ORDINANCE NO. 2025-____

AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 19 – DEFINITIONS TO CODIFY NEW DEFINITIONS

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of "down-zoning"; and,

WHEREAS, the North Carolina General Statutes lack definitions of critical terms necessary for the interpretation and application of SL 2024-57, leaving the process for enactment of zoning ordinance amendments unclear; and,

WHEREAS, in April of this year, the City Council adopted Ordinance 2025-13 to establish these definitions in the Unified Development Ordinance in order to comply with SL 2024-57; and,

WHEREAS, with these new definitions in place, it is the desire of the City Council to further clarify the standards contained within the Unified Development Ordinance that have relied on these previously undefined terms; and,

WHEREAS, the Brevard Planning Board considered these amendments on July 22, 2025, and unanimously recommended in favor; and,

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

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3**: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-19:** Enhance communication of land use planning efforts, policy development, approvals and processes.

and,

WHEREAS, a public hearing was conducted on Monday, August 4, 2025, 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 4th day of August 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney