: REQUIRED LEVEL OF ILLUMINATION		
Use	Illumination (in Foot-Candles)	
	Maximum (Glare)	Minimum (Safety)
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

13.5. Streets and frontages~~design~~.

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:

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.

~~G~~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 ($\frac{1}{8}$ -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. *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.

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: ILLUSTRATION OF CLOSE

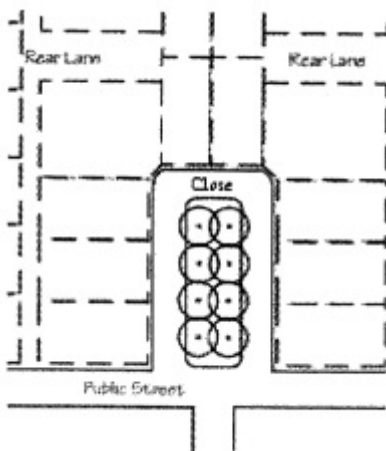
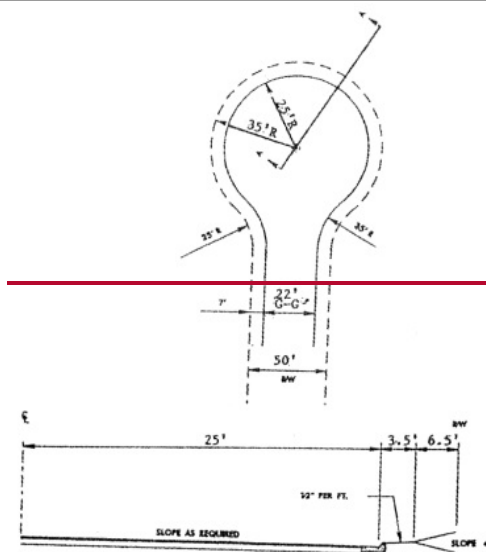


FIGURE 13.5B: ILLUSTRATION OF CUL-DE-SAC WITH CURB AND GUTTER SECTION



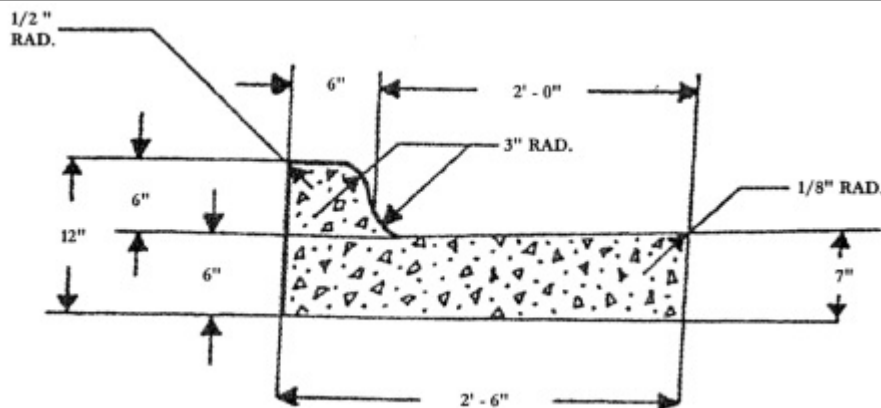
M. *Intersections:*

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.

