ORDINANCE NO. 2026-____

AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE STORMWATER MANAGEMENT REQUIREMENTS

WHEREAS, the City of Brevard has stormwater runoff requirements for development occurring within its Planning Jurisdiction in order to: (1) protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas; (2) to protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; and (3) limit additional impervious surface areas to the greatest extent possible; and,

WHEREAS, the Brevard Planning Board considered revisions to City of Brevard Unified Development Ordinance Chapter 6 – Environmental Protection, Chapter 17 – Development Plan Requirements, and Chapter 19 – Definitions & the City of Brevard Code of Ordinances Chapter 38 – Health and Sanitation on April 8, 2026, and recommended in favor; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent nor inconsistent with the elements of adopted plans;

City of Brevard Building Brevard 2030 Comprehensive Land Use Plan

- **Goal 5:** Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- **PNRC-5**: Require conservation design in areas with sensitive natural resources
- **EDIR-7:** Update City's stormwater management plan.
- **EDIR-8:** Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- **EDIR-10**: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- **EDIR-11**: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- **EDIR-18:** Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

City of Brevard Green Growth Audit

- **Action 2.3.A**: Review and revise the City's stormwater management requirements to align with modern best practices.
- **Action 2.3.B:** Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- **Action 2.3.C**: Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- **Action 2.3.D:** Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- **Action 2.3.F:** Allow for and encourage the use of porous and semi-porous materials throughout the ordinance
- **Action 2.3.G:** Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- **Action 2.3.H:** Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

and,

WHEREAS, a public hearing was conducted on Monday, July 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 3rd day of August 2026.

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Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney