

**MINUTES  
BREVARD PLANNING BOARD REGULAR MEETING  
FEBRUARY 23, 2021**

Brevard Planning Board met for a regular meeting, Tuesday, February 23, 2021 at 5:30 PM. The meeting was held remotely in accordance with NC General Statute 166A-19.24. Simultaneous live audio and video was made available to the public online at <https://www.facebook.com/brevardplanning/>.

**Members Present:** Demi Loftis, Vice Chair  
James Carli  
Molly Jenkins  
Stephanie Smith

**Members Absent:** Chris Strassner, Chair  
Greg Hunter

**Staff Present:** Paul Ray, Planning Director  
Aaron Bland, Assistant Planning Director  
Leigh Huffman, Planner  
Janice H. Pinson, Board Clerk

**I. Welcome**

At 5:30 PM, Vice Chair, Demi Loftis, called the meeting to order.

**II. Introduction of Planning Board Members**

The Board introduced themselves. Roll call was taken by the Chair. Present: Demi Loftis, Molly Jenkins, Stephanie Smith, James Carli.

**III. Certification of Quorum**

Vice Chair, Demi Loftis confirmed with the Board Clerk that a quorum of the Board was present.

**IV. Approval of Agenda**

Motion by M. Jenkins, seconded by S. Smith to approve the agenda as presented, roll call vote, carried unanimously.

**V. Approval of Minutes**

a. February 9, 2021

Motion to approve the minutes as written by M. Jenkins, second by S. Smith, roll call vote carried unanimously.

## VI. Old Business

### a. UDO Chapter 16

Leigh Huffman, Planner presented revised Chapter 16 and stated that all of the changes made during the workshop meeting were highlighted in yellow. She noted that on Page 39 additional changes were made after the meeting as follows:

#### 2.1. – General Intent and Establishment of Districts

3 *C. Establishment of conditional zoning districts.*

4

5 1. In addition to the base districts established above, and as authorized under [G.S. 160D-703](#)[G.S.](#)  
6 [160A-382](#) and [G.S. 153A-342](#) the following conditional districts are established which correspond  
7 to the above-referenced districts but which require the submission of a master plan as a  
8 prerequisite to any development.

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10 a. [General Residential Conditional Zoning District 10 \(GR 10 CD\).](#)

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12 b. [Residential Mixed-Use Conditional Zoning District \(RMX CD\).](#)

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14 c. [Neighborhood Mixed Use Conditional Zoning District \(NMX CD\).](#)

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16 d. [Corridor Mixed Use Conditional Zoning District \(CMX CD\).](#)

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18 e. [Central Business District Conditional Zoning District \(CBD CD\).](#)

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20 c.f. [General Industrial Conditional Zoning District \(GI CD\).](#)

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22 2. These districts are intended to provide an effective means for the city to manage the impacts of  
23 large-scale developments; to manage developments in sensitive contexts; to provide developers  
24 with the flexibility for creative design approaches; to allow for the establishment of specific land uses  
25 not otherwise permitted in the underlying base district; to allow for changes in the density and  
26 dimensional requirements of Sec. 2.3. The districts are, subject to applicable conditions of the  
27 approving authority, while insuring compliance with all other applicable provisions of this ordinance.

28 If the ordinance creating a conditional zoning district fails to provide specific standards, any  
29 development in the district shall comply with the applicable standards for the corresponding base  
30 district contained in this Ordinance and the Brevard City Code. These districts are not intended to  
31 relieve hardships that should be resolved by means of a variance, or to provide the design and  
32 dimensional flexibility of development overlay districts listed in Section 2.1(D), below. The procedure  
33 for the establishment of these districts is found in Section 16.7 Chapter 16 of this Ordinance.