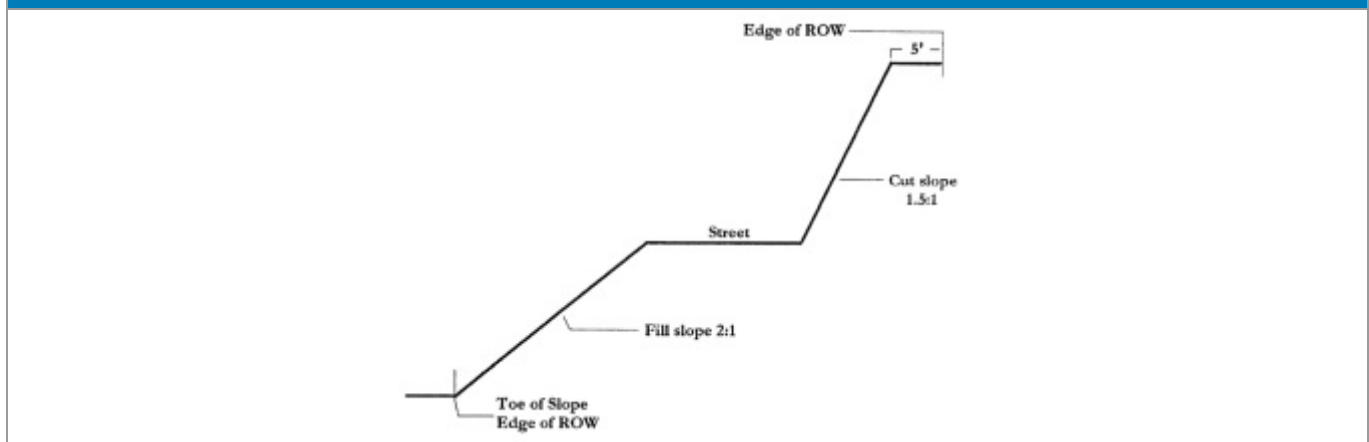
FIGURE 13.5C: STANDARD VERTICAL FACE CURB AND GUTTER



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 grates 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.
- P.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.
- R.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:

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

TABLE 13.5A: PEDESTRIAN AND BICYCLE IMPROVEMENT WIDTHS

Zoning District	Facility Width	
	City Streets	NCDOT Streets*
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 "non-conforming 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.

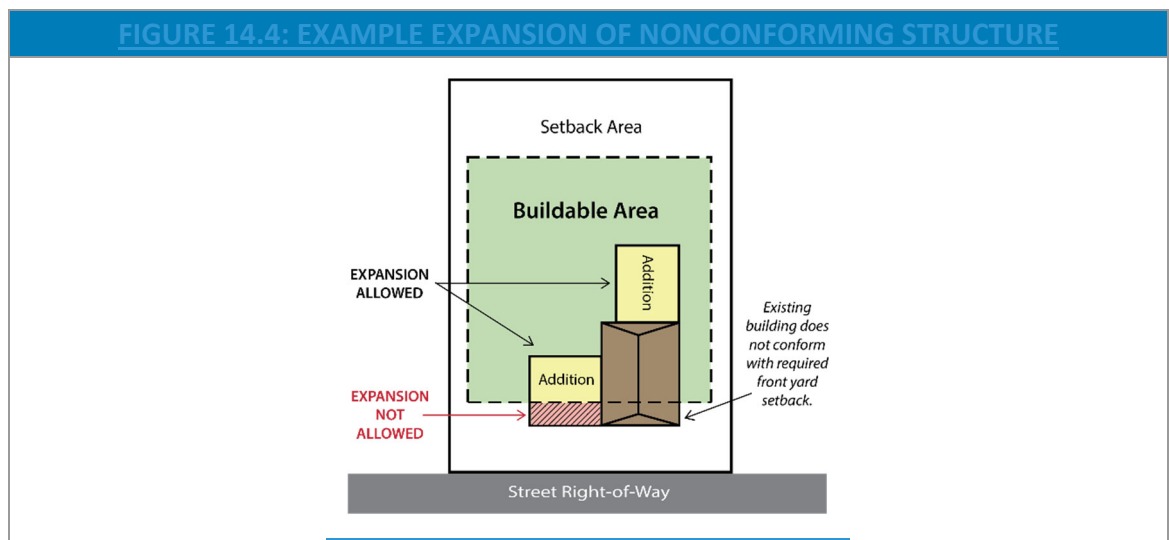
A. Authority to Continue

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 , § 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.~~
 - ~~c.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.
- ~~3.2. 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, t~~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.

a. For the purposes of this provision, remedying or improving a parcels nonconformance includes, but is not limited to:

- i. Moving a property line for existing structures to meet current setback requirements; or
- ii. Establishing road frontage on a parcel with inadequate street frontage even if it does not meet the full requirements.

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.~~

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.

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:

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.

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:

- ~~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.

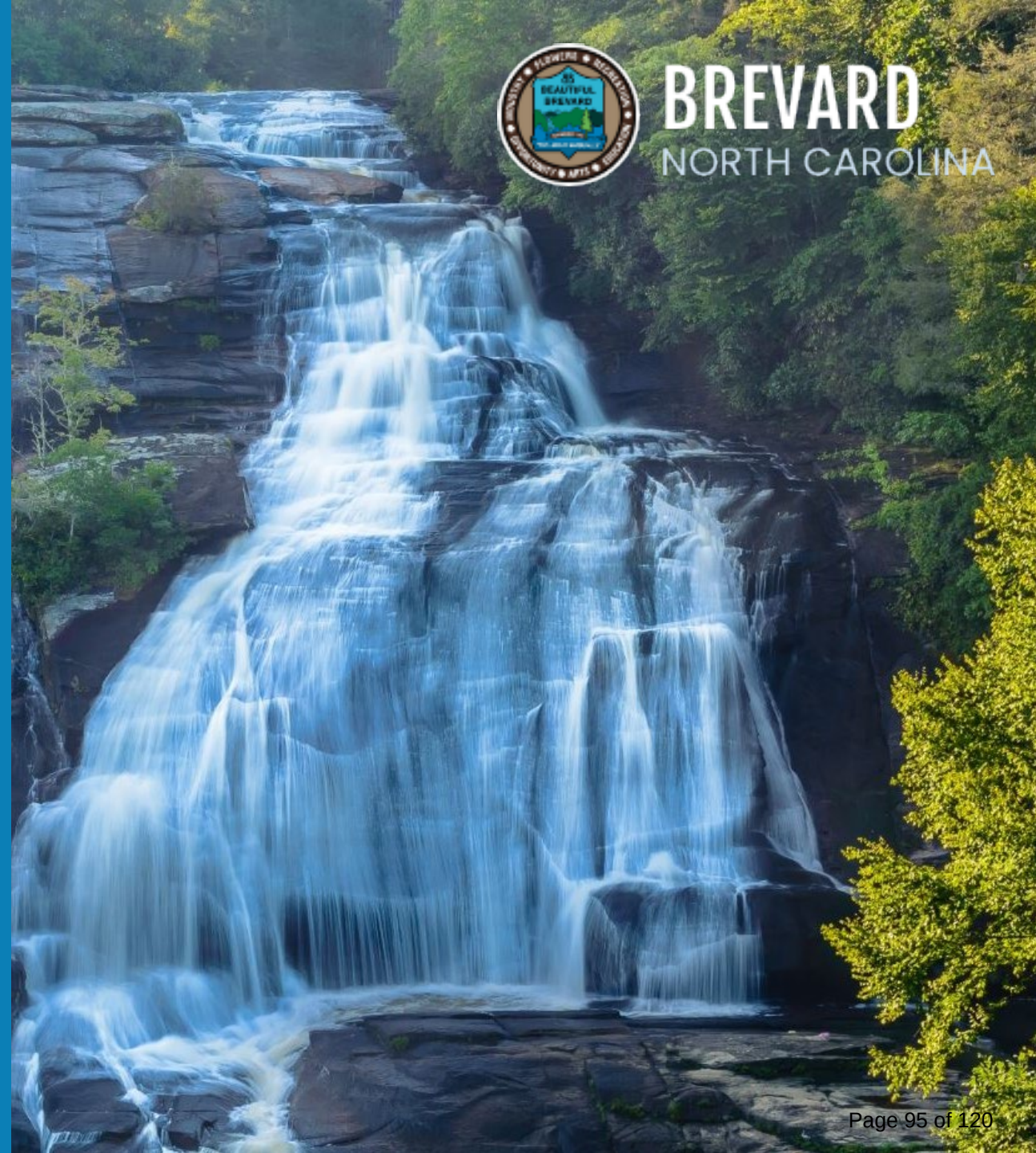
The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning ordinance amendment is **neither consistent nor inconsistent** with the following elements of the City's adopted plans and policies.

Nonconformities Public Hearing

City Council | May 18, 2026



BREVARD
NORTH CAROLINA



What is a Nonconformity?

- **Nonconformity**: A lot, structure, use, sign or site feature that was *legally-established* but that no longer complies with the code
 - **Nonconformities ≠ Violations**
 - Typically, the result of development code amendments, annexations, and zoning district changes
- **Types / Examples:**
 - **Nonconforming uses**: a use that is no longer permitted in the zoning district
 - **Nonconforming structures**: a building that does not meet dimensional standards (setbacks, height, size, etc.)
 - **Nonconforming lots**: a lot that does not meet current requirements for street frontage
 - **Nonconforming site features**: a site element that does not meet the current requirements (parking layouts, landscaping, signs, buffers, etc.)

