AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, November 17, 2026 - 5:30 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

a. Draft Minutes — October 27, 2026

VI. Public Comments

VII. Unfinished Business

VIII. New Business

a. Text Amendment — No Impact Home-Based Business
b. Manufactured Home Discussion

IX. Remarks

X. Next Meeting - Tuesday, December 15th, 2026, at 5:30 PM

XI. Adjourn

_____
Agenda Posted, Website (11/10/2026)
V. Gass, Clerk to the Board

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packet" tab. Agenda packet materials are posted on Friday afternoon prior to the meeting.

MINUTES
BREVARD PLANNING BOARD
October 27, 2026
COUNCIL CHAMBERS CITY HALL

The Brevard Planning Board met for a regular meeting Tuesday, October 27th, 2026, at 5:30 PM in the Council Chambers at City Hall.

Members' Present: Greg Hunter, Chair
Karen Darity
Reid Wood
Jerry Yunker
Peter Chaveas

Members' Absent: Alan Mercaldo

Staff Present: Emily Brewer, Senior Planner
Paul Ray, Planning Director
Vith Gass, Board Clerk

I. Welcome

At 5:30PM, 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

R. Wood made a motion to approve the agenda. P. Chaveas seconded, unanimously carried.

V. Approval of Minutes

R. Wood motioned to approve the August minutes. J. Yunker, second, passed unanimously.

VII. Unfinished Business

None.

VIII. New Business

a. REZ-26-0004 – 84 Georgia Hill St.

Senior Planner E. Brewer presented the staff report regarding a rezoning application for 84 Georgia Hill Street.

Background and Discussion

The Planning Department has received an application from Samantha Eubanks for a zoning map amendment (rezoning) at her property at 84 Georgia Hill Street (PIN 8586-21-7170-000). The property is zoned Neighborhood Mixed-Use (NMX), and the request is to rezone the property to General Residential-8 (GR8) in order to build a single-family home. The 0.78 acre-lot is adjacent to GR-8 and Institutional Campus (IC) to the west and NMX on all other sides.

The Neighborhood Mixed-Use (the current zoning district) is described by the Unified Development Ordinance as follows:

> Neighborhood Mixed-Use (NMX). The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

Alternatively, the requested zoning district, GR, is described by the UDO as follows:

> General Residential (GR). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern.

The requested rezoning changes the allowable uses from a mixed-use zoning district to one that is predominately low-density residential. Single-family homes are not allowed in NMX but are allowed in GR. All other residential land uses — including duplexes, townhomes, and multifamily developments — are allowed in NMX. NMX includes a broad range of neighborhood-serving commercial, such as restaurants, retail, and medical offices. Alternatively, commercial use is very limited in GR with some professional services being allowed only with a special use permit.

E. Brewer describe the request as inconsistent with local planning policies, noting that it conflicts with the property's "Minor Activity Center" designation under the Brevard 2030 Comprehensive Land Use Plan. This designation specifically intends for the area to support denser housing and a walkable mix of uses.

During the discussion, G. Hunter questioned whether the Georgia Hill area was historically zoned as R8 when it was first subdivided and built out. E. Brewer noted that because the original development occurred so long ago, it predates current staff records, and she could not confirm its historical zoning status without further research.

K. Darity raised a question regarding environmental and space protections, asking what type of buffer the owner would be required to install between the park and the creek at the bottom of the hill to protect the Norton Creek restoration site under the proposed GR-8 zoning. E. Brewer addressed the question by evaluating how the zoning change impacts environmental and transitional borders.

Board members discussed the surrounding single-family homes, the lot's slope and floodplain, potential access, and the neighborhood's desire for mixed uses.

G. Hunter commented that the request presents a difficult decision because the property sits directly between different land uses. He noted that single-family residential homes line the entire drive approaching the site, and he anticipated that the property owner would continue to utilize Georgia Hill Street as their primary access road.

K. Darity observed that the property has a steep slope, noting that while a driveway could technically be positioned at the front corner tip off Mills Street, it would require navigating a steep grade. E. Brewer clarified that because this is a base district rezoning rather than a project-specific request, the city cannot legally stipulate or restrict access to a specific street or design. Any layout or access point permitted under the standard development code would be allowed.

E. Brewer describe the request as inconsistent with local planning policies, noting that it conflicts with the property's "Minor Activity Center" designation under the Brevard 2030 Comprehensive Land Use Plan. This designation specifically intends for the area to support denser housing and a walkable mix of uses.

J. Yunker raised a point about the interpretation of the Comprehensive Plan, asking why a single-family home would not satisfy the plan's call for a variety of uses near a community center, particularly when similar housing already exists in the neighborhood. While E. Brewer confirmed the plan's emphasis on true mixed-use development, R. Wood expressed

skepticism, arguing that because single-family homes already border the site, it is highly unlikely those neighboring properties would ever evolve into mixed-use spaces.

E. Brewer added that because the existing adjacent homes are located within a mixed-use district, they operate as legal non-conforming residential uses. Consequently, those properties could potentially transition to commercial operations in the future, utilizing the existing residential-scale structures for neighborhood-serving business uses.

G. Hunter noted that the city cannot control driveway placements. Hunter then moved to recommend denial of the rezoning request, citing the consistency statement provided in the agenda packet. Hunter stated that while the decision may seem harsh to the landowner, the board spent significant time planning Brevard's future development and must uphold the integrity of that established framework.

Following the conclusion of the board's discussion and deliberation, and there being no further public or board comments, a motion to recommend denial of the rezoning request was introduced. Seconded by P. Chaveas.

The motion passed by a 3–2 vote, with the majority citing the request's inconsistency with the Brevard 2030 Comprehensive Land Use Plan as the basis for the recommendation.

b. TXT 26-0010 – Chapter 5 Glazing and Fenestration

E. Brewer delivered the staff report. An excerpt of the presentation follows:

Background & Discussion

North Carolina Session Law 2026-59 adopted August 11, 2026, enacted NCGS Section 160D-702.1 - Glazing and Transparency Limitations. This new section limits how much glazing, transparency or fenestration that a local government can require on ground floor of mixed-use development. Transparency and fenestration are important architectural design principles to promote human-scaled design and pedestrian-oriented development. The City's recent changes to development architectural standards identified transparency and fenestration as an important strategy, particularly for storefront buildings. This state law now states that transparency requirements must be limited to 35%. For certain commercial or mixed-use "non-storefront uses," that limit is set at 20%. The proposed amendment incorporates those limitations into our regulations and instead encourages shopfronts to have higher ground floor transparency.

G. Hunter inquired whether recommending a rejection would carry any liability and asked if the 35% minimum ground floor transparency requirement on page 23 would be sufficient for the relevant authorities, noting that shopfronts are encouraged to have 70% to 90% transparency. E. Brewer clarified that the 35% 'shall' provision is the only enforceable requirement, while the higher percentage is encouragement rather than a mandate.

With no further questions or discussions raised, E. Brewer reiterated the state's directive to eliminate parking minimums and reviewed its implications for the local ordinance.

P. Chaveas moved to recommend the adoption of the amendment regarding the consistency statement as written. The motion was seconded by R. Wood and carried unanimously.

c. TXT 26-0009 – Chapter 16 Site-Specific Vesting Plan

E. Brewer delivered the staff report. An excerpt of the presentation follows:

Background & Discussion

North Carolina Session Law 2026-59, adopted August 11, 2026, amended NCGS Section 160D-108.1: Vested Rights - Site Specific Vesting Plans. These amendments extend the statutorily required duration of site-specific vesting plans. A site-specific vesting plan is a development plan submitted to a local government that describes the type and intensity of use for a specific property, establishing a statutory zoning vested right (an immunity from subsequent changes in local zoning ordinances) once it receives valid approval. Previously, NCGS required that site-specific vesting plans receive approval for a minimum of two years and a maximum of five years. Now, the minimum period is five years with a maximum of eight. This amendment incorporates those higher periods into our ordinance language.

