ORDINANCE NO. 2025-13

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

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

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" in a manner that dramatically alters the authority for local governments to amend local zoning ordinances; 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 order to implement updated architectural standards, the City must establish these definitions in the Unified Development Ordinance in order to comply with SL 2024-57; 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-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3**: Encourage building and site upgrades Downtown and in other key commercial areas;
  and,

WHEREAS, a public hearing was conducted on Monday, March 17, 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 7th day of April 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

19.3. Definitions.

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% of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed 66% 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.

Residential Zoning District: Any zoning district that permits residential land uses.