MINUTES
BREVARD PLANNING BOARD
MARCH 24TH, 2026
COUNCIL CHAMBERS CITY HALL

The Brevard Planning Board met for a regular meeting Tuesday, March 24th, 2026, at 5:30 PM in the Council Chambers at City Hall.

Members' Present:	Greg Hunter, Chair Reid Wood, Vice Chair Karen Darity Michael Hinds Peter Chaveas Jerry Yunker
Members' Absent:	Alan Mercaldo
Staff Present:	Emily Brewer, Senior Planner Aaron Bland, Assistant Planning Director Stephanie Hollad, Planner Vith Gass, Board Clerk

I. Welcome

At 5:31PM, Greg Hunter, Chair, called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

G. Hunter confirmed with the Board Clerk that a quorum from the Board was present.

IV. Approval of Agenda

P. Chaveas made a motion to approve the agenda. J. Yunker seconded, unanimously carried.

V. Approval of Minutes

R. Wood motioned to approve the February minutes. M. Hinds seconded, passed unanimously.

VI. Public Comments – None

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VII. Unfinished Business – None

VIII. New Business

a. TXT-26.0003 Non-Conformities Text Amendment

E. Brewer opened the discussion by outlining the objectives: to update the nonconformity regulations. The goal is to enhance fairness and clarity in our code, aligning it with modern standards while maintaining, or even boosting, redevelopment opportunities. Given the scope of these changes, staff is proposing a two-part approach—this initial study session for feedback, followed by a full text amendment presentation at a future meeting.

E. Brewer presented her staff report, a portion of which follows:

> 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. Though, "nonconforming", they are not subject to enforcement action, while violations are. 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 scarcer, redevelopment and dentification of existing properties continues to occur increasingly. Amending this chapter will have significant ramifications for our community - it is vital that redevelopment occurs in a way that benefits the community as a whole and is fair to the property owners.
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> A staff-initiated text amendment to amend Chapter 14 of the Zoning Ordinance regarding nonconforming uses, structures, and lots. 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

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Discussion and Presentation

A. *Challenges and Opportunities in Non-conformity Regulation:*
   - Non-conformities create inconsistencies in zoning districts and limit the liability required to modern standards.
   - Non-conformities can reduce property values and create uncertainty for the developers and neighbors.
   - The need to balance protecting property rights with advancing community planning goals.
   - The task of rewriting the non-conformity chapter to limit substantial investment in non-conformities and promote eventual elimination.

B. *Regulatory and Economic Impacts of Non-Conformity*
   - Discouraging property upgrades and reinvestment due to compliance costs.

C. *Three Policy Considerations*
   - Authority to continue
   - Authority to expand or alter a non-conformity
   - When compliance is triggered

D. *Proposed Changes to Non-Conforming Uses:*
   - Expansion of non-conforming use is allowed if it remains within the same use matrix.
   - Single-family use can expand even if the use is not permitted in the current zoning district.
   - Non-conforming uses cannot be re-established if abandoned for 180 days or more.
   - The importance of clear definitions and evidence for abandonment.

E. *Proposed Changes to Non-Conforming Structures*
   - Non-conforming structures may be enlarged if they comply with current regulations.
   - Damage or destruction by natural disaster or accident is considered, with a 50% damage threshold for compliance.
   - Historic structures can be altered or expanded if approved by the Joint Historic Preservation Commission.
   - Manufactured homes cannot be replaced if they don't meet current requirements.

DRAFT

F. Proposed Changes to Non-Conforming Lots and Site Features

- Non-conforming lots: No minimum lot sizes or road frontage requirements but must provide proof of access.
- Non-conforming site features: Changs must be brought into compliance, but not full compliance for minor changes.
- Site features such as landscaping, buffers, screening, and parking areas and its importance of clear standards to avoid confusion and delays

G. Compliance thresholds and Incremental Compliance

- Different compliance thresholds: new construction, proportional compliance, incremental improvement compliance.
- New construction triggers full compliance with all standards.
- Proportional compliance requires a percentage of project cost to be spent on improvements.
- Incremental improvement compliance ties compliance to the specific improvements being made.

H. Application of Compliance Standards

- Applicability of standards based on the type of improvement being made
- Expanding a parking lot or adding a sidewalk are some examples of incremental compliance.
- Rational Nexus: justifying the need for specific improvements based on the impact on the community.
- The importance of clear applicability standards in each section of the ordinance.