G. Hunter raised a general question regarding how frequently that situation arises. E. Brewer clarified that it occurs very infrequently.

Hearing no further comments or questions, P. Chaveas moved to recommend the adoption of the amendment regarding the consistency statement as written. The motion was seconded by K. Darity and carried unanimously.

IX. Final Remarks

None.

X. Adjournment

The meeting concluded following a motion to adjourn from G. Hunter, which was seconded by R. Wood. The meeting officially adjourned at 6:18 PM.

_____
Greg Hunter, Chair

Date Signed: _____

_____
Edievith Gass, Board Clerk

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STAFF REPORT
Planning Board, Tuesday, November 17, 2026

Title: Text Amendment — No Impact Home-Based Business

Speaker: Aaron Bland, Asst Planning Director
Prepared by: Aaron Bland, Asst Planning Director
Approved by: Paul Ray, Planning Director

Background
Earlier this year, the North Carolina General Assembly enacted Session Law 2026-51 (HB 372), establishing new limitations on municipal authority to regulate certain home-based businesses. The legislation, which went into effect on July 7, 2026, requires municipalities to allow qualifying "no-impact home-based businesses" without requiring zoning permits, business registrations, licenses, or other municipal approvals. This is a staff-initiated text amendment to bring the Unified Development Ordinance (UDO) into conformance with this new law.

Definition
Per the newly created statutory section GS 160A-205.8, a "no-impact home-based business" is a business owned and operated by the owner or occupant of a residential dwelling that manufactures, provides, or sells goods or services and meets the following criteria:

- The total number of on-site employees and clients does not exceed the city's occupancy limit for the residential property.
- The business activities are characterized by all of the following:
    - Are limited to the sale of lawful goods and services.
    - Do not generate on-street parking or a substantial increase in traffic through the residential area.
    - Occur inside or in the yard of the residential dwelling.
    - Are not visible from the street.
    - Do not store merchandise, equipment, products, supplies, or materials outside of the premises.

Examples of qualifying businesses might include uses like: home-based accounting offices, art studios, computer repair, musical instruction, and catering operations.

Limitations on Municipal Authority
Under the new law, a municipality may not prohibit no-impact home-based businesses and may not “require a person to apply, register, or obtain any permit, license, variance, or other type of approval to operate” the business. Additionally, under 160A-205.8(b), municipal regulations may not require the owner or occupant to seek a rezoning to commercial zoning as a condition of operating a no-impact home-based business.

Municipalities may still regulate no-impact home-based businesses for the purposes listed below, but those regulations must be *narrowly tailored* to accomplish specific, public purposes:

- Protecting public health and safety.
- Maintaining compatibility with residential uses and ensuring business activities remain secondary to residential use.
- Ensuring compliance with applicable state and federal laws.
- Prohibiting certain specified activities, including illegal drug sales and adult-oriented businesses.

In this context, "narrowly tailored" carries important legal meaning. When courts apply their highest level of review, called "strict scrutiny," in cases involving fundamental rights like free speech, religious liberty, and equal protection, the government must demonstrate that its actions or regulations are *narrowly tailored* to further a *compelling government interest*. The General Assembly's use of this phrase sets a heightened standard for the relationship between the regulation and its purpose, and indicates that any such regulations should be no broader than absolutely necessary.

Other Condiserations
The legislation also prohibits municipalities from requiring fire sprinklers in buildings subject to the Residential Code as a condition of operating a qualifying business. The legislation applies to municipal (not county) regulations and does not supersede private deed restrictions or restrictive covenants.