Regulations for Nonconformities

- **Continuation of Lawful Nonconformities (aka “Grandfathering”)**
 - Allow for lawfully established nonconforming uses, structures, and lots to continue even if they no longer comply with current zoning regulations.
 - Typical ordinance language:
 - May **continue in operation**
 - May **remain in its existing location and footprint**
 - Must have been **lawfully established before the zoning change**
 - Cities adopt ordinances to manage them over time
 - Nonconformities sit at the intersection of **vested rights** (what property owners can continue to do) and **municipal zoning authority** (City’s authority to regulate land use and development)

Regulations for Nonconformities

- **Diverging Ideas:**
 - Protecting existing property rights
 - Advancing community planning goals
- **Development Balancing Act:**
 - Too strict → discourages reinvestment
 - Too lenient → perpetuates noncompliance
- **Goals of Regulations**
 - Limit substantial investment in nonconformities
 - Bring about eventual elimination and/or lessen their impact on surroundings
 - Preserve the integrity of the ordinance and the character of the city

Current Ordinance Challenges

- **Vague and confusing**
 - Difficult to administer fairly or objectively
 - Difficult for developers to understand expectations
 - Uses language like “to the maximum extent possible” or “increasing the degree of nonconformity”
- **Conflates nonconforming uses and structures**
 - Regulated differently but included together
 - Contradictory in many cases
- **Relies on investment as a percentage of building value to determine compliance**
 - Doesn’t define normal repairs / maintenance versus building improvements
 - Requires staff to parse out project costs to our best ability
 - In practice, many low-value buildings are unable to make any improvements because they cannot afford full site redevelopment

Nonconformity Regulation Components

Types of Nonconformities

- Uses
- Structures
- Lots
- Site Features

Policy Considerations

- Authority to Continue
- Authority to Expand / Alter
- When Compliance is Required

Expansion Policy Approaches

- **Strict Elimination**

- No expansion allowed
- Simple to administer
- Discourages reinvestment but requires full compliance when it does redevelop

- **Controlled Expansion**

- Allows expansion with caps (e.g., percentage increase)
- Moderately flexible
- May still limit meaningful improvements

- **Compliance-Based Approach**

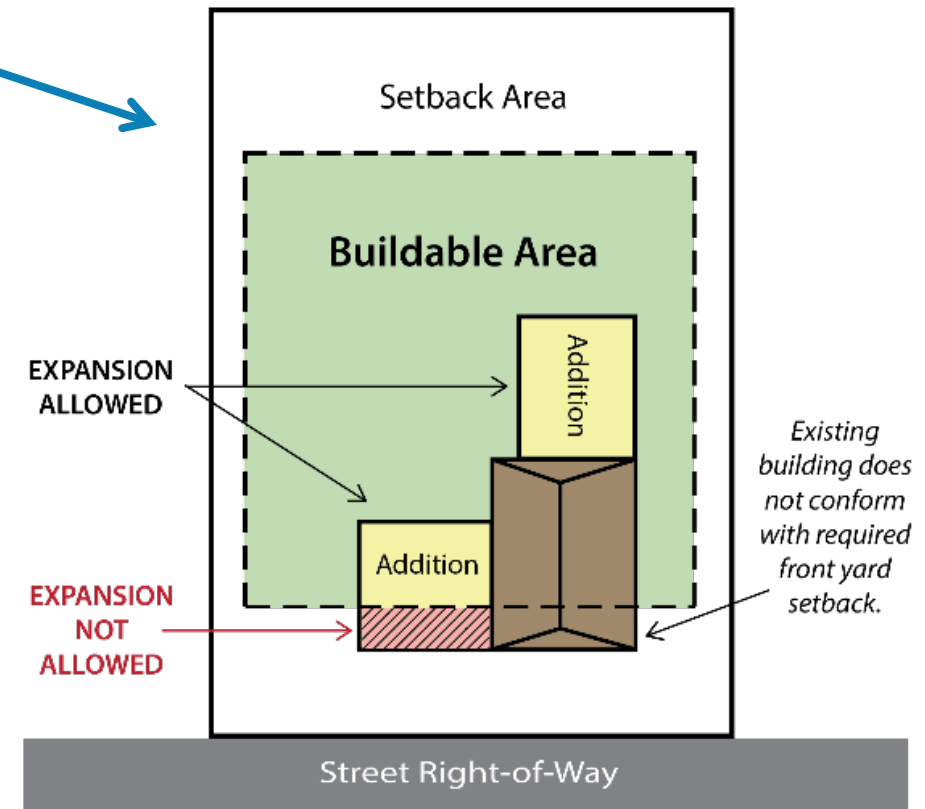
- Expansion allowed if complies with regulations
- New investment aligned with policy goals