34 3.2. [General Residential Conditional Zoning District 10 \(GR 10 CD\).](#)

35 4.2. [Residential Mixed-Use Conditional Zoning District \(RMX CD\).](#)

36 5.2. [Neighborhood Mixed Use Conditional Zoning District \(NMX CD\).](#)

37 6.2. Corridor Mixed Use Conditional Zoning District (CMX CD).  
38 7.2. Central Business District Conditional Zoning District (CBD CD).  
39 8.2. General Industrial Conditional Zoning District (GI CD).  
40 9. *Overlay districts*. In accordance with G.S. 160D-703 North Carolina General Statute 160A-382, the  
41 following overlay districts are established. These overlay districts impose additional requirements  
42 on properties within one or more underlying base or conditional districts.  
43 10. *Manufactured Home Overlay District (MHD)*. The purpose of the MHD is to allow for the continued  
44 placement of manufactured homes "by right" in areas where manufactured housing is a historical  
45 housing form. Manufactured homes shall be subject to the design requirements of Chapter 5 as well  
46 as other provisions of this ordinance. Manufactured home parks shall require a special use permit  
47 in all parts of the city in which they are permitted.  
48 11. *Highway 64 Corridor Sign Overlay District*. The purpose of the Highway 64 Corridor Sign Overlay  
49 District is to provide standard signage requirements for the commercial corridor along the Asheville  
50 and Rosman Highway commercial corridors of US Highway 64.

Motion to approve with discussed changes by M. Jenkins, second by J Carli, roll call vote carried unanimously.

## **VII. New Business**

### **a. TXT-21-001 UDO Chapter 3.23 Temporary Uses**

A. Bland, Assistant Planning Director presented his staff report a portion of which follows:

#### **Background**

The City's Unified Development Ordinance (UDO) includes specific requirements for mobile food vendors, aka food trucks, in *Section 3.23 – Temporary uses permitted with standards*.

This section describes all of the standards for any temporary use in the City's jurisdiction, from Christmas tree lots to hot dog carts, including food trucks which are detailed in subsection *E.10 – Mobile Food Vendors*. In the course of administering this subsection Staff has realized several issues and complications with the way the section currently reads; this amendment (Attachment A) looks to adjust these issues.

When food trucks were initially added to the ordinance in 2013, a concerted effort was made to craft the ordinance in a way that would address the issues that could potentially cause detriment to the City's high quality of life, while at the same time promoting a more business-friendly environment, and balancing the interests of the vendors with the various concerns that were raised in opposition.

#### **Discussion**

These changes are intended to make the City's mobile food vending requirements more easily and practically enforced by eliminating redundancies and relying on other governmental agencies whose purviews are more closely aligned with regulating the cleanliness and safety of these vendors. For instance, any UDO requirements that are the

same as Health Department requirements have been eliminated.

The most substantial change is the elimination of the requirement that *both* the food truck and the site where it parks to operate need a permit. Staff is proposing that the truck not require a permit from the City, and that any truck given license to operate by the Health Department be allowed to operate without additional City regulations. In the attached draft (Attachment A), Staff is proposing on only permitting the site to ensure safety through separation and setback requirements.

### **Policy Analysis**

There are no policy documents that provide clear direction, either in favor of or opposition, regarding mobile vending or temporary uses within the City. From an economic development perspective, there are two differing views to keep in mind with respect to food trucks. First, a mobile food unit could be a stepping stone for an entrepreneur to get started in food service and eventually move into a traditional brick and mortar establishment. The second is the perceived unfair advantage a mobile unit may have over a traditional brick-and-mortar restaurant in that they may not have as many operating expenses.

A. Bland explained that the text amendment was staff initiated so that the ordinance would match reality. The changes would require that food trucks be required to have a zoning site plan approval only. He explained that Staff is not qualified to regulate the health regulation requirements for food trucks and that this is the role of the Public Health Department.

A. Bland recommended approval as presented with reference to the Consistency Statement which is attached hereto and labeled, Exhibit "A".

D. Loftis asked if there had been any public comment from restaurants.

A. Bland responded that there had been none.

Motion to approve with reference to the consistency statement by J. Carli, second by M. Jenkins, roll call vote carried unanimously.

### **VIII. Public Comment – None.**

### **IX. Remarks –**

A. Bland informed the Board that many items that have been before them were approved at Council's last meeting.

L. Huffman reminded the Board that their next meeting would be a workshop meeting on March 9, 2021 at 5:30 PM to begin the review of the Subdivisions Chapter of the UDO.

## **X. Adjournment**

There being no further business, J. Carli moved to adjourn, seconded by S. Smith, roll call vote carried unanimously, and the meeting adjourned at 5:49 PM.

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Demi Loftis, Vice Chair

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Janice H. Pinson, Board Clerk