Discussion
The UDO already has regulations for "Home Occupations," which is a typical accessory land use for home-based businesses. This use is currently allowed without a zoning permit, if certain requirements found in Section 3.13.1.D of the UDO are met. These requirements are similar to, though not exactly the same as, the characteristics outlined in the new state statute. Staff is proposing that the Home Occupation use and regulations be renamed and amended to match the new statutory definition of "no-impact home-based businesses." Staff is also proposing exercising the authority to prohibit the use of no-impact home-based businesses for the purpose of selling illegal drugs, liquor, operating or maintaining a structured sober living home, pornography, obscenity, or nude or topless dancing or other adult-oriented businesses.

Policy Analysis
Home-based businesses are not contemplated by the Building Brevard 2030 Comprehensive Land Use Plan. These proposed changes are needed to comply with amendments to State law.

Action
The Planning Board shall make one of the following recommendations with regard to a text amendment:

1. Adoption of the amendment as written
2. Adoption of the amendment as revised by the Board
3. Rejection of the amendment

Attachments:

1. HB372
2. Proposed Amendments
3. Consistency Statement

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2026-51
HOUSE BILL 372

AN ACT TO PROVIDE THAT CITIES SHALL NOT PROHIBIT CERTAIN HOME-BASED BUSINESSES WITHIN THEIR JURISDICTIONAL LIMITS.

The General Assembly of North Carolina enacts:

PART I. CITIES SHALL ALLOW CERTAIN HOME-BASED BUSINESSES WITHIN THEIR JURISDICTIONAL LIMITS

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-205.8. No-impact home-based businesses.**

(a) A city shall not adopt an ordinance or other regulation prohibiting no-impact home-based businesses within its jurisdictional limits or require a person to apply, register, or obtain any permit, license, variance, or other type of approval to operate a no-impact home-based business within its jurisdictional limit. A city may impose reasonable regulations on no-impact home-based businesses if the regulations are narrowly tailored for any of the following purposes:

(1) Ensuring the protection of public health and safety, as allowed by law.

(2) Ensuring that the business activity meets all of the following:

a. Is compatible with the residential use of the property and surrounding residential use.

b. Is secondary to the use of the property as a residential dwelling.

c. Complies with State and federal law, including the payment of applicable taxes.

(3) Prohibiting or limiting the use of no-impact home-based businesses for the purpose of selling illegal drugs, liquor, operating or maintaining a structured sober living home, pornography, obscenity, or nude or topless dancing or other adult-oriented businesses.

(b) A city shall not require as a condition of operating a no-impact home-based business that the owner or occupant of the property do the following:

(1) Submit a petition for rezoning the property for commercial use.

(2) Install or equip fire sprinklers in any building or structure subject to the North Carolina Residential Code.

(c) The provisions of this section shall not apply if the operation of a no-impact home-based business is prohibited by the terms of:

(1) Any deed, covenant, or agreement restricting the use of the land.

(2) Any master deed, bylaws, or other documents applicable to a homeowners association.

(d) The following definitions apply in this section:

(1) Goods. – Any merchandise, equipment, products, supplies, or materials.

(2) Home-based business. – Any business owned and operated by the owner or occupant of the residential dwelling that manufactures, provides, or sells goods or services.

(3) No-impact home-based business. – A no-impact home-based business for which all of the following apply:

a. The total number of on-site employees and clients do not exceed the city's occupancy limit for the residential property.

b. The business activities are characterized by all of the following:

1. Are limited to the sale of lawful goods and services.
2. Do not generate on-street parking or a substantial increase in traffic through the residential area.
3. Occur inside or in the yard of the residential dwelling.
4. Are not visible from the street.
5. Do not store merchandise, equipment, products, supplies, or materials outside of the premises."

PART II. EFFECTIVE DATE

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2026.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 9:49 a.m. this 7th day of July, 2026

Table 2.2-A: Land Use Matrix

Accessory										
CATEGORY	**SECTION**	**USE**	**GR**	**RMX**	**NMX**	**PGX**	**DMX**	**CMX**	**IC**	**GI**
Residential Accessory	**3.13.1**	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		No-Impact Home-Based Business (Home Occupation)	PS	PS	PS	PS	PS	PS	PS	PS—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—

Section 3.13.1: Residential accessory uses

A. No-Impact Home-Based Business (Home occupation).
   1. Definition: ~~An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence.~~
      A no-impact home-based business for which all of the following apply:
      a. The total number of on-site employees and clients do not exceed the city's occupancy limit for the residential property.
      b. The business activities are characterized by all of the following:
         i. Are limited to the sale of lawful goods and services.
         ii. Do not generate on-street parking or a substantial increase in traffic through the residential area.
         iii. Occur inside or in the yard of the residential dwelling.
         iv. Are not visible from the street.
         ~~i.~~v. Do not store merchandise, equipment, products, supplies, or materials outside of the premises
   2. Additional Standards:
      a. ~~Home occupations~~No-impact home-based businesses are not required to secure a zoning permit but are subject to the following requirements.
      b. The no-impact home-based business~~home occupation~~ shall be clearly ~~incidental~~ secondary to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
      ~~c. The home occupation and all related activities shall be confined to the interior of an approved structure.~~
         ~~i. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.~~

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ii. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.

d.c. There shall be no minimal visible evidence that the property is used in any way other than for a dwelling, including but not limited to the following.

i. Signage and dDisplays: There shall be no business signage or visible display of goods, products, or services from any adjacent rights-of-way.

ii. Vehicles: The number of vehicles used by clients or business-related visitors shall be limited to two at any given time.

iii. Traffic: The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity shall not create traffic hazards or nuisances in public rights-of-way.

ii. Noise and other nuisances: There shall be no perceptible noise, odor, smoke, electrical interference, vibration or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.

iv.iii. No-impact home-based businesses shall not be allowed for the purpose of selling illegal drugs, liquor, operating or maintaining a structured sober living home, pornography, obscenity, or nude or topless dancing or other adult-oriented businesses.

e. Only residents of the dwelling may be engaged in work activities at the residence, If the home occupation has other employees, those employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, and/or other similar purposes.

f.d. All no-impact home-based businesshome occupations are subject to all other applicable regulations, including but not limited to the Brevard City Code, North Carolina Building Code, Transylvania County Health Department, and any other federal, state or local regulations governing the use.

Section 12.9.3. Freestanding (ground) signs.

A. Setbacks.
   1. Front. No portion of any freestanding ground sign described in this section may be located closer than ten feet to any street right-of-way, except in the DMX district where signs shall be no closer than five feet to any street right-of-way.
   2. Side and rear. No portion of any freestanding sign described in this section shall be located any closer than ten feet to any side or rear property line.

B. Non-residential uses in General Residential (GR) and Residential Mixed-Use (RMX) districts.
   1. Nonresidential uses permitted in GR and RMX districts shall be allowed one ground or wall sign, subject to the following:
      a. Number. One ground or wall sign may be displayed per business.
      b. Maximum area. Shall be no larger than twenty-four square feet.
      c. Changeable copy. No changeable copy feature, either manual or electronic, is permitted.
      d. Height. Such ground signs shall not exceed five feet in height.
      e. Illumination. Neither such wall or ground signs shall not be illuminated.
      f. Material. Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.
   2. Nameplate signs. Home occupationsNo-impact home-based businesses shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated or have any moving parts.

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Section 19.3: Definitions

No-Impact Home-Based Business (Home occupation):

1. A no-impact home-based business for which all of the following apply:
    a. The total number of on-site employees and clients do not exceed the city's occupancy limit for the residential property.
    b. The business activities are characterized by all of the following:
        i. Are limited to the sale of lawful goods and services.
        ii. Do not generate on-street parking or a substantial increase in traffic through the residential area.
        iii. Occur inside or in the yard of the residential dwelling.
        iv. Are not visible from the street.
        v. Do not store merchandise, equipment, products, supplies, or materials outside of the premises

~~An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence.~~

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COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS

NCGS 160D-604 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 text amendment is **neither consistent nor inconsistent** with the City's adopted plans and policies, including the *Building Brevard 2030* Comprehensive Land Use Plan.