Nonconforming Uses

- Expansion not permitted
 - Exception: single-family, duplex, triplex and quadraplex uses
 - Example: single-family residential is not permitted in DMX, but we would allow house with a single-family residential use to be expanded
- Increased intensity not permitted
 - Example: the use now has longer, hours, more employees, more trips generated per day, etc.
- If use is abandoned for 180 days or more, it cannot be reestablished
- Once a nonconforming use is changed to a conforming use, it cannot revert back

Nonconforming Structures

- May be enlarged if it doesn't increase the extent of its nonconformity and it complies with current regulations
- Damaged or destroyed by natural disaster or accident varies based on amount of damage compared to the replacement cost of the structure
 - Damage >50% → Can be replaced or reconstructed as pre-damaged but must begin work within 180 days
 - Damage 50%+ → Cannot be replaced or reconstructed as pre-damaged, must be built back conforming
- Notable distinctions
 - Historic structures can be altered or expanded if meets setback requirements and is approved by JHPC
 - Manufactured home cannot be replaced if they don't meet ordinance requirements (e.g., setbacks, located outside of MHD)



Other Nonconformities

- **Nonconforming Lots**

- Inadequate street frontage
- May be developed have evidence of a deeded right-of-way or access easement
- Cannot be developed if can be combined with an adjoining lot owned by the same person
- No subdivision activity allowed unless it remedies or improves the nonconformance

- **Nonconforming Site Features**

- Accessory structures, fences, signs, off-street parking areas, landscaping, buffers, lighting, etc.
- Changes need to bring feature into greater compliance
- The administrator can always require changes to site characteristics that endanger public health and safety (e.g. driveways, curbing, sidewalks)

Compliance Thresholds

- **Redevelopment Trigger Compliance**

- Properties required to meet current zoning and site design standards when redevelopment occurs
- Example: construction of a new principal building and major structural expansions
- Avoids forcing full compliance during minor repairs but challenging for low-value structures

- **Proportional Compliance Investment**

- Applicant must invest a percentage of project value into correcting nonconformities
- Example: 5% of project cost must be spent improving nonconforming landscaping and sidewalks
- Moves projects closer to compliance but hard to administer or to fairly / objectively apply

- **Incremental Improvement Compliance**

- Certain elements required to be brought into compliance as improvements are made
- Example: expanding parking lot requires compliance with parking area design, buffers, and sidewalks
- Limited investment in nonconforming elements, gradual compliance based on “rational nexus”

Proposed Hybrid Compliance Approach

- **Full compliance triggered by “new construction” of a principal building:**
 - New construction is “any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:
 - Additions to existing structures that equal or exceed 75% of the gross floor area of the existing structure.
 - Substantial improvements to existing structures that equal or exceed 75% of the value of the existing structure and require the issuance of at least two trade permits from the Transylvania County Building and Inspections Department.”
- **Incremental compliance based on what improvements are being done**
 - Applicability is derived from impact not necessarily monetary investment
 - Example: Compliance with landscaping buffers and screening (Section 8.4) when:
 - New construction of principal building
 - Expansion of existing principal building (gross floor area increase 25%+)
 - Expansion of a parking area by 50% or 10+ spaces (whichever is greater)

Adoption Process

- ✓ **January – March:** Staff reviewed ordinance language for other municipalities and “tested” potential options here in Brevard based on previous development
- ✓ **March 24th:** Staff held a workshop with Planning Board to discuss nonconformities and proposed ideas
- ✓ **April 8th:** Planning Board reviewed draft language and unanimously recommended in favor
- ✓ **May 18th:** City Council holds public hearing
- **June 1st:** City Council votes on proposed amendments

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 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

STAFF REPORT

City Council, Monday, June 1, 2026

Title: Tannery North Remediation/Smokestack Removal Funding Recommendation

Speaker: Wilson Hooper, City Manager
David Todd, Assistant City Manager

Prepared by: David Todd, Assistant City Manager, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

On February 16, 2026, the City Manager gave a presentation to Council on the risks posed by the continued presence of the deteriorating smokestack on the city-owned property known as Tannery North and his recommendation to demolish it.

The 12.8-acre city-owned wooded parcel located between Cashiers Valley Rd. and Silversteen Dr. otherwise known as Tannery North is slated to house the newest segment of the Estatoe Trail sometime in 2026. The parcel was once home to Transylvania Tanning Company and therefore is marked by the detritus--physical and chemical--of that operation. One such leftover is the aged 125-foot smokestack. Over the past year staff have been working to better understand its physical condition, whether it is contaminated from the tannery operation, and the risk it poses to users of the future trail segment. An engineer's report completed last year concludes that the stack is in poor physical condition. At the end of 2025, the city's liability insurer --the North Carolina League of Municipalities-- told the city that they will not insure the property if the risk from the stack is not mitigated, preferably from removal.

In addition to the smokestack, the site has other remnants of the tannery operation that need to be removed/mitigated prior to construction of the trail segment, including an underground vault filled with "an unknown oily substance". Both the stack and the vault require an Environmental Management Plan (EMP) be created and filed with the state prior to removal/demolition.

Discussion

City staff solicited proposals for vault removal and smokestack demolition. One firm submitted a proposal for vault removal only; two firms for a package of vault removal and smokestack demolition. The smokestack solicitation did not prescribe a demolition method, only that certain considerations like safety and site orderliness be considered. Firms were instead permitted to submit their recommended method. The solicitation also asked firms to quote "partial demolition" --demolishing the top 100 feet of the stack but leaving a 20-foot remnant-- as a bid alternate. The latter possibility was included after the city's insurer indicated that they would consider insuring a remnant of the stack if access was limited and measures could be taken to ensure its structural integrity.

Fiscal Impact

Based on the bid results, the cost of full and partial demolition are closer than expected, and even with the additional cost of the measures necessary to secure a remnant, the costs are close enough that staff wanted to present the options to Council for consideration.

Cost of demolition options, including additional cost of structural engineers' report if a partial stack is left, bid tally also attached:

Standalone Bids, different contractors for vault and stack demolition

Vault + Full Stack Demo \$280,920.00 (Lowest Overall Cost - CCI + DHG)

Vault + Partial Stack Demo \$313,270.00 (CCI + NEO + WSP)

Combined Bids, same contractor for vault and stack demolition

Vault + Full Stack Demo \$288,750.00 (DHG)

Vault + Partial Stack Demo \$287,500.00 (NEO + WSP)

CCI = CCI Environmental Services

DHG = DH Griffin Wrecking Company

NEO = NEO Corporation

WSP = WSP USA - Structural Engineers

However, the remnant option also brings additional long-term maintenance cost AND an additional element of quantifiable risk. The city's insurer has indicated that they'd *consider* insuring the remnant if certain measures are taken. However, they won't consider it until after partial demolition is concluded, the measures are installed, and a stamped structural engineers report is completed and submitted to them. Although staff feel reasonably confident that the underwriters will agree to insure, if they decline, the city would have to incur significant additional costs and time to complete the full demolition. For example, if our insurer declines to insure the partial stack, we will be responsible for additional demolition costs and possible contractor remobilization depending on how long the insurer takes to make their final determination.[

Staff also predict future maintenance costs and risks if a remnant is left. These include landscaping costs and future structural maintenance costs of an indeterminate amount. What's more, though a remnant may be financially insurable, its presence poses physical risk to trail users. For these reasons, staff recommends proceeding with full demolition.

Action

Council is asked to take one of the following actions:

1.) Approve a resolution (attachment 1) authorizing the City Manager to execute a contract with CCI for \$41,700 for vault removal and execute a contract with DH Griffin Wrecking Company for \$239,750 for complete demolition of the tannery smokestack. The resolution also approves the corresponding budget and project amendments reallocating \$300,000

from various sources as described for that purpose.

2.) Approve a resolution (attachment 2) authorizing the City Manager to execute a contract with DH Griffin Wrecking Company for \$288,750 for vault removal and complete demolition of the tannery smokestack. The resolution also approves the corresponding budget and project amendments reallocating \$300,000 from various sources as described for that purpose.

3.) Approve a resolution authorizing the City Manager to execute contract with NEO Corporation for \$280,000 for vault removal, partial demolition of the smokestack, and installation of additional safety measures on the smokestack; authorize the City Manager to approve a design agreement amendment with WSP USA, Inc. in the amount of \$7,500.00 to provide stamped structural engineer's report on safety of remnant. The resolution also approves the corresponding budget and project amendments reallocating \$300,000 from various sources as described for that purpose.