I. Discussion on Community Priorities and Enforcement

S. Holland highlights that retrofitting low-value properties can deceive owners, where minor conversions – such as installing a sandwich kitchen in an old gas station – often spiral into extensive projects requiring full site reconfigurations, HVAC upgrades, and expensive demolition. These renovations carry high risks, turning simple plans into significant budget-breaking overhauls. M. Hinds raised the question of whether these passive investors are buying to lease/hold or if they are simply speculators looking for flip quickly. S. Holland acknowledges that many building owners have held their properties for over 20 years. Instead of enforcing improvements based solely on a blanket percentage of investment, the goal is directly linking upgrades to the specific nature of the development work being done. This ensures that renovations – such as kitchen remodel – do not trigger unrelated

DRAFT

requirements, like sidewalk construction, unless the project is site-related. Our goal is to encourage improvements, not create obstacles that discourage long-term owners and lead to deterioration, she added.

E. Brewer noted, even if a developer or buyer thinks they know what they are getting, our current non-conformity regulations are so confusing that understanding the actual expectations is nearly impossible.

A. Bland explained that city planning exists on a spectrum between rigid, conformance-driven ordinances and more lenient, rehabilitation-focused approaches. The core challenge of the community is determining where on that spectrum to operate - balancing strict enforcement with encouraging investment and property improvement and the need for clear guidance on which improvement are high priority.

P. Chaveas asked if the current owner sells to a new party, and does the new owner inherit the right to expand. Brewer confirmed that the expansion rights are tied to the owner of the land.

Abandonment: A. Bland clarified that the crucial element is the intent not to resume use. Mere inactivity for a period (e.g. six months) is not enough. If the pause is forced, unavoidable, or lack of intent to abandon, the property or status is not legally abandoned.

A. Bland noted that the city has only recently gained authority to manage certain aspects of land use, though they have been handling some of these issues for as long as the Unified Development Ordinance (UDO) has been in place. He added that a significant change occurred about five years ago where a defined statute of limitations was established for zoning violation, whereas previously there was none. He then proceeded to differentiate between legal non-conformities and illegal ones, stating that cleaning up the ordinance chapter will aid in future enforcement actions.

A. Bland poses a question to the Board regarding how many “band aids” (temporary repairs) should be allowed on a dilapidated building before the city mandates that the owner build a new structure that meets current standards. Finally, he is asking the Board for guidance on how “hardcore” or strict the city should be in enforcing these standards and where they want to land on this issue.

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S. Holland has expressed a desire to draw a hard line on sidewalk development; the objective is to codify this requirement into a new ordinance. This will provide a defensible, written policy, allowing the us to enforce requirements consistency rather than relying on field negotiations because right now, the ordinance is not as clearly defined.

R. Wood requested if we could look at a map while talking so we can see the locations we are discussing, especially when talking about downtown sidewalks and futures highway projects, since some current sidewalks don't go anywhere. In reference to 14, R. Wood wants to ensure the client fully understands the potential 'domino effect' of their decisions. She added that nobody likes sudden, unexpected costs. We want to avoid a situation where a simple requirement turns into a massive, surprising expense.

G. Hunter advocated for hybrid approach; incremental updates at the chapter level combined with full compliance in specific areas and targeted zoning districts.

J. Yunker questioned the vision and practical implementation of the proposed changes. E. Brewer expressed confidence that the public would welcome the clearer, new chapter, noting that since the public rarely reviews the non-conformities chapter, the rollout should be straightforward. She added that the focus would be clarifying the changes at the public hearing, as developers and staff are the primary users of that specific chapter.

E. Brewer noted the Planning team's proactive approach to notifying steak holders of regulatory changes currently in the "hopper" or planning board stage, highlighting their effectiveness in maintaining transparent communication.

b. <u>REZ-26-0001 – Welcome St. NMX →RMX</u>

A. Bland has requested the Board that we expedite the rezoning request for the property on Welcome Street, located behind the Children's Court Factory building. Due to the project complexities, the applicant needs to be heard by the City Council on April 20th, 2026, to avoid significant delas and project impacts. He explained that since April has only one budget-related meeting, he asked the Board to consider moving the scheduled April 28th meeting up to April 8th, or alternatively, 13th, or 14th, to accommodate this request and avoid second meeting. The Board agreed to meet on April 8th, 2026, R. Wood noted that she will be absent.

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IX. Final Remarks and Next Steps

The draft ordinance will be presented for review and recommendation on the April 8th, 2026, meeting. E. Brewer advocated for a phase implementation of the new regulations. The agenda also will include a rezoning request on Welcome Street.

X. Adjournment

There being no further business, R. Wood made a motion to adjourn the meeting, seconded by M. Hinds, the motion carried out unanimously, and the meeting adjourned at 6:49 PM.

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Greg Hunter, Chair

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Edievith Gass, Board Clerk

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