Attachments:

1. Res_2025-XX_Approval Tannery Contracts (Option 1)
2. Res_2025-XX_Approval Tannery Contracts (Option 2)
3. Res_2025-XX_Approval Tannery Contracts (Option 3)
4. Budget Amendment Transfer to Estatoe \$200,000 vault and smokestack (002)
5. CPO Amendment Estatoe Trail \$300,000 smokestack and vault (002)

RESOLUTION NO. 2026-XX

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER CONTRACTS FOR VAULT REMOVAL AND SMOKESTACK DEMOLITION AT TANNERY NORTH PROPERTY

WHEREAS, the City of Brevard wishes to convert the vacant property known as Tannery North into a multi-use path; and

WHEREAS, the property is a designated brownfield littered with the detritus of its former use as a tannery; and

WHEREAS, two of these items –an empty vault filled with an unknown oily substance and a deteriorating smokestack—pose hazards to trail users in their current condition; and

WHEREAS, on February 26, 2026 the City Manager gave a report to City Council on the condition of the stack and the risk it posed; and

WHEREAS, at that time, the City Council instructed the City Manager to proceed with the process of coordinating the demolition of the stack alongside vault removal, but ask the City Manager to also explore the cost of leaving a remnant of the stack as a monument to Brevard’s industrial history; and

WHEREAS, after soliciting bids for vault removal, full smokestack demolition, and partial demolition, the City has concluded that the safest and most economical option is to separate the projects and hire distinct firms to remove the vault and fully demolish the smokestack.

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

- 1.) The City Manager or his designee is authorized to execute:
 - a. A contract with Containment Control Inc. (CCI) in the amount of \$47,170 for vault removal.
 - b. A contract with DH Griffin Wrecking Company for \$239,750 for full demolition of the Tannery smokestack
 - c. Other unknown contingency and administrative actions as necessary to complete the project
- 2.) The attached budget and project amendments reallocating \$300,000 from specified sources are approved.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

RESOLUTION NO. 2026-XX

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR VAULT REMOVAL AND SMOKESTACK DEMOLITION AT TANNERY NORTH PROPERTY

WHEREAS, the City of Brevard wishes to convert the vacant property known as Tannery North into a multi-use path; and

WHEREAS, the property is a designated brownfield littered with the detritus of its former use as a tannery; and

WHEREAS, two of these items –an empty vault filled with an unknown oily substance and a deteriorating smokestack—pose hazards to trail users in their current condition; and

WHEREAS, on February 26, 2026 the City Manager gave a report to City Council on the condition of the stack and the risk it posed; and

WHEREAS, at that time, the City Council instructed the City Manager to proceed with the process of coordinating the demolition of the stack alongside vault removal, but ask the City Manager to also explore the cost of leaving a remnant of the stack as a monument to Brevard’s industrial history; and

WHEREAS, after soliciting bids for vault removal, full smokestack demolition, and partial demolition, the City has concluded that the safest and most efficient option is to hire one firm to remove the vault and fully demolish the smokestack.

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

- 1.) The City Manager or his designee is authorized to execute:
 - a. A contract with DH Griffin Wrecking Company for \$288,750 for full demolition of the Tannery smokestack
 - b. Other unknown contingency and administrative actions as necessary to complete the project
- 2.) The attached budget and project amendments reallocating \$300,000 from specified sources are approved.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

RESOLUTION NO. 2026-XX

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR
VAULT REMOVAL AND PARTIAL SMOKESTACK DEMOLITION AT TANNERY NORTH
PROPERTY**

WHEREAS, the City of Brevard wishes to convert the vacant property known as Tannery North into a multi-use path; and

WHEREAS, the property is a designated brownfield littered with the detritus of its former use as a tannery; and

WHEREAS, two of these items –an empty vault filled with an unknown oily substance and a deteriorating smokestack—pose hazards to trail users in their current condition; and

WHEREAS, on February 26, 2026 the City Manager gave a report to City Council on the condition of the stack and the risk it posed; and

WHEREAS, at that time, the City Council instructed the City Manager to proceed with the process of coordinating the demolition of the stack alongside vault removal, but ask the City Manager to also explore the cost of leaving a remnant of the stack as a monument to Brevard’s industrial history; and

WHEREAS, after soliciting bids for vault removal, full smokestack demolition, and partial demolition, the City has concluded that the preferred option is to hire one firm to remove the vault and partially demolish the smokestack.

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

- 1.) The City Manager or his designee is authorized to execute:
 - a. A contract with NEO Corporation for \$280,000 for partial demolition of the Tannery smokestack.
 - b. A agreement with WSP USA for \$7,500 for a stamped engineer’s letter attesting to the safety and structural integrity of the smokestack remnant.
 - c. Other unknown contingency and administrative actions as necessary to complete the project
- 2.) The attached budget and project amendments reallocating \$300,000 from specified sources are approved.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

ORDINANCE NO. 2026-XX
AN ORDINANCE AMENDING THE FY2025-2026 BUDGET.
BUDGET AMENDMENT NUMBER 26-06

SUBJECT: Budget Amendment to transfer \$200,000 to Multi Use Path Fund/Estatoe Trail for the removal of smokestack and vault.

AGENDA INFORMATION

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

BRIEF SUMMARY: The City wishes to extend the Estatoe Trail through the Tannery North area. The property is a designated brownfield and an empty vault and deteriorating smokestack need to be removed to ensure the trail is safe. The precise total cost of the work is unknown at this time, but initial bids appear to be just under \$300,000.

MOTION FOR CONSIDERATION: To approve Budget Amendment 26-06, as submitted, increasing the budget in expenditure accounts:

10-6600-9259 (Transfer from General Fund - Estatoe)	\$200,000
TOTAL	\$96,000

And decreasing the budget in the expenditure account:

10-3990-0000 (Fund Balance Approp)	\$200,000
TOTAL	\$200,000

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 1st day of June, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

ORDINANCE NO. 2026-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2026-04 ESTATOE TRAIL 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 City wishes to extend the Estatoe Trail through Tannery North and the smokestack and vault need to be removed. Funds in the amount of \$200,000 will be transferred from the General Fund, and \$100,000 will be used from the Estatoe Trail Fund Balance.

Section 2: The Estatoe Trail Project currently has a budget of \$1,673,600 and this amendment will increase that budget to \$1,973,600. The fund balance for the project is currently \$411,547. This amount includes all current encumbrances and expected FY27 revenues.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail Project	\$300,000
TOTAL PROJECT APPROPRIATION		\$300,000

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

Account Number	Account Name	Budget Amount
78-3750-0020	Transfer from Gen Fund	\$200,000
78-3990-0000	Fund Balance Approp	\$100,000
TOTAL PROJECT REVENUE		\$300,000

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 1st day of June, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, June 1, 2026

Title: FY26 Supplemental Spending Plan

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

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

Approved by: Wilson Hooper, City Manager

Background/Discussion

The FY26 Supplemental Spending Plan (SSP) is a complementary piece of the FY27 budget discussion. The SSP is intended to use resources available in the current year (FY26) to take some of the burden off the FY27 budget. A draft of the SSP has been included in the Council's budget materials over the past several months, though the version attached with this agenda has the most up-to-date information on the candidate projects.

Staff will be ready to answer Council questions on the proposed projects.

Action

Council is asked to approve the attached FY26 Supplemental Spending Plan. Additional actions as indicated in the attached table will come before Council prior to the execution of the projects.

Attachments:

1. FY26 Supplemental Spending Plan (proposed)

FY26 Supplemental Spending Plan
(May 2026 Draft)

PROJECT	FUND	AMOUNT	SOURCE	STATUS	FISCAL YEAR	ACTION	NOTE
Jordan St. parking lot enhancement w/Pisgah Health	GF	\$20,000 est	Fund 83 and operating savings	Pending	Current	Budget amendment needed to transfer dollars from Fund 83	Total cost unknown. Using \$20k as a target number
Tannery North remediation (smokestack and vault removal)	GF	Up to \$300,000	Fund 78 (up to \$100,000), Unassigned fund balance (up to \$200,000)	Pending	Current	Council action needed to reappropriate FB if needed. See Agenda Item M.1	
Azalea Ave. sewer extension contribution	W/S	\$525,000	FY26 budget surplus ¹	Council approved	Current	Council approved at 3/16/26 meeting. Prior to expenses coming due, Council will need to pass a budget amendment allocating W/S fund balance.	
Water Treatment Plant Security Camera	W/S	\$45,000	FY26 budget surplus ¹	Staff proposed	Current	No additional action needed.	Staff intend to piggyback off TCSO contract with vendor Security Camera Warehouse

¹ This surplus was intentional.